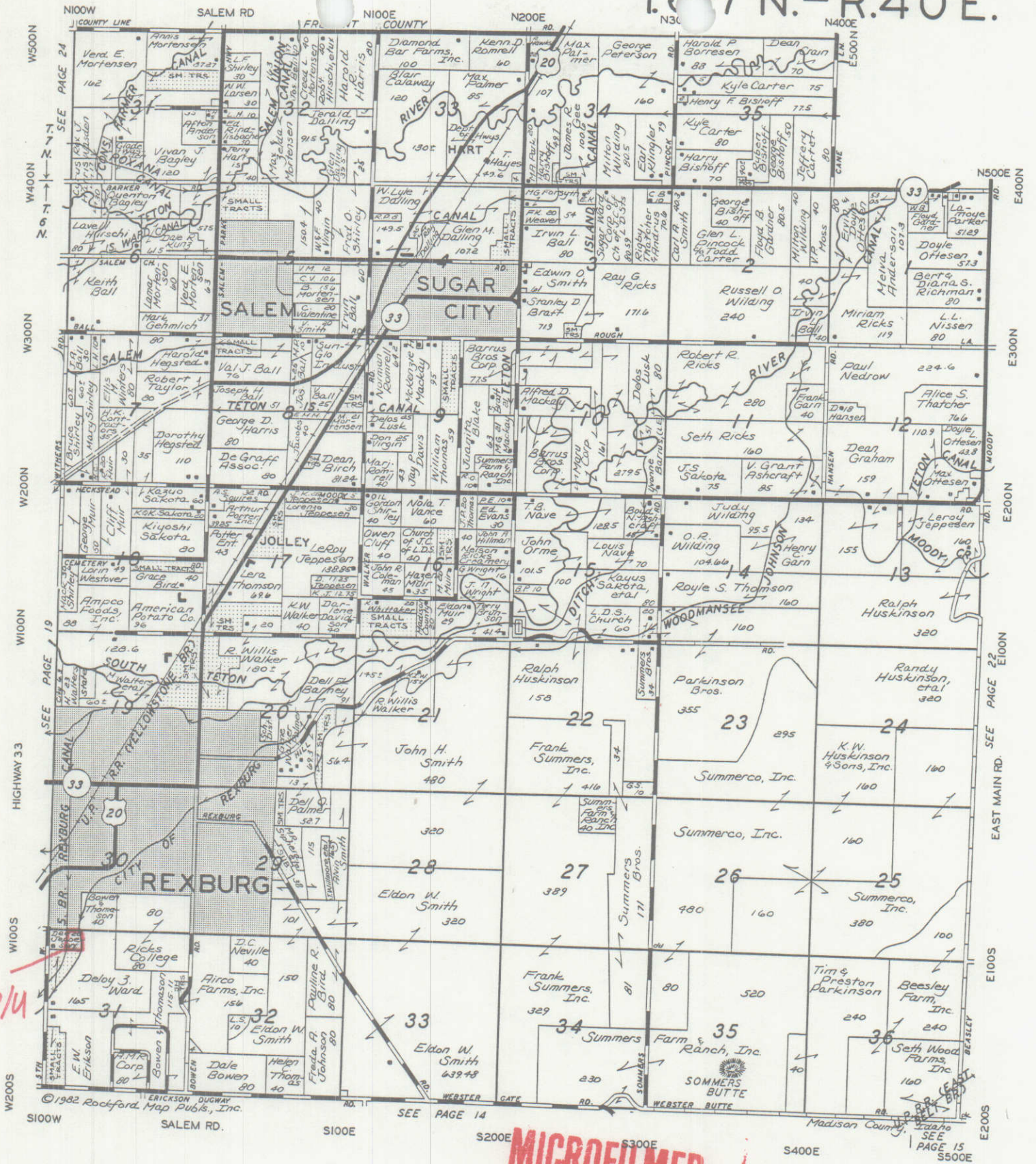






MICROFILMED

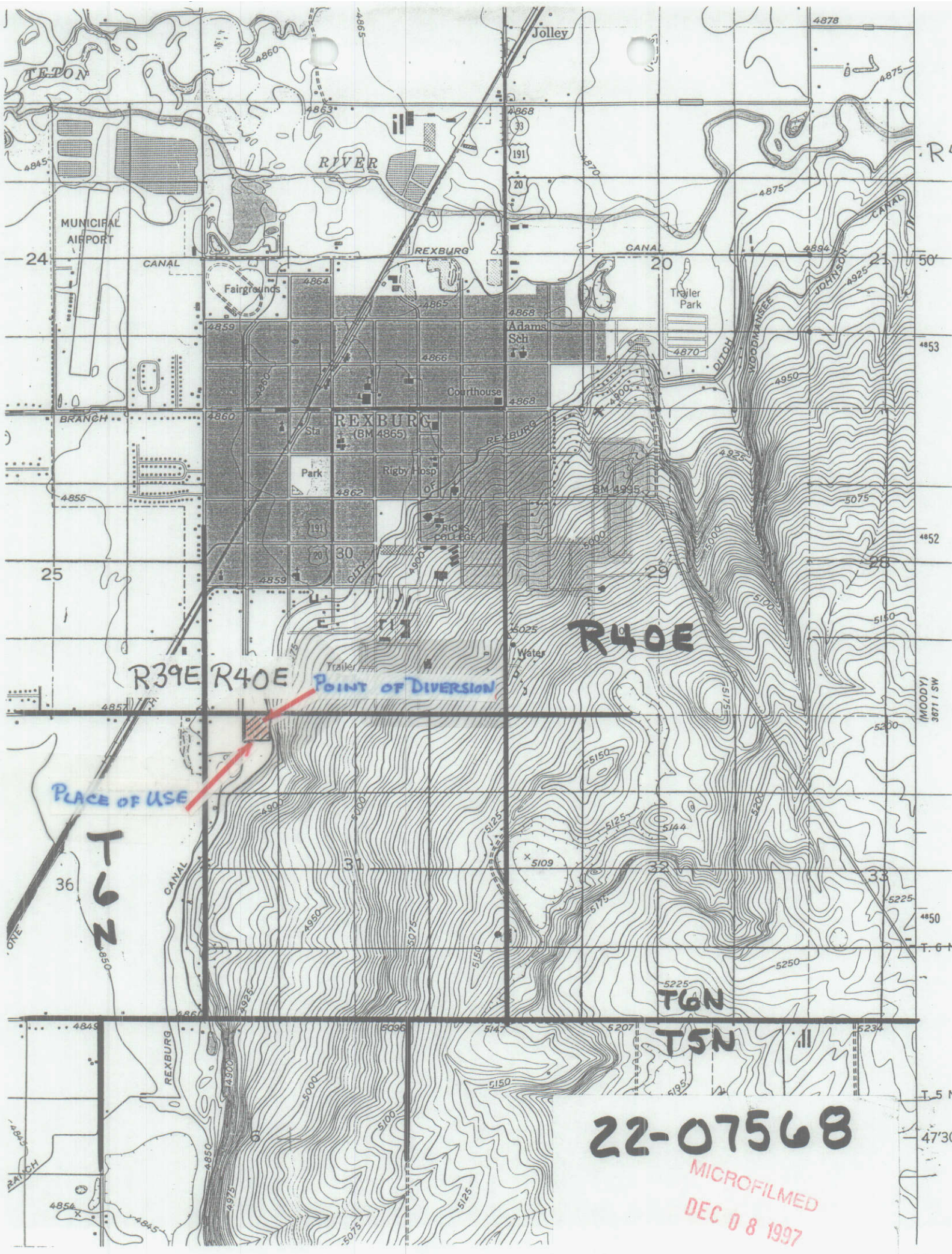
APR 17 1990

JC



MICROFILMED
DEC 08 1997

22-07568



R39E

R40E

POINT OF DIVERSION

R40E

PLACE OF USE

T6N

T6N

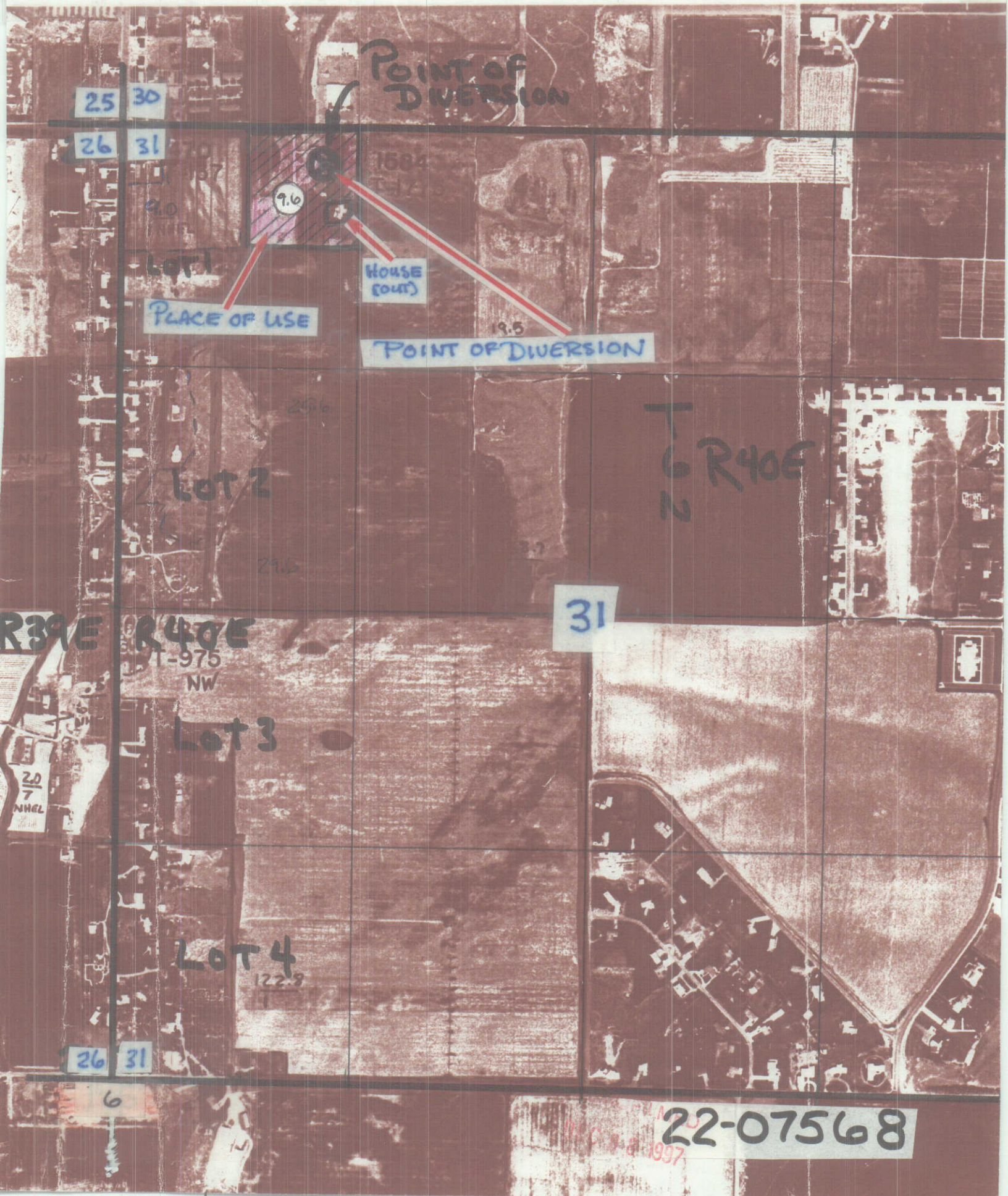
T5N

22-07568

MICROFILMED

DEC 08 1997

22-7568



POINT OF DIVERSION

