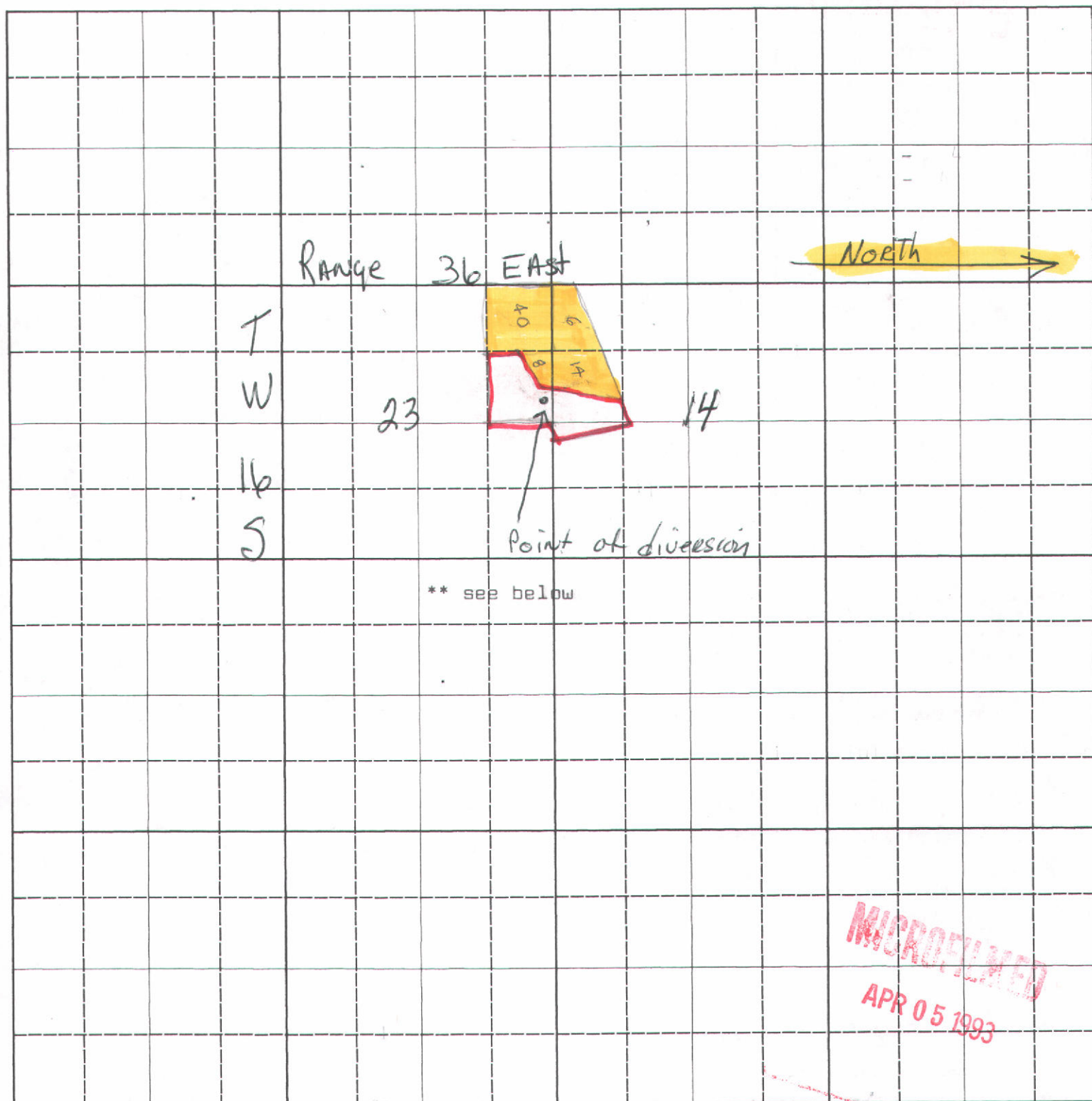


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

** Area outlined in red is irrigated under permit held by applicant

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.

