

THE STANDARD/JOURNAL

REXBURG, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Madison } ss

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

Notice Of Application

a copy of which notice appears attached here-
to, 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 hav-

ing been made on March 19, 1987
and the last publication having been made

on March 26, 1987.

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 con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston

Subscribed to and sworn to before me
this March 27, 1987

Roger O. Fisher
Notary Public.
(SEAL)

My commission expires Aug. 5, 1991

RECEIVED
MAR 30 1987

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

The following applications have been fil-
ed to appropriate the public waters of the
State of Idaho:

22-7464

KILLIAN, STEVE; DOUGLASS, RAND
Rt. 6, BOX 423-A, IDAHO FALLS, ID.
83401

Source: GROUNDWATER

Date Filed: 06/24/1983

Diversion Pt: NWSW Sec 36 T 06N R 39E

Use: IRRIGATION (0.06 CFS) COMMER-
CIAL (0.04 CFS)

In: NWSW Sec 36 T 06N R 39E FOR 3
ACRES

The permits 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
April 6, 1987.

KEN DUNN
Director

Publ. March 19 and 26, 1987J.

MICROFILMED
AUG 27 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 13 1990

Department of Water Resources

A. GENERAL INFORMATION

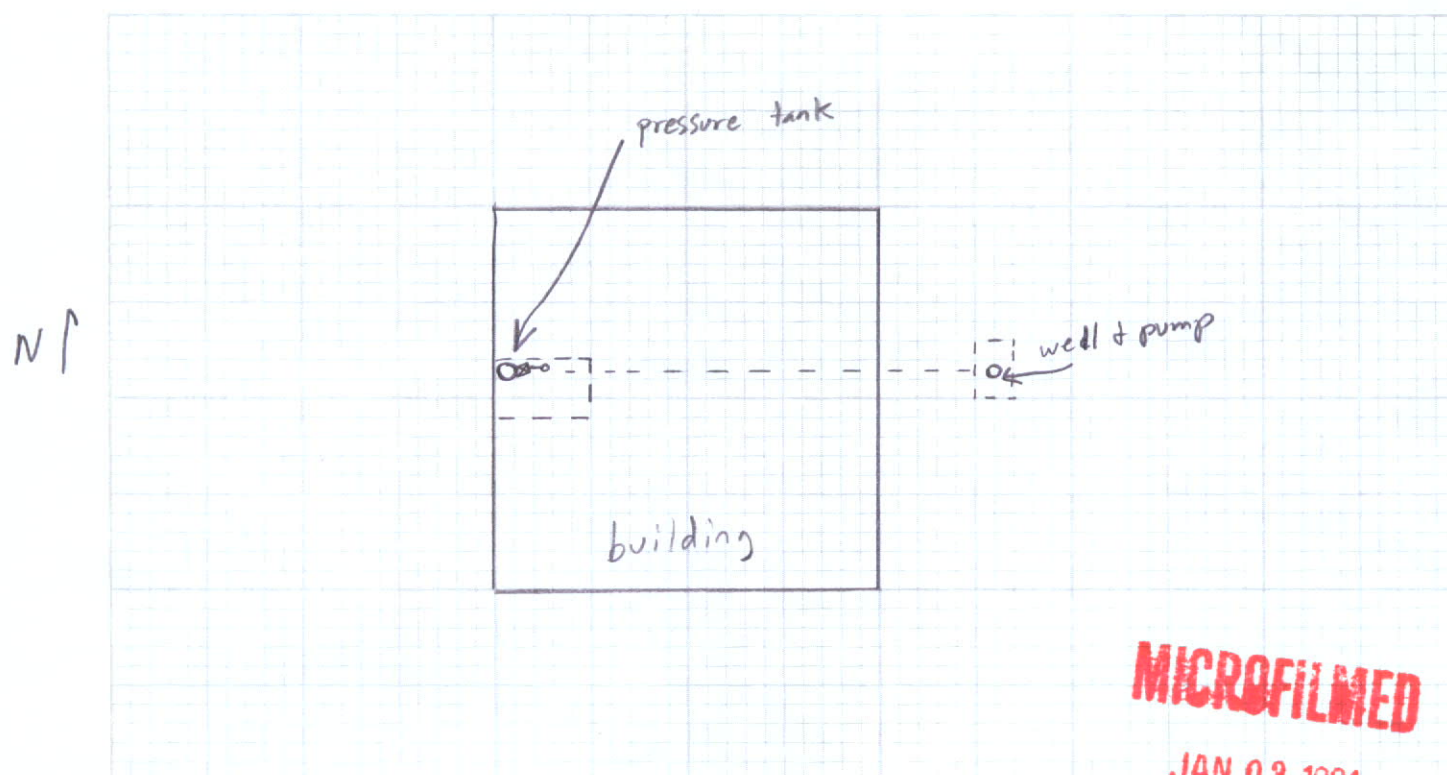
1. Owner: Steve Killian or Rand Douglass
Current Address: Route 6 Box 423-A, Idaho Falls, Id. 83401
2. Accompanied by: Scott Killian
Address: 1874 W 1500 S Rexburg, Id.
Relationship to Permit Holder: Son
3. Source: groundwater tributary to _____
- Permit No. 22-7467
Phone No. 523-4924
EXAM. DATE: 6-21-89
Phone No. 356-0780

