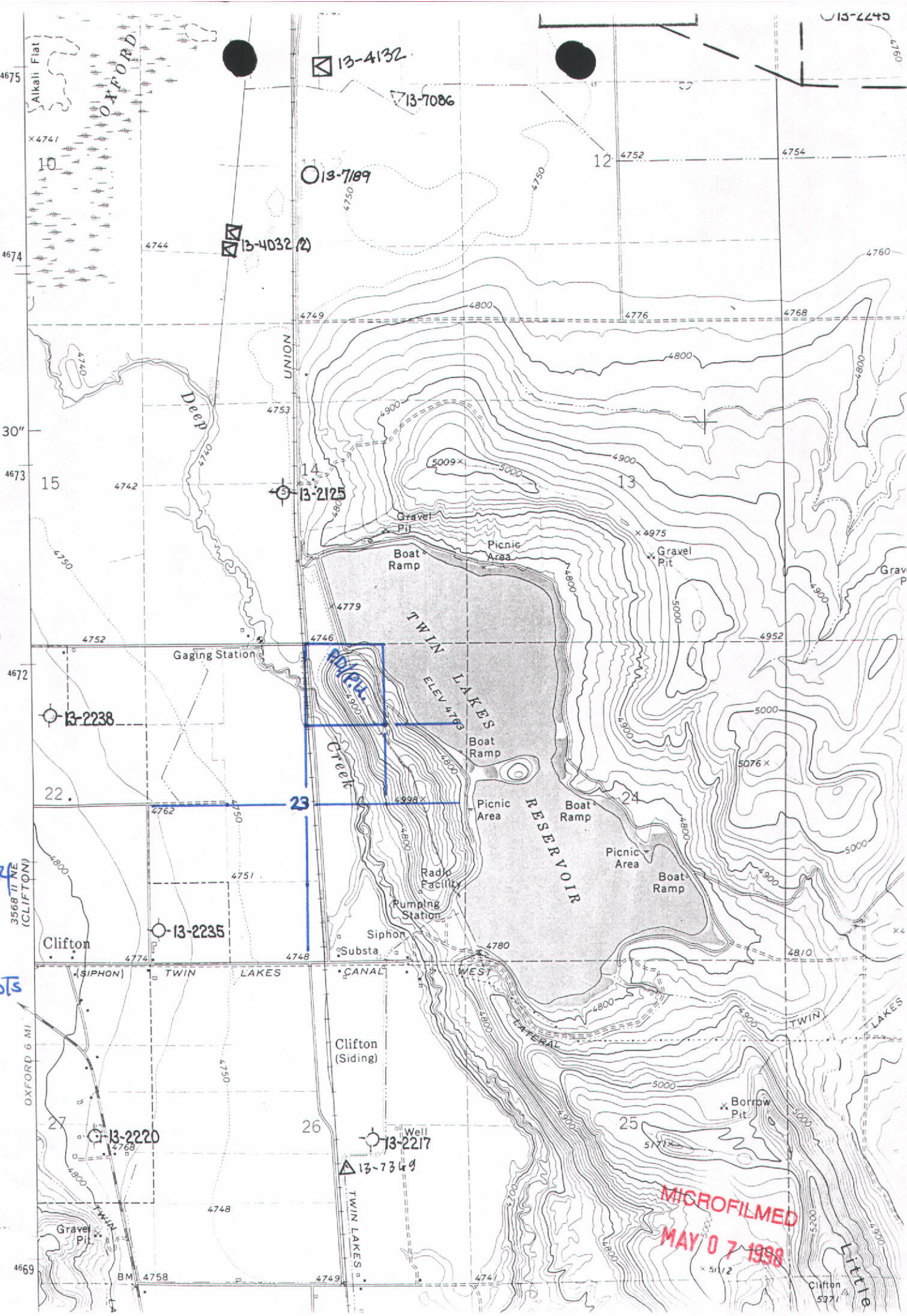


T14S
R38E
S23
NWNE

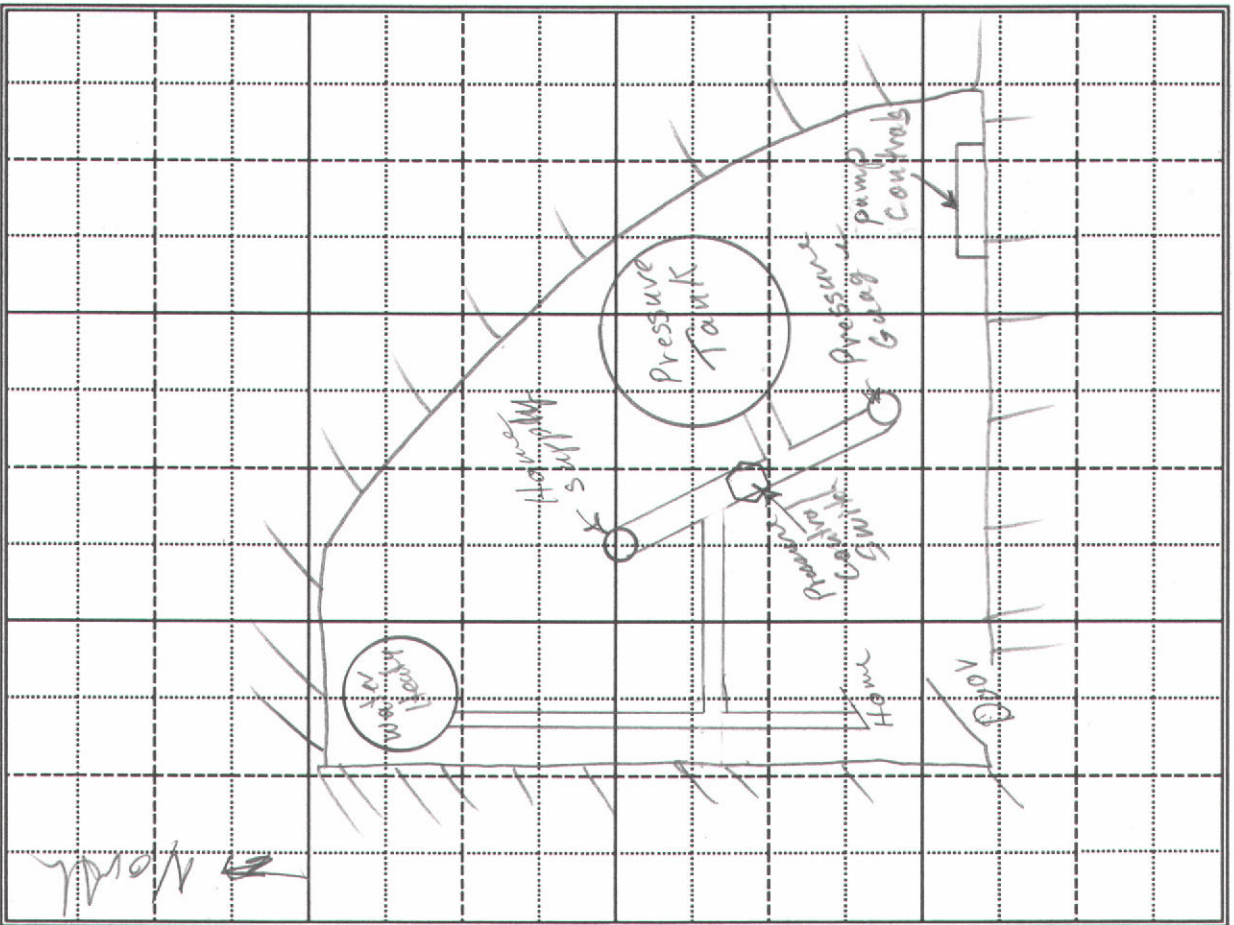
13-07554

No govt lots
93



MICROFILMED
MAY 07 1998

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____
 _____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
 _____ Aerial Photo Attached (required for irrigation of 10+ acres)
 _____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Dwms/112	SEARS	3/4	390.28121 10797	SEARS	opared from 38#