David L. Hans
(Applicant)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07136

Proposed Priority: February 21, 1992 Maximum Diversion Rate: 1.36 CFS
This is to certify, that **DAVID R HARRIS**

1010 S WOODRUFF RD
MALAD ID 83252

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>
-----------------------	----------------------	--------------------------

IRRIGATION	04/15 to 10/15	1.36 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 23, Township 16S, Range 36E
ONEIDA County

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>
16S	36E	14	SWSW	6		SESW	14		20
		23	NENW	8		NWNW	40		48

Total number of acres irrigated: 68

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1993**.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. This permit does not authorize the development and irrigation of new land not previously irrigated.

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

16th day of February, 19 93

R. Keith Higginson
R. Keith Higginson, Director

APPROVED

APR 05 1993

15^x7136Form 202
6/85

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant David R. Harris Phone 766-2694
459-6643
 Post office address 1010 South Woodruff Rd. Malad, Idaho 83252
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
 Sec. 23 Township 16S Range 36E B.M. Oneida County; additional
 points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 1.36 for Irrigation purposes from April 1 to November 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) 1.38 1.36 and/or (b) _____
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Deep well turbine Mainline and sprinkler

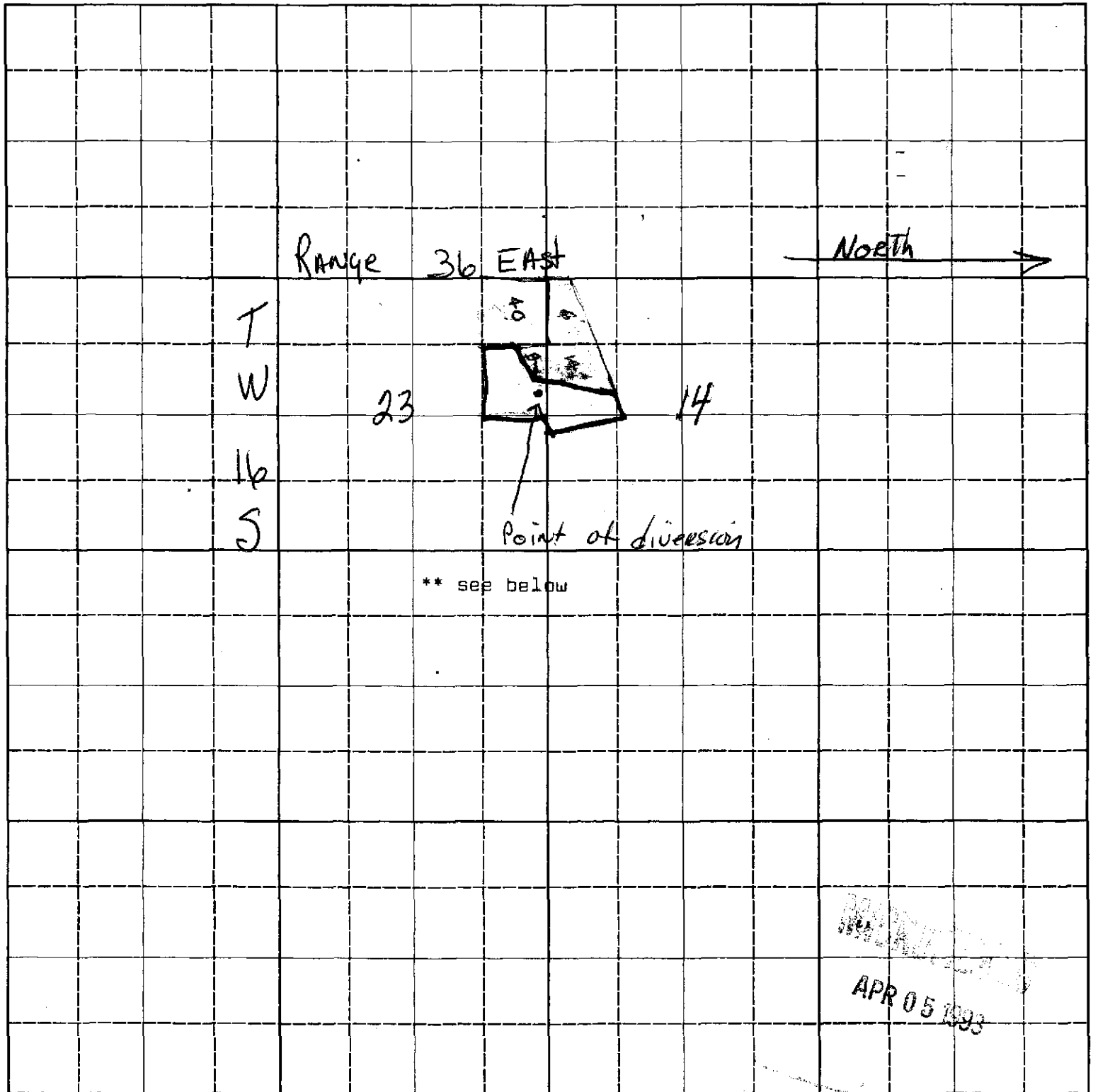
 b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
 _____ to _____ inclusive.
 c. Proposed well diameter is 12 inches; proposed depth of well is 305 feet.
 d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
All in place years (minimum 1 year).
one

