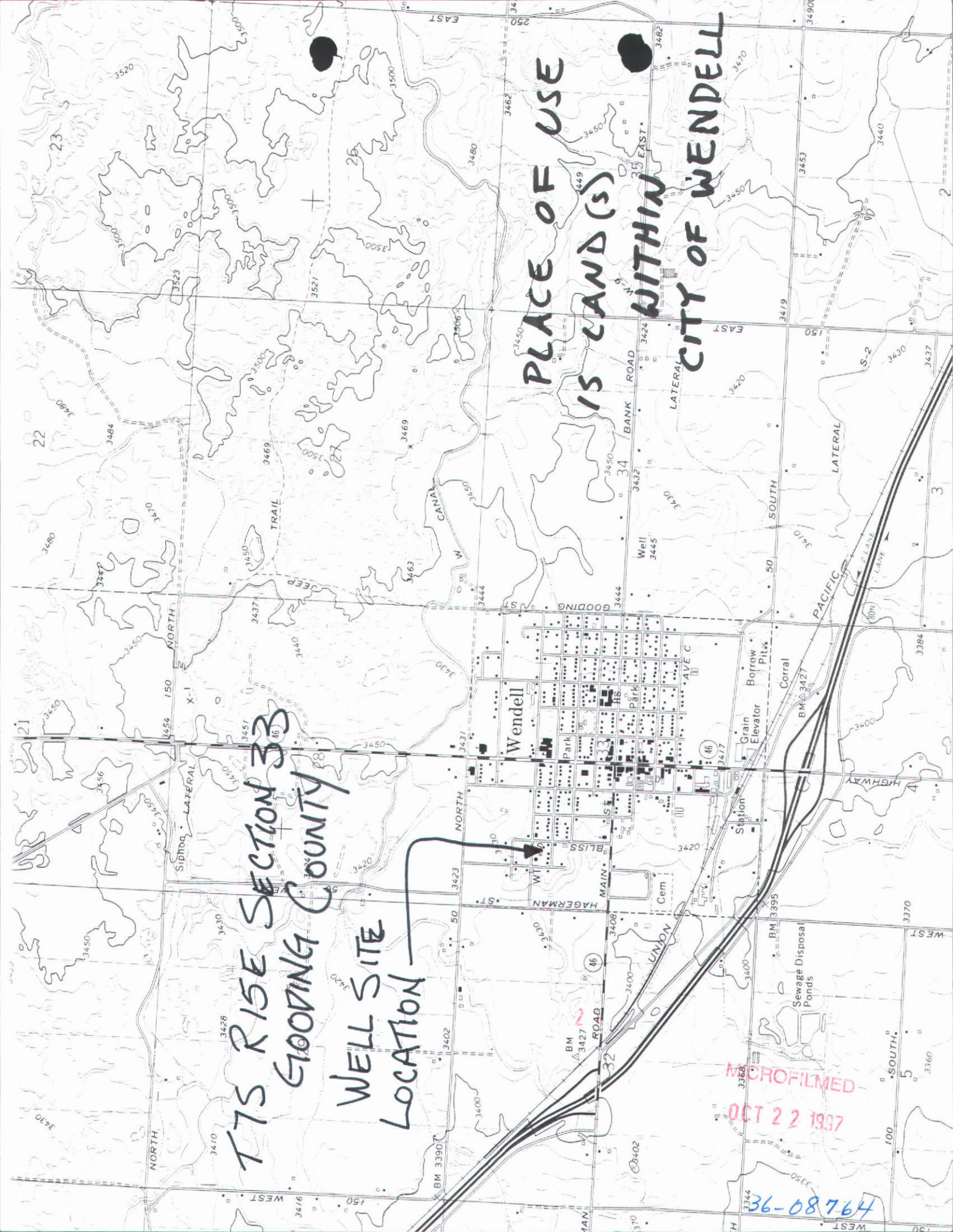


T7S RISE SECTION 33
GOODING COUNTY

WELL SITE
LOCATION

PLACE OF USE
IS LAND(S)
WITHIN
CITY OF WENDELL



MICROFILMED
OCT 22 1997

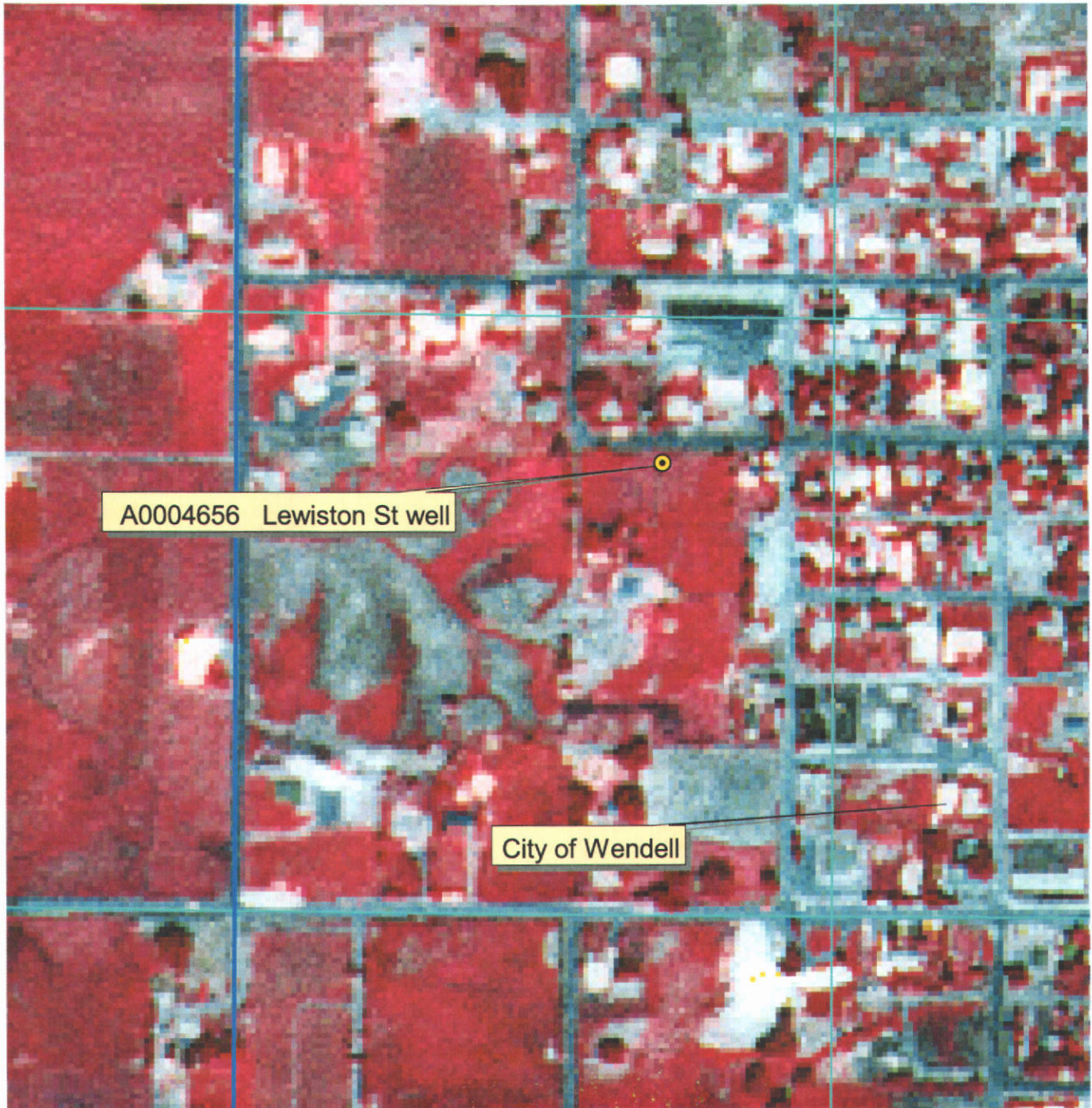
36-08764

Idaho Department of Water Resource Recommendation for 36-8764

City of Wendell

T07S

R15E



Points of Diversion



Quarter-quarter Lines



Section Lines



Place of Use

MICROFILMED
JAN 09 2002



Point of Diversion

T07S R15E S33

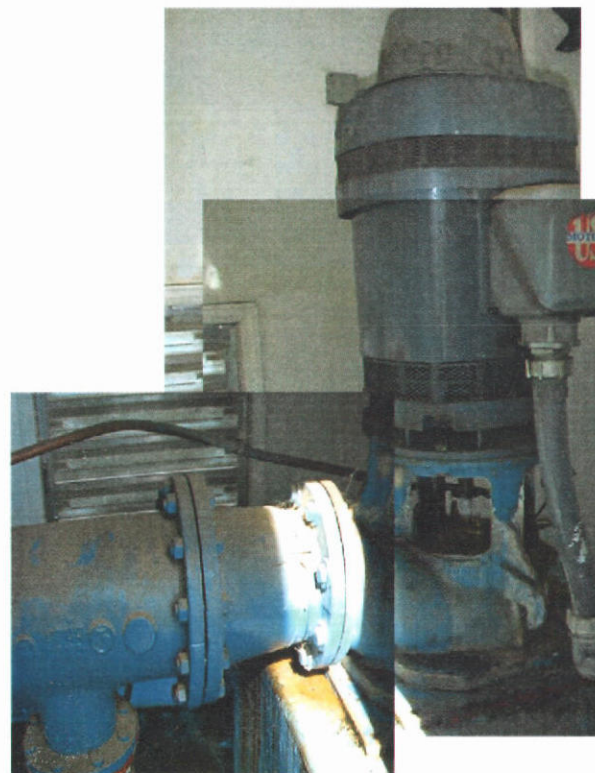
Data entry on July 31, 2001

Point of Diversion Presentation

1987/1988 NAPP Photography

Data Entry By: Amanda Folsom

The Lewiston St well or A0004656
Well is located inside of pump house.



MICROFILMED
JAN 09 2002

36-8764
City of Wendell
May 30, 2001

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

APR 25 1997

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 16 day of April, 1997,

and the date of the last publication was on the 23 day of April, 1997.

Subscribed and sworn to before me this 23rd day of April, 1997.
(SEAL)

Norma DeVoe
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 24

Lines tabular at _____ 7¢/Pica

358.88 Lines straight at 21.53 6¢/Pica

358.88 Subsequent lines at 17.94 5¢/Pica

TOTAL COST 41.72

COPY OF NOTICE

(Paste Here)

Permit - City of Wendell
TITLE OF NOTICE 36-08764

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

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

CITY OF WENDELL
PO BOX 208

WENDELL ID 83355

Application for Permit No. 36-08764

Source: groundwater

Diversion Pt(s): SW1/4NW1/4, S33, T07S, R15E; Gooding County.

Use: Municipal (1.56 cfs) 1/1-12/31

In: Within city limits of Wendell, ID

Date Filed: 3/28/97

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 5, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 4/16 & 4/23/97.

7-8 pt. per line straight 7¢/Pica
7-8 pt. per line tabular 6¢/Pica
7-8 pt. per line successive
insertions 5¢/Pica

No 6462

16016

MICROFILMED

OCT 22 1997

Please send copies
of correspondence
to: Rob Hegstrom

JUB Engineers
800 Falls Ave. Suite 1
Twin Falls, ID 83301

in addition to city
of Wendell.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08764

Priority: March 28, 1997

Maximum Diversion Rate: 1.27 CFS

It is hereby certified that CITY OF WENDELL
PO BOX 208

WENDELL ID 833550208 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 28, 1997; and has submitted Proof of Beneficial Use on August 23, 1999. An examination indicates that the works have a diversion capacity of 1.94 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

1.27 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, Twp 07S, Rge 15E, B.M. GOODING County

PLACE OF USE -- See conditions of approval.

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
3. Place of use is within the service area of the City of Wendell municipal water supply.
4. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
5. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
6. Right 36-11277 is also diverted through the point of diversion described above.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 24TH day of DECEMBER, 2001.

Acting for

KARL J. DREHER
Director

MICROFILMED

JAN 03 2002

RECEIVED

AUG 23 1999
Kot

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFOR OFFICE USE ONLY
Amt. of Fee \$: 125⁰⁰
Receipt No. 6046357
Receipt By: KL
Date Received: 8/23/99

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. 36-08764 Telephone No. 208-536-5161
2. Name(s) of Permit Holder(s): City of Wendell, Idaho
3. Mailing Address: P.O. Box 208 Wendell, Id 83355
4. Source of Water: Wells If GROUNDWATER (well), Date Drilled: mo. / yr. 1920
- a. Well Driller: 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): Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: run

