

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22902

Priority: July 08, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that ALAN TELL And/Or LINDA TELL
333 MC GUFFIN LN
BOISE ID 83712

have applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 17, Twp 09N, Rge 09E, B.M., BOISE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 09E 17			X														
			L 2														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2006**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for 1 home.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Point of diversion is located within Lot 37, Blk. 2, Bransons 8 Mile Subdivision.
8. Place of use is located within Lots 36 & 37, Blk. 2, Bransons 8 Mile Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of January, 2005


for KARL J DREHER, Director

On 12/8/04 Day

3. Description of place of use:

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

b. 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.

lots 36+37 Block 2 BRANSON'S 8 MILE SUBDIVISION

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	9E	17			D														65

Total number of acres to be irrigated 65

10. Describe any other water rights used for the same purposes as described above. ACCOMPANYING APPLICATION FOR RIVER WATER FOR IRRIGATION

11. a. Who owns the property at the point of diversion? ALAN + LINDA TELL

b. Who owns the land to be irrigated or place of use? ALAN + LINDA TELL

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

12. Remarks: INTERNAL/EXTERNAL DOMESTIC USE, NOT TO EXCEED 1/2 ACRE IRRIGATION

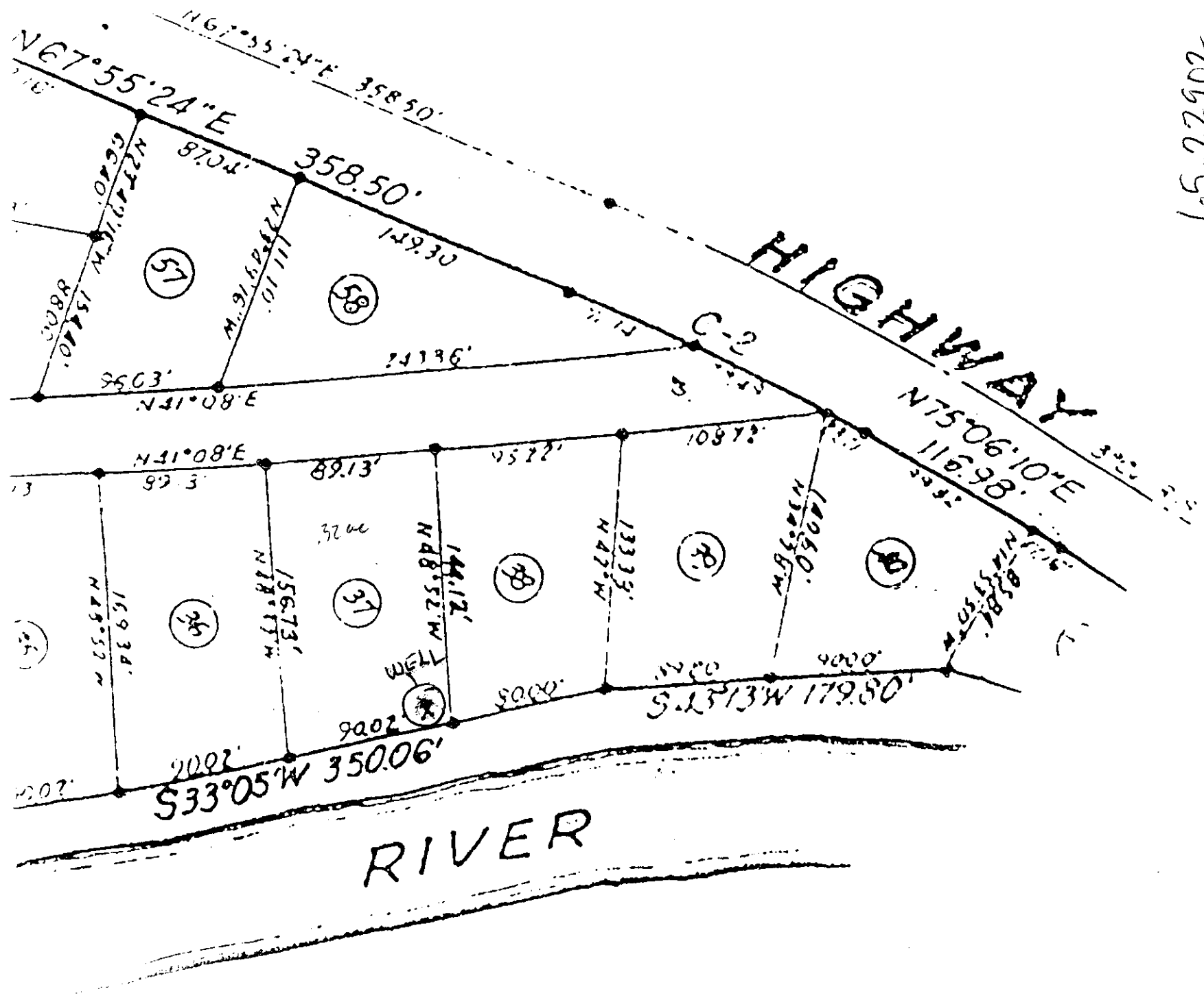
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Alan Linda Tell
Signature of Applicant (and title, if applicable)

