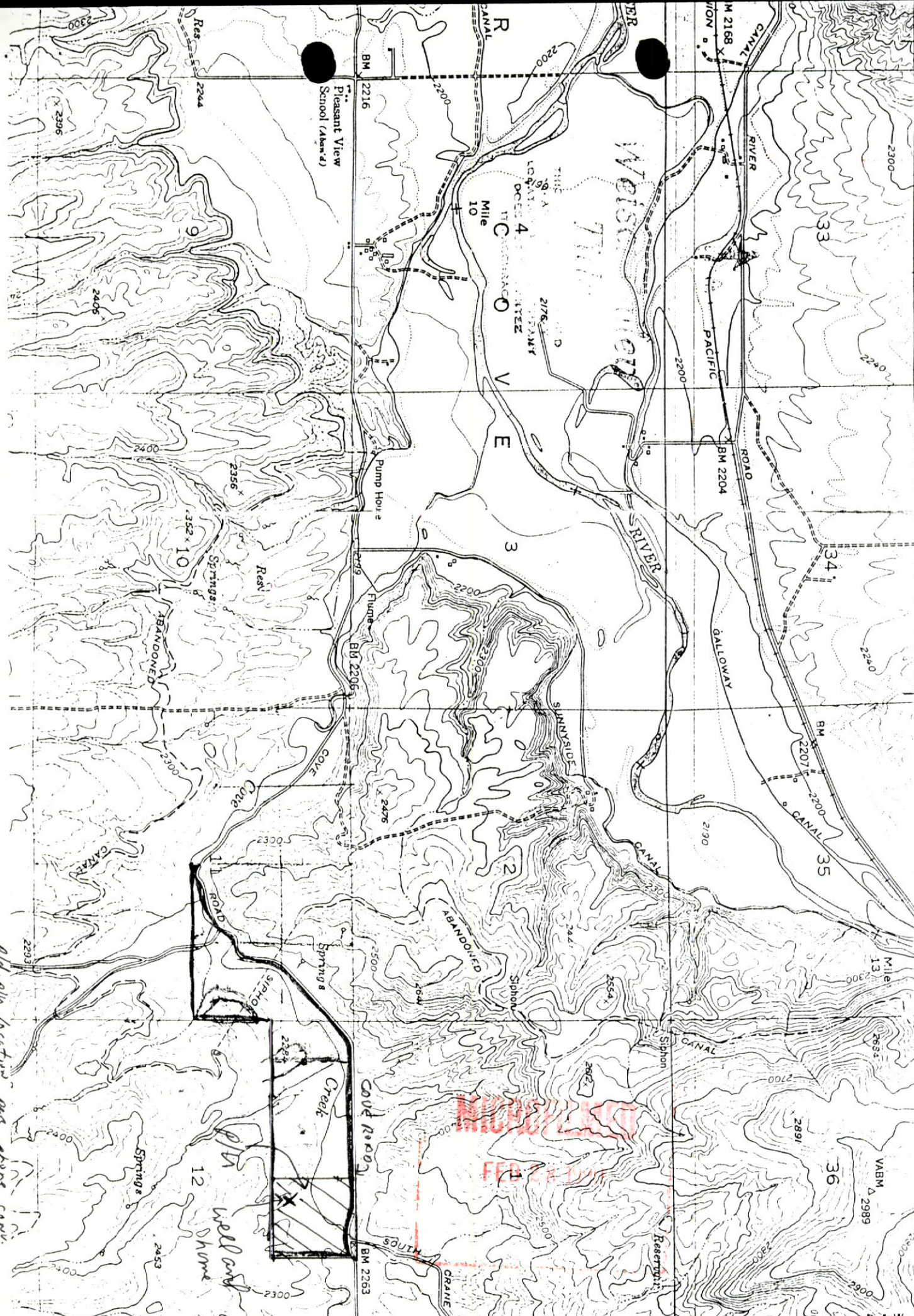


50' 514 (MANN CREEK 1:62 500) 516 47'30" 517 230 000 FEET 519

NUWE TION R4W Sec 12 WASH. CO. 7.5 MINUTE SERIES (TOPOGRAPHIC



old pin location per phone conv.
with caption 10/24/88, &c.

No 1076

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Booth, being duly sworn,
deposes and says:

That he is the Clark of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
11-3-88, 1988, and ending
with the issue of 11-10, 1988

Fees, \$ 43.88

Subscribed and sworn to before me this Nov.
day of Nov, 1988

[Signature]
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-1, 1993

RECEIVED

DEC 02 1988

Department of Water Resources

No. 1076
NOTICE OF APPLICATION FOR WATER RIGHT

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

67-07754 ✓ SP

BROOKS, DONALD
BROOKS, BILLIE
435 E. LIBERTY
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NWNE Sec 12 T 10N R 04W
Use: IRRIGATION (.800 CFS)
DOMESTIC (.020 CFS)
Date Filed: 10/12/1988
In: T10N R04W S12 NWNE
40.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests
must be filed with the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way, Boise, Idaho 83705 on or
before NOVEMBER 21, 1988.

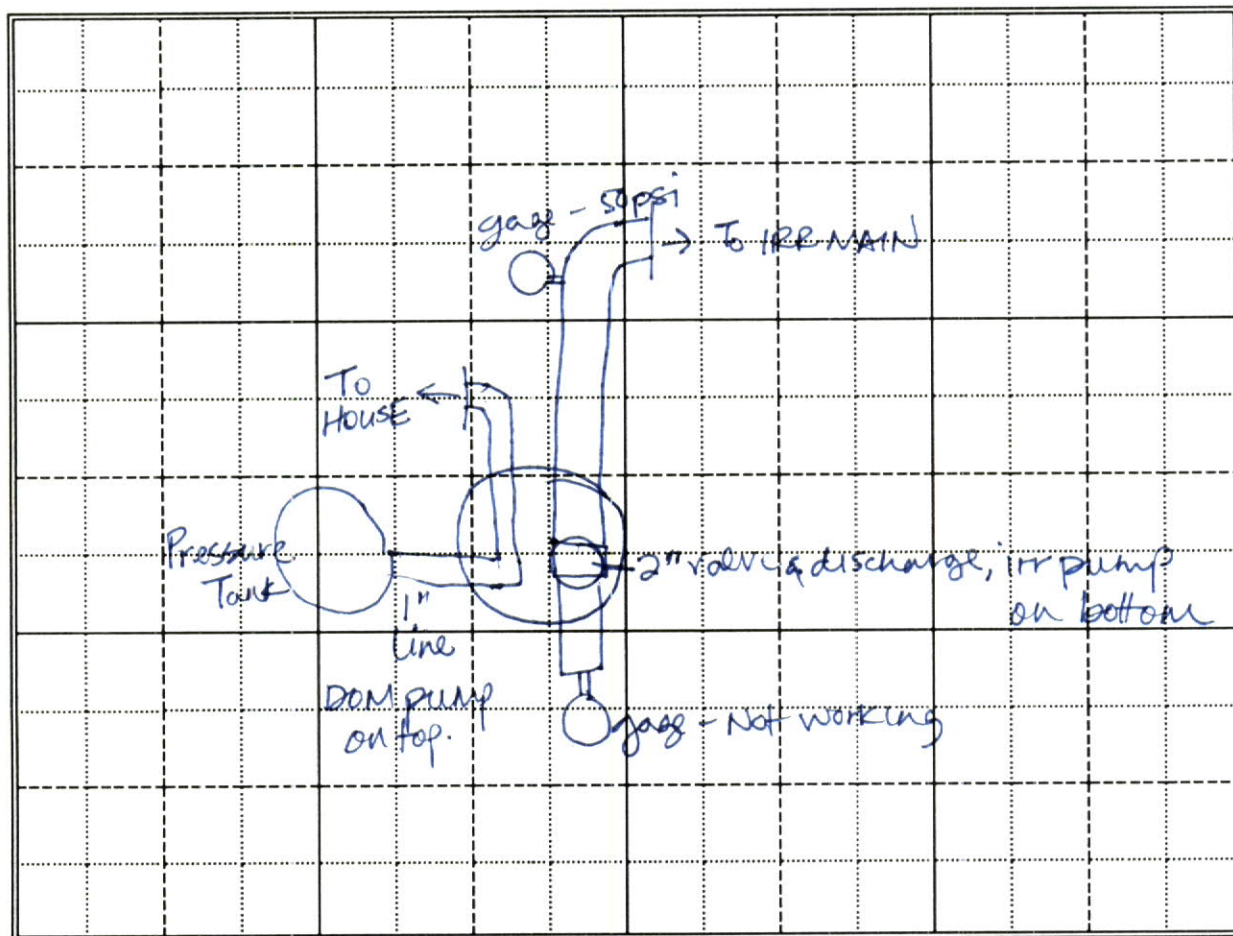
R. KEITH HIGGINSON, Director
Published 11/03/1988 & 11/10/1988