*Code to correspond with No. on map and aerial photo

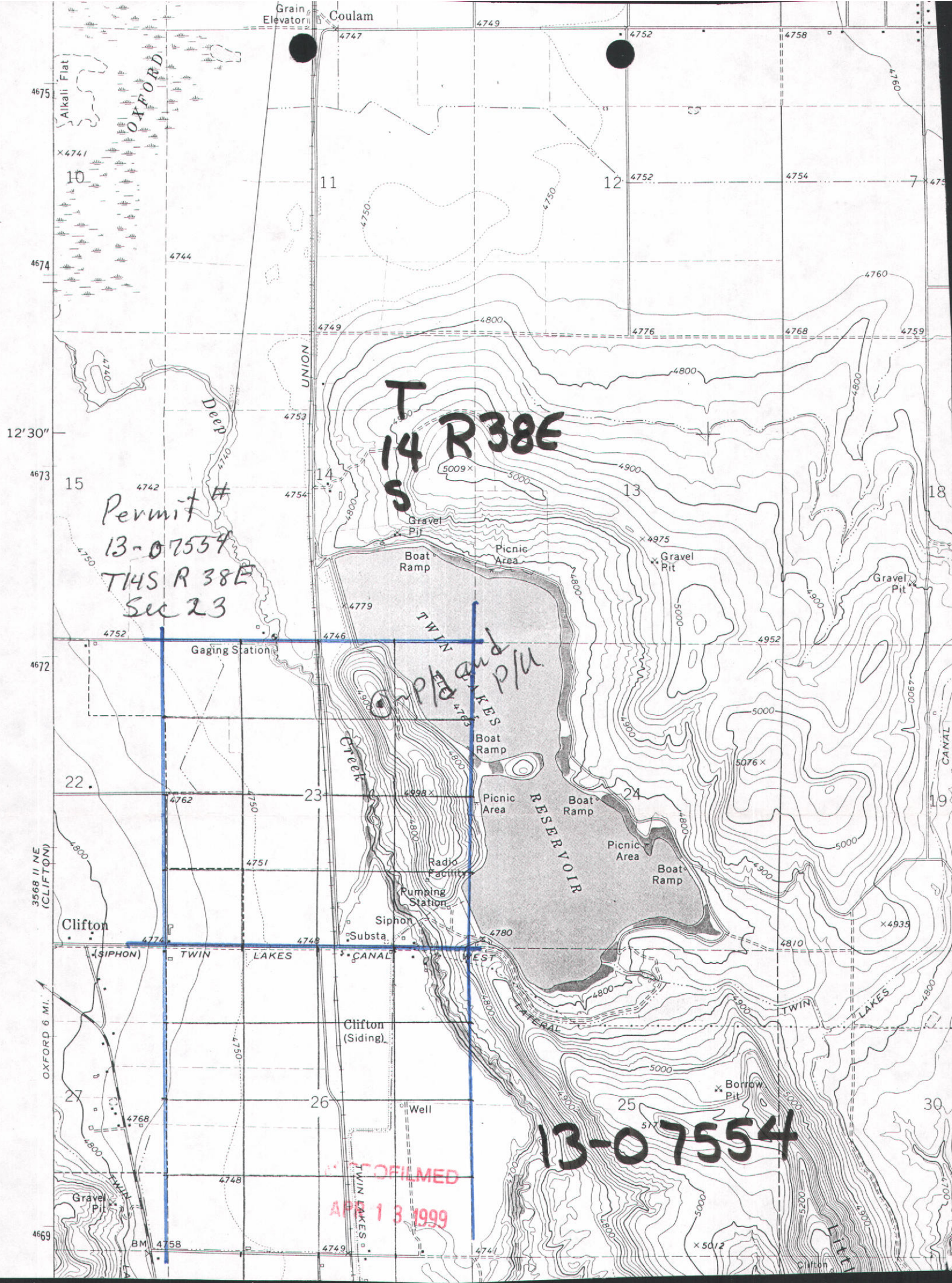
D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements:

MICROFILMED
 APR 13 1999





8.8 NHFL
2148 LEW
McDERMOTT

T17901
1 2.5

TWIN LAKES RESERVOIR

14 13
23 24

8D-Lo(2)

2146
WAYNE E JONES
TRUST

PLACE OF USE
POINT OF DIVERSION

P/D
P/D

T17902

25.9
NHFL

T17902

2148
LEW
McDERMOTT
CRP
98.07

2147
LEE BOYLE

Permit # 13-07554
T145 R 38E
Sec 23

13-07554

MICROFILMED
APR 13 1999



looking South at pump
and outside supply



looking at
Pressure tank on
North side of
home

Permit # 13-0 7554

MICROFILMED
APR 13 1999

Looking
North
East



Permit # 13-07559

Pump Control Box



13-07559

COPILED
APR 13 1999

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07554

Priority: February 6, 1998

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that NATHANIEL WHARTON
SALLY WHARTON

PO BOX 27

CLIFTON ID 83228

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 6, 1998; and has submitted Proof of Beneficial Use on May 15, 1998. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 23, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

14S 38E 23

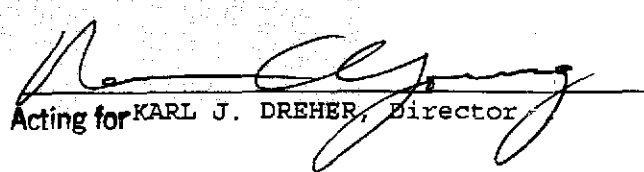
NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 17th day of

MARCH, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED

APR 13 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 13-07554 Telephone No. 208-747-3354
2. Name(s) of Permit Holder(s): NATHANIEL & SALLY WHARTON
3. Mailing Address: P.O. Box 27 CLIFTON Id 83228
4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. 6 / yr. 82
 - a. Well Driller: WRIGHT DRILLING Co Drilling Permit Number: _____ - _____ - _____
 - b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): N/A
Irrigation (No. of acres): N/A Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____ or No _____
	Has the measuring device been installed?	Yes _____ or No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No _____
	Has the measurement port been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: NATHANIEL WHARTON Telephone Number: 208-747-3354
Address: P.O. Box 27 5556 N 4200 W CLIFTON Id 83228
10. The information given on this form 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.

