

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 41-07081

Proposed Priority: February 28, 1990 Maximum Diversion Rate: 6.95 CFS

This is to certify, that **TIMOTHY P. DEEG**

2957 DEEG RD.

AMERICAN FALLS, ID 83211

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
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IRRIGATION	04/01 to 11/01	6.95 CFS
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<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SWSE	Sec. 6, Township 09S, Range 31E POWER County
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PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	30E	1	NESW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 39	239
	31E	6	NESW 36	LOT 6(NWSW) 21	LOT 7(SWSW) 22	
			SESW 30			109

Total number of acres irrigated: 348

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1994**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

RECORDED & INDEXED

JUL 21 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

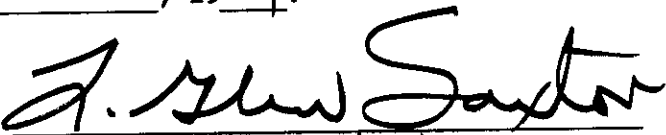
NO. 41-07081

CONDITIONS/REMARKS:

8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

20th day of June, 1991.

for 
R. Keith Higginson, Director

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JUL 21 1991

Form 202
6/86

FEB 27 1990

Ident. No. 41-07081

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Timothy P. Deeg Phone (208) 226-5588
Post office address 2957 Deeg Road, American Falls, Idaho 83211
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is _____ ¼ of SW _____ ¼ of SE _____ ¼, Govt. Lot _____
Sec. 6 Township 9s Range 31E B.M. Power County; additional
points of diversion if any: (further described as tract 23)
4. Water will be used for the following purposes:
Amount 6.95cfs for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 6.95 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. lateral wheel lines & pivot; 250 hp
Johnson deep well pump; 12" Gmc Bowles; 16½" discharge head; Cone strainer;
5280' Plastic Mainline; Panel wired w/surge capasitor, phase failure, time relays
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 24" inches; proposed depth of well is 350 feet.
d. Is ground water with a temperature of greater than 90°F being sought? no
7. Time required for the completion of the works and application of water to the proposed beneficial use is
5 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	31E	6									36	lot 6	lot 7	TN 25					109
9S	30E	1													40			39	79
9S	30E	1									40			40		40	40		160