Received by MM Date 7/8/04 Time 11:07 AM Preliminary check by LG
Fee \$ 100.00 Receipted by MM # CD-74440 Date 7-8-04
Publication prepared by MM Date 7-5-13-05 Published in IDAHO WORLD
Publication approved MM Date 7-24-05

65.22902



N 89° 12' E.

40.38

39.84

T9N
R9E
N 89° 27' W

39.92

80.00

80.00

40.76

N 0° 44' E.

40.00

Tract A

H. E. S. N° 337

Sec. 17

Tract B

Tract B

10
4.70

PAYETTE

9

RIVER

38.22

N 0° 44' E

2.54

39.25

26.37

S. N° 336

Tract A

FORK

11
8.00

5.00

20.00

SOUTH

N 0° 36' W.

LOTS 36 + 37
BRANSON'S 8 MILE SUB

T9N R9E S17
SWNE BOV LT 2



65-22902 : DOMESTIC WELL P/D, Lot 37
65-22901 : RIVER P/D, Lot 36

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 31, 2005

ALAN TELL
LINDA TELL
333 MC GUFFIN LN
BOISE ID 83712

RE: Permit No. 65-22902

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

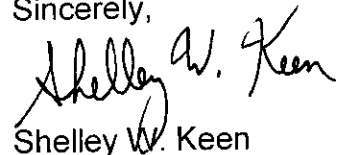
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized "S" and "K".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

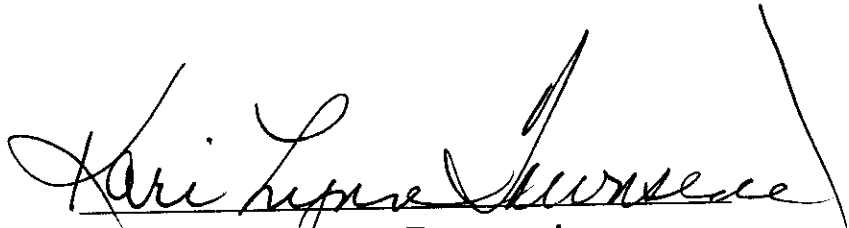
CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22902

ALAN TELL
LINDA TELL
333 MC GUFFIN LN
BOISE ID 83712



Kari Lynn Townsend
Secretary

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

Comment Report

65-22902

1. Igraves 12/8/2004 Comment/Analysis

Comment: P/u is aka Lots 36 and 37, Bransons 8 Mile Subdivision. The existing p/d is located in Lot 37. Accompanying application 63-22901 was filed for irrigation of both lots from the South Fk, Payette River. No other rights are used.