6. Total rate of diversion and/or volume for which proof is submitted: 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 <u> </u>
	Has the measuring device been installed?	Yes ☒	or	No <u> </u>
Flow Measurement Port:	Is a flow measurement port required?	Yes ☒	or	No <u> </u>
	Has the measurement port been installed?	Yes ☒	or	No <u> </u>

8. Fee Enclosed: \$ 125⁰⁰ (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: B.D. Reinhard / Don Nichol Telephone Number: 208-536-2908

Address:

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: B.D. Reinhard, City of Wendell, Id Date: 8-11-99
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 27 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 36-08764

Proposed Priority: March 28, 1997

Maximum Diversion Rate:

1.56 CFS

This is to certify, that CITY OF WENDELL
PO BOX 208
WENDELL ID 83355-0208

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

MUNICIPAL

01/01 to 12/31

1.56 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 33, Township 07S, Range 15E
GOODING County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1999.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
7. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
8. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
9. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
10. The issuance of this right does not grant any right-of-way or easement across the land of another.

10/27/97

OCT 27 1997

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 36-08764

CONDITIONS OF APPROVAL AND REMARKS

11. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
12. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
13. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
14. Place of use is within city limits of Wendell and surrounding service area.

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

24th day of September, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

NOT RECORDED
OCT 22 1997

MAR 28 1997

Ident. No. 36-08764

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Boise, Idaho

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 09 1997

Department of Water Resources

1. Name of Applicant City of Wendell, Idaho Phone 208-536-5161
Mailing address P. O. Box 208, Wendell, ID 83355
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 7S Range 15E Sec. 33, in the NE 1/4
SW 1/4, NW 1/4, Govt. Lot _____, B.M., Gooding County
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|--|--|
| Amount <u>1.56 cfs</u> for <u>Municipal</u> purposes from <u>Jan 1</u> to <u>Dec 31</u> (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) | |
5. Total quantity to be appropriated is (a) 1.56 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 8"X350' well
with 75 H.P. Motor and pump
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? 1920; Drilling firm _____
Well was drilled for (well owner) City of Wendell; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. City of Wendell
- d. Domestic; show number of households. N/A
- e. Other; describe fully. _____

10090-11110

00127 007

9. 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.

[illegible]

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. To be combined with current
water right 36-11277 for 0.67 cfs for total of 2.23 cfs.

11. a. Who owns the property at the point of diversion? City of Wendell
b. Who owns the land to be irrigated or place of use? N/A
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: Owner has existing water right of .67 cfs at this location. We are only asking for an additional 1.56 cfs to be added to this water right. We are retrofitting an existing well with a new pump and motor for the added capacity.

