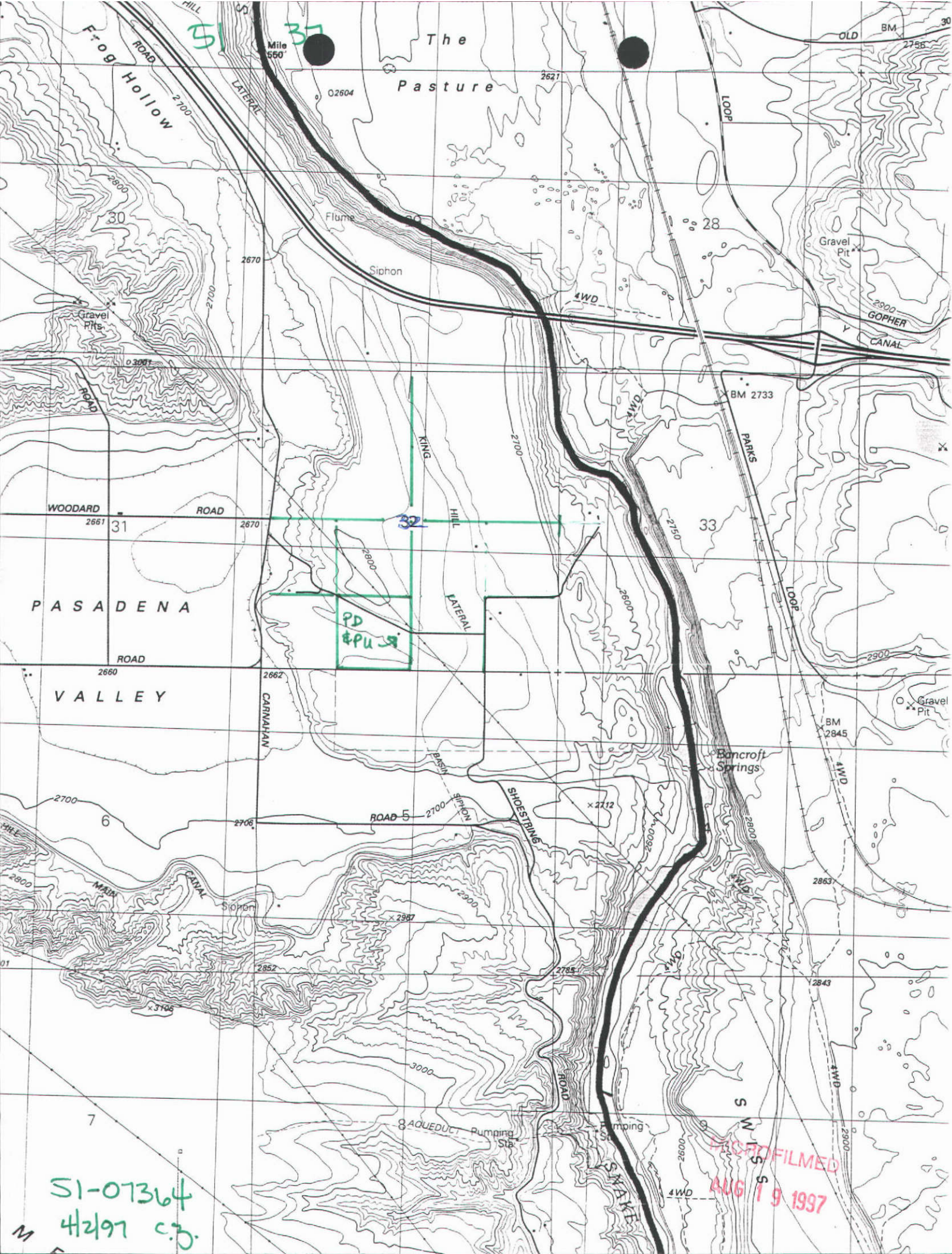


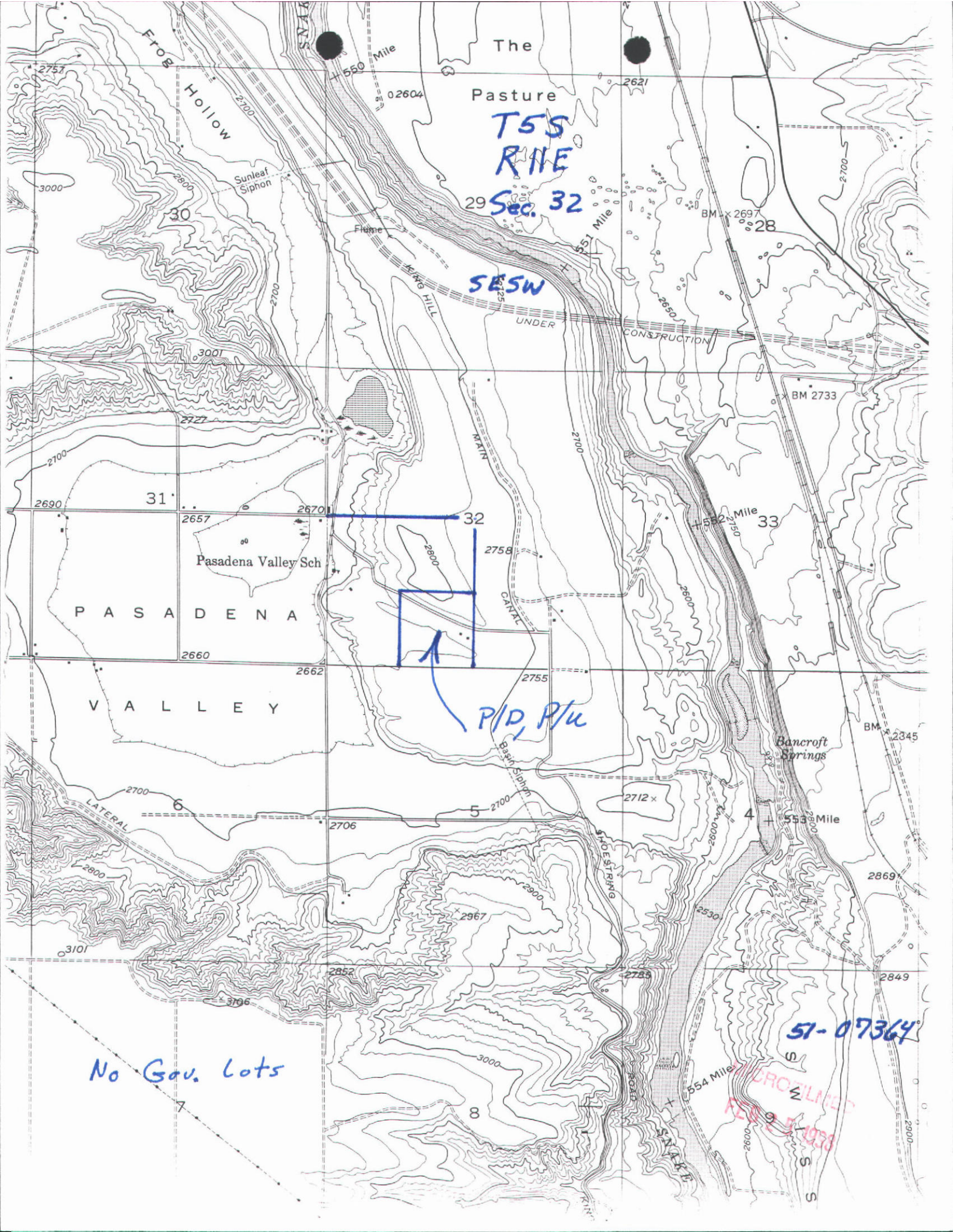


The
Pasture

PASADENA
VALLEY

MICROFILMED
AUG 19 1997

SI-07364
4/2/97 C.S.



The
Pasture
**T5S
R1E
Sec. 32**

SESW

P/D, P/u

No Gov. Lots

51-07364

UNRECORDED
FILED 9-7-1933

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application has been
filed to appropriate the public waters of
the State of Idaho:

51-07364

LUCK, GARY W.
P.O. BOX 127
MOUNTAIN HOME, ID 83647-0127
Source: GROUNDWATER.
Diversion Pt: SESW Sec. 32 T 05S R
11E in ELMORE County.
Use: DOMESTIC (0.040 CFS); Total
Diversion: (0.040 CFS).
Date Filed: 4/2/1997.
In: ELMORE County, T05S R11E
S32 SESW.

Permits will be subject to all prior
water rights. Protests may be submit-
ted 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 Wa-
ter Resources, Western Region, 2735
Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 on
or before MAY 27, 1997. The protestant
must also send a copy of the protest to
the applicant.

KARL J. DREHER, Director
Published: 5/7/1997 & 5/14/1997.