* Allowable amount for 68 acres.
 * Standard season of use.

APR 05 1993

~~APR 05 1993~~

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.

** Area outlined in red is irrigated under permit held by applicant

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.

David L. Hays
(Applicant)

APR 05 1993

RECEIVED

e. Other:

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by	<i>KB</i>	Date	<i>3-21-92</i>	Time	<i>11:45</i>	Preliminary check by	<i>KAD</i>
Fee \$	<i>65</i>	Received by	<i>KB</i>	#	<i>E016994</i>	Date	<i>3-4-92</i>
Publication prepared by	<i>KB</i>	Date	<i>3-19-92</i>	Published in	<i>TD Enterprise</i>		
Publication approved	<i>KB</i>	Date	<i>4-22-92</i>				

No 1420

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.

ss.

County of Oneida

Sandra Struhs

being duly sworn,

deposes and says: That she is the secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 19, 1992, and ending

with the issue of March 26, 1992

Sandra Struhs

Fee \$ 35.42

Subscribed and sworn to before me this 9th day

of April, 1992

Susan J. Wittman

Notary Public, Residing at Malad, Idaho

My Commission Expires 2-9, 1994

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07136

HARRIS, DAVID R

1010 S. WOODRUFF RD

MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: NENENW

Sec 23 T 16S R 36E in ONEIDA

County.

Use: IRRIGATION (1.380 CFS)

Total Diversion: (1.380 CFS)

Date Filed: 2/21/1992

In: ONEIDA County

T16S R36E S14 SWSW SESW

S23 NENW NWNW

68.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 6, 1992.

R. KEITH HIGGINSON, Director

3-19-26 T2

No. 1420

APR 05 1993

March 12, 1993

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 15-07136

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

APR 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 8 1993

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 15-07136 Telephone No. 766-2694
2. Name(s) of Permit Holder(s): DAVID R. HARRIS
3. Mailing Address: 1010 S Woodruff Rd Madad Idaho 83252
4. Source of Water: Ground water

If GROUNDWATER, Well Driller's Name: Harborough Drilling Date Drilled: 1976

OPTIONAL:

Pump horsepower: 100 Pressure (psi): 50 Dynamic pumping level (ft.): 100

5. Extent of Use (as authorized by the permit):

Domestic (No. of households) Stockwater (No. and type of stock)

Irrigation 68 (No. of acres) Other

6. Total rate and/or volume for which proof is submitted 1.36 cfs OR acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? X Yes No Installed? X Yes No

8. Fee Enclosed: \$ 125⁰⁰ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Same as Above

Name

Telephone No.

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

RECORDED

3-4-93
Date

David Harris Owner
Signature (and title, if on behalf of a company or organization)

APR 05 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 15-07136

Reviewed by Klg

Date 3/8/93

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irrigate - 68
yes Correct Uses?