MICROFILMED

Signature of permit holder: Nathan Wharton Date: 5/15/98
(Include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07554

Proposed Priority: February 6, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **NATHANIEL WHARTON**
SALLY WHARTON
311 N 300 W
MALAD ID 83252

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 23, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

14S 38E 23

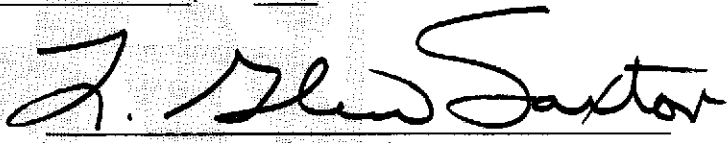
NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1999**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Domestic use is for 1 home.

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

28th day of April, 1998.


for Karl J. Dreher, Director

MICROFILMED
MAY 07 1998

RECEIVED

JAN 05 1998

FORM Department of Water Resources
2/96 Eastern Region

Ident. No.

13-07354

RECEIVED

APR 23 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

13-07554

To appropriate the public waters of the State of Idaho

Department of Water Resources

- Name of Applicant Nathanial & Sally Wharton Phone 208 766 2906
Mailing address 311 N 300w Malad, Idaho 83252
- Source of water supply Well Groundwater which is a tributary of _____
- Location of point of diversion is Township 14S Range 38E Sec. 23 in the NW 1/4, NE 1/4, _____ 1/4, Govt. Lot _____, B.M., Franklin County; additional points of diversion if any: NA
- Water will be used for the following purposes:
 Amount 0.04 cfs for Domestic purposes from 1-1 to 12-31 (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)
 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)
- Total quantity to be appropriated is (a) 0.04 cfs and/or (b) _____
 cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source well + pump to one home
 - Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - Proposed well diameter is 6" inches; proposed depth of well is 300' feet
 - Is ground water with a temperature of greater than 85°F being sought? No
 - If well is already drilled, when? 1983; Drilling firm Wright Drilling Co. - Nibley Utah
 Well was drilled for (well owner) Wayne Jones; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
- 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. 1
 - Other; describe fully. _____

MICROFILMED

MAY 07 1998

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

use below. See instructions for standard symbols.

Total number of acres to be irrigated

11. a. Who owns the property at the point of diversion? 11. a. a. b. b. c. c. d. d. e. e. f. f. g. g. h. h. i. i. j. j. k. k. l. l. m. m. n. n. o. o. p. p. q. q. r. r. s. s. t. t. u. u. v. v. w. w. x. x. y. y. z. z.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

12. Remarks: V H. Measures & taking on working.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

MICROFILMED

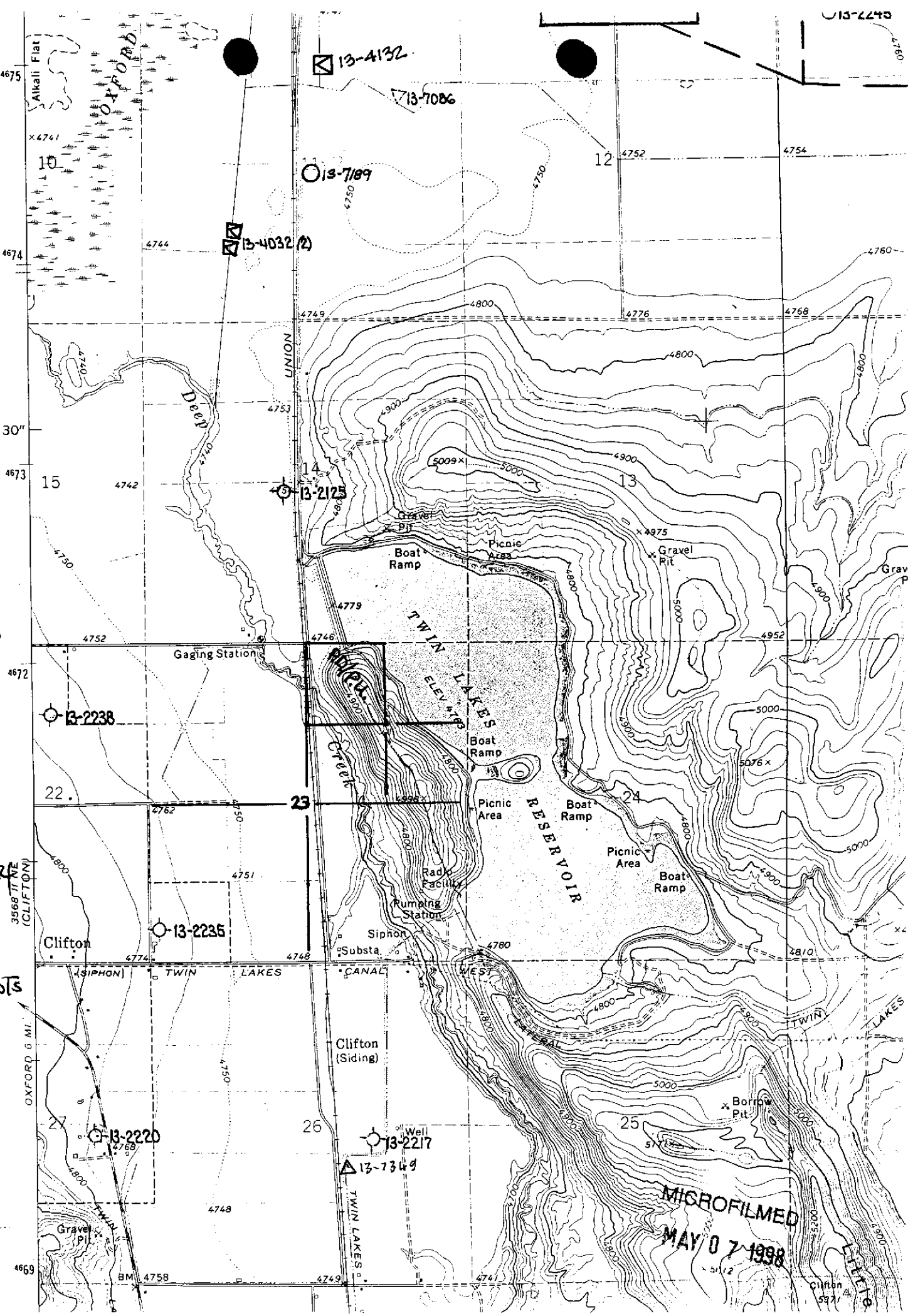
Signature of Applicant (and title, if applicable)