- 13. MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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.

Green Rosta MAYOR
Signature of Applicant (and title, if applicable)

Received by TF Date 3-28-97 Time 9:45am Preliminary check by P. SPINNER
 Fee \$ 120.00 Received by C. SKINNER # 5019978 Date 03/29/97
 Publication prepared by NR Date 4/1/97 Published in Gooding Co. Ladder
 Publication approved NR Date 4/25/97

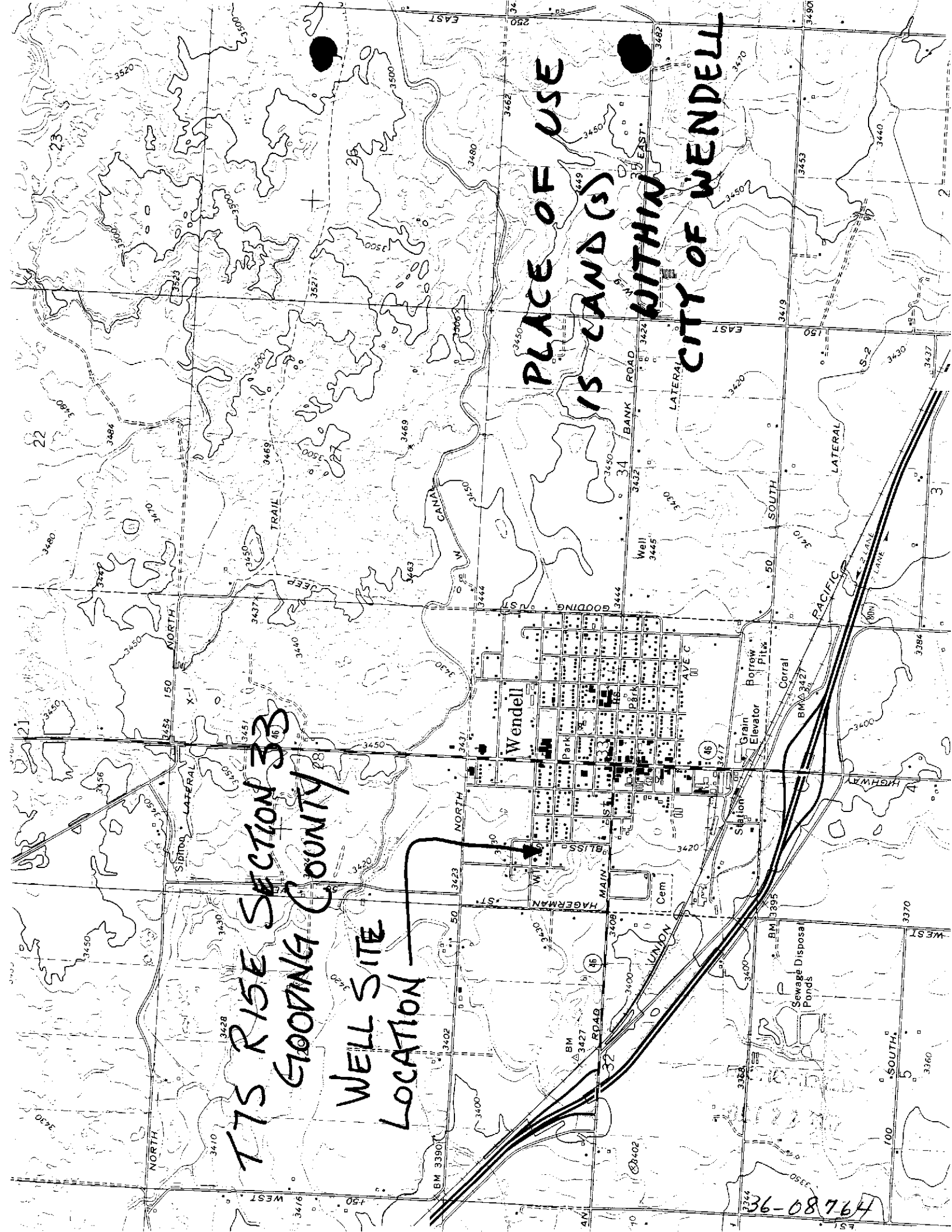
[illegible]

927 257

WELL SITE
LOCATION

PLACE OF USE
IS LAND(S)
WITHIN
CITY OF WENDELL

36-08764





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 26, 2001

CITY OF WENDELL
PO BOX 208
WENDELL ID 83355-0208

RE: License No. 36-8764 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 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.

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 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

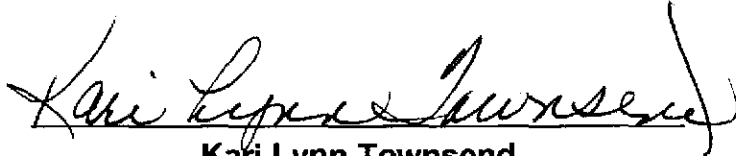
MICROFILMED
JAN 09 2002

CERTIFICATE OF MAILING

I hereby certify that on December 26, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8764

**CITY OF WENDELL
PO BOX 208
WENDELL ID 83355-0208**


**Kari Lynn Townsend
Secretary**

MICROFILMED
JAN 09 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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).

MICROFILMED

JAN 09 2002

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

A. GENERAL INFORMATION

1. Owner: City of Wendell AUG - 3 2001 Permit No. 36-8764
 Current Address: PO Box 208 Department of Water Resources Wendell ID 83355-0208 Phone No. 208-536-5161
 2. Accompanied by: Rob Hegstrom EXAM DATE: May 30, 2001
 Address: J.B. Engineers 800 Falls Ave Twin Falls Phone No. 733-2414
 Relationship to Permit Holder: Project Manager
 3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 36-11276; -11277; -7722; -8421
 2. Other water rights with the same point of diversion: 36-11277

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
		NE	SW	NW	33	07S	15E	Gooding	GPS TAG# A0004656

2. Place(s) of Use:

Indicate Method of Determination GIS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E																		

MICROFILMED
JAN 03 2002

* Place of use is within the Wendell City limits.

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
A0004656	US Electrical	75	153543		

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

MICROFILMED

JAN 19 2002

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Cindy Hedges from the West measurement district measured this well in 2000.

E. NARRATIVE/REMARKS/COMMENTS

PERMIT: 36-8764
FROM: Amanda Folsom
DATE: July 31, 2001

I met with Rob Hegstrom from J-U-B Engineers on May 30, 2001. Rob is the project manager for the wells and water system for the city of Wendell. He and two other men that are employed with the city of Wendell accompanied me on this exam.

OVERLAPS

There are a total of five water rights that deal with the city water for municipal use inside of the Wendell City limits. Water right 36-11277 overlaps with the point of diversion on this permit. This permit was issued to increase the diversion rate from 0.67cfs, which was licensed by water right 36-11277, to 2.23cfs. The other water rights, which are listed on the Beneficial Use Report, limits the total combined diversion rate to 4.67cfs.

POINT OF DIVERSION

The well for this permit is also known as the Lewiston St well and is located in the SWNW ¼ of Sec 33, Twp 07S, Rge 15E. The motor is a US Electric with 75 horsepower. Cindy Hodges with the West Measurement district measured this well last year. The total capacity for the system came to 869.5gpm or 1.94cfs. After you take away the 0.67cfs that was already licensed, 1.27cfs remains.

PLACE OF USE

The place of use for the permit is within the Wendell City limits for municipal drinking water use. The water is pumped to a 1,000,000-gallon tank, where it is then dispersed to the city.