72-2S

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MICROFILMED DEC 5 1988

Department of Water Resources
FEB 28 1990 Western Regional Office

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 Quadrange 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
DOM	Franklin	1.5			1"
IRR	Teel	5		TEEL 2 PC13	2"

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

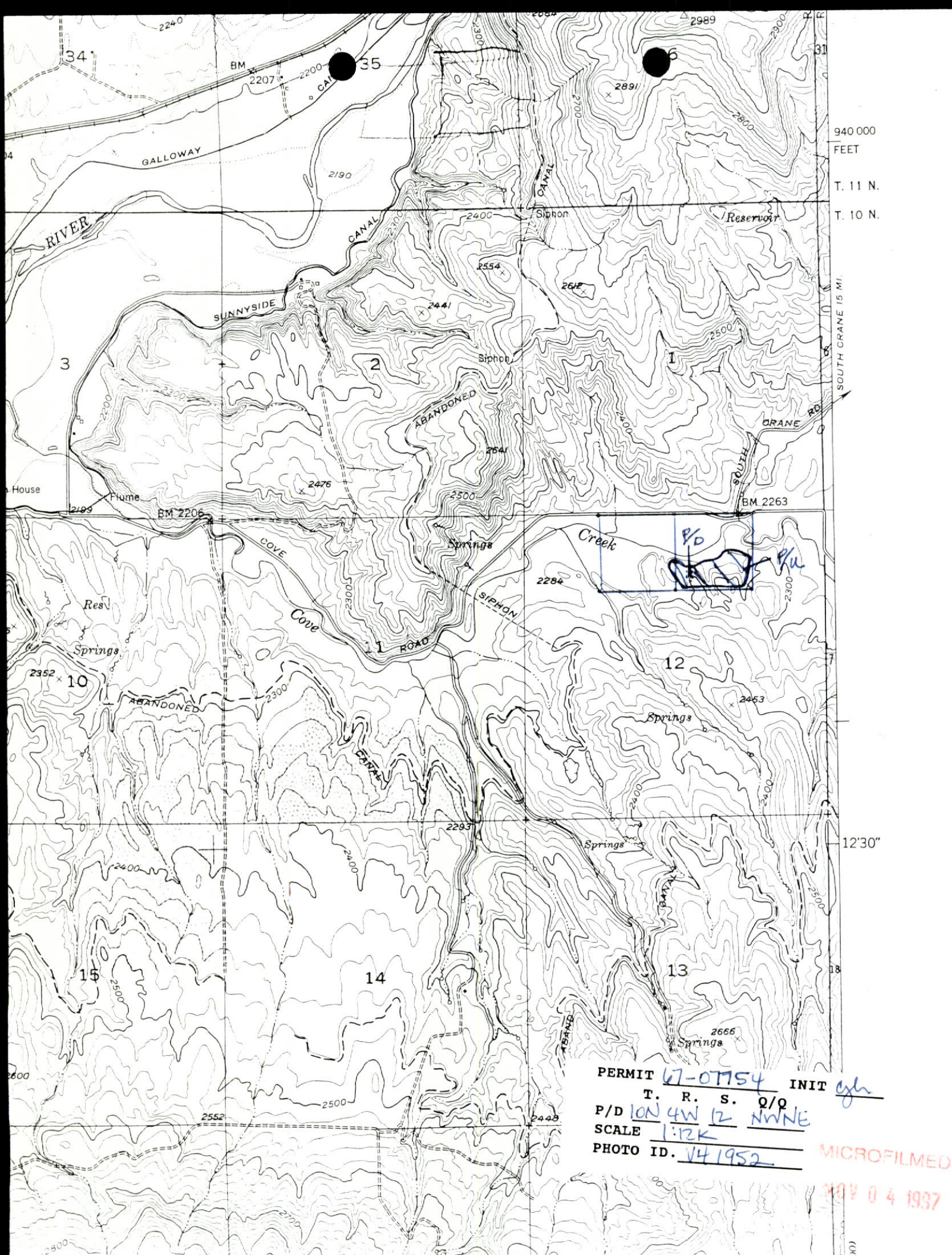
D. FLOW MEASUREMENTS

1.

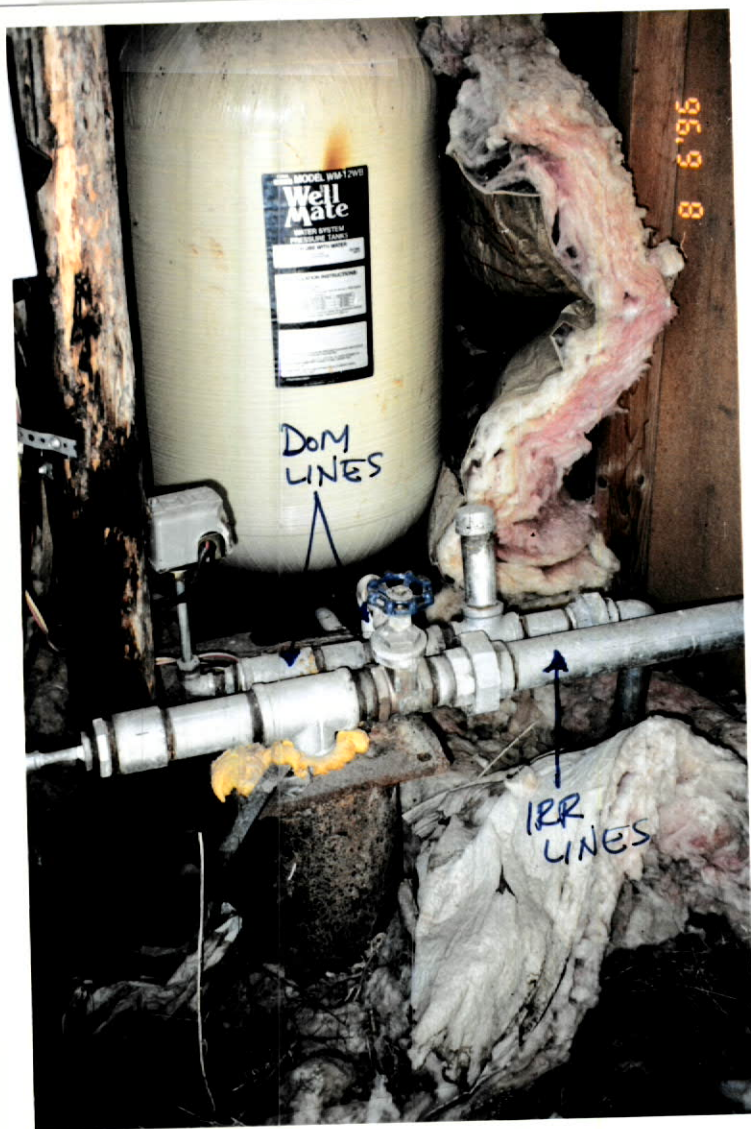
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

per owner pump manual, irr pump:
 4320 gph @ 40psi
 3900 gph @ 60psi > @ 60' PWT
 well head pressure 50psi
 45psi
 3 gal FCN? flow control nozzle? (9 ea)
 MICROFILMED
 NOV 04 1997