Total size of both lots combined is .65 acre. Originally, applicant also listed irrigation use for .65 acre. After explaining that a well upgrade fee would be required and that domestic use allows up to 1/2 acre lawn irrigation, applicant decided to remove the irrigation use because actual irrigation will not exceed 1/2 acre (accounting for home, rds etc.).

The p/u and the p/d appear to be located in the SWNE, but very close to the NWSE. Unfortunately, the Boise County Tax Lots layer is uncorrected in Arcview, making the actual location difficult to pinpoint.

2. kwalker 1/31/2005 Permit Review

Comment: Recommend approval.

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

RECEIVED

JAN 14 2005

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Jan 5, 2005 and ending with the issue of Jan 12, 2005.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 13 day of Jan in the year 2005, before me, a notary public, personally appeared Deanna Stevenson 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.

Tami Weber



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

65-22902

ALAN TELL
333 MCGUFFIN LN
BOISE ID 83712

LINDA TELL
333 MCGUFFIN LN
BOISE ID 83712

Point(s) of Diversion L2 (SWNE) S17 T09N R09E
BOISE County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 07/08/2004

Place Of Use: DOMESTIC

T09N R09E S17 SWNE Lot 2

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/24/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in the Idaho World on January 5 and 12, 2005.



Lin Buck
ID933B - Water Rights Assistant
Department of the Interior - Bureau of Land Management
1387 South Vinnell Way - Boise - Idaho - 83709
Phone: (208) 373-4097 Fax: (208) 373-3839 Email: Lin_Buck@blm.gov

FAX

January 6, 2005

To: Sue Taylor - IDWR - Western Regional Office - Fax # (208) 334-2348
From: Lin Buck - BLM - Idaho State Office - Fax # (208) 373-3839
Re: Application for Permit Nos. 65-22901 and 65-22902 for Alan and Linda Tell

Hi Sue:

Our office reviewed the December 27, 2004 IDWR New Water Rights filing report (copy attached) for issues involving BLM and noticed something potentially affecting you agency.

Our MTP indicates the POD and POU as described in the above referenced applications for permits may have incorrect lot numbers (copy attached):

POD: T09N R09E S17 SWNE L2

POU: T09N R09E S17 SWNE L2

BLM does not have a problem with this application; we are providing this for your information.

Thank you. Have a GREAT day!

Pages 4 (includes cover sheet)

cc: Mike Truden - BLM - Bruneau FO - Fax # (208) 384-3493



IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 12/27/04

Application for Permit No. 65-22901

Name: ALAN TELL

LINDA TELL

Diversion Pt L2 SWNE Sec 17 T 09N R 09E BOISE County
Use: IRRIGATION 04/01 To 10/31 0.03 CFS

Source PAYETTE RIVER

Total Diversion: 0.03 CFS

Date Filed: 07/08/2004

Place Of Use: IRRIGATION

T09N R09E S17 SWNE Lot 2

Number of Acres 0.7

Remarks: Applicant agrees to mitigate consumptive use in the future as needed.

Application for Permit No. 65-22902

Name: ALAN TELL

LINDA TELL

Diversion Pt L2 SWNE Sec 17 T 09N R 09E BOISE County
Use: DOMESTIC 01/01 To 12/31 0.04 CFS