SOURCE OF WATER

 Surface water source
✓ Ground water source

NA Drilling permit required?
 Copy in the file? Drilling Permit No.
1976 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
25 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 3/8/93
3/12/93 Klg



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

February 17, 1993

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07136

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

APR 05 1993

MEMORANDUM

TO: Applications 15-07136 & 15-07137
FROM: Brenda
DATE: August 19, 1992
RE: PERMANENT PERMITS

=====

The above referenced applications should be considered exempt from the Bear River Moratorium criteria because they are pre-existing development. See copy of Director's July 1, 1992 memo in file which exempts pre-1987 development from the Snake River Basin Moratorium and allows said applications to be processed as permanent permits.

We are using the Director's memo as a guideline for processing applications for pre-existing development outside the Snake River Basin Adjudication boundaries.

RECEIVED

APR 05 1993

APPLICATION FOR PERMIT REVIEW

Application #: 15-7136 Date: 8-19-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - NMR <fl ch>, A of C

LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. _____
 Surface water - R04, R04-01H-P01(LT.2 w/pump)
 R04-01J-P08(GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - _____ (1, Blank or Other)
 Trust - 051-052-053-P74(Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 21A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: - 09-01-1993

Other Conditions:

NOTE: Pre-1987 development. See memo
 allowing processing →



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

MEMORANDUM TO: Staff

FROM : R. Keith Higginson *RKH*

DATE : July 1, 1992

SUBJECT : Snake River Basin Moratorium

As expected, the moratorium on new uses of surface and ground water of the Snake River Basin upstream from the Weiser gaging station has generated several questions concerning intent.

You will recall that the moratorium provided several exceptions:

- domestic uses
- nonconsumptive uses
- drought wells
- drilling permits to replace or deepen

It appears that a number of situations have been identified where applications for permits have been filed to cover presently existing uses of water. I see no reason to hold up the processing and approval of such permits since it will make no difference on the quantity of water that is being withdrawn in the basin during this drought period. If we are not going to consider issuing permits to cover such existing uses then we need to issue cease and desist orders to stop the use. I don't want to take that action where there is an alternative.

Therefore, the purpose of this memo is to advise that it is the intent of the moratorium order issued on May 15, 1992 to hold up the issuance of permits authorizing new or expanded uses of water within the Snake River Basin. The moratorium may be interpreted to allow the continued processing and approval of applications proposing to cover an existing use. Such existing use must predate the start of the Snake River Basin Adjudication in November 1987.

APR 25 1993

MORGAN HARRIS

DOUBLE H DAIRY
1010 South Woodruff Rd.
~~XXXXXX XXXX XXXX~~
MALAD CITY, IDAHO 83252

DAVID HARRIS

August 17, 1992

Brenda L. Miller
State of Idaho
Department of Water Resources
1301 North Orchard
Boise, Idaho 83720-9000

RECEIVED

AUG 18 1992

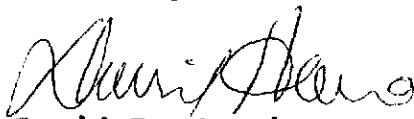
Department of Water Resources

RE: Application for permits No. 15-07137, 15-07136

Dear Brenda L. Miller, Water Resource Agent:

This letter is a follow up of our phone conversation about the above permit applications. In 1976 we applied for well permits #15-7020 and #15-7028 and subsequently drilled those wells. We were the only farm in our area to have a well until about 1985 when one of our neighbors drilled one. Four more wells were drilled last year. Since drilling our wells we have acquired some other ground and put it under irrigation. Since so many other wells were being drilled we felt we should apply to cover the ground that we did not have a permit on. All of the ground under the above applications has been under irrigation for at least ten years. We hope you will take this into consideration in granting these permits.

Sincerely,


David R. Harris

APR 05 1993

RECEIVED

AUG 18 1992

MORATORIUM EXEMPTION QUESTIONNAIRE Department of Water Resources

IF YOUR APPLICATION PROPOSES AN IRRIGATION USE, PLEASE COMPLETE AND RETURN THE FOLLOWING:

- Has ALL the land you propose to irrigate been irrigated with surface water in the past?

No No surface water is available to us.

- Do you summer fallow any of your irrigated land? If so, how many acres?

No

- List the water right(s) you have used to irrigate the land listed on the application. If you have received water from a canal company or water district, please identify the canal company or water district.