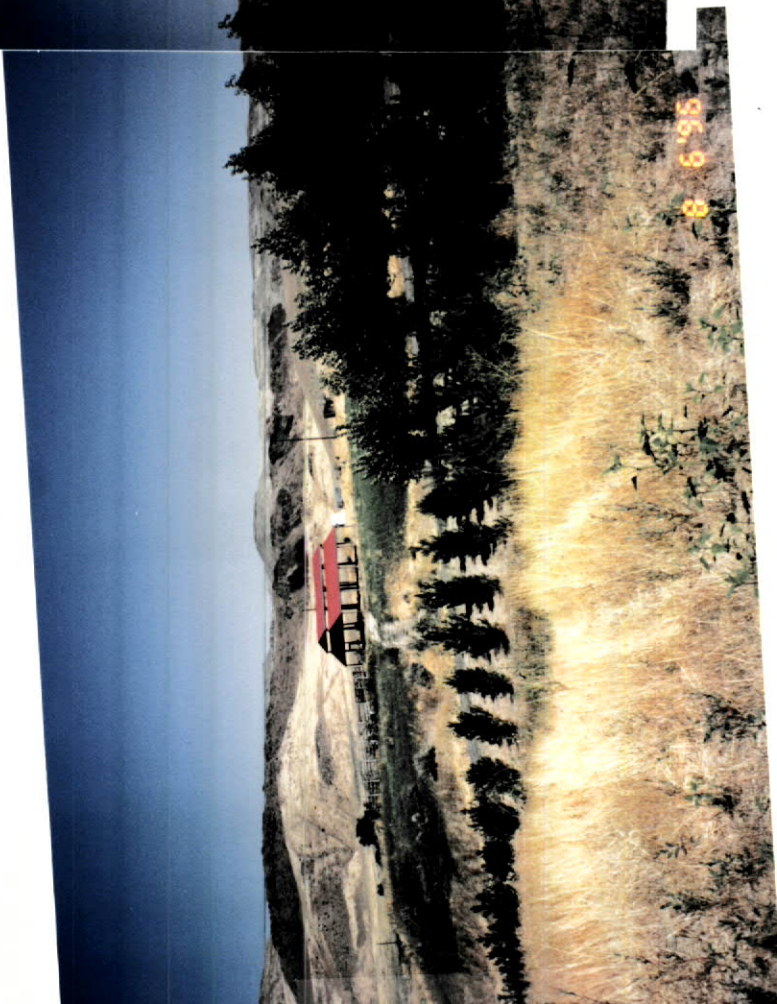
Wellhead.
2 pumps installed

MICROFILMED
NOV 04 1997

67-07754



overview of P/u
view to East
from NW corner of P/u



MICROFILMED 7-07754
NOV 04 1987



P/u
corn & garden
in background
View west along
South boundary



P/u
View to NW.

MICROFILMED
NOV 04 1997 67-07754

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07754

Priority: October 27, 1988

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

54.6 AF

This is to certify, that DONALD BROOKS
BILLIE BROOKS

2351 COVE RD
WEISER ID 83672

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 12, 1988; and has submitted Proof of Beneficial Use on January 12, 1995. An examination indicates that the works have a diversion capacity of 0.210 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.19 CFS	54.0 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.20 CFS	54.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 12, Township 10N, Range 04W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04W	12	NWNE 11	NENW 1		12

Total number of acres irrigated: 12

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
10N	04W	12

NWNE

CONDITIONS OF APPROVAL AND REMARKS

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

MICROFILMED
NOV 04 1997

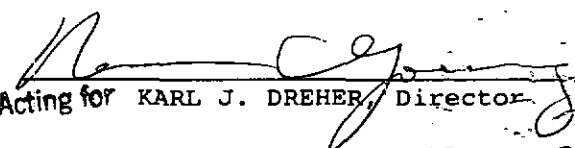
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 67-07754

CONDITIONS OF APPROVAL AND REMARKS

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
6. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 3RD day of OCTOBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

NOV 14 1997

State of Idaho
Department of Water Resources

RECEIVED
SEP 25 1997

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07754

Date of Priority: October 27, 1988

Maximum Diversion Rate: 0.20 CFS

Maximum Diversion Volume: 54.6 AF

Comes now

DONALD BROOKS
BILLIE BROOKS

2351 COVE RD
WEISER ID 83672

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 67-07754, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.19 CFS	54.0 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.20 CFS	54.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 12, Township 10N, Range 04W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04W	12	NWNE 11	NENW 1		12

Total number of acres irrigated: 12

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
10N	04W	12

NWNE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at 2351 Cove Rd, this 24 day of September 19 97
Weiser, Id.
83672
Billie Brooks
Don Brooks
(Signature)

NOV 04 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07754

FOR DEPARTMENT USE ONLY

Preliminary check by SW Fee = 50.00 Received by bb # CN44030 Date 9/25/97

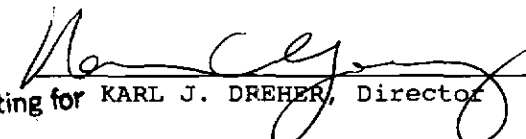
ACTION OF THE DEPARTMENT OF WATER RESOURCES.

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 67-07754 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
6. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

Witness my hand this 3rd day of OCTOBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

NOV 04 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 12 1995

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or 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. 67-07754 Telephone No. 1-208-549-3413
2. Name(s) of Permit Holder(s): Donald & Billie Brooks
3. Mailing Address: 2351 Cove Rd. Weiser, Id. 83672
4. Source of Water: Groundwater # GROUNDWATER (well), Date Drilled: mo. 5-20/ yr. 90
 - a. Well Driller: K. H. Well Drilling Drilling Permit Number: 67-07-75-4
Caldwell-77ampa-ave a
 - b. **OPTIONAL:**
Pump Horsepower: 5hp Pressure (psi): 65 Dynamic pumping level (ft): 50'
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 25 head
Irrigation (No. of acres): 11 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.12 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>X</u>
Has the measuring device been installed?	Yes _____ or No <u>X</u>
Flow Measurement Port: Is a flow measurement port required?	Yes _____ or No <u>X</u>
Has the measurement port been installed?	Yes _____ or No <u>X</u>
8. Fee Enclosed: \$ 50.00 (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: Donald Brooks Telephone Number: 1-208-549-3413
Address: 2351 Cove Rd. Weiser, Id. 83672
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: Donald Brooks & Billie Brooks Date: 01-12-95
(include your title, if on behalf of company or organization)

FEB 17 1995

RECEIVED

Form 204
11-81

FEB 16 1993

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 Fee Received by SW
Date 2-16-93
Receipt No. 5026758

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 67-07754
Name(s) of Permit Holder: Donald & Billie Brooks
Mailing Address: 2351 COUCE Rd Weiser, ID 83672
Date Proof is Due 2/1/93 Telephone No. 549-3413

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

(Drill Well) put pump in Well we have
planted around 3 arcs of Christmas trees,
Fruit trees, gardens & lawns

Costing \$ 4,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Have just moved on property in 7 May, 1992
Have not had time ordered 1,000 more
Christmas trees for April & plan to get more
fruit trees.

Permit holder(s) request an extension to Feb. 9th, 19 93.

FEE: \$15.00

Donald Brooks
(Signature)

RECEIVED

*If other than permit holder, Power of Attorney must be supplied.

FEB 18 1993

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1995.

IT IS FURTHER ORDERED that this permit is REINSTATED and the priority date advanced to October 27, 1988, pursuant to Section 42-218a, Idaho Code.

Signed this 18th day of February, 19 93

J. Glen Saiton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07754

Proposed Priority: October 12, 1988 Maximum Diversion Rate: 0.82 CFS

This is to certify, that **DONALD BROOKS**
BILLIE BROOKS
435 E. LIBERTY
WEISER, ID 83672

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.80 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS
	Totals	0.82 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNE Sec. 12, Township 10N, Range 04W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04W	12	NWNE	40		40

Total number of acres irrigated: 40

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1993**.
2. Subject to all prior water rights.
3. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. The maximum rate of diversion for domestic purposes under this permit shall not exceed 0.02 cfs.
8. This permit is subject to the agreement dated November 29, 1989.

MICROFILMED

FEB 28 1990

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

NO. 67-07754

CONDITIONS/REMARKS:

between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

9. Domestic use is for 1 home.

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

17th day of January, 1990

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

FEB 28 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald & Billie Brooks Phone 549-3413
Post office address 435 East Liberty, Ulenier, Ida 83676
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____
Sec. 12 Township 10N Range 4W B.M. Washington County _____ additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount *.02 for Domestic purposes from Jan/1 to Dec/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .80 for irrigation purposes from 3/15 to 11/15 (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) .87*.82 cubic feet per second and/or (b) (40 acres irrig. + 1 acre domestic)* acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. well, pump system with irrigation system (pipes etc).
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
- c. Proposed well diameter is 8" inches; proposed depth of well is 150' feet.
- d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years (minimum 1 year).

* per conversation with applicant
telephone

10/24/88

SL

FEB 28 1990

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1 household, irrigation/ use. yard will
covered by irrigation, portion of water right.
- e. Other; describe fully. _____

- 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.