Total number of acres to be irrigated 348

10. Describe any other water rights used for the same purposes as described above. none

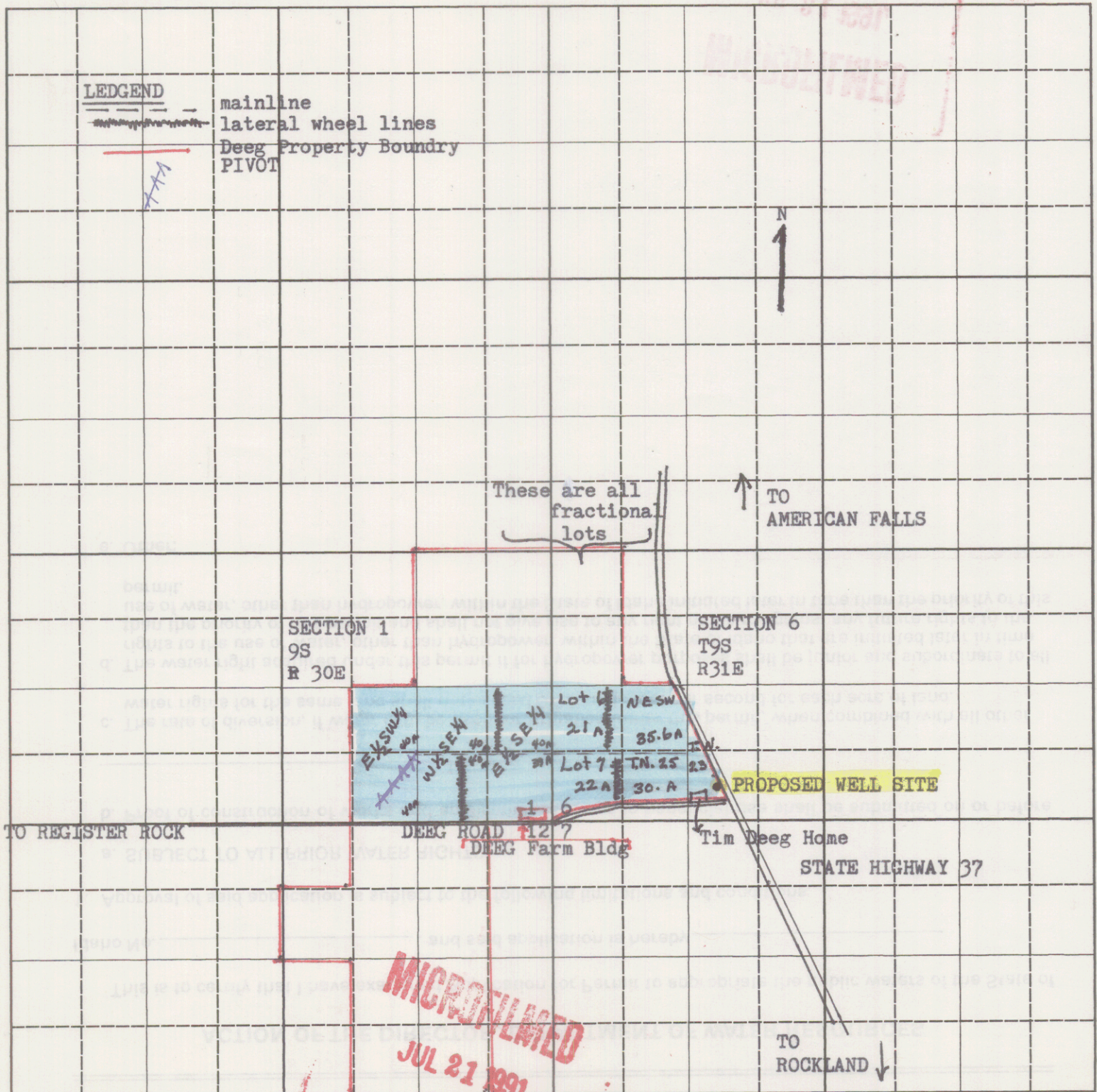
- Who owns the property at the point of diversion? Timothy P. Deeg
- Who owns the land to be irrigated or place of use? Otto R. Deeg, 640 Teton, Am. Falls, ID
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. This is a father-sons farming partnership.

12. Remarks: The father-sons partnership is known as Otto Deeg & Sons, Ltd.
The partnership was formed in 1974 to operate all the land including the land owned by Otto Deeg.

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13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Timothy P. Deeg
(Applicant)

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks,

or to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 6 day of June 1990 and the date of last publication being the 13 day of June 1990.

(Signed)

State of Idaho

County of Power

On this 15 day of June in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

RECEIVED

1990
Department of Water Resources
Eastern District Office

RECEIVED

JUN 27 1990

Department of Water Resources
Southern Region Office

RECEIVED

JUL 21 1991

Application for water right

Published in The Power County Press,
June 6, 13, 1989.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

41-07081 ✓
DEEG, TIMOTHY P.
2957 DEEG RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER
Diversion Pt: SWSE Sec 6 T 09S R 31 E

Use: IRRIGATION (6.950 CFS)
Total Diversion: (6.950 CFS)

Date Filed: 2/28/1990

In: T09S R30E S01 NESW SESW
NESE NWSE SWSE SESE
R31E S06 NESW Lot 6 (NWSW) Lot 7 (SWSW) SESW
348.0 ACRES TOTAL

41-07082
ROCKLAND WATER AND SEWER ASSOC.
P.O. BOX 146
C/O WARREN LASLEY
ROCKLAND, ID 83271

Source: GROUNDWATER

Diversion Pt: SWNENE Sec 7 T 10S R 31E

Use: MUNICIPAL (.560 CFS)
Total Diversion: (.560 CFS)

Date Filed: 3/19/1990

In:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before JUNE 25, 1990.

R. Keith Higginson, Director

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 26, 1991

TIMOTHY P. DEEG
2957 DEEG RD.
AMERICAN FALLS, ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 41-07081

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and your well

JUL 21 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

JUL 21 1994

2957 Deeg Road
American Falls, Idaho 83211
April 26, 1991

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

RECEIVED
APR 29 1991

Attn: Gary Spackman, Manager
Water Right Permits Section

Department of Water Resources

Dear Mr. Spackman,

I am writing to you in regard to your questions concerning the letter I received dated February 27, 1991. I hope that the following information, along with the enclosed maps, will expedite the application for my permit to appropriate water.