I am recommending the 1.27cfs that remains to increase the total diversion rate from the Lewiston St well.

MICROFILMED
JAN 6 9 2002

Idaho Department of Water Resource

Recommendation for 36-8764

City of Wendell

T07S

R15E



● Points of Diversion

□ Quarter-quarter Lines

□ Section Lines

□ Place of Use

MICROFILMED
1988 09 2002



Point of Diversion

T07S R15E S33

Data entry on July 31, 2001

Point of Diversion Presentation

1987/1988 NAPP Photography

Data Entry By: Amanda Folsom

The Lewiston St well or A0004656
Well is located inside of pump house.



MICROFILMED
JAN 03 2002

36-8764
City of Wendell
May 30, 2001

E. NARRATIVE/REMARKS/COMMENTS

Have conditions of permit approval been met? Yes ☐ no ☐

MICROFILMED

JAN 06 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\frac{869.5 \text{ gpm}}{448.83} = 1.94 \text{ cfs} \rightarrow \text{Total Capacity}$$

$$1.94 \text{ cfs} - 0.67 \text{ cfs} \rightarrow \text{WR\# 36-11277}$$

$$1.27 \text{ cfs}$$

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:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Municipal	4/1	12/31	1.27	
Totals:			1.27	

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. AUTHENTICATION

Field Examiner's Name Amanda Johnson Date 7/31/01

Reviewer _____ Date _____

SEAL

MICROFILMED
JAN 8 9 2002

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

- ☒ No account number on mail
☐ Account number illegible

Addressee's Name

MAJOR Gwen Rost

Old Address (Include apartment or suite number)

City of Wendell

City, State, and ZIP Code

Wendell, ID 83355

New Address (Include apartment or suite number)

P.O. Box 208

City, State, and ZIP Code

Wendell, ID 83355-0208

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

- | | | |
|---|---|---|
| ☐ Moved, left no address | ☐ No such street | ☐ No such number |
| ☐ Refused | ☐ Attempted, not known | ☐ Unclaimed |

PS Form 3547, June 1995

36-08764

MICROFILMED

182 0 9 2002



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 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08764

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 **EASTERN** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

JAN 27 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-08764 Reviewed by VYS Date 1-12-00

GENERAL CONSIDERATIONS

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

TYPES OF USE

mun
yes Correct Uses?

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

yes Required?
125 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

none - ackn. proof

DATA ENTRY

New Address Proof Made 8-23-99

July 31, 1999

CITY OF WENDELL
PO BOX 208
WENDELL ID 833550208

PROOF DUE NOTICE

RE: PERMIT NO. 36-08764

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

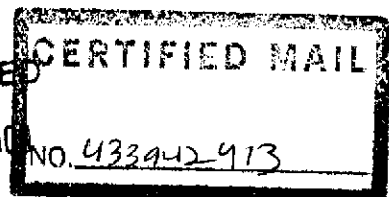
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 27 2000





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

September 24, 1997

CITY OF WENDELL
PO BOX 208
WENDELL ID 83355-0208

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08764

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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.

RECEIVED
SEP 22 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 printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MAILED
OCT 22 1987

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of September, 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. 36-08764

CITY OF WENDELL
PO BOX 208
WENDELL ID 83355-0208


Kari Lynn Townsend
Secretary

OCT 22 1997

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou

No.: 36-8764 Name: City of Wendell Date: 9/17/97 Ad OK? ✓ Gvmt Lts: ✓

AREA OF CONCERN:- No/Yes: ESRP Mor/ GWMA / Trust / Non-trust**PROTESTED:** set aside

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

SYSTEM COMPLETED:

1 year/no proof

- P16

>1 year

- P17**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 >0.24 cfs

- 01M (report when notified)

>5 a.

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

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ✓ WDQ3) drilled ±1920

Included w/permit

- Permit No. _____ P99

No drilling permit?

- 046-488 (post 7/1/87)

irr. in WD

- P05 (new well location)

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

IN MIN. STR. FLOW (✓ MAP)

- 31A (modify remark *WB9)

WD (✓ MAP & LISTING)

- R04 (WD # _____) -01J-P08 (MD)

Pumped >0.20 cfs

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

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 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)

- *W22 P04, NA

(02/03-irr)

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

Payette R(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

>1 in rest. area

- 070-071- P53

Fish Propagation

- 029-007-042(req)-081-R07 (WQ)-P10; 044 (N of 1000 Springs)

Irr ≤ 5 acres

- R49/R50/R51/R52 (0.03 cfs/acre +AF)

> 5 acres

- R29/R30/R31/R32 (0.02 cfs/acre +AF)

Mining

- 054(req)-081-R07-P10

Muni (in restricted areas)

- 022, 075, 084 (+memo?)

Power

- 17H/17K(+uses)-08A-025-01N(P19)-028-081-R07(P10); 027 (if no other cons. use);

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

Stock (BLM/USFS)

- R37

Storage (✓3 compo.)

- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

LOCATION:

42-248 area

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

Basins 71-79

- 029 (fish screens)

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 (See Code Chart)

Trust

- 7

Non-Trust (1)

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

OWNERSHIP:

- 048-049 (Consumptive Uses), NA

OTHER CONDITIONS:- 004 (PD/PU) residents of Wendell**STANDARD REMARKS:**- R19 081-(P10) 068**BENEFICIAL USE DUE:**- 10/1/ 1999**COMMENTS:**

-

MEMORANDUM

DATE: September 18, 1997
TO: File No. 36-08764
FROM: Cindy Zimmerman
RE: Status of municipal use

Section 42-202(2) of the Idaho Code states that "an application proposing an appropriation of water by a municipal provider for reasonably anticipated future needs" must be accompanied by documentation related to the service area, planning horizon, etc.

Because this application does not include any of the special documentation, nor does it indicate in any way that it proposes an appropriation for reasonably anticipated future needs, it should not at any time be interpreted as such.

ALL INFORMATION

OCT 22 1997

MEMORANDUM

DATE: September 18, 1997
TO: File No. 36-08764
FROM: Cindy Zimmerman
SUBJECT: Trustwater Review

This application proposes to divert 1.56 cfs of trustwater from groundwater for municipal use within the City of Wendell and surrounding service area. This application satisfies 42-203A & C requirements.

RECEIVED

OCT 22 1997

RECEIVED

SEP 09 1997

DEPARTMENT OF WATER RESOURCES

FROM: Allen Merritt *AM*

DATE: September 8, 1997

TO: File: Application for Permit 36-08764
In the Name of the City of Wendell

SUBJECT: Review & Recommendation

The application proposes to develop an existing well for additional municipal use for the city of Wendell. The well is located in an area presently covered by the "Eastern Snake Plain Moratorium" and lies within the West ESPA Water Measurement District. Pursuant to the moratorium such municipal wells have been allowed for "domestic & fire protection" purposes but not authorized for new major consumptive uses such as irrigation of large tracts of lands such as ballfields, parks, etc.

The application was advertised and was protested by four parties. On June 26th the parties were notified of a pre-hearing conference. On July 29 I conducted a conference but none of the protestants showed up. On July 31 a "Notice of Proposed Default Order" was sent out to all parties. The protestants did not respond. On August 11th I sent out a "Default Order" setting aside the protests. On August 18th I re-issued the "Default Order" as a preliminary order. As of this date none of the protestants have responded or requested any reconsideration of the "Default Order".

All protestants have had ample time and notice to press their protest of the application but have not responded.

Recommendation:

I recommend that the application be approved subject to the following conditions:

P/g 1. A measuring device with totalizing meter be installed/maintained at the well.