[illegible]

T14S
R38E
S23
NWNE

13-0755

No govt lots
93



MICROFILMED
MAY 07 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

March 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NATHANIEL WHARTON
SALLY WHARTON
PO BOX 27
CLIFTON ID 83228

RE: WATER RIGHT NO. 13-07554

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of **March, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 13-07554

NATHANIEL WHARTON
SALLY WHARTON
PO BOX 27
CLIFTON ID 83228


Kari Lynn Townsend
Secretary

MICROFILMED

APR 13 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

APR 13 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

NOT RECORDED

APR 13 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 13-07554 DATE 3/12/99 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40

W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

NO WELL LOG ON FILE

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43

W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .04 cfs
 Fee limit .04 cfs NYA
 Measured OK cfs
 Theoretical .02 cfs
 Recommended Total Div Rate .04 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Dom</u>	<u>.04</u> cfs	<u>1.2</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
	cfs	af	supp. gw (WB7/065/079)
	cfs	af	overlap spec. combined rts (W35)
	cfs	af	<1 acre (W31)
	cfs	af	Domestic (<u>W01/WB5/070/071/075</u>)
TOTALS	<u>.04</u> cfs	<u>1.2</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af

REMARKS _____

ADD'L CONDITIONS ☐ Watermaster Control WD# _____
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no SRBA Claim NYA Adjust Memo _____
 Amend letters _____

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 13-07554 Reviewed by Jef Date 7-9-98

GENERAL CONSIDERATIONS

TYPES OF USE

YES Name same as permit?
NO Address same as permit?
YES Proof timely received? Correct Uses? YES
If not, complete calculation below.

SOURCE OF WATER

____ Surface water source
✓ Ground water source
NO Drilling permit required? 1982
____ Copy in the file? Drilling Permit No. _____
____ Amount paid for permit _____ Correct?
____ Well log in the file?

LICENSE EXAMINATION FEE

NO Required?
____ Amount Submitted
____ Correct?

MEASURING DEVICE

NO Required?
____ Installed?
____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	<u>✓</u>	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address P.O. Box 27 Proof Made 5-15-98
Clifton, ID 83228

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 16 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 13-07554

1. Owner: Nathaniel or Sally Wharton Phone No. (208) 747-3354

Current Address: 5556 North 9200 West, Clifton, Idaho, 83228

2. Accompanied by: Nathaniel Wharton EXAM DATE: 8-14-98

Address: P.O. Box 27 Clifton Idaho 83228 Phone No. (208) 747-3354

Relationship to Permit Holder: Owner

3. Source: Ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NE	23	14S	38E	Franklin	USGS/NOA NOAA Map

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	38E	23		D														D	

MICROFILMED

APR 13 1999

[illegible]

Well or Diversion Identification No.*	Downs/IC	Motor Make	SEARS	Hp	3/4	Motor Serial No.	390.28121 1079E	Pump Make	SEARS	Pump Serial No. or Discharge Size	opened from 38#
--	----------	------------	-------	----	-----	------------------	--------------------	-----------	-------	--------------------------------------	-----------------

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. NARRATIVE/REMARKS/COMMENTS

The well is on the south side of the Dooom, and has a
3/4 hp Sears pump and motor install. Outside supply
is by the well. The outside supply waters much less
than 1/2 acre. The pressure tank and pump controls
are in a room on the Northside of the Dooom.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

APR 13 1993

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$

$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} =$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

Period of Use

From

01/01

To

12/31

Rate of Diversion

Q (cfs)