25 30

26 31

Lot 1

PLACE OF USE

HOUSE (out)

POINT OF DIVERSION

Lot 2

T
6 R40E
2

31

R39E R40E

T-975
NW

Lot 3

Lot 4

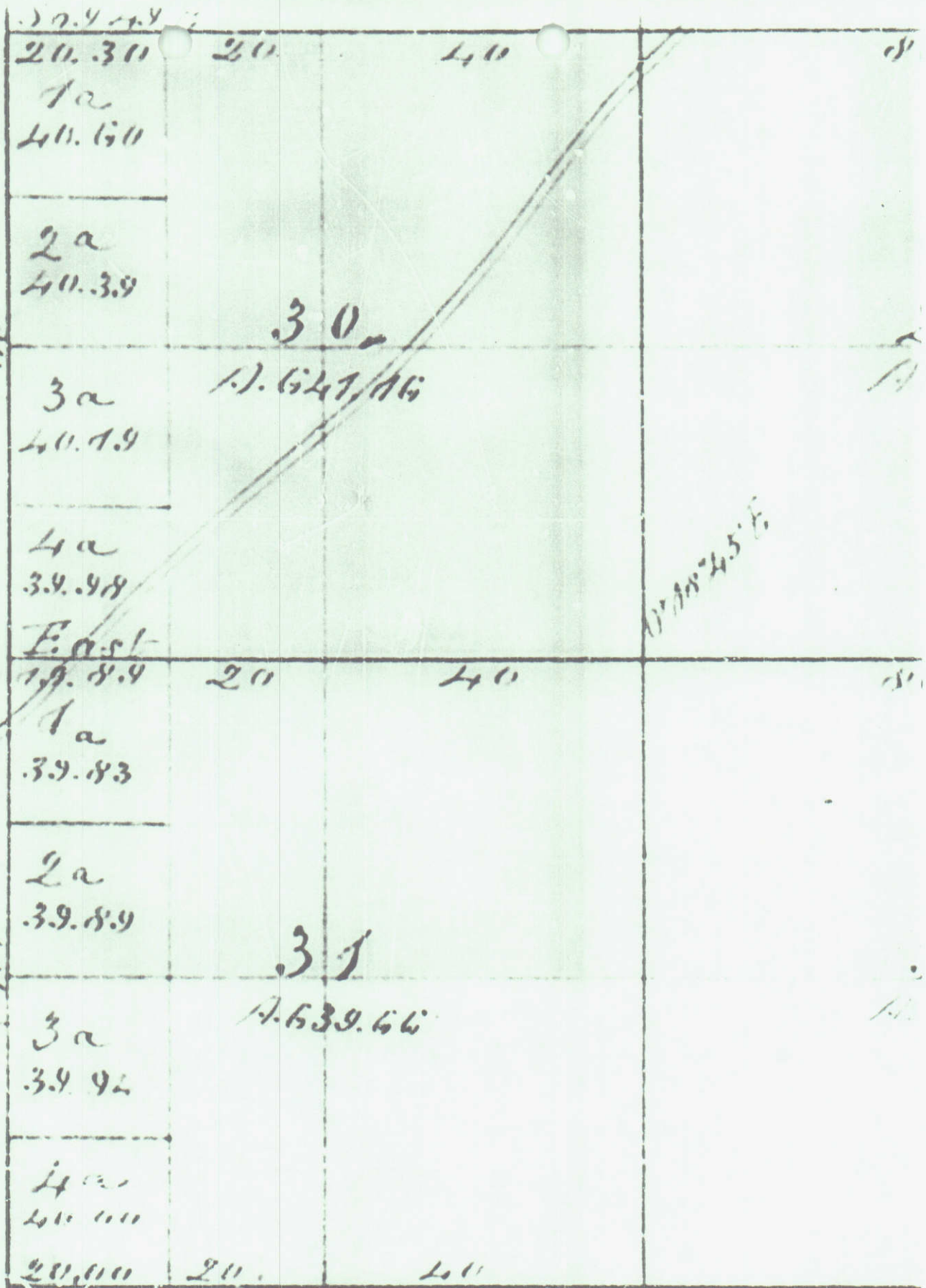
26 31

22-07568

1997

R40E

T
26
Z



MICROFILMED
DEC 8 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07568

Priority: September 1, 1988

Maximum Diversion Rate:

0.11 CFS

Maximum Diversion Volume:

31.6 AF

This is to certify, that GALE W HARDING

329 W 7TH S

REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 1, 1988; and has submitted Proof of Beneficial Use on May 2, 1991. An examination indicates that the works have a diversion capacity of 0.110 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	04/15 to 10/15	0.11 CFS	31.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
	Totals	0.11 CFS	31.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNW), Sec. 31, Township 06N, Range 40E
MADISON 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>
06N	40E	31	Lot 1(NWNW)	9		9

Total number of acres irrigated: 9

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law. MICROFILMED
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference. DEC 08 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07568

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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 28th
day of NOVEMBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

DEC 08 1997

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~22-07568~~	~~Richard L Davis~~	~~0.26~~
Full Assignment	22-07568	Gale W Harding	0.26

RECEIVED

APR 25 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

RECEIVED
APR 12 1995

Department of Water Resources

I, Phyllis Davis, hereby assign to Mr. Gale W. Harding
(Permit Holder)
Of 329 W 7th S, Rexburg ID 83440 phone: _____
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 22-07568
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. N/A to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

N/A

Made this 8 day of April, 1995.

Phyllis Davis
Permit Holder(s)

State of Idaho)
County of Madison ss

On this 08 day of April, 1995, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Evelyn Thompson
Notary Public

SEAL

My commission expires: 11-28-95

Signature

Phyllis Davis

APR 25 1995

DEC 28 1993

MADISON COUNTY

IN THE 7TH JUDICIAL DISTRICT COURT OF MADISON COUNTY
STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF

Richard L. Davis

Deceased.

} STATEMENT OF INFORMAL
} PROBATE OF WILL AND
} INFORMAL APPOINTMENT OF
} PERSONAL REPRESENTATIVE

} Probate No. SP-93-234

Upon consideration of the Application for Informal Probate of Will and Informal Appointment of Personal Representative filed by Phyllis T. Davis on Dec. 28, 19 93, the Registrar finds that:

1. The application is complete.
2. Applicant has made oath or affirmation that the statements contained in the application are true to the best of applicant's knowledge and belief.
3. Applicant appears from the application to be an interested person as defined by the Idaho Uniform Probate Code.
4. The decedent, Richard L. Davis, died on May 5, 1993, at the age of 71 years.
5. On the basis of the statements in the application, venue is proper.
6. An original, duly executed, and apparently unrevoked will, dated October 29, 1981, is in the Registrar's possession.

APR 25 1995

7. Any required notice has been given or waived.
8. On the basis of the statements in the application, the will to which the application relates is not part of a known series of testamentary instruments (other than wills or codicils), the latest of which does not expressly revoke the former.
9. On the basis of the statements in the application no personal representative has been appointed in this state or elsewhere.
10. On the basis of the statements in the application, neither the will to which the application relates nor any other will of the decedent has been the subject of a previous probate order in this state.
11. On the basis of the statement in the application, an estimate of total assets of the estate has been mailed to the Idaho State Tax Commission.
12. It appears from the application that the time limit for informal probate and appointment has not expired.
13. The application does not indicate the existence of a possible unrevoked testamentary instrument which may relate to property subject to the law of this state, and which is not filed for probate in this Court.
14. Based on the statements in the application, the person whose appointment as personal representative is sought is qualified to act as personal representative and has priority entitling said person to the appointment.
15. Bond is not required.

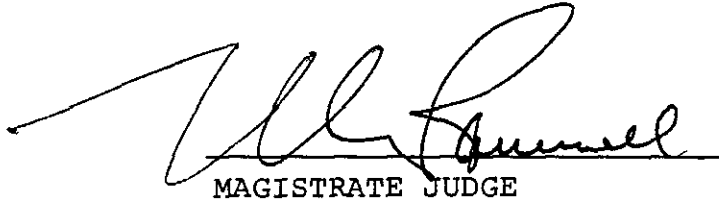
APR 25 1995

16. The applicable time period within which no action can be taken on an application for informal probate and appointment has elapsed.

THEREFORE:

1. The will of the decedent, dated October 29, 1981, is hereby informally probated.
2. Phyllis T. Davis is hereby appointed personal representative of the estate of the decedent, to act without bond.
3. Upon qualification and acceptance, letters testamentary shall be issued.

DATED: 12-28-93


MAGISTRATE JUDGE

CERTIFICATE
I HEREBY CERTIFY THE
FOREGOING INSTRUMENT
TO BE A TRUE AND COR-
RECT COPY OF THE ORIG-
INAL ON FILE IN MY
OFFICE.

DATED: April 3, 1995

BETH S. REESE
Madison County Clerk,
Auditor and Recorder,
Clerk of the District Court

BY: ml Bell
Deputy



22-67568

I, PHYLLIS DAVIS PHYLLIS DAVIS, Executor for Richard L. Davis, do hereby give my consent to change the name of water permit number 22-67568, to Mr. Gale W. Harding, 329 West 7th South, Rexburg, Idaho, 83440.

This is completed this 7th day of February, 1995.

Phyllis Davis
Phyllis Davis
Gale W. Harding
Gale W. Harding

State of Idaho
County of Madison
On this 1st day of March
19 95, before me, a notary public in
and for said State, personally appeared
Phyllis Davis & Gale W. Harding

known to me to be the person whose name
is subscribed to the within instrument,
and acknowledged to me that they
executed the same.

Beth B. Reese
Notary Public
Commission Expires 04-01-00

RECEIVED

MAR 02 1995

Department of Water Resources
Eastern District Office

RECEIVED

MAR 08 1995

Department of Water Resources

APR 25 1995

RECEIVED

MAY 2 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Amt. of Fee \$ 50.00
Date 5/2/91
Receipt No. 0020202
Received by J. Davis

Department of Water Resources **PROOF OF BENEFICIAL USE**

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07568 Telephone No. 356-3233

2. Name(s) of Permit Holder(s): Richard L. Davis

3. Post Office Address: P. O. Box 391 Rexburg, ID 83440

4. Source of Water: Ground

a. If ground water, well driller's name: Doug Cushman (Blackfoot) Date drilled: Jan. 8, 1980

b. Pump horsepower: 3.0 Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic 1 (No. of households) Irrigation 9.6 (No. of acres)

Stockwater 4-6 (No. and type of stock) Other _____
Horses

6. Total rate and/or volume for which proof is submitted 0.26 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? Yes No Installed? Yes No

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Richard L. Davis

(208) 356-3233

Name

Telephone No.