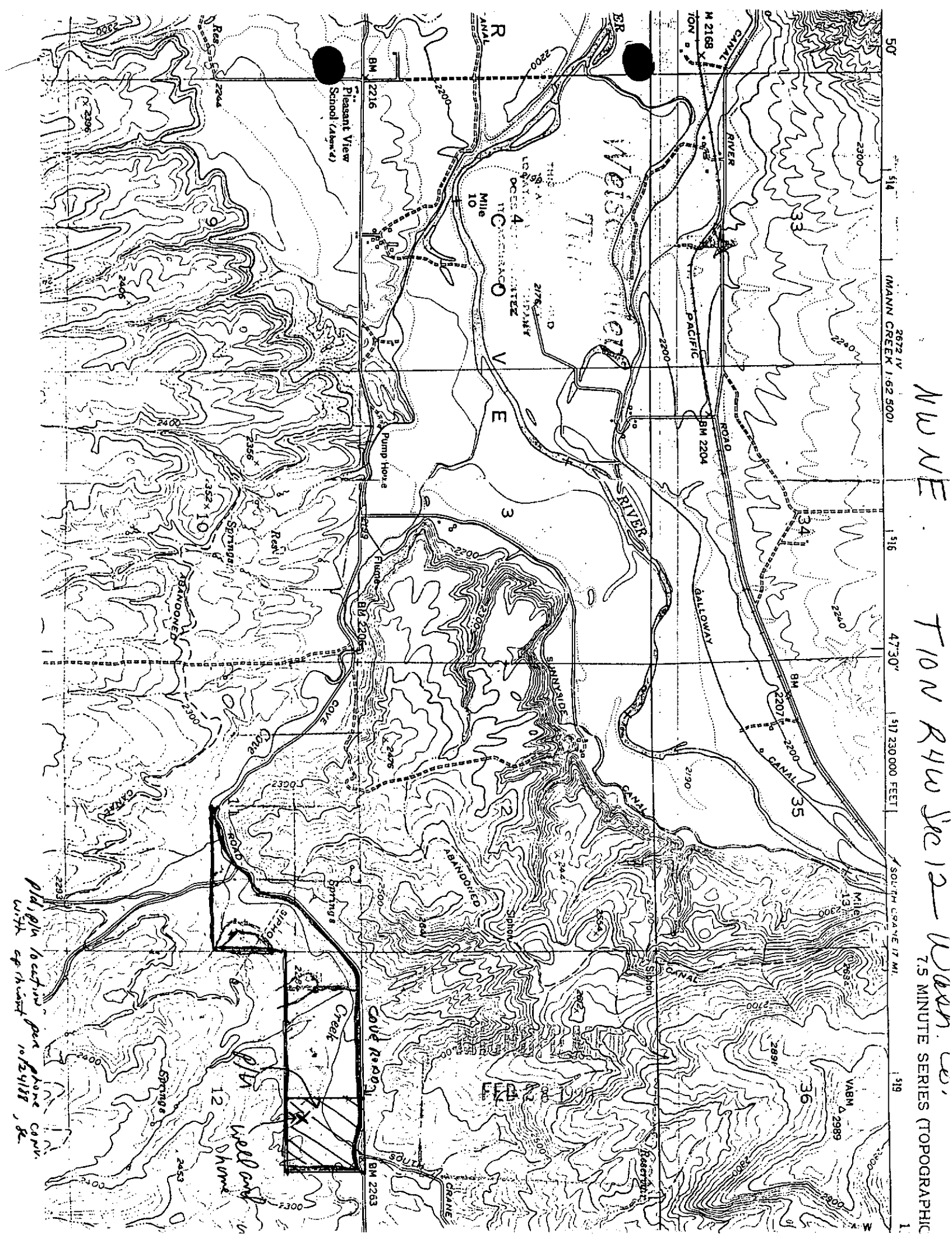
[illegible]

Total number of acres to be irrigated 40 ~~21~~ acres

11. a. Who owns the property at the point of diversion? Donald & Billie Brooks
b. Who owns the land to be irrigated or place of use? same
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. none

FEB 28 1990

12. Remarks: well site address = cove road 2351
might have up to 15 head of stock
(in future)



See attached

MICROFILMED
FEB 28 1990

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

Donna Brooks
Donna Brooks
(Applicant)

Received by ml Date 10-12-88 Time 10:30 AM Preliminary check by RBW jrl
Fee \$ 45- Received by RBW # W001133 Date 10-18-88
Publication prepared by GG Date 10-26-88 Published in The Weiser Signal
Publication approved AP Date 12/6/88
11/3 & 11/10/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

FEB 28 1990

No 1076

AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 02 1988

STATE OF IDAHO, } ss.
County of Washington

Department of Water Resources

Dorothy A. Booth, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-

lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
11-3-88, 1988, and ending
with the issue of 11-10, 1988

Dorothy A. Booth

Fees, \$ 43.88

Subscribed and sworn to before me this NOV.
day of 11, 1988

[Signature]
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-1, 1993

No. 1076
NOTICE OF APPLICATION FOR WATER RIGHT

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

67-07754 ✓ SP

BROOKS, DONALD
BROOKS, BILLIE
435 E. LIBERTY
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NWNE Sec 12 T 10N R 04W
Use: IRRIGATION (.800 CFS)
DOMESTIC (.020 CFS)
Date Filed: 10/12/1988
In: T10N R04W S12 NWNE
40.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests
must be filed with the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way, Boise, Idaho 83705 on or
before NOVEMBER 21, 1988.

R. KEITH HIGGINSON, Director
Published 11/03/1988 & 11/10/1988

72-2S

MICROFILMED

Department of Water Resources
FEB 28 1990 Western Regional Office



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

October 3, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD BROOKS
BILLIE BROOKS
2351 COVE RD
WEISER ID 83672

RE: WATER RIGHT NO. 67-07754

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

MICROFILMED

NOV 04 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

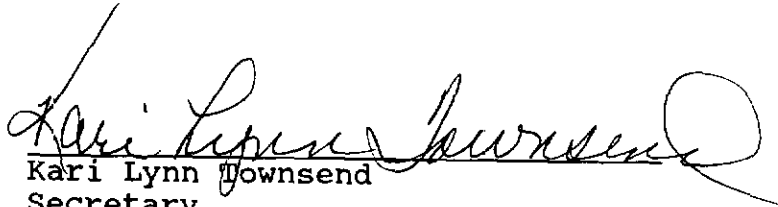
MICROFILMED
NOV 0 431997

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of October, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 167-07754

DONALD BROOKS
BILLIE BROOKS
2351 COVE RD
WEISER ID 83672


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 04 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD BROOKS
BILLIE BROOKS
2351 COVE RD
WEISER ID 83672

RE: WATER RIGHT NO. 67-07754

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

NOV 04 1997

MEMORANDUM

TO: File 67-07754

FROM: Sharla Curtis

DATE: September 17, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 67-07754 are based on the following:

H. RECOMMENDATIONS

Irrigation	3/15 - 11/15	0.19 cfs	54.0 afa
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
	TOTALS	0.20 cfs	54.6 afa

The total rate is limited to 0.20 cfs based on the exam fee paid.

Examiner: Cindy Hodges
Exam Date: August 6, 1996

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NOV 04 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 67-07754

DATE 9/9/97

REVIEWER: SHARLA

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

Does map agree with written description? ✓ yes NO no

OVERLAPS NO P/D NO P/U

RATE OF DIV

Permitted Rate .82 cfs
 Fee limit .20 cfs \$50.00
 Measured ~~.82~~ cfs
 Theoretical .21 cfs

Recommended Total Div Rate .20 cfs

ANNUAL VOLUME/
 NATURE OF USES NO

Use	cfs	Volume Calc	
<u>Dr</u>	<u>.19</u>	<u>54.0</u>	<u>af</u>
<u>Dom</u>	<u>.02</u>	<u>.6</u>	<u>af</u>
			<u>af</u>
			<u>af</u>
SUBTOTAL	<u>.20</u>	<u>54.6</u>	<u>af</u>

Flow rate .19 cfs X 246 days X 1.98 = 92.5 af

Total volume recommended 54.0 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

D/I home (WBS)

CONDITIONS NO Watermaster Control WD# NO

NO GW Measurement/Measuring Device

R32 Overlap

NO Use-specific conditions

Advancement of Priority Date Required NO yes NO no

SRBA Claim Filed NA

1st Amend Letter P41, P38

Adjustment Memo

2nd Amend Letter P42

*total rate
 ltd by fee - asking
 + worth asking
 of add'l*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
APR 22 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 67-07754