P/g 2. The place of use is limited to within the city limits of the city of Wendell and to the surrounding service area.

075 3. Irrigation of large projects such as parks, golf courses, or athletic fields is not authorized under this permit.

022 4. Uses authorized under this permit must be for fire protection or uses which individually meet the definition for domestic use provided in 42-111, Idaho Code.

*468
081* 5. The well authorized for use under this permit must comply with IDWR well construction standards and DEQ health requirements for Public Water Supply Systems.

OCT 22 1997

6. Subject to all county, state & federal permits that may be required.

067 7. Subject to West ESPA Water Measurement District measurement and reporting requirements.

068 8. No new wells are authorized to be drilled under this approved permit.

→ per Shelley, do not use, 9/17/97 c.3.

RECEIVED

OCT 27 1997

City of Monroville

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE MARCH 31, 1997
APPLICATION NO. 36-08764

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 description subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/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 of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

-----PROPOSED PRIORITY DATE
March 28 19, 97

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to previous application on the back. 36-07722, 36-11276, 36-11277)
☒ Overlapping point of diversion. 36-11277
Yes ☒ No ☐ Field check required
Field check by _____
Yes ☒ No ☐ Field report attached
Yes ☒ No ☐ Critical Ground water 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 trustwater 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 _____, 19____

SEND COPIES TO: _____ Idaho Dept of Health & Welfare _____ USDI BLM
 _____ Idaho Dept of Fish & Game _____ USFS
 _____ Idaho Dept of Lands _____ Water Dist.
 _____ Adjudication Bureau Unit _____ Other _____

☒	Yes	☐	No	Affidavit of publication received.
☒	Yes	☐	No	Application published correctly. If not, record action taken.
☒	Yes	☐	No	Publication dates and paper, recorded on App.
☒	Yes	☐	No	Protests received
				Final date for Protest <u>See memo & default orders</u>
☒	Yes	☐	No	Protests, dates, resolution of protest, recorded on app.
☒	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. <u> </u>
☐	Yes	☐	No	Special conditions of approval or cover letter below. <u> </u>

Date of priority recommended 3/28, 1997
By [Signature] Date 9/8, 1997

See below for additional information

By _____ Date _____, 19 _____

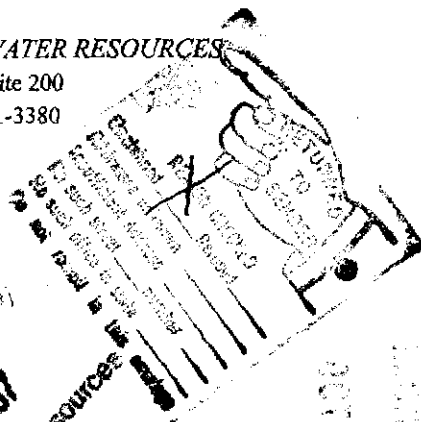
ADDITIONAL INFORMATION:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

AUG 29 1997

Department of Water Resources
Southern Region



3

AUG 22 1997

AUG 12 1997

NAME 8-23
1st Notice _____
2nd Notice _____
Return _____

notified
8-12-97
LH

AUG 21 1997

JEROME FITZGERALD
1957 E 1550 S
GOODING ID 83330

CERTIFIED

1727

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **36-8764**

4a. Article Number

1727

JEROME FITZGERALD

1957 E 1550 S

GOODING ID 83330

DEC 22 1991

4b. Service Type

- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ COD
- ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 18, 1997

RE: Default Order pertaining to Application for Permit 36-08764

Dear Interested Party:

The Department of Water Resources (the Department) has re-issued the enclosed Default Order which supercedes the order dated August 11th, 1997. This Default Order dated August 18, 1997 is issued as 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.

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

1 1000000000

000 2 2 000

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 questions, please contact me at (208) 736-3033.

Sincerely,



Allen Merritt
Southern Region Manager

cc: IDWR-Glen Saxton

Enclosure

OCT 22 2007

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 36-08764 IN THE)
CITY OF WENDELL)

DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On March 28, 1997 the City of Wendell (applicant) filed Application for Permit No. 36-08764 (application) with the department proposing to appropriate 1.56 cubic feet per second of water from groundwater to be used year-round for municipal purposes.
2. The application was subsequently protested by F.F. Gunning, G. C. Gunning, Andrew C. Gunning and Jerome Fitzgerald.
3. On June 26, 1997, the department sent notice to all parties of the pre-hearing conference scheduled for July 29, 1997.
4. On July 29, 1997 the department held the conference at the designated time and place, at which time all of the protestants failed to appear.
5. On July 31, 1997 the department sent a Notice of Proposed Default Order to the protestants. The protestants did not respond and did not file a petition requesting that a default order not be entered.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01702 (Rule of Procedure 702) authorizes the department to issue a Default Order for Failure to Appear at a scheduled conference after issuance of a Notice of Proposed Default Order has been issued and seven days has expired without response.
2. The department should enter a Default Order for Failure to Appear at the July 29, 1997 conference scheduled in Twin Falls in connection with the above captioned matter.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the protests by F. F. Gunning, G. C. Gunning, Andrew Gunning and Jerome Fitzgerald to Application for Permit 36-08764 are hereby **Set Aside** and will no longer be considered by the department.

Dated this 18th day of August, 1997



ALLEN D. MERRITT
Conference Officer

MICROFILMED

OCT 22 1997

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of August, 1997, a true and correct copy of the foregoing Default Order was forwarded with all required charges prepared, by regular, U.S. Mail, to the parties listed:

Mary Baldwin
Secretary

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

F F GUNNING
PO BOX 716
WENDELL ID 83355

CRAIG HOBDEY ESQ
HOBDEY & HOBDEY
125 5TH AVE WEST
GOODING ID 83330

G C GUNNING &
ANDREW C GUNNING
2298 E 2900 S
WENDELL ID 83355

ATTN ROBERT HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301

JEROME FITZGERALD
1957 E 1550 S
GOODING ID 83330

ENCLOSURE
AUG 22 1997

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 36-08764 IN THE)
CITY OF WENDELL)

DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

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CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01702 (Rule of Procedure 702) authorizes the department to issue a Default Order for Failure to Appear at a scheduled conference after issuance of a Notice of Proposed Default Order has been issued and seven days has expired without response.
2. The department should enter a Default Order for Failure to Appear at the July 29, 1997 conference scheduled in Twin Falls in connection with the above captioned matter.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the protests by F. F. Gunning, G. C. Gunning, Andrew Gunning and Jerome Fitzgerald to Application for Permit 36-08764 are hereby **Set Aside** and will no longer be considered by the department.