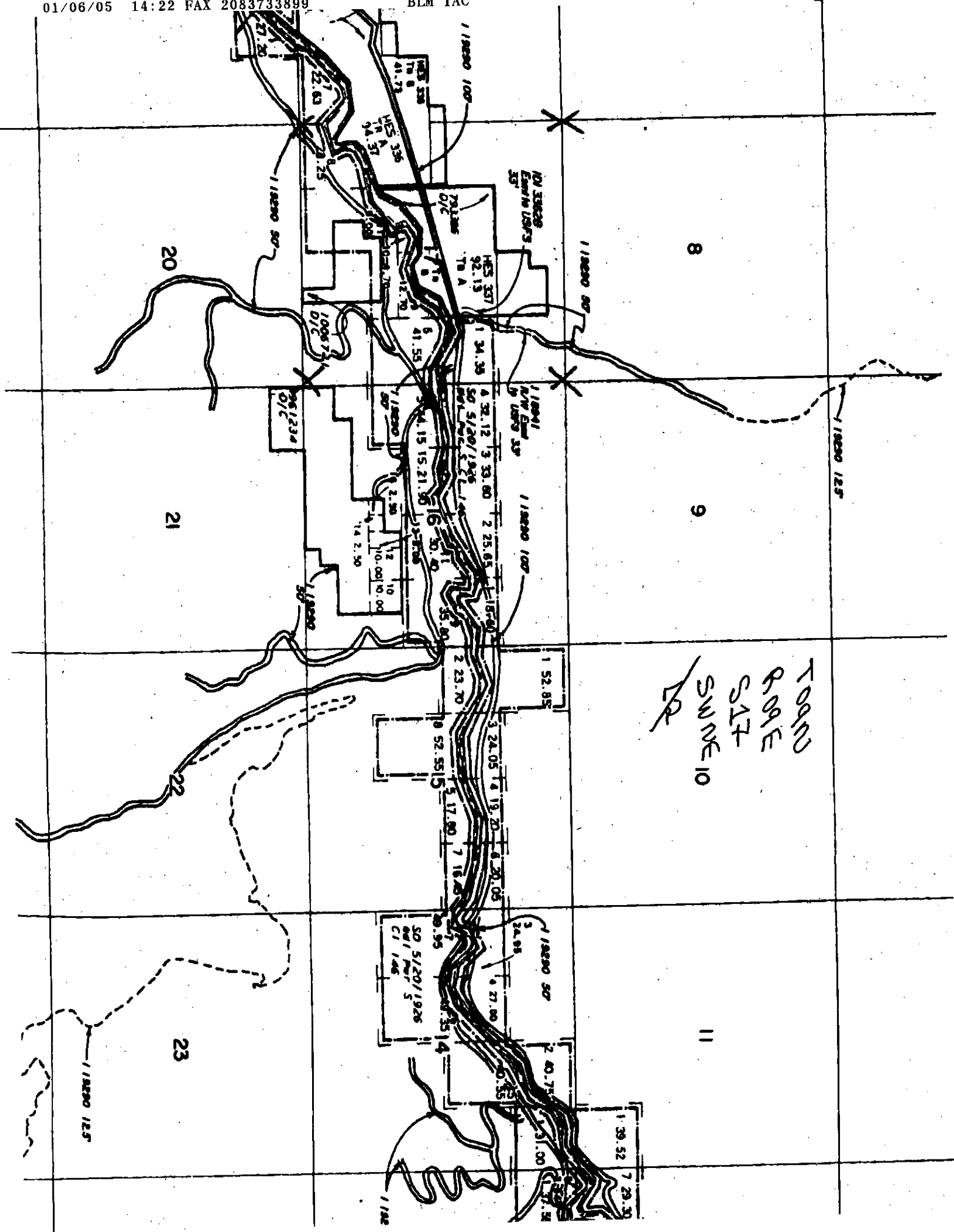
Source GROUND WATER

Total Diversion: 0.04 CFS

Date Filed: 07/08/2004

Place Of Use: DOMESTIC

T09N R09E S17 SWNE Lot 2



**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

December 22, 2004

Legal Notice Department
IDAHO WORLD
PO BOX 99
GARDEN VALLEY ID 83622

RE: Application for Permit No. 65-22901, 65-22902 and 65-22925

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 01/24/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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333 MC GUFFIN LN
BOISE ID 83712
LINDA TELL
333 MC GUFFIN LN
BOISE ID 83712

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Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

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KARL J DREHER, Director

Published in the Idaho World on January 5 and 12, 2005.