1. Owner: BROOKS DONALD & BILLIE Phone No. 549.3413

Current Address: 2351 COVERD WEISER RD 83672

2. Accompanied by: Billie EXAM DATE: 8.6.96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 67-7590 (ap)

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NE	12	10N	4W	Wash.	Site Visit

2. Place(s) of Use:

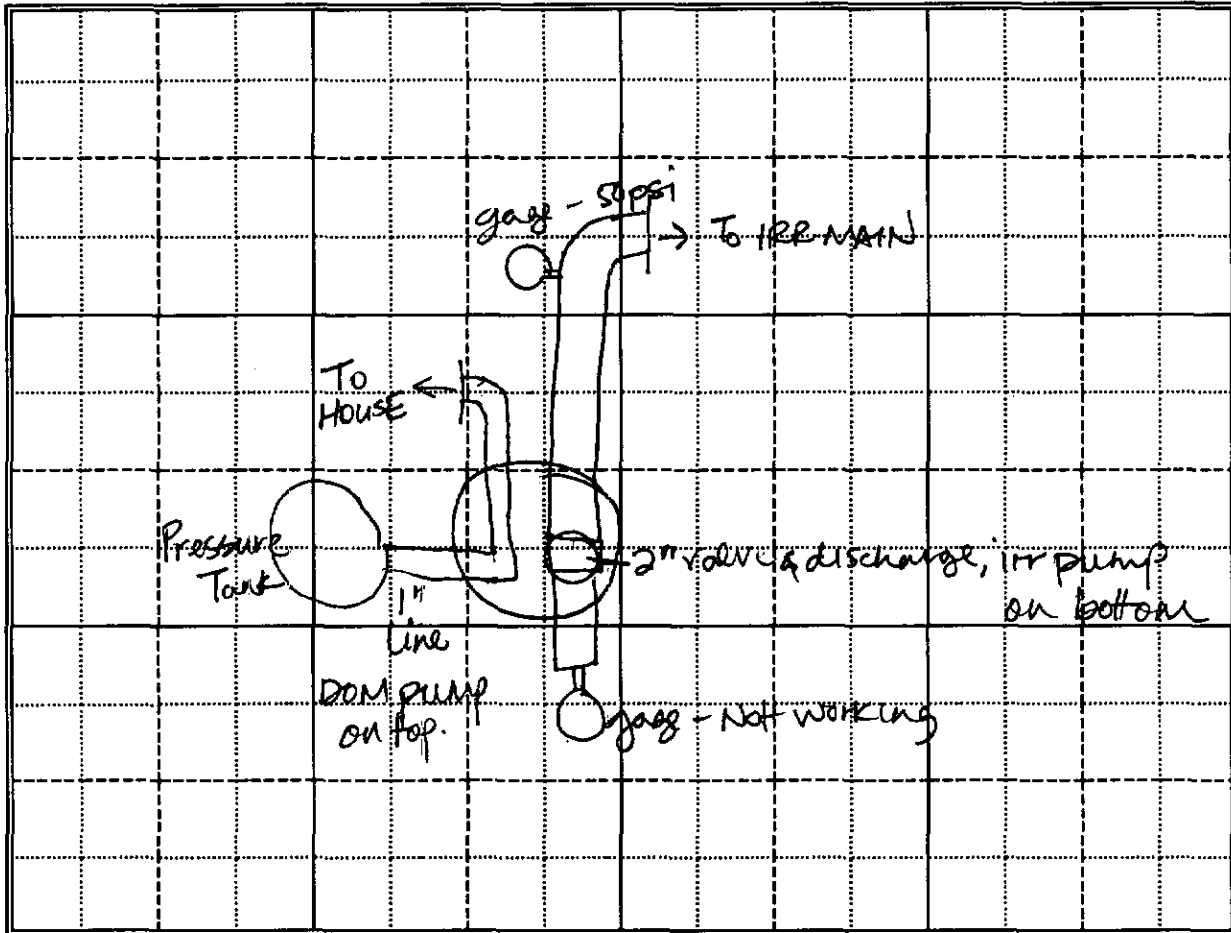
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4W	12		11			#1												12
																			12

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NOV 04 1997

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
DOM	Franklin	1.75			1"
IRR	Teel	5		TEEL 2 PC13	2"

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: per owner pump manual, irr pump:

4320 gph @ 40psi
3900 gph @ 60psi > @ 60' PWT well head pressure 50psi
3 gph FCN Flow control nozzle (9 ea) MICROFILM of line press 45psi
NOV 11 1977

E. NARRATIVE/REMARKS/COMMENTS

Domestic = 1 house

IRR = $\sim 1\frac{1}{2}$ acres

Single well, 2 pumps, buried main to handlines and
solid set risers. (4" plastic)

growing - pasture, corn, Christmas trees, garden, fruit trees.

At time of exam, using portable handlines to irrigate
corn. Nozzle size could not be determined. Used pressure to calc-
Domestic system from same well. Uses pressure tank ^{ulate.}
and 1" supply line.

Overlapping application 67-7590 is not a significant
factor in this recommendation:

Flow measurement port N/A. Point of discharge
measure possible.

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

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NOV 04 1997

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

HP equation, irrigation: $\frac{5 \times 8.8 \times .7}{*65 + (50 \times 2.31)} = .17 \text{ cfs}$

allow .19 for
12 ac
(includes lawn)

HP equation, domestic: $\frac{1 \times 8.8 \times .7}{*65 + (40 \times 2.31)} = .04 \text{ cfs}$

allow .02 per
permet
for dom.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: * lift assumed fr. area logs

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 12 \times 4.5 = 54$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .19 \times 246 \times 1.9835 = 82.9 \text{ ac} \cdot \text{ft}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 54$

2. Volume Calculations for Other Uses:

D/I interval = .6 AFA

Note: rate of flow for irr is .17 from irr pump
plus .02 from dom. pump, used
on lawn.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3/15	11/15	.19	54.0
DOMESTIC	4/1	12/31	.02	0.6
Totals:			.21	54.6

2. Recommended Amendments

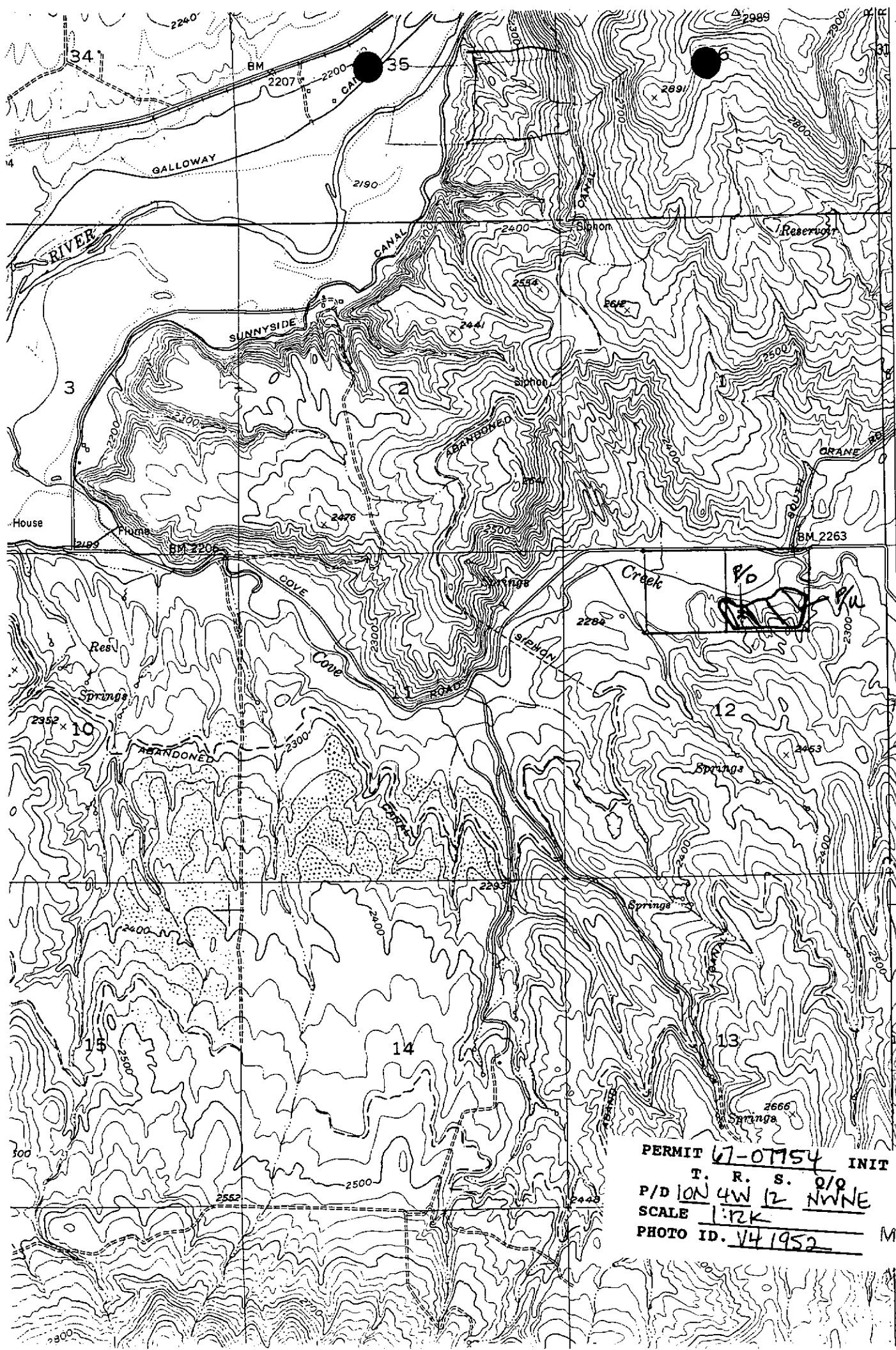
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Cindy J. Hodges Date 3-19-97