Dated this 11th day of August, 1997



ALLEN D. MERRITT
Conference Officer

RECORDED

AUG 22 1997

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of August, 1997, a true and correct copy of the foregoing Default Order was forwarded with all required charges prepared, by U.S. Certified Mail, to the parties listed:

Mary Baldwin
Secretary

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

F F GUNNING
PO BOX 716
WENDELL ID 83355

CRAIG HOBDEY ESQ
HOBDEY & HOBDEY
125 5TH AVE WEST
GOODING ID 83330

G C GUNNING &
ANDREW C GUNNING
2298 E 2900 S
WENDELL ID 83355

ATTN ROBERT HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301

JEROME FITZGERALD
1957 E 1550 S
GOODING ID 83330

RECEIVED
OCT 22 1997

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, a, and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
 - ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to: **36-08764**

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

4a. Article Number

1722

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

8/12/97

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED

AUG 15 1997

Department of Water Resources
Spokane Falls

MICROFILMED

OCT 22 1997

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-0000

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **36-8764**

CRAIG HOBDEY ESQ
HOBDEY & HOBDEY
125 5TH AVE WEST
GOODING ID 83330

4a. Article Number

1723

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

8-13-97

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

[Signature]

UNITED STATES POSTAL SERVICE



PENALTY FOR PRIVATE
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OF POSTAGE, \$300

MICROFILM

OCT 22 1997

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

RECEIVED
AUG 14 1997
Official Business
Department of Water Resources
Southern Region

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **36-8764**

4a. Article Number

1724

**ATTN ROBERT HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301**

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

8/12

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

R. Brower

UNITED STATES POSTAL SERVICE

Official Business

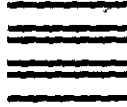
RECEIVED

AUG 13 1997

Department of Water Resources
Southern Region

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

Is your RETURN Address completed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

36-8764

F F GUNNING
PO BOX 716
WENDELL ID 83355

4a. Article Number

1725

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

AUG 15 1991

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

F. F. Gunning

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



AUG 18 1997

OCT 22 1997

Department of Water Resources

Southern Region Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1941 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **36-8764**

**G C GUNNING &
ANDREW C GUNNING 27100
2298 E 2900 S
WENDELL ID 83355**

4a. Article Number

1726

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

8-12-97

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



Official Business
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PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

AUG 13 1997

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Department of Water Resources
Southern Region

OCT 22 1997

Print your name, address and ZIP Code here

**IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380**

FROM: Allen Merritt

DATE: July 31, 1997

TO: File: Application for Permit No. 36-08764
In the name of the City of Wendell

SUBJECT: Pre-hearing Conference

On the July 29, 1997 I conducted the pre-hearing conference at the time & place as notice was given. The only parties to show up was the applicant. I discussed this matter with Glen Saxton and he advised to send out a "Notice of Default Order" which I have done.

At the conference the applicant requested that if the protests were not dismissed that a hearing be scheduled on the first available date which was September 23rd according to Glen.

ENCLOSURE

OCT 22 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 36-08764 IN THE)
CITY OF WENDELL)

NOTICE OF
PROPOSED DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On March 28, 1997 the City of Wendell (applicant) filed Application for Permit No. 36-08764 (application) with the department proposing to appropriate 1.56 cubic feet per second of water from groundwater to be used year-round for municipal purposes.
2. The application was subsequently protested by F.F. Gunning, G. C. Gunning, Andrew C. Gunning and Jerome Fitzgerald.
3. On June 26, 1997, the department sent notice to all parties of the pre-hearing conference scheduled for July 29, 1997.
4. On July 29, 1997 the department held the conference at the designated time and place, at which time all of the protestants failed to appear.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the department to issue a Notice of Proposed Default for Failure to Appear at a scheduled conference.
2. The department should enter a Notice of Proposed Default for Failure to Appear at the July 29, 1997 conference scheduled in Twin Falls in connection with the above captioned matter.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the department plans to enter a Default Order **Setting Aside** all protests of Application for Permit No. 36-08764, said protests will no longer be considered by the department.

Dated this 31st day of July, 1997.



ALLEN D. MERRITT
Conference Officer

807 2 2 317



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 31, 1997

RE: In the Matter of Application for Permit 36-08764

Dear Interested Party:

The accompanying order is issued by the department pursuant to IDAPA Rule 37.01.01700 (Rule of Procedure 700). Please find copies of this rule and rules 701 and 702. Pursuant to rule 701 the protestants in this matter against whom this order is being filed have seven (7) days within which to petition why the default order should not be entered.

If any party has questions, please feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Allen Merritt', is written over the word 'Sincerely'.

Allen Merritt, PE
Southern Region Manager

RECORDED
JUL 31 1997

i. A statement of matters officially noticed; and
(7-1-93)

j. All recommended orders, preliminary orders, final orders, and orders on reconsideration.
(7-1-93)

651. RECORDING OF HEARINGS (Rule 651). All hearings shall be recorded on audiotape or videotape at the agency's expense. The agency may provide for a transcript of the proceeding at its own expense. Any party may have a transcript prepared at its own expense. If the transcript prepared at the expense of a party is deemed by the presiding officer to be the official transcript of the hearing, the party shall furnish the agency a transcript without charge.
(7-1-93)

652. -- 699. (RESERVED).

Rules 700 through 799--
Agency Orders and Review of Agency Orders
Rules 700 through 709 --Defaults

700. NOTICE OF PROPOSED DEFAULT AFTER FAILURE TO APPEAR (Rule 700). If an applicant or claimant or appellant, petitioner, complainant, or moving party fails to appear at the time and place set for hearing on an application or claim or appeal, petition, complaint, or motion, the presiding officer may serve upon all parties a notice of a proposed default order denying the application or claim or appeal, petition, complaint, or motion. The notice of a proposed default order shall include a statement that the default order is proposed to be issued because of a failure of the applicant or claimant or appellant, petitioner, complainant or moving party to appear at the time and place set for hearing. The notice of proposed default order may be mailed to the last known mailing address of the party proposed to be defaulted.
(7-1-93)

701. SEVEN (7) DAYS TO CHALLENGE PROPOSED DEFAULT ORDER (Rule 701). Within seven (7) days after the service of the notice of proposed default order, the party against whom it was filed may file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.
(7-1-93)

702. ISSUANCE OF DEFAULT ORDER (Rule 702). The agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven days for the party to file a petition contesting the default order or receipt of a

MICROFILMED

OCT 22 1997

petition. If a default order is issued, all further proceedings necessary to complete the contested case shall be conducted without participation of the party in default (if the defaulting party is not a movant) or upon the results of the denial of the motion (if the defaulting party is a movant). All issues in the contested case shall be determined, including those affecting the defaulting party. Costs may be assessed against a defaulting party. (7-1-93)

703. -- 709. (RESERVED).

Rules 710 through 789--
Interlocutory, Recommended, Preliminary and
Final Orders--Review or Stay of Orders

710. INTERLOCUTORY ORDERS (Rule 710). Interlocutory orders are orders that do not decide all previously undecided issues presented in a proceeding, except the agency may by order decide some of the issues presented in a proceeding and provide in that order that its decision on those issues is final and subject to review by reconsideration or appeal, but is not final on other issues. Unless an order contains or is accompanied by a document containing one of the paragraphs set forth in Rules 720, 730 or 740 or a paragraph substantially similar, the order is interlocutory. The following orders are always interlocutory: orders initiating complaints or investigations; orders joining, consolidating or separating issues, proceedings or parties; orders granting or denying intervention; orders scheduling prehearing conferences, discovery, hearing, oral arguments or deadlines for written submissions; and orders compelling or refusing to compel discovery. Interlocutory orders may be reviewed by the officer issuing the order pursuant to Rules 711, 760, and 770. (7-1-93)

711. REVIEW OF INTERLOCUTORY ORDERS (Rule 711). Any party or person affected by an interlocutory order may petition the officer issuing the order to review the interlocutory order. The officer issuing an interlocutory order may rescind, alter or amend any interlocutory order on the officer's own motion, but will not on the officer's own motion review any interlocutory order affecting any party's substantive rights without giving all parties notice and an opportunity for written comment. (7-1-93)

712. -- 719. (RESERVED).