215 East 3rd South

Rexburg, Idaho 83440

Address

10. The above information 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.

April 29, 1991

Date

Richard L. Davis
Signature (and title if on behalf of a company or organization)

JUN 28 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-7568 IN THE)
NAME OF RICHARD L. DAVIS) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before April 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on May 2, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 22-7568 be REINSTATED and the priority advanced to September 1, 1988.

Dated this 23rd day of May , 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECORDED

JUN 28 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07568

Proposed Priority: August 1, 1988 Maximum Diversion Rate: 0.26 CFS
This is to certify, that **RICHARD L. DAVIS**

P.O. BOX 391
REXBURG, ID 83440

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	04/01 to 11/01	0.20 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.26 CFS

LOCATION OF POINT(S) OF DIVERSION: NENWNW Sec. 31, Township 06N, Range 40E
MADISON 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>
06N	40E	31	NWNW	9.6		9.6

Total number of acres irrigated: 9.6

PLACE OF USE: STOCKWATER, same as IRRIGATION use

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 April 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed cubic feet per second for each acre of land.

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APR 17 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07568

CONDITIONS/REMARKS:

8. Stockwater use is for 3-6 horses; domestic use is for a shop.

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

3rd day of April, 1990

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

APR 17 1990

22-7568

Form 202
6/85

Ident. No. 22 7568

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard L. Davis Phone 356-3233
Post office address P.O. Box 391 Rexburg, Idaho 83440
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 31 Township 6N Range 40 E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.02 for Stock purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.20 for Irrigation purposes from 4-1 to 11-1 (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) 0.26 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. _____
Well as below with 3 HP pump and necessary pressure
tank and piping.
- 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 6 inches; proposed depth of well is 83 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
1 years (minimum 1 year).

Change as per telecon
w/ Richard Davis. Steve
McLennan 8/8/88, 10:30 AM

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APR 17 1990

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 3 to 6 horses
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. Private shop
- e. Other; describe fully. _____

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.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6'N	40E	31					9.6												9.6

Total number of acres to be irrigated 9.6

10. Describe any other water rights used for the same purposes as described above. _____

A22-10344

11. a. Who owns the property at the point of diversion? Richard L. Davis

b. Who owns the land to be irrigated or place of use? R.L. Davis and Gale W. Harding

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Co-owner is son-in-law who owns 2.8 acres (of 9.6 acres total) along east side.

12. Remarks: _____

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APR 17 1990

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

506 31
T6 N
R40 E

MICROFILMED
APR 17 1990

Scale: 2 inches equal 1 mile.

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.

Richard L Davis
(Applicant)

ASST. T.O.

Received by JT Date 8-01-88 Time 11:25A Preliminary check by SM

Fee \$ 30⁰⁰ Receipted by JT # E000977 Date 8-1-88

Publication prepared by RB Date 2-1-8-90 Published in Lexburg Standard-Tribune

Publication approved aw Date 3-2-90

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 ____.

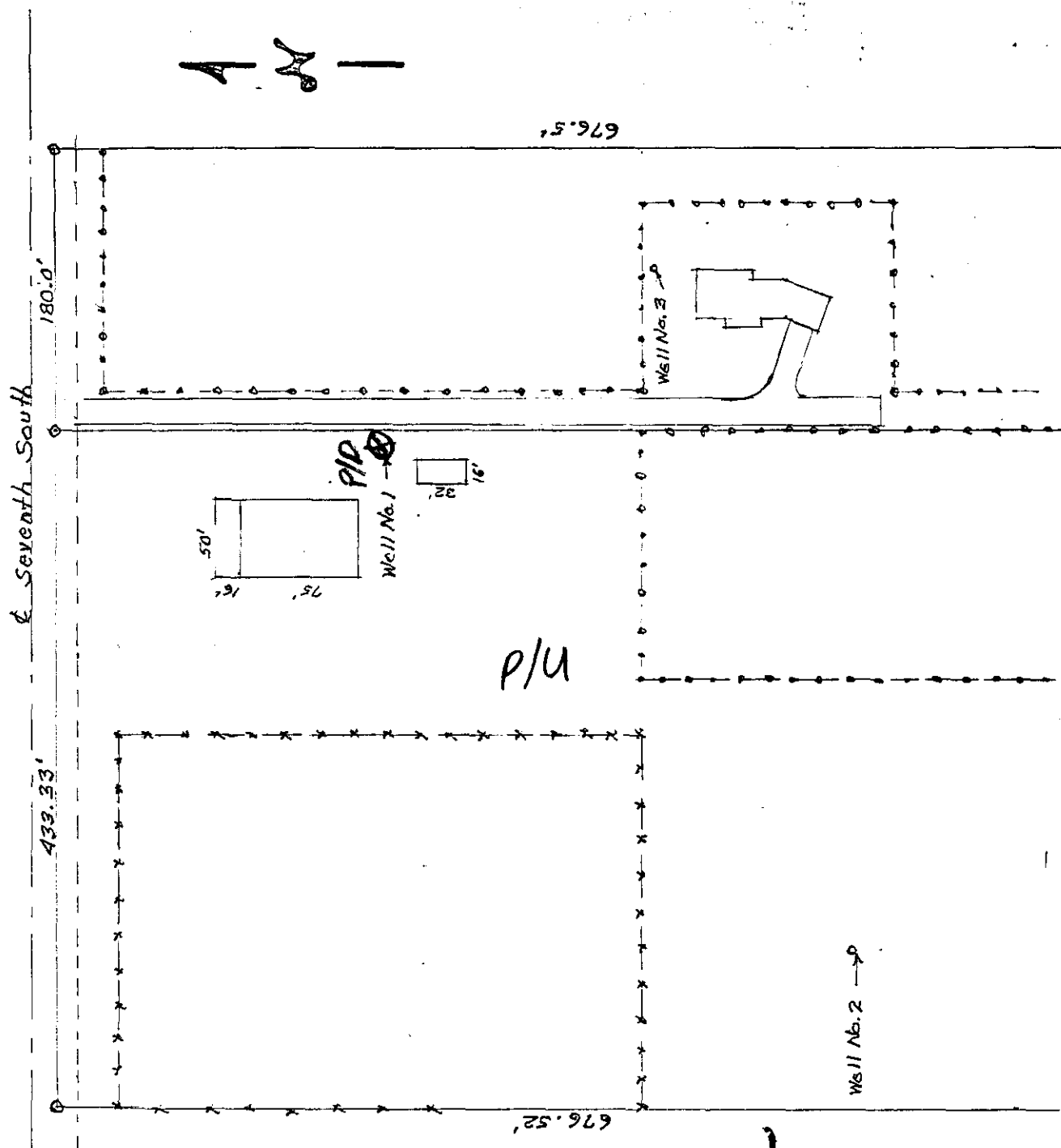
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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:

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APR 17 1990



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APR 17 1990

REXBURG, IDAHO
AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 1 - 1990

STATE OF IDAHO
County of Madison

Department of Water Resources
Boise Eastern District Office

Terry Weatherston
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL,
a semi-weekly newspaper printed and
published semi-weekly at Rexburg,
Blaine County, Idaho; and I do solemnly
swear that the

Notice Of Application a copy
which notice appears attached hereto,
was published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for
two consecutive issues, the
first publication having been made on
February 1, 1990 and the last
publication having been made on
February 8, 1990.