RECEIVED

MAY 29 1997

WATER RESOURCES
WESTERN REGION

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

2 consecutive weeks, the first publi-
cation having been made on 7th day of
May, 1997, and the last publi-
cation having been made on the 14th day of
May, 1997; every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 14th day of

May, 1997

Cynthia Peterson
Notary Public

MICROFILMED

AUG 19 1997

Residing in Mountain Home, Elmore County, Ida-
ho. My commission expires 09/09/2002

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 51-07364

Priority: April 2, 1997

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

This is to certify, that GARY W LUCK
PO BOX 127

MOUNTAIN HOME ID 83647-0127 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 2, 1997; and has submitted Proof of Beneficial Use on August 8, 1997. 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

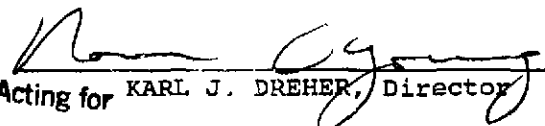
LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 32, Township 05S, Range 11E
ELMORE County

PLACE OF USE: DOMESTIC
TWN RGE SEC
05S 11E 32 SESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23rd day of JANUARY, 1998.


Acting for KARL J. DREHER, Director

NOV

 RECEIVED
 AUG 08 1997
 Department of Water Resources
 Amt. of Fee \$ _____
 Receipt No. _____
 Receipt By: _____
 Date Received: _____

 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. 51-07364 Telephone No. WK 587-8170
12m 366-2640
2. Name(s) of Permit Holder(s): Gary Wilhoit huck
3. Mailing Address: P.O. Box - 127 Mtn Home 83647
4. Source of Water: _____ If GROUNDWATER (well), Date Drilled: mo. unknown / yr. _____
well has been there well before
 a. Well Driller: purchased the property Drilling Permit Number: unknown
this was an early established well
 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): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR 0 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: \$ NA (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: Gary huck Telephone Number: _____

Address: P.O. Box 127 Mtn Home 40 Chalkin Rd Colons Ferry
mailing

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.

Signature of permit holder: Gary Wilhoit Date: 8-6-97
 (include your title, if on behalf of company or organization)

8-6-97 Talked to Shelly, gave above info. and followed given instructions

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 51-07364

Proposed Priority: April 2, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that GARY W LUCK
PO BOX 127

MOUNTAIN HOME ID 83647-0127

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 32, Township 05S, Range 11E
ELMORE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 11E 32

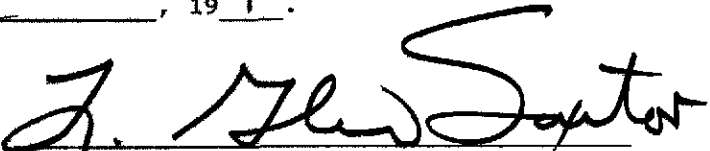
SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1998.
2. Subject to all prior water rights.
3. 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

30th day of July, 1997.


for
Karl J. Dreher, Director

RECORDED

JUL 14 1997

RECEIVED

APR 02 1997

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 51-07364

RECEIVED

JUL 22 1997

Department of Water Resources

1. Name: GARY W LUCK
Address: PO BOX 127
MOUNTAIN HOME ID 836470127
208-587-8170
2. Source: GROUNDWATER
3. Location of Point of Diversion: SESW Sec. 32, Township 05S, Range 11E
ELMORE County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
DOMESTIC	01/01	12/31	0.040		
5. Total quantity to be appropriated is:
0.040 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
EXISTING WELL WITH PUMP TO HOUSE AND LAWN.
 - 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 inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: DOMESTIC

TWN RGE SEC
05S 11E 32

SESW

RECEIVED

APR 02 1997

WATER RESOURCES
WESTERN REGION

MICROFILMED

AUG 19 1997

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☒

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.

Sandy Duff
Applicant

Received by CS Date 4/2/97 Timellam. Preliminary check by ly

Fee \$ 50.00 Received by CS #C038480 Date 4/ 2/1997

Publication prepared by At Date 4-30-97 Published in Mtn Home News
5-7 + 14-97

Publication approved At Date 6-9-97

MICROFILMED
AUG 19 1997

Ident. No. 51-07364

Comments: Date: 4/ 2/1997 User-ID: CZIMMERM

Subject: USES

Domestic use is for 1 home with lawn on Chafin Rd. near King Hill

RECORDED

AUG 19 1957

3-31-97

LEGAL DESCRIPTION

for

~~HERRY CORREL~~

Gary W. Luck

A parcel of land located in the SE1/4 SW1/4, Section 32, Township 5 South, Range 11 East, Boise Meridian, Elmore County, Idaho, more particularly described as follows;