720. RECOMMENDED ORDERS (Rule 720). (7-1-93)

RECEIVED
OCT 27 1993

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of July, 1997, a true and correct copy of the foregoing Notice of Proposed Default Order was forwarded with all required charges prepared, by U.S. Certified Mail, to the parties listed:

Mary Baldwin
Secretary

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

F F GUNNING
PO BOX 716
WENDELL ID 83355

CRAIG HOBDEY ESQ
HOBDEY & HOBDEY
125 5TH AVE WEST
GOODING ID 83330

G C GUNNING &
ANDREW C GUNNING
2298 E 2900 S
WENDELL ID 83355

ATTN ROBERT HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301

JEROME FITZGERALD
1957 E 1550 S
GOODING ID 83330

6/17/97
06/17/97

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: **36-5764**

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

5. Signature (Addressee)

6. Signature (Agent)

Melissa

4a. Article Number

1713

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8/5/97

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee.

PS Form 3811, December 1991

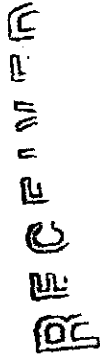
*U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

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Official Business

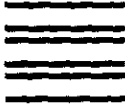


AUG 06 1997

Department:
Southern Region

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380



NO POSTAGE
NECESSARY IF MAILED
IN THE UNITED STATES
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

OCT 22 1997



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **36-8764**

ATTN ROBERT HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301

4a. Article Number

1715

4b. Service Type

- | | |
|--|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☒ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

8-1-97

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Ferry Wilkins

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



NO POSTAGE
NECESSARY IF MAILED
IN THE UNITED STATES
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

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Department of Water Resources
Southern

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, 4 & 5.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
 - ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to: **36-8764**

F F GUNNING

PO BOX 716

WENDELL ID 83355

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

1716

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

OCT 22 1997

AUG 6 1997
Department of
South

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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- Complete items 3, 4, 5 & 6.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

36-8764

G C GUNNING &
ANDREW C GUNNING
2298 E 2900 S
WENDELL ID 83355

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

1717

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

8/5/92

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

*U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

REFERRAL

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

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AUG 06 1997

OCT 22 1997

Department,

Southern, negro,

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, 4, 5 & 6.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **36-8764**

JEROME FITZGERALD
1957 E 1550 S
GOODING ID 83330

100
OCT 3 1997
MICROFILMED

4a. Article Number

1718

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8/8/97

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Michael Karlov

UNITED STATES POSTAL SERVICE

833
TWIN FALLS, ID
1-2 M
8 AUG 1997

Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



MICROFILMED

RECEIVED

OCT 22 1997

Print your name, address and ZIP Code here

AUG 11 1997

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380
Department of Water Resources
Southern Region

PS Form 3877, Feb. 1982

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Indicate type of mail			Check appropriate block for			Artix stamp certificate additional POSTMAR 2.45 =
			☐ Registered	☐ Insured	☐ COD	☐ Certified	☐ Express Mail	☐ Registered Mail	
1	✓ 1713	City of Wendell	ADM-7/31/97	33	1	10	27		
2	1714	Craig Hobday, SSQ							
3	✓ 1715	Robert Hegstrom, JUB							
4	✓ 1716	K.F. Gunning							
5	✓ 1717	G.C. Gunning							
6	✓ 1718	Jerome Fitzgerald							
7									
8									
9									
10									
11									
12									
13									
14									
15									
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)			The full declaration of value is required on all domestic and international mail. The maximum indemnity payable for nonnegotiable documents under insurance is \$50,000 per piece subject to a limit of occurrence. The maximum indemnity payable on Express Mail items is \$500. The maximum indemnity payable is \$25,000 for Registered Mail and \$400 for Insured Mail. Special handling charges apply only to two parcels. Special delivery service also includes special handling service.			

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

[illegible]

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
July 11, 1997 9:39am

CUSTOMER
Rob Hegstrom

SUBJECT: 37-08764

phone call (x) walk-in (.)

He wanted to know if Gunning had sent IDWR a letter rescinding their protest. I could not find anything in the file related to this. He said he will call Corey next week to get an update.

10/10/97-11/1/97

OCT 22 1997

9322

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of June, 1997, a true and correct copy of the foregoing Notice of Pre-Hearing Conference was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:

Mary Baldwin
Secretary

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

F F GUNNING
PO BOX 716
WENDELL ID 83355

CRAIG HOBDEY ESQ
HOBDEY & HOBDEY
125 5TH AVE WEST
GOODING ID 83330

G C GUNNING &
ANDREW C GUNNING
2298 E 2900 S
WENDELL ID 83355

ATTN ROBERT HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301

JEROME FITZGERALD
1957 E 1550 S
GOODING ID 83330

MAILING LIST FOR 36-08764

Applicant:

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

Legal Counsel:

CRAIG HOBDEY ESQ
HOBDEY & HOBDEY
125 5TH AVE WEST
GOODING ID 83330

cc:

ATTN ROBERT HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301

Protestants:

F F GUNNING
PO BOX 716
WENDELL ID 83355

Andrew Gunning

G C GUNNING &
ANDREW C GUNNING
2298 E 2900 S
WENDELL ID 83355

JEROME FITZGERALD
1957 E 1550 S
GOODING ID 83330

RECEIVED

SEP 2 1964

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
6. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN Colleen
HEALTH & WELFARE
601 POLE LINE RD
TWIN FALLS ID 83301

Dear Colleen:

This is a follow-up to our telephone conversation on this date to confirm the reservation of the Conference Room for Tuesday-July 29, 1997 from 8:00 a.m.- 5:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Sr. Secretary



J-U-B ENGINEERS, Inc.
ENGINEERS • SURVEYORS • PLANNERS

June 24, 1997

800 Falls Avenue, Suite 1
Twin Falls, ID 83301

208/733-2414
FAX: 208/733-9455

RECEIVED

JUN 26 1997

Department of Water Resources
Southern Region

Allen D. Merritt, P. E.
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3037

Dear Mr. Merritt

On behalf of the City of Wendell, Idaho I am responding to you regarding the protest filed against the Application for Permit No. 36-08764.

The City of Wendell and J-U-B Engineers have met and had discussions with three of the protestants namely; F.F. Gunning, G.C. Gunning and Andrew C. Gunning all of Wendell. As a result, there was a mutual understanding reached. An agreement was made that I would draft a letter for the Gunning's to sign which would rescind their protest. The letter was drafted and sent out with an addressed stamped envelope to each of the Gunning's on June 9, 1997. Unfortunately, it is my understanding that as of this date your office has received no response from any of the Gunning's.

Also, on June 11, 1997, a certified letter of explanation was sent to Mr. Jerome Fitzgerald (the 4th protestant) detailing the above action with the Gunning's, and asking that he too respond to you by rescinding his protest. The same basic letter and addressed stamped envelope was also included in the correspondence. Again it is my understanding that there has been no response from Mr. Fitzgerald.

Therefore, under the direction of legal council, and upon the request of the City of Wendell, I am requesting that a hearing be scheduled in this matter post haste. It is our desire to move the City's Municipal Water Improvements Project forward in a expeditious and professional manner.

Your attention to this matter is greatly appreciated.

Sincerely,

J-U-B ENGINEERS, Inc.

Robert E. Hegstrom

Robert E. Hegstrom,
Project Manager

cc: Mayor Gwen Rost
Craig Hobdey - City Attorney

RECEIVED

OCT 22 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

RE: APPLICATION FOR PERMIT NO. 36-08764 (City of Wendell)

Dear Mayor:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

cc: ATTN ROB HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301

6/1/97

001 2 7 301



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

G C GUNNING
ANDREW C GUNNING
2298 E 2900 S
WENDELL ID 83355

RE: APPLICATION FOR PERMIT NO. 36-08764, (City of Wendell)

Gentlemen:

Your protests against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 12/2/00 BY 1043



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

F F GUNNING
PO BOX 716
WENDELL ID 83355

RE: APPLICATION FOR PERMIT NO. 36-08764, (City of Wendell)

Dear Mr. Gunning:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

6-10-97

00:22:00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JEROME FITZGERALD
1957 E 1550 S
GOODING ID 83330

RE: APPLICATION FOR PERMIT NO. 36-08764, (City of Wendell)

Dear Mr. Fitzgerald:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

44-100-10

APR 22 1997

MEMORANDUM

TO: File

FROM: Mary Baldwin

DATE: May 6, 1997

SUBJECT: Addresses for protestants to 36-08764

The absence of addresses on the protests was overlooked when they were hand delivered, date stamped and receipted on 5/2/97.