The enclosed maps detail the location of all existing domestic wells within the $\frac{1}{2}$ mile radius of the proposed irrigation well. There are some springs located within a $2\frac{1}{2}$ to 3 mile radius. They are in the same general direction of the nearest irrigation well. The physical layout of the system is diagrammed on this map.

I feel there will be no impact on other water users in this area. All were aware of the application for permit when it was published in the local paper. Several neighbors made various comments, but none were negative. I have the closest well (domestic), and would probably feel the effects before any other water users.

I have been irrigating Tract 23 with my domestic/irrigation well for the past three years. During this time, the surrounding water users have not felt any effects. This well produces a good quantity of water at an economical depth. If this flow of underground water proves to be acceptable for irrigation, then it will be a valuable resource for me.

Should you have any other questions, please feel free to contact me.

Sincerely,

Timothy P. Deeg

Timothy P. Deeg

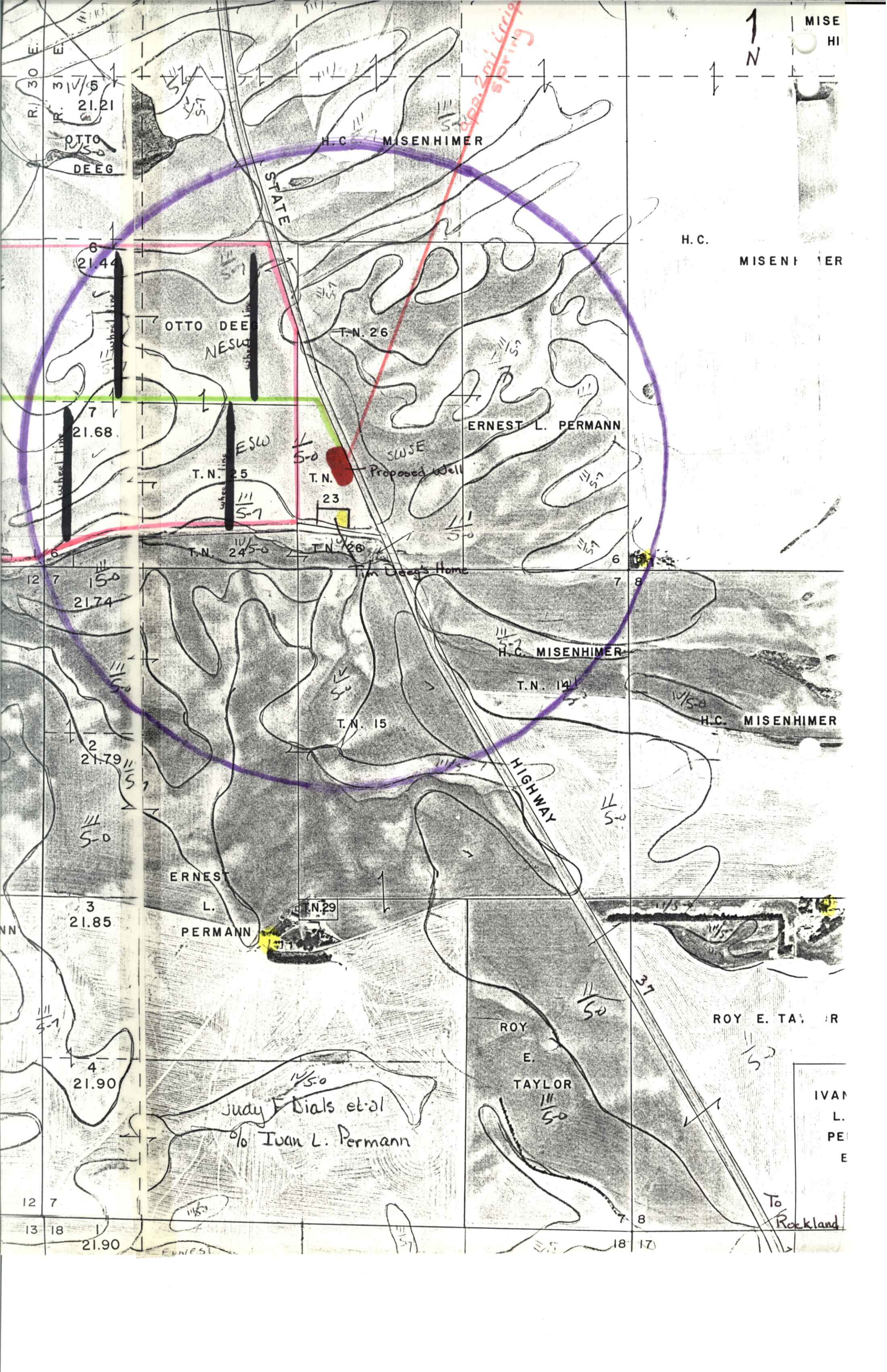
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Enclosures