Commencing at the southeast corner of said SE1/4 SW1/4, Section 32,

thence N00°17'17"W 261.82 feet to the REAL POINT OF BEGINNING;

thence N00°17'17"W 390.37 feet to the southerly right-of-way boundary of Chafin Road;

thence S64°21'17"E 600.92 feet along said southerly right-of-way boundary of Chafin Road;

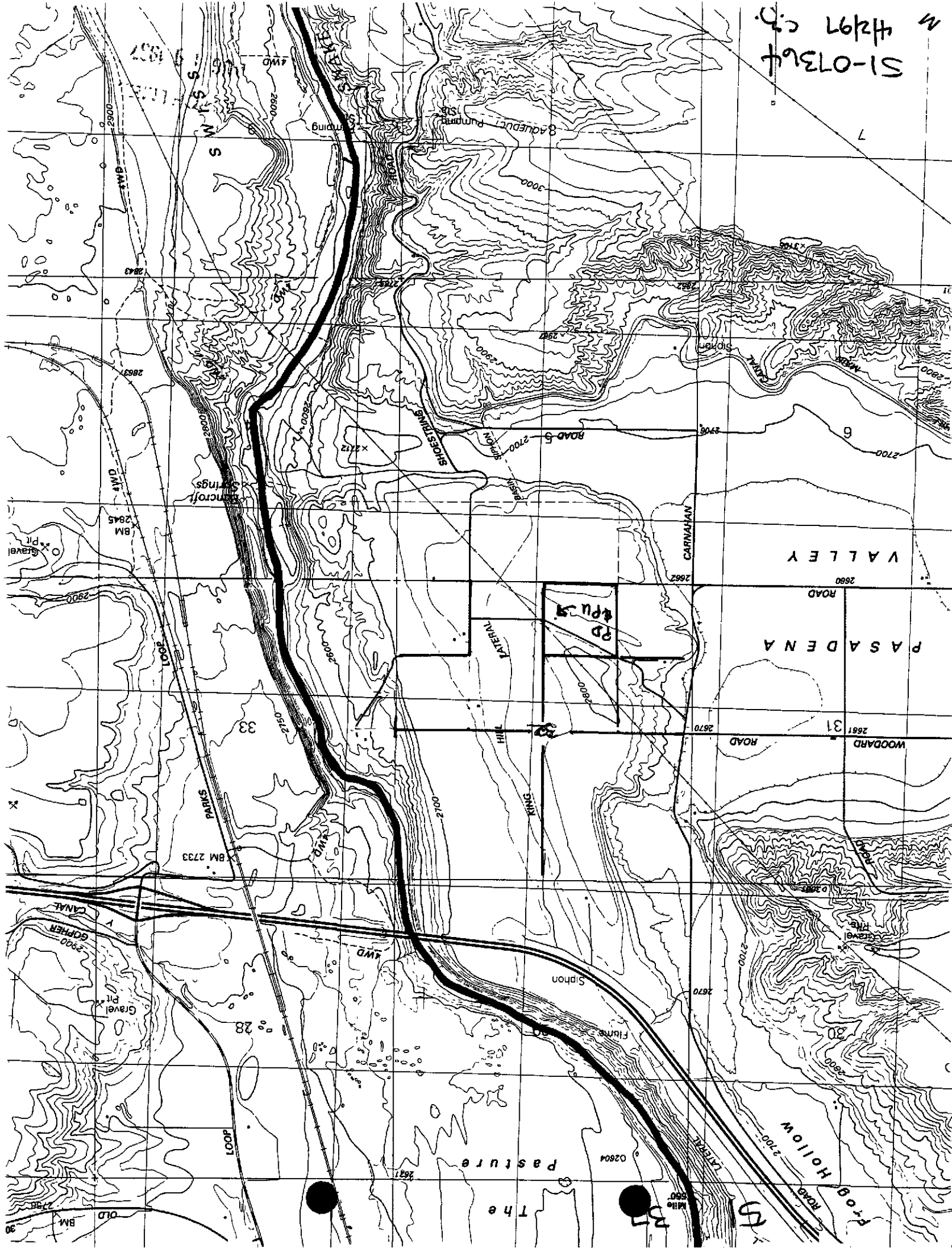
thence S04°54'46"W 480.18 feet;

thence S73°36'30"E 609.59 feet more or less to the REAL POINT OF BEGINNING, said parcel containing 5.7 acres more or less.

PROPOSED

1997 9 13 7

SI-07364
4297 C.D.