Addresses were obtained for the protestants on this date via telephone from Mrs. F.F. Gunning. She also explained that Andrew C. Gunning is a grandson of G.C. Gunning and has the same address.

2005-05-06
90122/00

RECEIVED

MAY 02 1997

Department of Water Resources
Southern Region

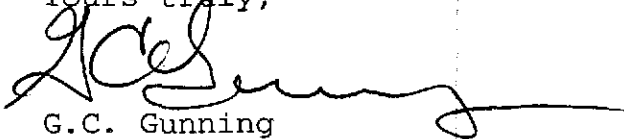
BEFORE THE DEPARTMENT OF WATER
RESOURCES OF THE STATE OF IDAHO

In the matter of application)
for permit of water right)
36-08764 in the name of)
THE CITY OF WENDELL)

I, G.C. GUNNING protest application for permit # 36-08764.
The protest is based upon the following grounds:

1. The proposed use would reduce the quantity of water under existing rights.
2. The water supply is insufficient for the proposed use.
3. The proposed use conflicts with the local public and agricultural interest.
4. The proposed use is contrary to the conservation of water resources within the STATE OF IDAHO.
5. The change of use would constitute an enlargement of use.

Yours truly,



G.C. Gunning

2298 E 2900 S

Wendell ID 83355

Tele # 536-5550

APPROVED

9512257

MB

Receipt # 5020070
5/2/97

RECEIVED

MAY 02 1997

Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER
RESOURCES OF THE STATE OF IDAHO

In the matter of application)
for permit of water right)
36-08764 in the name of)
THE CITY OF WENDELL)

I, F.F. GUNNING protest application for permit # 36-08764.
The protest is based upon the following grounds:

1. The proposed use would reduce the quantity of water under existing rights.
2. The water supply is insufficient for the proposed use.
3. The proposed use conflicts with the local public and agricultural interest.
4. The proposed use is contrary to the conservation of water resources within the STATE OF IDAHO.
5. The change of use would constitute an enlargement of use.

Yours truly,

F.F. Gunning
F.F. Gunning

PO Box 716

Wendell ID 83355

Tele# 536 - 6390

RECEIVED

MAY 22 1997

Receipt # SD 20070
5/2/97
ME

RECEIVED

MAY 02 1997

Department of Water Resources
Southern Region

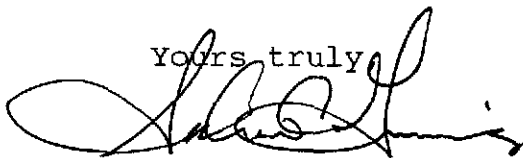
BEFORE THE DEPARTMENT OF WATER
RESOURCES OF THE STATE OF IDAHO

In the matter of application)
for permit of water right)
36-08764 in the name of)
THE CITY OF WENDELL)

I, ANDREW C. GUNNING protest application for permit # 36-08764.
The protest is based upon the following grounds:

1. The proposed use would reduce the quantity of water under existing rights.
2. The water supply is insufficient for the proposed use.
3. The proposed use conflicts with the local public and agricultural interest.
4. The proposed use is contrary to the conservation of water resources within the STATE OF IDAHO.
5. The change of use would constitute an enlargement of use.

Yours truly



Andrew C. Gunning

Tele # 536 - 5981

2298 E 2900 S

Wendell ID 83355

Mr. Gunning

May 22 1997

Receipt # 5020070
5/2/97
ME

4-30-97
Before The Department of Water
Resources of the STATE of Idaho #

MAY 01 1997

Receipt
5020064
mb
5/1/97

IN the MATTER OF Application
For Permit of WATER Right
36-08764 in the name
of the City of Wendell

Department of Water Resources
Southern Region

Notice of Protest

I, Jerome Fitzgerald protest Application
For permit NO. 36-08764. The Protest
is upon the Following grounds:

1. The proposed use would reduce
the quantity of water under existing rights
2. The water supply is insufficient
for the proposed use.
3. The proposed use conflicts with the
local public + Farmers interest
4. The proposed use is contrary to
Conservation of WATER RESOURCES within
the State of Idaho. OCT 22 1937
5. The change of use would constitute
an enlargement of use

cc. City of Wendell

Sincerely Jerome Fitzgerald

Jerome Fitzgerald
1957 E 1550 S
Gooding Idaho
83330

RECEIVED

MAY 01 1997

Department of Water Resources
Southern Region



Director
Dept of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, Idaho
83301

RECEIVED
OCT 22 1997

36-08764

APPLICANT: City of Mondell

WATER RIGHT NO. 56-08764

100-443616

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

APR 25 1997

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

16 day of April, 1997.

and the date of the last publication was on the 23 day of

April, 1997.

Patty Nance

Subscribed and sworn to before me this 23rd day of

April, 1997.
(SEAL)

Norma DeVoe
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 24

Lines tabular at _____ 7¢/Pica

358.88 Lines straight at 21.53 6¢/Pica

358.88 Subsequent lines at 17.94 5¢/Pica

TOTAL COST 41.72

COPY OF NOTICE

(Paste Here)

Permit - City of Wendell
TITLE OF NOTICE 36-08764

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

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

CITY OF WENDELL
PO BOX 208

WENDELL ID 83355

Application for Permit No. 36-08764

Source: groundwater

Diversion Pt(s): SW1/4NW1/4, S33, T07S, R15E; Gooding County.

Use: Municipal (1.56 cfs) 1/1-12/31

In: Within city limits of Wendell, ID

Date Filed: 3/28/97

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 5, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 4/16 & 4/23/97.

7-8 pt. per line straight 7¢/Pica
7-8 pt. per line tabular 6¢/Pica
7-8 pt. per line successive insertions 5¢/Pica

No 6462

16016

90122 107

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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

CITY OF WENDELL

PO BOX 208

WENDELL ID 83355

Application for Permit No. 36-08764

Source: groundwater

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T07S, R15E; Gooding County.**

Use: Municipal (1.56 cfs) 1/1-12/31

In: Within city limits of Wendell, ID

Date Filed: 3/28/97

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water rights. Any protest must be filed
with the Director, Dept. of Water
Resources, Southern Region, 1341
Fillmore St., Suite 200; Twin Falls, ID
83301 together with a protest fee of
\$25.00 on or before May 5, 1997. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

**Published in the Gooding County
Leader on 4/16 & 4/23/97.**

RECEIVED

APR 22 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

April 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN Gooding County Leader
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

APR 22 1997

NOTICE OF APPLICATION FOR WATER PERMIT

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CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

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Karl J. Dreher, Director

Published in the Gooding County Leader on 4/16 & 4/23/97.

WFLM-627

OCT 22 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

April 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

Re: Application for Permit No. 36-08764

Dear Applicant(s):

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

This office has scheduled advertising the application in the Gooding County Leader for 4/16 & 4/23/97. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

cc: ATTN ROB HEGSTROM
JUB ENGINEERS
800 FALLS AVE STE 1
TWIN FALLS ID 83301

APR 12 1997