Well licence # 15-7028

- During the last ten years, how many years has your surface irrigation water been available for the entire irrigation season?

No surface water is available, however we have irrigated all of the land under this application for at least ten years from the above well.

- What crops have you grown in the past ten years?

Wheat Barley Alfalfa

I understand if my proposed diversion of groundwater is approved as a supplemental use, that I can only use my well during periods of drought, when a full supply of water is not available. I also agree that my surface water will be fully used to the extent available, will not be sold or used on other lands, and that a change in use of my surface water may result in revocation of any groundwater right granted pursuant to my application for supplemental water.

Dated this 17 day of August, 1992.

Signature

David Hand

Application No.

15-07136

APR 05 1993



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

July 28, 1992

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

RE: Application for Permit No. 15-07136

Dear Applicant(s):

On May 21, 1992, the Department of Water Resources sent you a letter explaining that a moratorium had been declared on the approval of certain pending and future applications to appropriate water in the Bear River Basin.

The letter included a request to complete and return to us a "Moratorium Exemption Questionnaire". The information would determine whether your proposed use(s) would qualify for the supplemental irrigation exemption, be partially approved, or be held without action. As of this date, the Department has not received the questionnaire. Enclosed is another one for your convenience.

Please return the questionnaire within twenty (20) days of the date of mailing of this letter, or the Department will initiate proceedings to void your application.

If you have any questions regarding this request, please contact me immediately at 327-5452.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER
Water Resource Agent

Enclosure

RECORDED

APR 05 1993

21-Apr-1992

DAVID R. HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

RE: App. for Permit No. 15-7136

Dear Mr. Harris:

This letter is to advise you that the protest filed by Arthur I. and Sheila Peabody against approval of the above referenced application has been withdrawn. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

APR 23 1992

APR 23 1992

22-Apr-1992

ARTHUR I & SHEILA PEABODY
1033 CHERRY CREEK WOODRUFF RD
MALAD ID 83252

RE: App. for Permit No. 15-7136

Dear Mr. Peabody:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ/rb

RECEIVED
APR 22 1992

APR 25 1992

Arthur I. and Sheila Peabody
1033 S. Woodruff Road
Malad, Idaho 83252

RECEIVED
APR 16 1992

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern Region, 150 Group Avenue
Suite 15
Idaho Falls, Idaho 83402

R. Keith Higginson, Director;

We have informed Mr. Harris about our problem with our well water, when he use's his irrigation pump.

Mr Harris has assured us that he was only filing on the present water Rights - that he had no Intension of Drilling anymore wells or making them any deeper.

As we stated earlier in our letter we are not trying to stop him. We are just concerned about getting our well replaced or restored to normal if it goes dry because of Mr Harris's irrigating.

Thank you for your time
Sincerely
Arthur + Sheila Peabody

APR 23 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

07-Apr-1992

ARTHUR I & SHEILA PEABODY
1033 CHERRY CREEK WOODRUFF RD
MALAD ID 83252

RE: Application for Permit No. 15-7136
David R. Harris

Dear Mr. & Mrs. Peabody:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

APPROVED

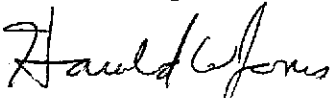
APR 05 1992

Arthur I. & Sheila Peabody
07-Apr-1992
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,



HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

APR 05 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

07-Apr-1992

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

Dear Mr. Harris:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 15-7136. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

RECEIVED

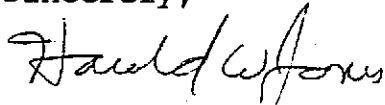
APR 05 1993

David R. Harris
07-Apr-1992
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,



HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office
Enc.

RECEIVED
APR 05 1993

State of Idaho

County *Oneida*

State of Idaho
County of Oneida

APR 05 1993

On this *2* day of *April*, 19*92*, before
me, a notary public in and for said State,
personally appeared *Shelia Pennington*

known to me to be the person whose name
subscribed to the within instrument and
acknowledged to me that *she* executed the same.