Reviewer _____ Date _____

SEAL



940 000
FEET

T. 11 N.

T. 10 N.

SOUTH CRANE 15 MI.

12'30"

PERMIT 67-07154 INIT gln
T. R. S. Q/Q
P/D 10N 4W 12 NWNE
SCALE 1:12K
PHOTO ID. V41952 MICROFILMED

NOV 04 1997

774

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CRP 187

REPROFILMED
NOV 04 1997

67-7154

7667

7667



Wellhead
2 pumps installed

MICROFILMED
NOV 04 1997

67-07754



Overview of P/U
 view to East
 from NW corner of P/U



MICROFILMED
 7-0754
 NOV 04 1987



P/u

corn & garden
in background
View west along
South boundary



P/u

View to NW.

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NOV 04 1997

67-07754

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

→ LOG NOT FILED?

1. DRILLING PERMIT NO: 67-90-W-0010-000 OTHER APPLICABLE NO: 67-07754
2. OWNER: BROOKS, DON & BILLIE Phone: 549-3413
Address: _____
3. WELL LOCATION: Twp 10N, Rge. 4W, Sec. 12, NW 1/4 NE 1/4
County Washington (Provide sketch map and photo on reverse.)
4. DRILLER: HOLDER (license revoked) Lic. No. 197
When Drilled? 1990
5. WELL CONSTRUCTION: TD 80'-90'
Casing Diameter 8 inches Water tight cap? ☒ Yes ☐ No Access Port: ☐ Yes ☒ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____
Depth of Casing W/K ft. Method Drilled _____
Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☒ Yes ☐ No Pressure Gauge: ☒ Yes ☐ No 50 PSI
Condition of Piping and Valving _____
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water W/K ft. Water Temperature COLD °F
Flowing Artesian ☐ Yes ☒ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☒ Domestic ☒ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

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8. **POSSIBLE CONTAMINATION SOURCES:**

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. **REMARKS:** _____

C. Hodges

Signature of Dept. Representative & Title

8-6-96

Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

MICROFILMED

NOV 04 1997

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 67-07754 Reviewed by _____ Date _____

GENERAL CONSIDERATIONS

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

TYPES OF USE

Dom, Irr.

Correct Uses? yes

SOURCE OF WATER

_____ Surface water source

✓ Ground water source

yes Drilling permit required?
yes Copy in the file? Drilling Permit No. 67-90-W-0010-000
100.00 Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
1 Installed?
1 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 1-12-95



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 30, 1995

DONALD & BILLIE BROOKS
2351 COVE RD
WEISER ID 83672

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 67-07754

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

I have enclosed a copy of Drilling Permit No. 67-90-W-0010-000 for your future reference.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise, at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

Enclosure

RECEIVED
FEB 17 1995

Form 235-1
6/87

RECEIVED

OCT 11 1988

Drilling Permit No.
Water Permit No.
Injection Permit No.

67-90-W-010
RECEIVED
APR 21 1990

Department of Water Resources
Western Regional Office

State of Idaho

Department of Water Resources

DRILLING PERMIT

Department of Water Resources
Western Regional Office

(Authorizing Construction of a Well)*

Department of Water Resources

1. Applicant Donald + Billie Brooks

2. Address 435 East Liberty
Weiser, Ida 83672

☒ Well Owner () Well Operator () Other, specify _____

3. Water right permit no. _____; Injection well permit no. _____

4. Proposed well location NW 1/4 NE 1/4, or Gov't lot No. _____,
Sec. 12, Twp. 10N, Rge. 4W, County Washington
Lot, block and subdivision _____

5. Proposed use of well: (Check all that apply)

☒ Domestic () Stockwater () Monitoring
☒ Irrigation () Industrial () Municipal
() Injection () Other, Specify _____

6. Well construction information:

☒ New well () Deepen () Replace
Proposed surface diameter 8" Proposed depth 150'

Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)

7. Anticipated construction start date 3/89

8. Well Driller (if known) #197 (unknown) Molder Dullies

Address 811 W. Plymouth, Caldwell, ID

Date 10/10/88 Applicant's signature Donald Brooks

Title owner

* After other pre-requisite approvals have been obtained.

RECEIVED
FEB 17 1995

ACTION OF IDWR

(X) Approved

() Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. The permit holder or his representative shall notify the Department ten (10) days prior to the start of construction unless good cause for later notification can be shown.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

SPECIFIC CONDITIONS:

Dated this 25th day of April, 19 90.

FEB 17 1995

Signed David R. Tuttle
Title Mgr. Western Reg. Off.

Received by CP Fee \$100.00 Date 10/13/88

Receipt No. 0002896 Construction start date _____

Construction start extension to _____

Extension approved by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 25, 1995

Donald and Billie Brooks
2351 Cove Rd.
Weiser, ID 83672

RE: Permit No. 67-07754

Dear Permit Holder:

Returned is a copy of the Proof of Beneficial Use you submitted for the above referenced permit. Before I can complete processing the proof, additional information is required.

A drilling permit is required for all wells drilled, deepened or enlarged after July 1, 1987 (Section 42-235, Idaho Code). You have indicated that the well was drilled by K. H. Well Drilling in Caldwell but I have not been able to locate a drilling permit or a well log for the well.

If your well was drilled after July 1, 1987, please submit a copy of the drilling permit. The well log should have been submitted by the driller within 30 days of the completion of the well. If you have a copy of the well log, please submit that also. If you do not have copies of the drilling permit or well log, please contact your driller and ask that he submit them to the Department.

Please return the requested information within thirty (30) days of receipt of this mailing. Please send any correspondence directly to my attention.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

RECORDED

FEB 17 1995

November 30, 1994

DONALD BROOKS
BILLIE BROOKS
2351 COVE RD
WEISER ID 83672

PROOF DUE NOTICE

RE: PERMIT NO. 67-07754

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 February 1, 1995.

(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.

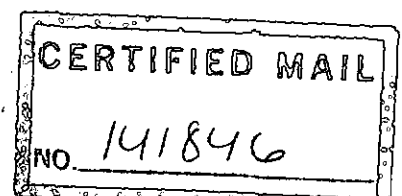
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

FEB 17 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 18, 1993

Donald & Billie Brooks
435 E Liberty
Weiser, ID 83672

Re: Permit No. 67-07754

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1995. However, since the extension was received after the proof of beneficial use date, it was necessary for the department to reinstate your permit and advance your priority date to October 27, 1988.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department will not be able to grant additional requests based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Regional Office

RECEIVED
FEB 18 1993

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 67-07754 Reviewed by Klg Date 5/16/93

BASIC INFORMATION

5/16/93 Date stamp received
no Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend approval Based on due diligence
Extend to ~~2/18/93~~ 2/1/95

PRIORITY CALCULATION

Date extension received	<u>5/16/93</u>	=	<u>47</u>
Proof due date	<u>2/1/93</u>	=	<u>32</u>
Number of days late		=	<u>15</u>
Priority date	<u>10/12/88</u>	=	<u>285</u>
New Priority Date	<u>10/27/88</u>	=	<u>300</u>

DATA ENTRY

New Address 2351 Cove Rd 2/18/93
Change Proof Due Date 2/18/93
Change Priority Date 2/18/93



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 5, 1993

Donald and Billie Brooks
2351 Cove Road
Weiser, ID 83672

Re: Water Permit No. 67-07754

Dear Permit Holder:

The Department is in receipt of correspondence sent in connection with the above referenced permit.