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

STATE OF IDAHO
COUNTY OF MADISON

On this 9th day of February in
the year of 1990, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
as the person whose name subscribed
to the within instrument, and being by
me first duly sworn, declared that the
contents therein are true, and
acknowledged to me that he executed

Gay H. Jeld
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07538
SMITH, JOHN H.
P.O. BOX 805
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SWNE Sec 28 T 06N R 40

E
Use: IRRIGATION (.860 CFS) Total
Diversion: (.860 CFS)
Date Filed: 6/27/1988
In: T06N R40E S20 NESE SESE, 43.0
ACRES TOTAL

22-07561
GREEN CANYON HOT SPRINGS INC.
P.O. BOX 235
NEWDALE, ID 83436
Source: GROUNDWATER
Diversion Pt: Lot 4 (NENENW) Sec 6 T
05N R 43E
Use: IRRIGATION (.060 CFS) COM-
MERCIAL (.060 CFS) Total Diversion:
(.060 CFS)
Date Filed: 8/23/1988
In: T05N R43E S06 Lot 8 (NWNW) Lot 4
(SWNW) 2.0 ACRES TOTAL

22-07564
CHANTRILL INC.
C/O BART ROBERTS
NEWDALE, ID 83436
Source: GROUNDWATER
Diversion Pt: NWSWNW Sec 5 T 06N R
42E
Use: IRRIGATION (3.330 CFS) Total
Diversion: (3.30 CFS)
Date Filed: 8/31/1988
In: T06N R42E S04 SWSW SESW, S05
NWNW SWNW NWSW SWSW, S06
NESW SESW NESE NWSE SWSE
SESE, S09 SENE NENW NWNW, S10
SWNW SENW 640.0 ACRES TOTAL

22-07568
DAVIS, RICHARD L.
P.O. BOX 391
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: NENWNW Sec 31 T 06N
R 40E
Use: IRRIGATION (.200 CFS)
STOCKWATER (.020 CFS) DOMESTIC
(.040 CFS) Total Diversion: (.260 CFS)
Date Filed: 8/01/1988
In: T06N R40E S31 NWNW 9.6 ACRES
TOTAL

22-07569
DIET CENTER INC.
220 S. 2nd W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SENW Sec 30 T 06N R 40
E
Use: IRRIGATION (.120 CFS) Total
Diversion: (.120 CFS)
Date Filed: 8/15/1988
In: T06N R40E S30 SENW 4.0 ACRES
TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before FEBRUARY 19, 1990.

R. KEITH HIGGINSON
Director

Publ. Feb. 1 and 8, 1990SJ.

MICROFILMED

APR 17 1990



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

December 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GALE W HARDING
329 W 7TH S
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07568

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.

RECORDED

DEC 08 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.

UNRECORDED

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

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

UNRECORDED

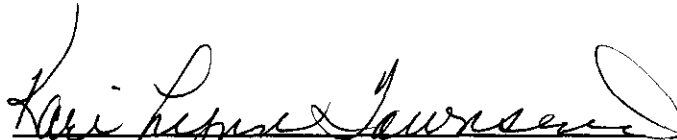
DEC 08 1997

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of December, 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. 22-07568

GALE W HARDING
329 W 7TH S
REXBURG ID 83440


Kari Lynn Townsend
Secretary

FILED

DEC 8 1997

MEMORANDUM

TO: File 22-07568

FROM: Sharla

DATE: November 28, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 22-07568 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T6N, R40E, S31 - NWNW (9 acres)

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.11 cfs	31.5 afa
Stockwater	1/1 - 12/31	0.02 cfs	0.1 afa
TOTALS		0.11 cfs	31.6 afa

The actual number of irrigated acres determined from the aerial photo is approximately 9.2, after removing the house, etc. This corresponds to the number of acres calculated from the square footage map attached to the application. Rights for more than 5 acres are rounded to the nearest whole number, in this case 9.

The recommendations portion of the exam report was not filled in, however, there is sufficient information to issue a license. The examiner indicates in the narrative that the domestic portion is not connected to this well and therefore will not be listed on the license.

Examiner: Keith Wilson

Exam Date: August 14, 1997

RECEIVED

DEC 08 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07568

DATE 11/28/97

REVIEWER: SHARLA

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

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.26</u> cfs
Fee limit	<u>.20</u> cfs \$50 ⁰⁰
Measured	<u>.11</u> cfs
Theoretical	<u>.11</u> cfs @ 40 psi and 75' lift
Recommended Total Div Rate <u>.11</u> cfs	

ANNUAL VOLUME/ NATURE OF USES —

6.72
2.79
9.51 ac.
-.33
9.18 ac.
9.0

10 house
 01 shed
 15 driveway
 07 bldg
 33

Use	cfs	Volume Calc
<u>100</u>	<u>.11</u>	<u>9 X 3.5 = 31.5</u> af
<u>stock</u>	<u>.02</u>	<u>.1</u> af
—	—	— af
—	—	— af
SUBTOTAL	<u>.11</u>	<u>31.6</u> af

4/15.10/15
season

Flow rate .11 cfs X 184 days X 1.98 = 40.1 af
 Total volume recommended — af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

Re3 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

Adjustment Memo blank
recomm.

1st Amend Letter NA

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 23 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7568

1. Owner: Gale Harding Phone No. 356-3191(W)

356-3700(H)

Current Address: 329 w 7th S, Rexburg Id 83440

2. Accompanied by: Gale Harding EXAM DATE: 14 Aug 1997

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NW	31	6N	40E	Madison	USGS Quad / FSA Aerial / Onsite

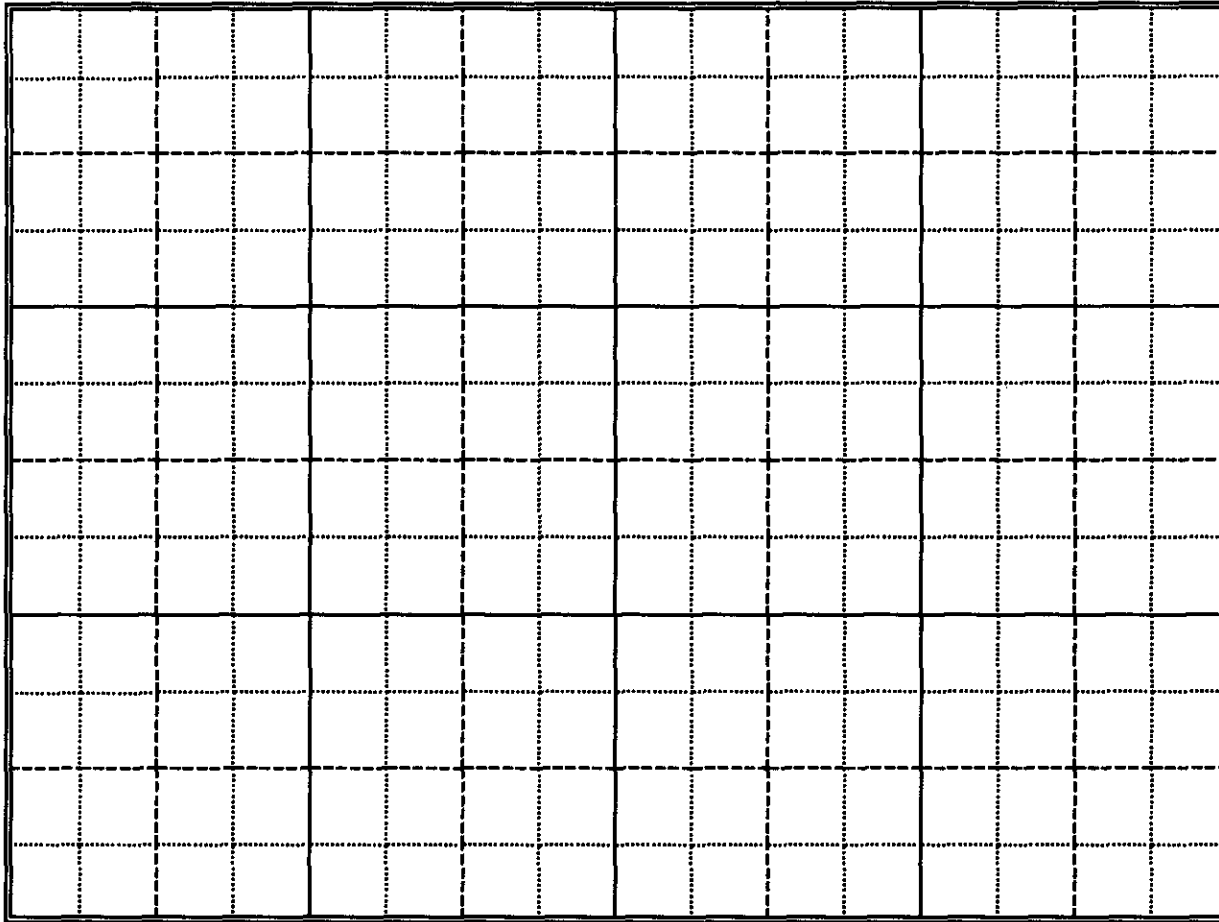
2. Place(s) of Use:

Indicate Method of Determination FSA Aerial

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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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	Model # Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin Electric	3	2823028103	—	—

*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
Pressure Gauge		Ashcroft	1008		0-100	

2. Measurements: $\frac{5}{32}$ $\frac{1}{64}$ $\frac{5}{32}$ $\frac{1}{64}$ $\frac{5}{32}$ $\frac{1}{64}$ $\frac{5}{32}$ $\frac{1}{64}$
 x x x x x x x x
 55 psi 55 psi

NOT RECORDED

DEC 08 1997

E. NARRATIVE/REMARKS/COMMENTS

IRRIGATION SYSTEM

well pump mainline to pressure tank and to hand lines with sprinklers
and mainline to shop & stock troughs

At time of exam only three horses. Recommend Licensing for 6 horses

NOTE: House located on place of use served by a single domestic well
Not connected to the system under this permit/license

Static water level of 40' TAKEN FROM WELL LOG FOR MADISON COUNTY
ENERGY Commission. Well drilled 9/11/79 - 10/24/79 by Doug Cushman. The
well under the log is within $\approx 100'$ of well covered under this permit (22-7568)

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

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DEC 08 1987

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\begin{aligned} @ 55 \text{ psi } \frac{5}{32}'' &= 5.39 \text{ gpm} \times 4 = 21.56 \text{ gpm} \\ \frac{1}{64}'' &= 6.48 \text{ gpm} \times 4 = 25.92 \\ &\underline{47.48 \text{ gpm}} = 0.105 \text{ cfs} = 0.11 \text{ cfs} \end{aligned}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
IRRIGATION				
STOCKWATER				
DOMESTIC				
Totals:				

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 KEITH C. WILSON Date 14 Aug 1997

Reviewer _____ Date _____

SEAL

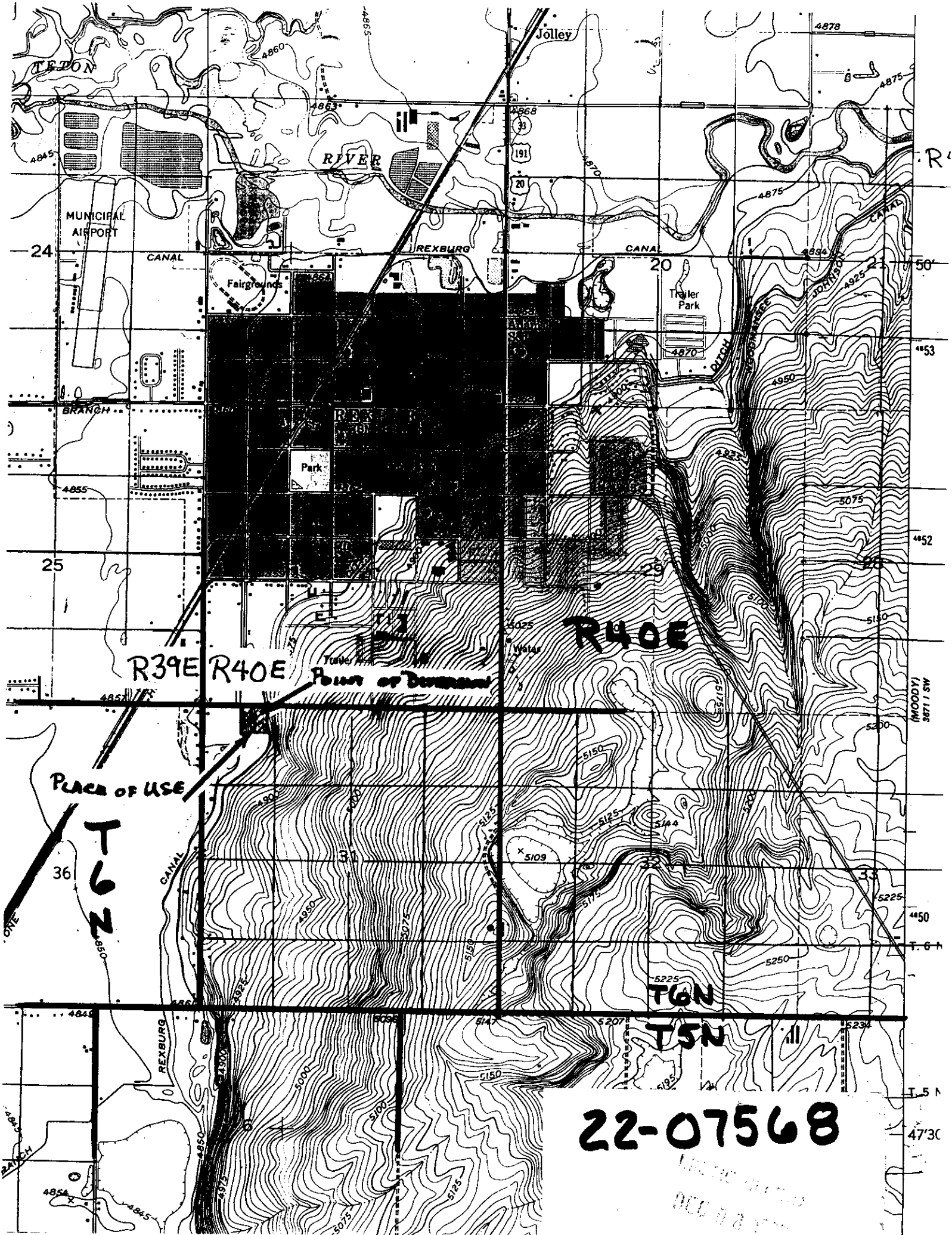
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DEC 08 1997