-  Indicates Location
-  Indicates the area where the application was applied for
-  Proposed Well Site, Point of Diversion
-  Mainline
-  Wheel Lines
-  1/2 mile radius to existing wells & springs
-  Pivot, Center





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H.C.

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ERNEST L. PERMANN

Proposed Well

H.C. MISENHIMER

H.C. MISENHIMER

ERNEST
L.
PERMANN

ROY
E.
TAYLOR

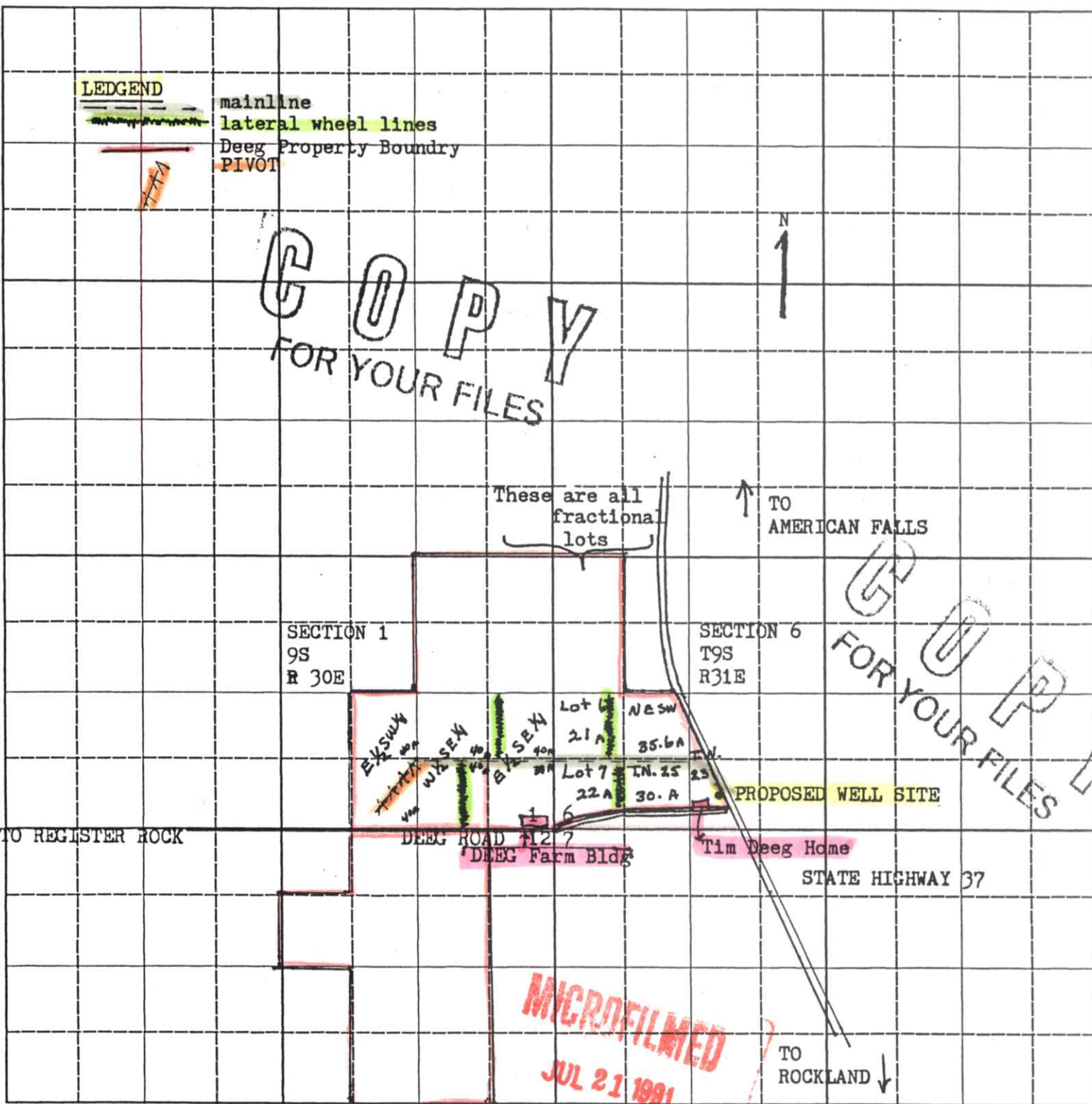
ROY E. TAYLOR

IVAN
L.
PE
E

To
Rockland

Judy F. Dials et al
% Ivan L. Permann

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Timothy P. Deeg
(Applicant)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 17, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

RE: Application for Permit No. 41-7081

Dear Applicant(s):

NOTICE OF PENDING ORDER VOIDING PERMIT

On February 28, 1990, you filed with the Department of Water Resources an application to appropriate water number 41-7081 proposing the diversion of 6.95 cubic feet per second from ground water for irrigation of 348 acres of land.

On February 27, 1991, the Department requested that you submit additional information regarding the proposed project. As of this date, the Department has not received the requested information. Pursuant to Section 42-204, Idaho Code, the Department may void the record of applications for which requested information is not submitted.

The purpose of this letter is to request that you withdraw your application or explain why the Department should not void your application. Enclosed is a withdrawal form that should be signed and returned to me, unless you have some explanation that would prevent the Department from voiding your application.

If you fail to respond to this inquiry within thirty (30) days of the date of this letter, the Department will act to void your application. The application will be voided on the grounds that requested information was not submitted.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Southern Region

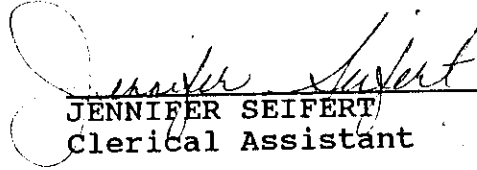
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JUL 21 1991

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of April,
1991, I mailed a true and correct copy, postage prepaid, of:

Timothy Deeg
2957 Deeg Rd.
American Falls, ID 83211


JENNIFER SEIFERT
Clerical Assistant

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JUL 21 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

February 27, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