Unfortunately the Department cannot accept this correspondence as an extension request. You must complete the appropriate form which was previously mailed to you. I have enclosed another form and instructions for your convenience. Please note that the properly completed form needs to be accompanied by a \$15 filing fee before the Department can accept it.

You should also be aware that your permit lapsed on February 1, 1993. In order to be in compliance with all of the necessary dates, you will need to submit the extension no later than April 1, 1993. Your priority date is, however, being penalized one day for every day the Department does not have the extension.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,


Karen L. Gustafson
Secretary/Records Manager

Enclosure

RECEIVED

FEB 18 1993

Permit No. 67-07754
Donald Brooks
Billie Brooks
2351 Cove Rd
Weiser ID, 83672
Phone 549-3413

RECEIVED

FEB 14 1993

Department of Water Resources

Jan. 30. 1993

State of Idaho Dept. of Water Resources

At this time we are using the
Well for Domestic Use, and we
have in irrigation around
three acres of Christmas trees,
fruit trees, garden & lawns.
We have a small pump, one
house pump. We would like to
put in a 7 we have pump
more trees and hay. We
just moved to the property
in May of 1992 and have
not had time to complete
this. We would like to
ask for at least a one
year extension

Thank you
Donald Brooks

RECEIVED

FEB 18 1993

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

February 4, 1993

DONALD BROOKS
BILLIE BROOKS
435 E. LIBERTY
WEISER ID 83672

LAPSE NOTICE

RE: PERMIT NO. 67-07754

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

FEB 18 1993

CERTIFICATION OF MAILING

I hereby certify that on 2/4/93
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Klg

November 30, 1992

DONALD BROOKS
BILLIE BROOKS
435 E. LIBERTY
WEISER ID 83672

PROOF DUE NOTICE

RE: PERMIT NO. 67-07754

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 February 1, 1993. (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.

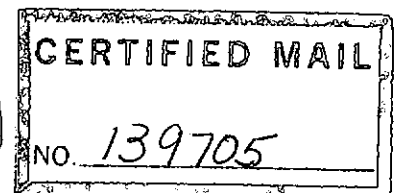
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MISSOURI

FEB 18 1993



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
January 18, 1990

DONALD BROOKS
BILLIE BROOKS
435 E. LIBERTY
WEISER, ID 83672

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P67-07754

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

RECORDED

FEB 28 1990

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

FEB 28 1990

P/D, P

10N Sec 12 NW NE

Nee

Form No. 202a.
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RBW DATE: 10-18-88 APPLICATION: 67-07754

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

- | YES | NO |
|---|--------------------------|
| ☒ | ☐ |
| Overlapping place of use: (Describe source & relationship to present application on the back.) <i>Proposed Res on Weiser River, 67-07590 9A Highway Project</i> | |
| ☒ | ☐ |
| Overlapping point of diversion: | |
| ☒ | ☐ |
| Field check required: Field check by: _____ | |
| ☒ | ☐ |
| Field report attached: | |
| ☒ | ☐ |
| Critical groundwater area: | |
| ☒ | ☐ |
| Groundwater management area: | |
| ☒ | ☐ |
| Send dam safety information: | |
| ☒ | ☐ |
| Send power requirement letter: | |
| ☒ | ☐ |
| Send fish farm requirement letter: | |
| ☒ | ☐ |
| Power residency affidavit: | |
| ☒ | ☐ |
| Power efficiency form: | |
| ☒ | ☐ |
| Within trust water boundry: (If yes, attach Trust Water Supplementary Analysis Sheet.) | |
| ☒ | ☐ |
| Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.) | |
| ☒ | ☐ |
| *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT | |

RECEIVED
DEC 21 1988

DATE REQUESTED: _____
Additional information on reverse side:

Department of Water Resources

PROCESSING

YES NO

- ☒ ☐ In form for advertising:
☒ ☐ Statewide advertising:
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

- ☐ ☒ I.D. Health and Welfare
☐ ☒ I.D. Fish and Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

- ☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Svc.
☐ ☒ Water District # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

- ☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received, Final date for protest November 21, 1988

Protests, dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dnr

Measuring device required:

Measuring port required:

Water delivered by water master? District # 67-P05

Special conditions of approval or cover letter: (see additional info. below)

See Below For Additional Information

Recommended Date of Priority 10/12/1988

Recommended by: Dnr Date 11/30/89

STATE OFFICE REVIEW P05, P23, P03, P17 01G 2646 28 (domestic, 0.02 cfs)

See below for additional information. By 20A (Nov. 29, 1989)

Date

ADDITIONAL INFORMATION

DIC, The well shall be drilled no closer than 550 feet from Cave Creek.

26A (Allow 3 years)

Pumping of the well under this water right shall not be allowed to impede the flow in Cave Creek

no file copy in vault



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 30, 1989

Donald &/or Billie Brooks
435 East Liberty
Weiser, ID 83672

Re: Application for Permit No. 67-07754

Dear Mr. & Mrs. Brooks:

This office acknowledges receipt of the withdrawals of protest against the above-referenced application.

The Department now will continue to process the application.

Sincerely,

A handwritten signature in cursive script that reads 'David R. Tuthill Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Richard Haxton
Clyde Grafe

INDEXED

FEB 28 1990

Before the Idaho Department of Water Resources

In the Matter of

Application for Permit No. 67-07754

In the Name of Donald & Billie Brooks

Withdrawal of Protest

We, the undersigned, hereby withdraw our protests to the
above-referenced application for permit, contingent on the
addition of the following conditions of approval:

1. The well shall be drilled no closer than ^{DET}~~600~~⁵⁵⁰ feet from Cove Creek.
2. Pumping of the well under this water right shall not be allowed to impede the flow in Cove Creek.

Dated this 29th day of November, 1989.

Lyde Grafe

Lyde Grafe, Protestant

Richard Haxton

Richard Haxton, Protestant

Donald Brooks

Donald Brooks, Applicant

MICROFILMED

FEB 28 1990

Hearing conducted by: David R. Tuthill, Jr.

ROSTER OF ATTENDANCE

[illegible]

P-581 149 724

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See reverse)

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to Donald Brooks	
Street and No.	
P.O., State and ZIP Code Weiser, ID	
Postage	\$
Certified Fee	\$
Special Delivery Fee	\$
Restricted Delivery Fee	\$
Return Receipt showing to whom to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

RECEIVED

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE.
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends of space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

P-581 149 725

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 153-508

PS Form 3800, June 1985

Richard Haxton	
Street and No.	
P.O., State and ZIP Code	
Postmaster	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

MAILED
FEB 28 1990

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE.
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends. If space permits, Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

P-581 149 72b

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Setyde Grafe	
Street and No.	
P.O. State and ZIP Code Weiser	
Postage	\$
Certified Fee	FEB 28 1990
Special Delivery Fee	28
Restricted Delivery Fee	1990
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

U.S.G.P.O. 153-506

Form 3800, June 1985

**STICK POSTAGE STAMPS TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits; otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



RECEIVED

NOV 21 1989



PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources
Western Regional Office

Print Sender's name, address, and ZIP Code in the space below.