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

January 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY W LUCK
PO BOX 127
MOUNTAIN HOME ID 83647-0127

RE: WATER RIGHT NO. 51-07364

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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

20021023

ORAL ARGUMENT

If the Department grants a petition to review the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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

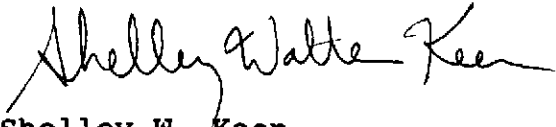
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

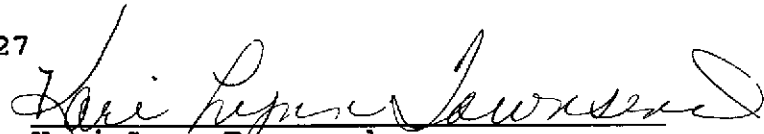
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the **26th** day of **January, 1998**, 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. 51-07364

GARY W LUCK
PO BOX 127
MOUNTAIN HOME ID 83647-0127


Kari Lynn Townsend
Secretary

LICENSE REVIEW CHECKLIST

PERMIT NO. 51-07364

DATE 1/20/98

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U
Overlap file pulled & reviewed —

RATE OF DIV

Permitted Rate	<u>.04</u> cfs
Fee limit	<u>.04</u> cfs <u>NO FEE</u>
Measured	<u>—</u> cfs
Theoretical	<u>?</u> cfs <u>NO INFO TO BASE CALC. ON</u>

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/ NATURE OF USES	<u>✓</u>	Use <u>Dom</u>	cfs <u>.04</u>	Volume Calc
				<u>1.2</u> af
				<u>—</u> af
				<u>—</u> af
				<u>—</u> af
		SUBTOTAL	<u>.04</u>	<u>1.2</u> af

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af
Total volume recommended 1.2 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS 1/1 home.

CONDITIONS — Watermaster Control WD# —
— GW Measurement/Measuring Device
— Overlap
— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A
Adjustment Memo —

1st Amend Letter N/A
2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 16 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 51-07364

1. Owner: Gary W. Luck Phone No. WK(208) 587-8170
LM(208) 366-2640

Current Address: P.O. Box 127, Mountain Home, ID 83647-0127

2. Accompanied by: (office exam) EXAM DATE: 8-28-97

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

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
			SE	SW	32	5S	11E	Elmore	map, Assessor's office

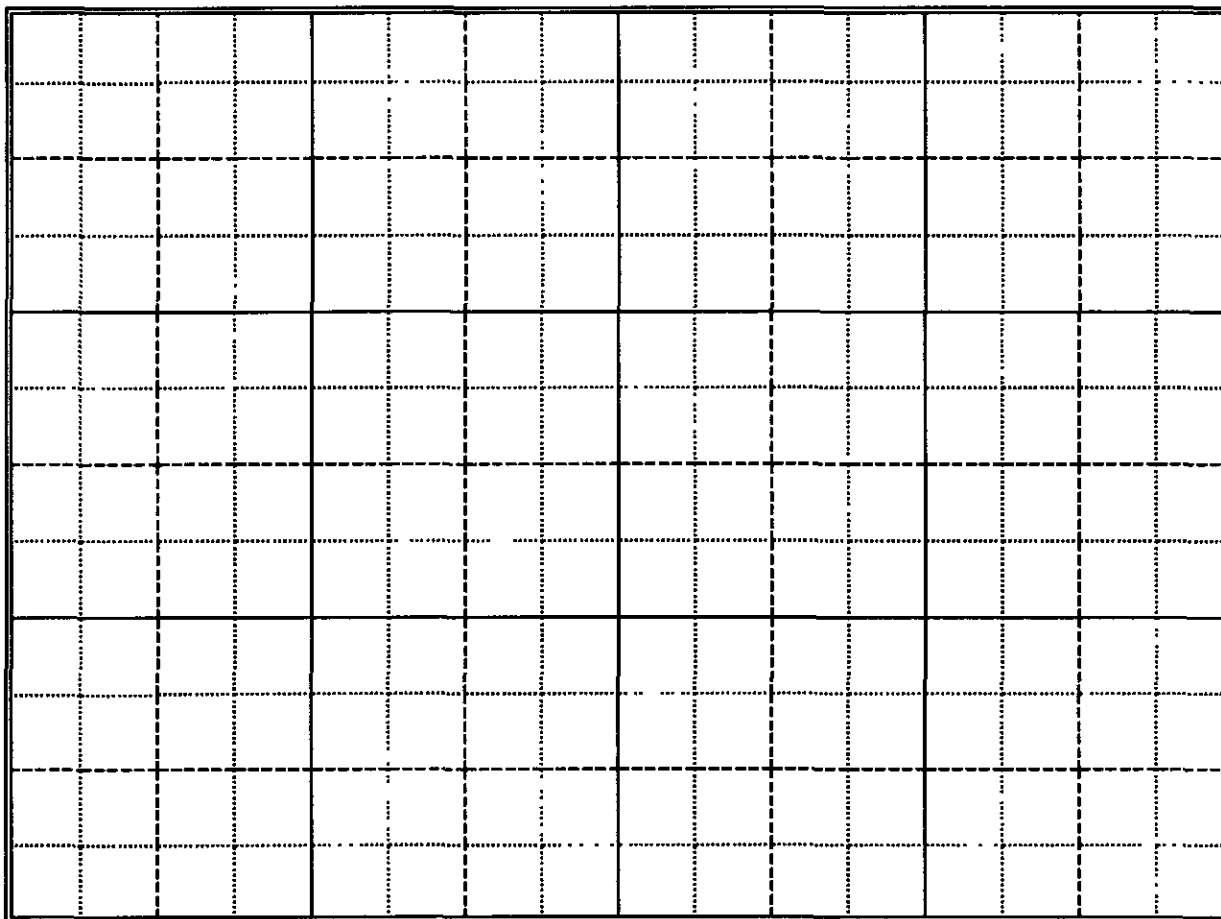
2. Place(s) of Use:

Indicate Method of Determination (Same)

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	11E	32																	

1997-2-15
500-2-15

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

*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

2. Measurements: None - office exam

E. NARRATIVE/REMARKS/COMMENTS

1. This was done as an office exam.
Called Elmore County Assessor's office
and confirmed that Gary Luck owns
5.714 Acres in T5S, R11E, Sec. 32, SE5W.
Property on tax rolls since Jan., 1997.
2. The address on this report is Gary Luck's
work address in Mountain Home, and he wants
this address on his license. The house is
located at 40 Chafin Rd., Glenns Ferry -
Pasadena Valley, and was built in 1997.
3. The previous owner was Jerry Gorrell,
Glenns Ferry, Ph. 366-7510.
4. The well on the property is very old
and was probably drilled before Gorrell's
ownership. Gorrell also used the well.
Gary Luck had the water tested.

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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: NoneAllow 0.04 cfs domestic.**G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:**Allow 1.2 AFA.**H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01/01</u>	<u>12/31</u>	<u>0.04</u>	<u>1.2</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.04</u>	<u>1.2</u>

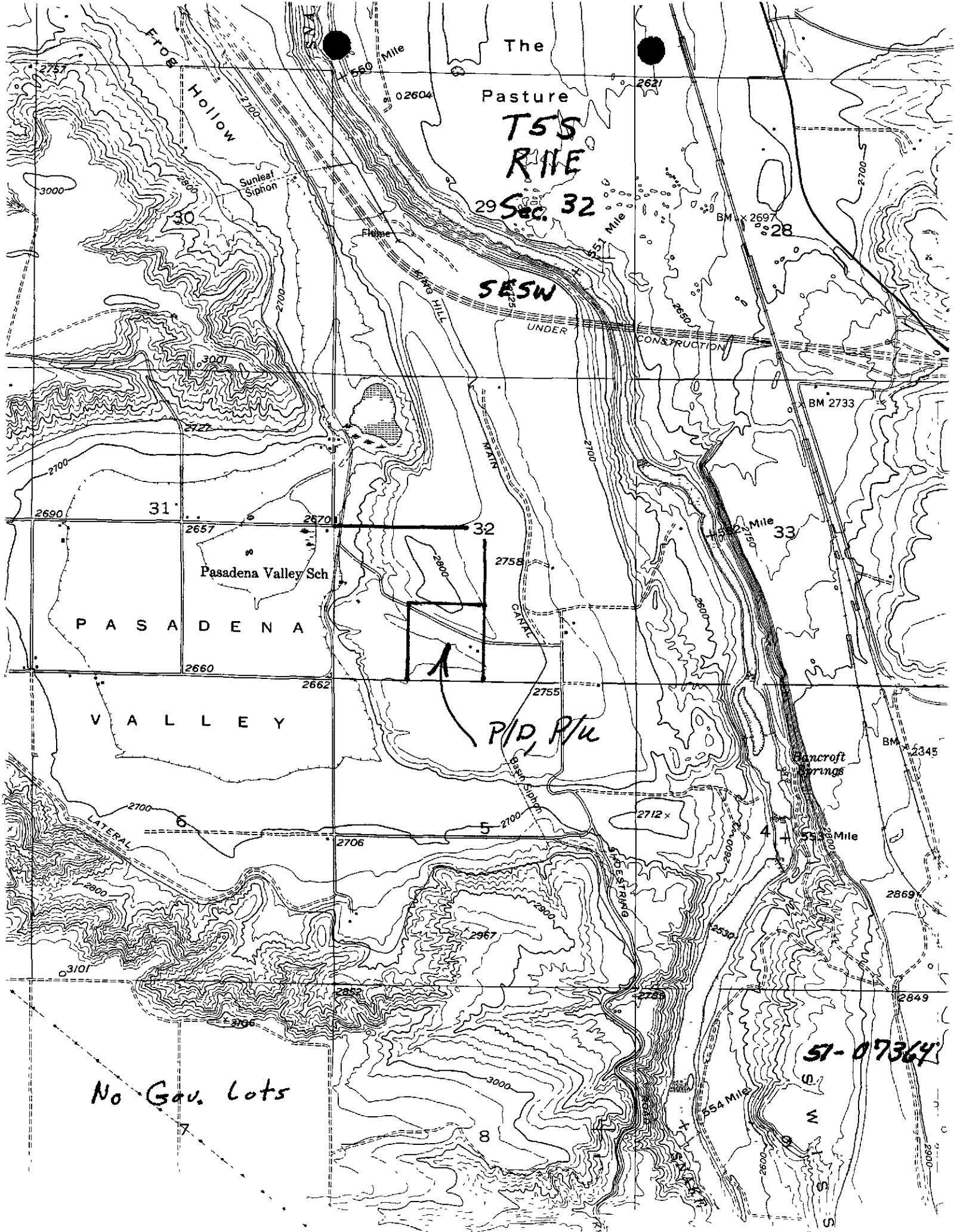
2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ☒ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