0.02 0.04

Annual Volume

V (afa)

1.2

2. Recommended Amendments

☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

☒ None
☐ Other

I. AUTHENTICATION

Field Examiner's Name

[Signature]
Date 8/14/98

Reviewer

Date 2-3-99

Department

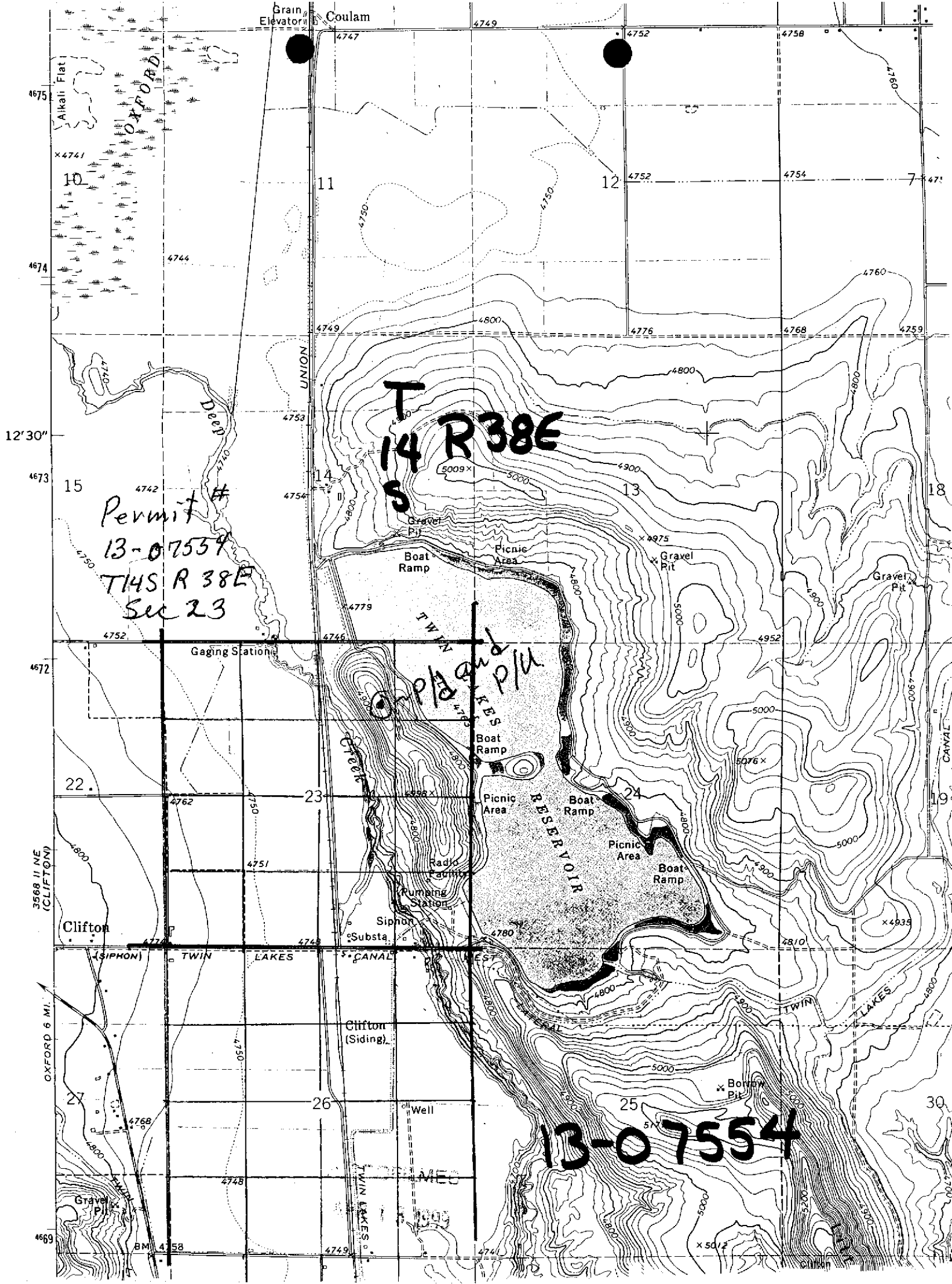
RECEIVED

FEB 11 1999

MICROFILMED

APR 1 1999

SEAL





14, 13
23, 24
TWIN LAKES RESERVOIR

PLACE OF USE

POINT OF DIVERSION

25.9

NHEC

2148

LEW

MCDERMOT

CRP

98.07

Permit # 13-07554

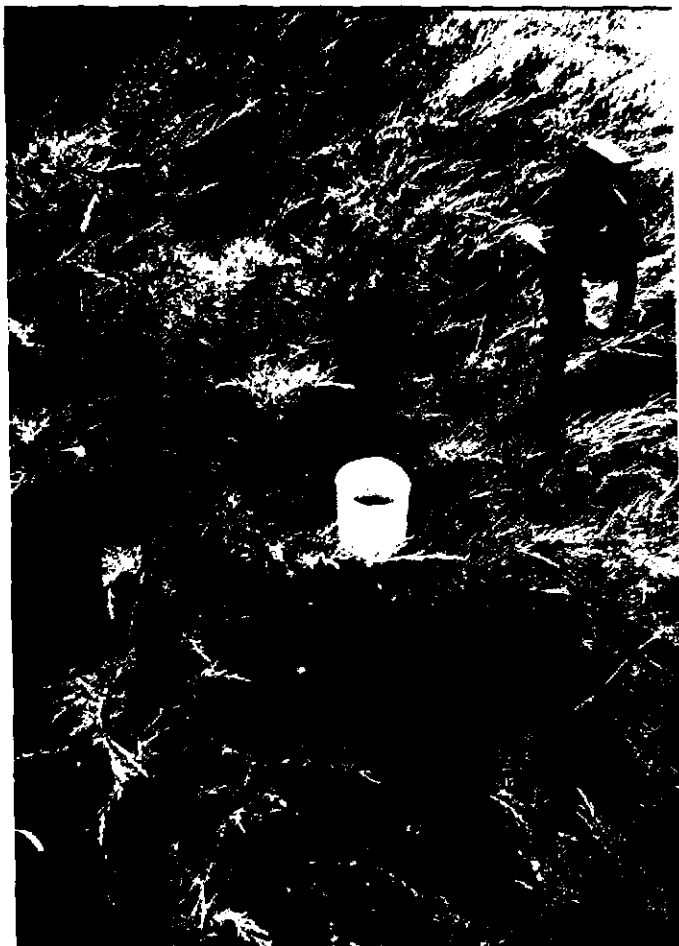
T14S R 38E

Sec 23

13-07554

MICROFILMED

APR 1 1983



looking South at pump
and outside supply



looking at
Pressure tank on
North side of
home

Permit # 13-07554

MICROFILMED

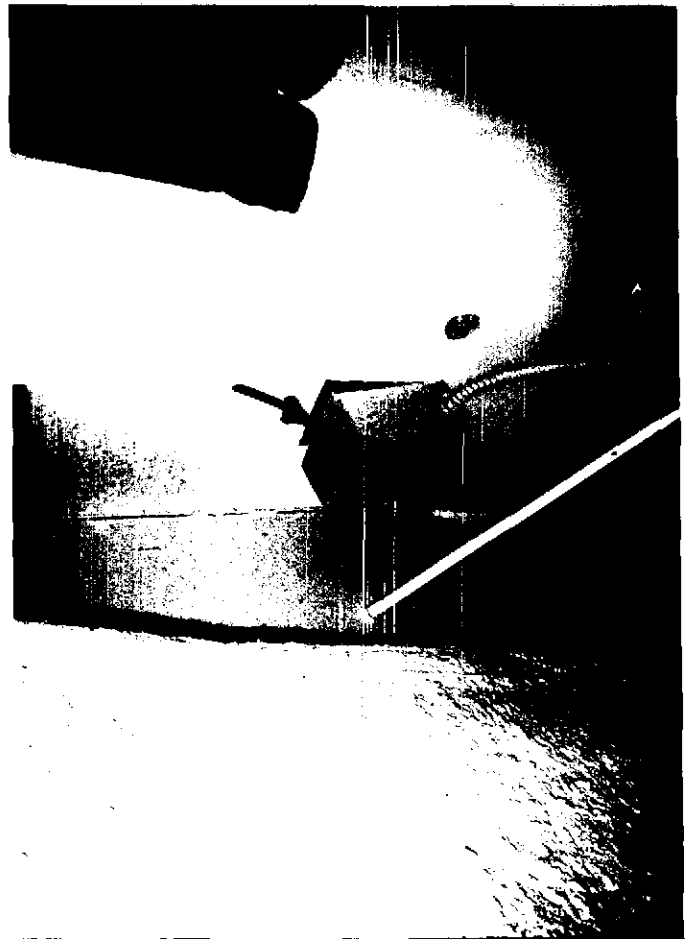
APR 13 1999

Looking
North
East



Permit # 13-07554

Pump Control Box



13-07559

APR 13 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1998

Nathaniel and Sally Wharton
PO Box 27
Clifton ID 83228

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07554

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.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's **EASTERN** Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JUL 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 28, 1998

PHILIP E. BATT
GOVERNOR

NATHANIEL WHARTON
SALLY WHARTON
311 N 300 W
MALAD ID 83252

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07554

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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 into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