RE: Application for Permit to Appropriate Water No. 41-07081

Dear Mr. Deeg:

In February, 1990, you filed an application for permit to appropriate water with the Department of Water Resources. The application seeks diversion of 6.95 cfs for irrigation of 348 acres.

The regional office in Twin Falls neglected to collect information from you required by Rule 4,5,3. of the Water Appropriation Rules and Regulations. The following information must be submitted to the Department prior to consideration of your application.

1. Please submit a map, of USGS quality, which locates the proposed well relative to all existing wells and springs and permitted wells within a 1/2 mile radius of the proposed well. An ASCS aerial photograph would also be an acceptable map.

2. Explain any design, construction or operation techniques which will be employed to eliminate or reduce the impact on other water rights, if any impact can be foreseen.

3. Please submit information concerning the properties of the aquifers that the water is to be taken from and any information you have regarding the availability in the area you are attempting to drill.

4. Please show on the map the physical layout of the system which you plan to install.

As soon as you submit the above requested information, the Department will promptly consider your application.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region

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JUL 21 1991

15-May-1990

TIMOTHY P DEEG
2957 DEEG RD
AMERICAN FALLS ID 83211

Re: Application for Permit No. 41-07081

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the POWER COUNTY PRESS on 6/6 & 6/13/90. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

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JUL 21 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

MAY 11, 1990

POWER COUNTY PRESS
174 IDAHO STREET
AMERICAN FALLS, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 25, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

REPROFILMED

JUL 21 1991

41-07081

DEEG, TIMOTHY P.
2957 DEEG RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWSE Sec 6 T 09S R 31E

Use: IRRIGATION (6.950 CFS)
Total Diversion: (6.950 CFS)

Date Filed: 2/28/ 1990

In: T09S R30E S01	NESW	SESW	NESE	NWSE
	SWSE	SESE		
R31E S06	NESW	Lot 6 (NWSW)	Lot 7 (SWSW)	SESW
348.0 ACRES TOTAL				

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JUL 21 1991

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before JUNE 25, 1990.

R. KEITH HIGGINSON, Director

Published 6/6/1990 & 6/13/1990

RECEIVED

JUL 21 1991