Lloyd H. Pennington
Notary Public

Residing at *Malden, Idaho*
Comm. expires *2/17/93*

ARTHUR I. AND SHEILA PEABODY
1033 Cherry Creek Woodruff Road
Malad, Idaho 83252

DEPARTMENT OF WATER RESOURCES
Eastern Region, 150 Shoup
Avenue, Suite 15
Idaho Falls, Idaho 83402

R. Keith Higginson, Director;

I am writing concerning the application Mr. David R. Harris, 1010 South Woodruff Road, Malad, Idaho has in our local paper applying for a permit to drill or work on two wells in the Woodruff area. Water Right 15-71-36.

A few years ago he drilled a deep irrigation well about one-half mile southwest of our home.

Each spring when Mr. Harris turns on this well to irrigate my house water drops to the point that can not water my yard and lawn all summer. We bath with sand and have sand settlements in our drinking water, during the irrigating season. With the drought being what it is we want to go down on record that if our water gets any worse something will have to be done.

Our house well has been here for a number of years and my Grandparents who lived here before us never did have any trouble, nor neither have we until we drilled the large well.

Mr. Harris is a good neighbor of ours and we have never had or want any trouble between us.

We would like to have it known that we are not trying to stop him from drilling another one or prove upon what he already has, but if our well is as bad or even any worse this summer than what its been, we would like to have it recorded in the Department of Water Resource office, In the State of Idaho that he will have to do something to solve the problem. Will you please inform him of our problem.

Thank you,
Arthur I. and Sheila Peabody

Sheila Peabody

RECEIVED
APR 03 1992

Department of Water Resources
Eastern District Office

RECEIVED
APR 05 1993

Dist. for staffing: 04-Mar-1992
Submitted for advertising: 3-5-92

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY KCW DATE 5 Mar 92 APPLICATION NO. 15-7136
APPLICANT NAME: HARRIS, DAVID R.

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- 15-7028 GW
- ☒ Overlapping place of use (Describe source & relationship to present application on the back.) According to Permit Application No Overlap.
☒ Overlapping point of diversion 15-7028 Lic GW
Yes ☒ No ☐ Field check required
Yes ☒ No ☐ Field check by _____
Yes ☒ No ☐ Field report attached
Yes ☒ No ☐ Critical groundwater area
Yes ☒ No ☐ Groundwater management area
Yes ☒ No ☐ Send dam safety information
Yes ☒ No ☐ Send power requirement letter
Yes ☒ No ☐ Send fish farm requirement letter
Yes ☒ No ☐ Power residency affidavit
Yes ☒ No ☐ Power efficiency form
Yes ☒ No ☐ Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

RECEIVED
APR 24 1992

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO None Idaho Dept. of Health & Welfare U.S. BLM
Idaho Dept. of Fish & Game U.S. Forest Service
Idaho Dept. of Lands Water District
Adjudication Bureau Unit Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 4-6-92
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations, attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

Date of priority recommended 3-4-92 See below for additional information
By HWS Date 4-23-92

STATE OFFICE REVIEW

By _____ See below for additional information
Date _____

ADDITIONAL INFORMATION

Condition: OLG

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation District
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Division of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

12-Mar-1992

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

RE: Application No. 15-7136 & 15-7137

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho Enterprise on 3-19 & 26-1992. The advertisement will be published for two consecutive weeks, and 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.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

APR 5 1992

APR 05 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 11, 1992

THE IDAHO ENTERPRISE
P.O. BOX 205
MALAD CITY, ID 83252

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 APRIL 6, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

APR 06 1992

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07136

HARRIS, DAVID R
1010 S WOODRUFF RD
MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: NENENW Sec 23 T 16S R 36E in ONEIDA County.

Use: IRRIGATION (1.380 CFS)
Total Diversion: (1.380 CFS)

Date Filed: 2/21/1992

In: ONEIDA County		
T16S R36E S14	SWSW	SESW
S23	NENW	NWNW

68.0 ACRES TOTAL

APR 05 1992

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 6, 1992.

R. KEITH HIGGINSON, Director

Published: 3/19/1992 & 3/26/1992

APR 6 1992

APR 6 1992