~~FEB 28 1990~~ DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Clyde Grafe
Route 2 Box 40
Weiser, ID 83672

4. Article Number

P-581 149 726

Type of Service:

67-7754

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

11-20 89 01

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

NOV 22 1989



Department of Water Resources
Western Regional Office

PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

Microfilm

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

FEB 28 1990

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Richard Haxton
Route 2 Box 38
Weiser, ID 83672

4. Article Number

P-581 149 725

Type of Service: 67-7754

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address

X

Richard Haxton

6. Signature - Agent

X

7. Date of Delivery

FEB 28 1990

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

FEB 28 1990

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below:

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

FEB 28 1990

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

RECEIVED

NOV 21 1989

PENALTY FOR PRIVATE
USE, \$300



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Donald &/or Billie Brooks
435 E. Liberty
Weiser, ID 83672

4. Article Number 67-7754

P-581 149 724

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

11-18-89

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

FEB 28 1990

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 67-07754 IN THE) NOTICE OF CONFERENCE
)
NAME OF DONALD & BILLIE BROOKS)

The Department has set the matter of protest for a conference on November 29, 1989, at 10:00 a.m., in the Jury Room at 485 E. 3rd, Weiser, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

David R. Tuthill
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

FEB 28 1990

I hereby certify that on the 17th day of November, 1989, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

Donald &/or Billie Brooks
435 E. Liberty
Weiser, ID 83672

Richard Haxton
Route 2 Box 38
Weiser, ID 83672

Clyde Grafe
Route 2 Box 40
Weiser, ID 83672

MICROFILM

FEB 28 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 22, 1989

Donald & Billie Brooks
435 East Liberty
Weiser, ID 83672

Re: Application for Permit #67-07754

Dear Mr. & Mrs. Brooks:

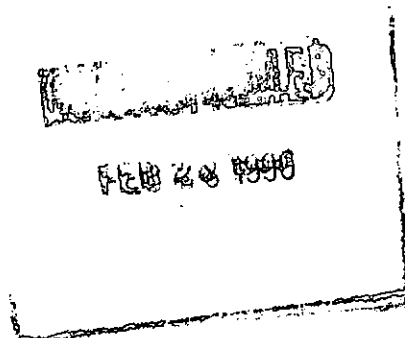
To date this office has received no response to my letter dated June 29, 1989, in which I relayed your proposal to move the proposed well to a distance of 600 feet from Cove Creek.

Our next step in the processing of this water right application would be to schedule a conference. We are presently scheduling conferences for middle to late November, 1989. If you are able to successfully negotiate a solution with the protestants, or if you have a specific date that would work best for a conference on this matter, please advise this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 29, 1989

Mr. Richard Haxton
Route 2 Box 38
Weiser, ID 83672

Mr. Clyde Grafe
Route 2, Box 40
Weiser, ID 83672

Re: Application for Permit #67-07754

Gentlemen:

Enclosed please find a copy of a letter received from Donald L. Brooks regarding the above-referenced application for permit. This proposal to move the proposed well to a distance 600 feet from Cove Creek might influence your review of this matter.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Encl: Copy of letter from Donald L. Brooks

*See - Let's also
send a copy of this
to Donald Brooks
sent 6-30
at Dave*

MICROFILMED

FEB 28 1990

Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Id. 83705

June 26, 1989

RECEIVED

JUN 27 1989

Department of Water Resources
Western Regional Office

Re: Application for Permit # 67-07754

Dear Mr. Tutthill:

In reference to the letter from
Mr. Richard Maxton & Mr. Clyde High
Cove Creek flows in the middle
of our property, in order to resolve
any conflict we will move
the proposed Well 600 ft. to the
back of our property line.
We can't move proposed well
any further, to close to property line.

Sincerely

Donald H. Brooks

MICROFILMED

FEB 28 1990

March 17, 1989

Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Re: Application for Permit #67-07754

Dear Mr. Tuthill:

I will withdraw my protest if Mr. and Mrs. Brooks comply with the letter dated January 4, 1989 to me from your office concerning the Jordans #67-07753.

Sincerely,


Clyde Grafe

RECEIVED
MARCH 21 1989

Department of Water Resources
Western Regional Office

MICROFILMED

FEB 28 1990

WEISER, IDAHO
January 31, 1989

Idaho Dept of Water Resources
Western Region
Boise, Idaho
Mr. David Tuthill Manager

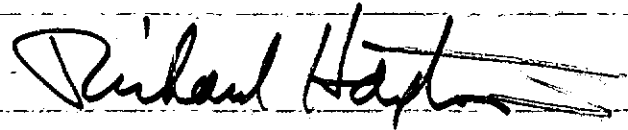
Dear Mr. Tuthill

In reference to your letter of 1-26-89 concerning the well permit to Mr. DONALD BROOKS # 67-07754, I can reconsider my protest. This is being done if I can be absolutely assured that the proposed well will indeed be at least 700 feet from the creek and that it in no way lowers the stream flow in Cove Creek.

Hoping this resolves any conflict, I remain,

Sincerely,

Richard Haxton



RECEIVED
FEB 2 1989

Department of Water Resources
Western Regional Office

MICROFILMED

FEB 28 1990

SPECIAL NOTE: _____

Application No. 67-07754

PROTEST INFORMATION SHEET

Protestant - Name(s)

Richard Haxton

Clyde Grafe

Address Route 2, Box 38, Weiser, ID 83672

Route 2 Box 40, Weiser, ID 83672

Attorney - Name & Address _____

Date Filed 11-21, 11-22-88

Protest Date 11-21-88

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 26, 1989

Donald and Billie Brooks
435 East Liberty
Weiser, ID 83672

Re: Application for Permit No. 67-07754

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

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

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

MICROFILMED

FEB 28 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 26, 1989

Richard Haxton
Rt. 2, Box 38
Weiser, ID 83672

Re: Application for Permit No. 67-07754, in the Name of Donald and Billie Brooks

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Please be advised that this application (as with application No. 67-07753 in the name of the Jordans) proposes to divert from groundwater as opposed to Cove Creek.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

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

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

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

MICROFILMED

FEB 28 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 26, 1989

Clyde Grafe
Rt 2 Box 40
Weiser, ID 83672

Re: Application for Permit No. 67-07754, in the Name of Donald and Billie Brooks

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Please be advised that this application (as with application No. 67-07753 in the name of the Jordans) proposes to divert from groundwater as opposed to Cove Creek.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

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

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

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

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FEB 28 1990

RECEIVED
NOV 22 1988

Nov. 20, 1988

Department of Water Resources
Western Regional Office

R. Keith Higginson
Director
Dept of Water Resource
West Region
2735 Airport Way
Boise, Id 83705

Dear Mr. Higginson

I would like to register a protest on an application for right to take water from Cove Creek in Washington County. This application is # 67-077543 filed by Donald and Billie Brooks. My reason for protesting is certainly selfish but it does involve my livelihood since I am a full time farmer. Presently the water in Cove Creek is the water source for much of the pasture on my farm and any further diversion of water from the creek would completely dry it up in most years. As you well know this year we had little moisture and as a result the creek went dry in early August. I understand this and certainly hope it doesn't happen again.

Even in a normal year this creek is very low after mid July. I believe it unreal to allow anyone to come to depend on this creek for a source of water other than for livestock. For the State of Idaho to allow any water other than flood water to be taken out of this creek would be a dereliction of its responsibilities to its established tax paying citizens.

Sincerely,

Richard Haxton

Richard Haxton
MICROFILMED

Richard & Eunice Haxton
Rt. 2, Box 38
Weiser, ID 83672

FEB 28 1990

RECEIVED

NOV 21 1988

Department of Water Resources
Western Regional Office

November 18, 1988

Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705

Re: Donald and Billie Brooks -- 67-07754

Gentlemen:

Please Be advised that Clyde Grafe hereby respectfully protests and objects to the Notice for Application of Water Right. The water has already been claimed and tributaries on the Grafe property draining into Cove Creek would be affected. On these tributaries I plan on building game bird habitat.

Very truly yours,

Clyde Grafe

Clyde Grafe
Route 2 Box 40
Weiser, Idaho 83672

11/23/88

1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

OCTOBER 26, 1988

The Weiser Signal
P.O. Box 709
Weiser, ID 83672

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 21, 1988.

Yours truly,

JUDY PENSE
Secretary

Encl.

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FEB 28 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

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FEB 28 1990

67-07754

BROOKS, DONALD
BROOKS, BILLIE
435 E. LIBERTY
WEISER, ID 83672

Source: GROUNDWATER

Diversion Pt: NWNE Sec 12 T 10N R 04W

Use: IRRIGATION (.800 CFS)
 DOMESTIC (.020 CFS)

Date Filed: 10/12/1988

In: T10N R04W S12 NWNE

40.0 ACRES TOTAL

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FEB 28 1990

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before NOVEMBER 21, 1988.

R. KEITH HIGGINSON, Director

Published 11/03/1988 & 11/10/1988

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FEB 28 1990

IDENT. NO. -07754

WATER RIGHT
DATA ENTRY LOG

[illegible]