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DEC 18 1977

22-07568



R39E R40E

R40E

Place of Use

T6N

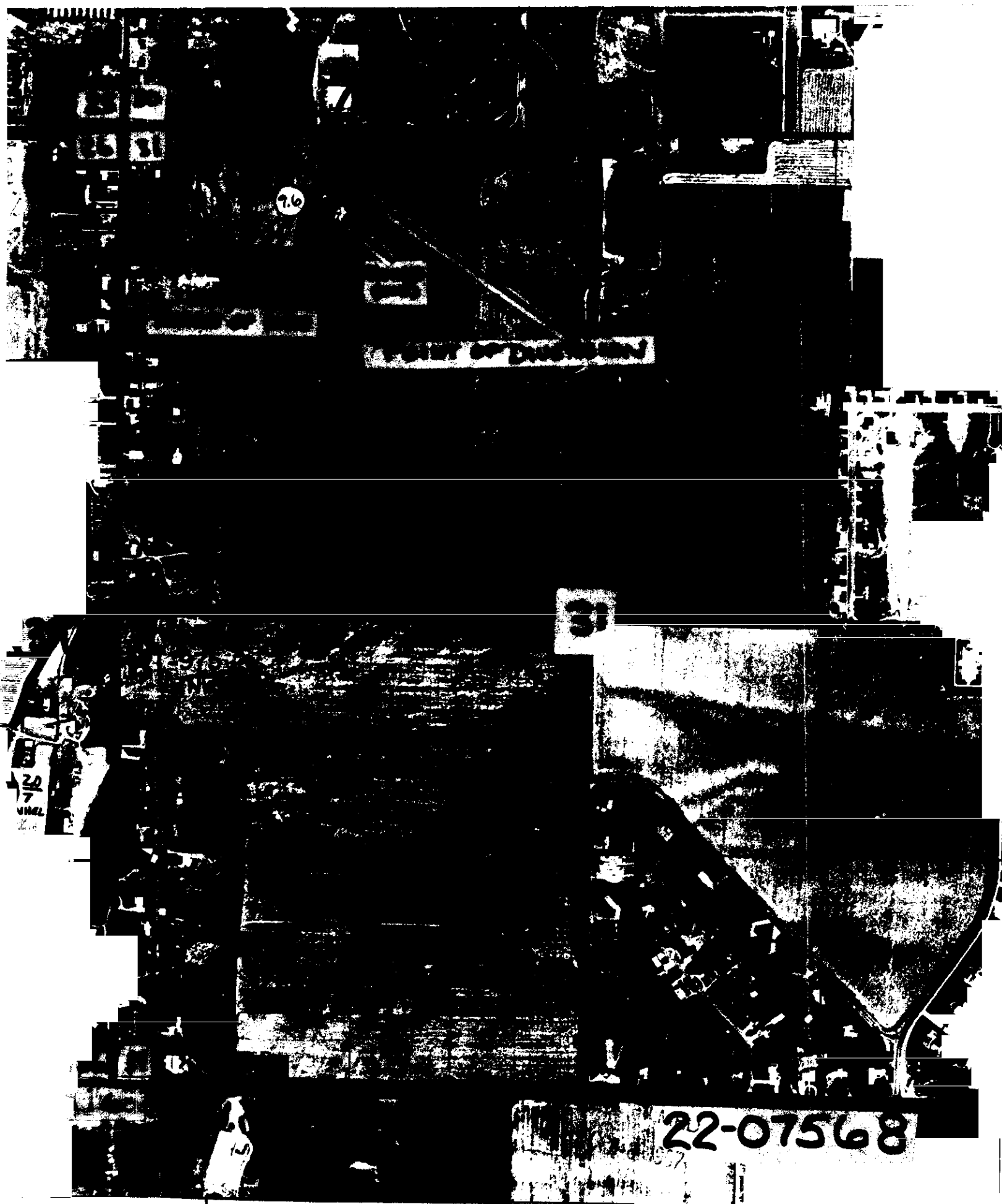
T6N

T5N

22-07568

NOV 1960

22-7568



20.30	20	40	
10			
40.60			
2a			
40.39			
30			
3a	1.647/16		
40.19			
4a			
39.98			
E. 0.51			
19.84	20	40	
1a			
39.83			
2a			
39.89			
30			
3a	4.639.66		
39.92			
4a			
40.00			
20.00	20	40	

R40E

T
26
N

108°30' E

108°30' E
108°30' E
108°30' E

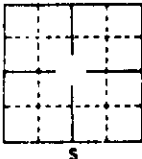
108°45' E

108°

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Madison County Energy Commission</u> Address <u># 1 Continued</u> Owner's Permit No. _____	7. WATER LEVEL Static water level _____ feet below land surface Flowing? ☐ Yes ☐ No G.P.M. flow _____ Artesian closed in pressure _____ P.S.I. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____																																																																												
2. NATURE OF WORK ☐ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) Refer to page 1	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																									
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3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>492</td> <td>516</td> <td>516</td> <td>Reddish Riolite</td> <td></td> <td>X</td> </tr> <tr> <td>516</td> <td>649</td> <td>649</td> <td>Basalt</td> <td></td> <td>X</td> </tr> <tr> <td>649</td> <td>670</td> <td>670</td> <td>Reddish Black Sandstone</td> <td></td> <td>X</td> </tr> <tr> <td>670</td> <td>675</td> <td>675</td> <td>Sandstone</td> <td></td> <td>X</td> </tr> <tr> <td>675</td> <td>730</td> <td>730</td> <td>Riolite</td> <td></td> <td>X</td> </tr> <tr> <td>730</td> <td>818</td> <td>818</td> <td>Riolite</td> <td></td> <td>X</td> </tr> <tr> <td>818</td> <td>875</td> <td>875</td> <td>Red & Gray Riolite</td> <td></td> <td>X</td> </tr> <tr> <td>875</td> <td>923</td> <td>923</td> <td>Riolite with 1</td> <td></td> <td></td> </tr> <tr> <td>923</td> <td>1169</td> <td>1169</td> <td>Red Riolite</td> <td></td> <td>X</td> </tr> <tr> <td>1169</td> <td>1213</td> <td>1213</td> <td>Broken Riolite</td> <td>X</td> <td></td> </tr> <tr> <td>1213</td> <td>1259</td> <td>1259</td> <td>Broken Riolite</td> <td>X</td> <td></td> </tr> </tbody> </table>	Hole Diam.	Depth		Material	Water		From	To	Yes	No	492	516	516	Reddish Riolite		X	516	649	649	Basalt		X	649	670	670	Reddish Black Sandstone		X	670	675	675	Sandstone		X	675	730	730	Riolite		X	730	818	818	Riolite		X	818	875	875	Red & Gray Riolite		X	875	923	923	Riolite with 1			923	1169	1169	Red Riolite		X	1169	1213	1213	Broken Riolite	X		1213	1259	1259	Broken Riolite	X	
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	RECEIVED DEC 20 1979 Department of Water Resources Eastern District Office																																																																												
5. WELL CONSTRUCTION Casing schedule: ☐ Steel ☐ Concrete ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☐ Yes ☐ No Was a packer or seal used? ☐ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☐ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth _____ Material used in seal: ☐ Cement grout ☐ Puddling clay ☐ Well cuttings Sealing procedure used ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing ☐ Threaded ☐ Welded ☐ Solvent ☐ Cemented between strata Describe access port _____		Thickness	Diameter	From	To	inches	inches	feet	feet	inches	inches	feet	feet	inches	inches	feet	feet	inches	inches	feet	feet	Number	From	To	perforations	feet	feet	perforations	feet	feet	perforations	feet	feet																																												
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County _____ Refer to page 1 _____ 1/4 _____ 2/4 Sec. _____ T. _____ N/S, R. _____ E/W.	10. Work started <u>9/11/79</u> finish: <u>10/24/79</u> 11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. DOUG CUSHMAN Firm ne <u>DRILLING COMPANY</u> Firm No. <u>72</u> Address <u>945 South Broadway</u> <u>Blackfoot, ID 83221</u> Date <u>12/12/79</u> Signed by (Firm Official) <u>Doug Cushman</u> and (Operator) <u>Doug Cushman</u> Page 2 of 1299																																																																												