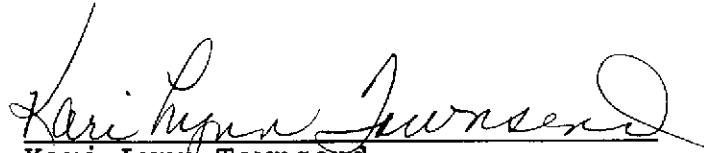
MICROFILMED
MAY 07 1998

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 13-07554

NATHANIEL WHARTON
SALLY WHARTON
311 N 300 W
MALAD ID 83252


Kari Lynn Townsend
Secretary

MICROFILMED

MAY 07 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

MAY 07 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 13-07554 Name: Wharton Date: 4/27/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16**GROUNDWATER: (✓ FLO-CH)**

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 045-P23

Included w/permit

- Permit No. _____ - _____ - _____ - _____ P99

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

> 0.10 cfs

- R04 (WD # _____)

≤ 0.10 cfs

- 01J-P08 (MD & LD)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 01H-P01 (LD) or No MD (in-stream stock)

≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:~~42-210-0000~~

Boise Front LoGeo

- P84 (in 20/30/40/50/60/70/80 (87) basin)

In-stream dev.

- 058 (<85° GW temp only)

Mitigation

- P52 (stream channel alteration)

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:**STANDARD REMARKS:**- 0501/1**BENEFICIAL USE DUE:**- 5/1/1999**COMMENTS:**

RECEIVED

APR 23 1998

Department of Water Resources

Dist. for staffing

Submitted for advertising 2-6-98

Form No. 202

4/87

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

INITIAL REVIEW BY HWT DATE 2-6-98 APPLICATION NO. 13-07554
WHARTON

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 signatory is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
☐ 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 _____

PROCESSING

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

SEND COPIES TO

☐ 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 _____
☒ 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 2-06-1998
By: [Signature] Date: 4-21-1998
STATE OFFICE REVIEW

By _____ Date: _____
ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation Dist.
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Div. of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

[illegible]

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

RECEIVED

MAR 27 1998

Department of Water Resources
Eastern Region**J. WALTER ROSS**

being duly sworn,

deposes and says:

That he is the **PUBLISHER** of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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

3/18, 1998, and ending

with the issue of 3/25 1998

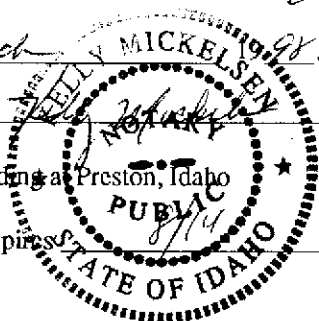
Fee \$ 90⁰⁰

Subscribed and sworn to before me this 25 day

of Murch **KELLY MICKELSEN** 1998

Notary Public, Residing at Preston, Idaho

My Commission Expires 12/21



NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07554

WHARTON, SALLY
WHARTON, NATHANIEL
311 N 300 W
MALAD, ID 83252
Source: GROUNDWATER
Diversion Pt: NWNE Sec 23 T 14S
R 38E in FRANKLIN County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 2/6/1998
In: FRANKLIN County
T14S R38E S23 NWNE

13-07555

KELLER, HAL
PO BOX 124
PRESTON, ID 83263
Source: GROUNDWATER
Diversion Pt: SWSW Sec 31 T 13S
R 41E in FRANKLIN County.
Use: DOMESTIC (0.110 CFS)
Total Diversion: (0.110 CFS)
Date Filed: 3/10/1998
In: FRANKLIN County
T13S R41E S31 SWSW

13-07556

KELLER, HAL
PO BOX 124
PRESTON, ID 83263
Source: GROUNDWATER
Diversion Pt: NENE Sec 1 T 14S R
40E in FRANKLIN County.
Use: DOMESTIC (0.140 CFS)
STOCKWATER (0.010 CFS)
Total Diversion: (0.140 CFS)
Date Filed: 3/10/1998
In: FRANKLIN County
T13S R40E S36 SESE
T14S R40E S01 NENE SENE

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before APRIL 6, 1998.

KARL J. DREHER, Director
Legal No. 4497 - Publish
March 18 and 25, 1998.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

March 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NATHANIEL & SALLY WHARTON
311 N 300 W
MALAD ID 83252

RE: Application for Permit 13-07554

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on MAR. 19 & 26, 1998. The advertisement will be published once a week 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.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ/sc

MICROFILMED
MAY 07 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 11, 1998

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

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, 1998.

Yours truly,

Rita Bodell
Secretary

Encl.

*Mailed
3/11/98
JC*

MICROFILMED

MAY 07 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED
MAY 07 1998

13-07554

WHARTON, SALLY
WHARTON, NATHANIEL
311 N 300 W
MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: NWNE Sec 23 T 14S R 38E in FRANKLIN County.

Use: DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 2/ 6/1998

In: FRANKLIN County
T14S R38E S23 NWNE

MICROFILMED

MAY 07 1998

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before APRIL 6, 1998.

KARL J. DREHER, Director

Published: 3/19/1998 & 3/26/1998

MICROFILMED
MAY 07 1998