I. AUTHENTICATIONField Examiner's Name Dan Zornick Date 12-11-99

Reviewer _____ Date _____

SEAL



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 51-07364 Reviewed by QJ Date 8-21-97

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes 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?
+ Copy in the file? Drilling Permit No.
+ Amount paid for permit Correct?
+ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

no Required?
+ Amount Submitted
 Correct?
no Required?
+ Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received
Date proof due
No. of days late
Priority Date
New Priority Date

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 8-8-97



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

August 21, 1997

GARY W LUCK
PO BOX 127
MOUNTAIN HOME ID 83647-0127

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 51-07364

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.

Please 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 WESTERN Regional Office in Boise at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

C: IDWR - W. Region

NOT RECORDED
SEP 11 1997



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 30, 1997

GARY W LUCK
PO BOX 127
MOUNTAIN HOME ID 83647-0127

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 51-07364

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.

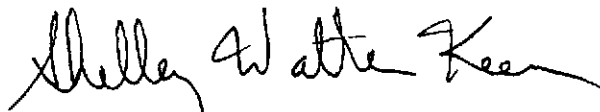
Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

MICROFILMED

AUG 14 1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

11/1/82

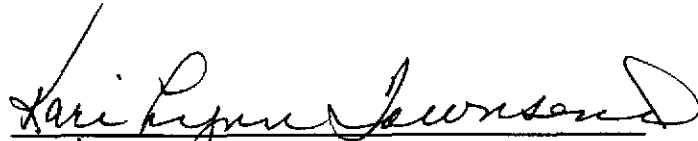
AUG 19 1982

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of July, 1997, 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. 51-07364

GARY W LUCK
PO BOX 127
MOUNTAIN HOME ID 836470127


Kari Lynn Townsend
Secretary

1,000-0000

1997 7 31

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lee*
 No.: 51-7364 Name: Luck Date: 7/29/97 Ad OK? ☒ ☒ Gvmt Lts: _____
AREA OF CONCERN?

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

PROTESTED:

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

SYSTEM COMPLETED:

Yes/proof filed

- NA

1 year/no proof

- P16

+1 year

- 26A-P17

GROUNDWATER: ☒ FLO-CH

+ 0.24 cfs

- 01M (report when notified) or _____ (if in MD, must report)

=/- 0.24 cfs

- No MD

± 5 a.

- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ☒ WDQ3)

Included w/permit

- Permit No. _____, P99

No WD permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well location)

SURFACE WATER ☒ FLO-CH (Surface water that *doesn't* sink is regulated):Source in/below Min. Str. Flow ? - ☒ SEE MAP & LISTING (modify remark *WB9)

Water District (dom. inc.)