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

DEC 28 1979

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT SS - 15 & 10 10USE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER # 1 Name Madison County Energy Commission Address Rexburg, ID 83440 Owner's Permit No.		7. WATER LEVEL Static water level 40 feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow Artesian closed in pressure PSI Controlled by ☐ Valve ☐ Cap ☐ Plug Temperature OF Quality																																																																																																																																																																																																
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5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other Thickness Diameter From To .250 inches 6 inches 1 foot 440 feet .250 inches 12 inches 1 1/2 feet 18 feet inches inches feet feet inches inches feet feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☒ Yes ☐ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation inches by inches Number From To perforations feet feet perforations feet feet perforations feet feet Well screen installed? ☐ Yes ☒ No Manufacturer's name Type Model No. Diameter Slot size Set from feet to feet Diameter Slot size Set from feet to feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel Placed from feet to feet Surface seal depth 18' Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings Sealing procedure used ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port		10. Work started 9/11/79 finished 10/24/79																																																																																																																																																																																																
6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name Lot No. Block No. County Madison NW 1/4 NW 1/4 Sec. 31 T. 6 N. R. 40 E. W.		11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. DOUG CUSHMAN Firm Name DRILLING COMPANY Firm No. 72 945 South Broadway Address Blackfoot, ID 83221 Date 12/12/79 Signed by (Firm Official) <i>Doug Cushman</i> and (Operator) <i>Doug Cushman</i> Page 2 of 2 1299																																																																																																																																																																																																

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

APRIL 19, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MR. GALE W HARDING
329 W 7TH ST
REXBURG ID 83440

RE: PERMIT NO. 22-07568

Dear Sir,

This letter is to confirm that the assignment of ownership on the above referenced water right is satisfactory. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

RECORDED
APR 25 1995



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

R. KEITH HIGGINSON
DIRECTOR

March 28, 1995

GALE W HARDING
329 W 7TH S
REXBURG ID 83440

RE: Permit No. 22-07568

Dear Mr. Harding:

I recently received an 'Assignment of Permit' form on the above referenced permit assigning the permit to you.

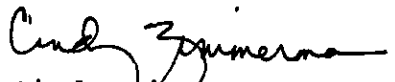
In Idaho, a permit is considered personal property and can only be assigned by the owner of record. Our records identify Richard L. Davis as owner of the permit. The assignment submitted was signed by Phyllis Davis, as executor for Richard L. Davis; however, court documentation establishing Phyllis Davis as executor for Richard L. Davis did not accompany the assignment. This assignment is not acceptable without that documentation.

As of July 1, 1994, the assignment of a permit must be accompanied by a \$25.00 filing fee. Assignments of permits are not acceptable without filing fees.

I am returning your assignment to you. I have enclosed a partially completed 'Assignment of Permit' form. Please resubmit the assignment, and necessary documentation with the filing fee to my attention at the above address.

If you have any questions, please feel free to contact me directly at (208) 327-7944.

Sincerely,


Cindy Zimmerman
Water Resource Agent

Enclosures

APR 25 1995

May 24, 1991

RICHARD L. DAVIS
P.O. BOX 391
REXBURG, ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07568

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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 EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED

JUN 28 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 22-7568

Date 5-23-91

GENERAL CONSIDERATIONS

Y Name same as permit?
Y Address same as permit? If no, indicate below.
BB Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

Y Surface water source
Y Ground water source
N/A Drill permit req'd?
Y Copy in file? Drill permit no. _____
Y Amt paid for drilling permit? _____ Correct?
Y Well log in file?

LICENSE EXAMINATION FEE

Y Required?
* 50.00 Amount submitted?
Y Correct amount?

MEASURING DEVICE

_____ Measuring device or access port required?
_____ Installed?
_____ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

*- Incorrect fee
Well drilled in 1980
* Amount reduced to 0.20*

PRIORITY CALCULATION

Date proof received May 2 122
Date proof due Apr. 1 - 91
No. of days late = 31
Priority date Aug. 7 + 213
NEW PRIORITY DATE Sept. 1, '88 = 244

LB

May 8, 1991

RICHARD L. DAVIS
P O BOX 391
REXBURG ID 83440

Dear Mr. Davis:

Re: Permit No. 22-7568

On May 2, 1991, the department received the proof of beneficial use form along with the \$50 license exam fee. Note the enclosed instruction sheet/fee schedule. For the diversion of 0.26 cfs, the fee is \$100. For the department to issue a license for the maximum diversion rate of 0.26 cfs, an additional \$50 fee is required.

I will hold the proof for 15 days without processing it. If I have not received a response from you, I will reduce the rate of diversion for which proof is submitted to 0.20 cfs.

If you have any questions, please feel free to contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED
JUN 28 1991

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.

RECEIVED

JUN 28 1991

April 8, 1991

RICHARD L. DAVIS
P.O. BOX 391
REXBURG, ID 83440

LAPSE NOTICE

RE: PERMIT NO. 22-07568

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 January 31, 1991. 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

LGS:rf

Enclosures **JUN 28 1991**

CERTIFICATION OF MAILING

I hereby certify that on 4-9-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Rita J. Clark

138977
January 31, 1991

RICHARD L. DAVIS
P.O. BOX 391
REXBURG, ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07568

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 April 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JUN 28 1991.

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 3, 1990

RICHARD L. DAVIS
P.O. BOX 391
REXBURG, ID 83440

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P22-07568

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.

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. Also enclosed for your convenience is a form entitled "Proof of

MICROFILMED
APR 17 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED
APR 17 1990

Form No. 202a
1/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SWAN FALLS

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Steve McGinnis DATE 8-8-88 APPLICATION NUMBER 22-7568REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☒ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☒ See reverse side for additional information

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested MAR 05 1990

Department of Water Resources

PROCESSING

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

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 2-19-90
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01-P05
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information
Date of priority recommended 8-01-1988
By HWS Date 3-02-90

STATE OFFICE REVIEW

P05, P23 P16 48 49 46 04

☐ See below for additional information
By KW Date 3-10-90

ADDITIONAL INFORMATION

App. in NON-TRUST area-

24-Jan-1990

Richard L. Davis
P.O. Box 391
Rexburg, ID 83440

RE: Application for Permit No. 22-7568

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Rexburg Standard-Journal on. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the 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,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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APR 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 23, 1990

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 19, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

RECORDED

APR 17 1990

22-07568

DAVIS, RICHARD L.
P.O. BOX 391
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: NENWNW Sec 31 T 06N R 40E

Use: IRRIGATION	(.200 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)
Total Diversion:	(.260 CFS)

Date Filed: 8/01/1988

In: T06N R40E S31 NWNW

9.6 ACRES TOTAL

MICROFILMED

APR 17 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42- , Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before FEBRUARY 19, 1990.

R. Keith Higginson, Director

Published 2/01/1990 & 2/08/1990

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State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 19, 1988

Richard L. Davis
P.O. Box 391
Rexburg, Idaho 83440

RE: Application for Permit #22-7568

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 22-7568. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

RECEIVED
WATER RIGHTS SECTION

APR 17 1990

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]