- R04 (req) WD # _____ <SEE MAP & LISTING>

> 0.20 cfs

- 01J (MD)-P08

≤ 0.20 cfs

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

Water Measurement District

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- 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)

- 11A-P04, NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser), NA

Boise River (63)

- 05A (if WD), 11E (not 42-111 use), NA

Payette River (65)

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

USE:

Domestic (surface)

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

Domestic (multi in concern area)

- 070-071

Fish Propagation

- 07A-042 (req)-09E (WQ)-P10; 044 (North of 1000 Springs)

Irr <POU> ≤ 5 acres

- 057 (0.03 cfs/acre)

> 5 acres

- 03A (0.02 cfs/acre)

Mining

- 054 (req) & 09E-P10

Municipal (in restricted areas)

- 022, 075, 004 (+memo?)

Power

- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);

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

Storage (☒ 3 compo.)

- 080 (req); 18A (multiple MD within district), 18B-P09 (+10' dam),

LOCATION:

42-248 area

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

Boise Front LoGeo

- 058 (-85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

Swan Falls Flag

- C <SEE CODE CHART>

Trust

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

Non-Trust <1>

- 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-owner

- 004 (PD/PU)

OTHER CONDITIONS:**STANDARD REMARKS:**- Down / 1**BENEFICIAL USE DUE:**- 8/1/1998**COMMENTS:**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: 6 DATE: 4/14/97 APPLICATION: 51-07364

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ 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: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ☐ No* In form to receipt:
- Gov't, Lots:
 P/D
 P/U

RECEIVED

JUL 22 1997

Department of Water Resources

ADDITIONAL INFORMATION

YES NO

- N/A ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Field check required: Field check by:
- ☒ Field report attached:
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ Copy to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☒ Send power requirement letter:
- ☒ Send fish farm requirement letter:
- ☒ Power residency affidavit:
- ☒ Power efficiency form:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

 ☒ ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING

APP. NO.

51-07364

YES NO

☒
☒
☒
☒
☒
☒

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

☐
☒
☒
☒
☒
☒

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

Adjudication Bureau

YES NO

☐
☒
☒
☒

U.S. BLM

U.S. Forest Service

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒
☒

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒

Publication dates and paper recorded on application:

Protests received. Final date for protest 5-27-97

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: None

See below for additional information

Recommended Date or Priority

4/2/97

Recommended by:

Gandy

Date:

7/19/97

STATE OFFICE REVIEW _____

See below for additional information. By _____

Date _____

ADDITIONAL INFORMATION:

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application has been
filed to appropriate the public waters of
the State of Idaho:

AL-87384

LUCK, GARY W.
P.O. BOX 127
MOUNTAIN HOME, ID 83647-0127
Source: GROUNDWATER
Diversion Pt: SESW Sec. 22 T 05S R
11E in **ELMORE** County.
Use: DOMESTIC (0.040 CFS); Total
Diversion: (0.040 CFS).
Date Filed: 4/2/1997.
In: **ELMORE** County, T05S R11E
S32 SESW.

Permits will be subject to all prior
water rights. Protests may be submit-
ted 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 Wa-
ter Resources, Western Region, 2735
Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 on
or before MAY 27, 1997. The protestant
must also send a copy of the protest to
the applicant.

KARL J. SCHUBERT, Director

Published: 5/7/1997 & 6/14/1997.

RECEIVED

MAY 29 1997

WATER RESOURCES
WESTERN REGION

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

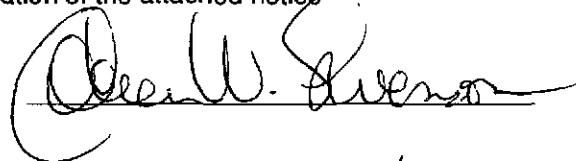
I, Coleen W Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

2 consecutive weeks, the first publi-
cation having been made on 7th day of
May, 1997, and the last publi-
cation having been made on the 14th day of
May, 1997, every Wednesday
issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice



Subscribed and sworn to me this 14th day of

May, 1997


Notary Public

MICROFILMED

AUG 13 1997

Residing in Mountain Home, Elmore County, Ida-
ho My commission expires 09/09/2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 30, 1997

Legal Notices Department
Mountain Home News
PO Box 1330
Mountain Home, ID 83647

Dear Legal Dept.:

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 MAY 27, 1997.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

208-334-2190
208-334-2348

51-07364

LUCK, GARY W
PO BOX 127
MOUNTAIN HOME, ID 836470127

Source: GROUNDWATER

Diversion Pt: SESW Sec 32 T 05S R 11E in ELMORE County.

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

Date Filed: 4/ 2/1997

In: ELMORE County	
T05S R11E S32	SESW

51-07364

AUG 19 1997

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MAY 27, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 5/ 7/1997 & 5/14/1997

100-100
100-100