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: None
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

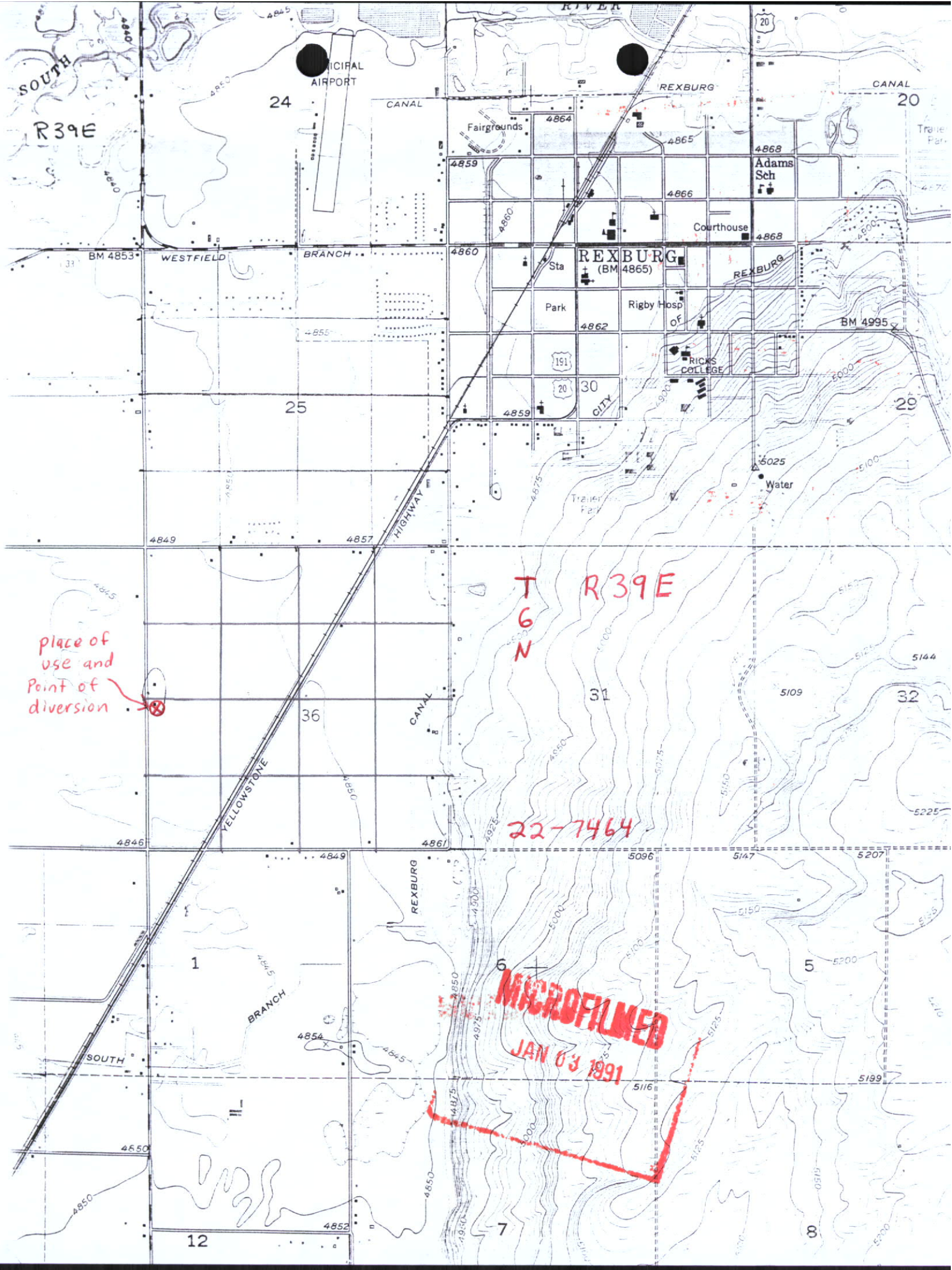
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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JAN 03 1991

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
- ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).



place of
use and
point of
diversion

T 6 N
R 39 E

22-7464

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pressure
Tank

pressure
gage

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22-7464

well + pump



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22-7464

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07464

Priority: June 29, 1983

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 1.2 AF

This is to certify, that STEVE KILLIAN
RAND DOUGLASS

RT. 6 BOX 423-A
IDAHO FALLS, ID 83401

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 24, 1983; and has submitted Proof of Beneficial Use on September 6, 1988. An examination indicates that the works have a diversion capacity of .050 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>
COMMERCIAL	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 36, Township 06N, Range 39E
MADISON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06N 39E 36 NWSW

CONDITIONS/REMARKS:

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

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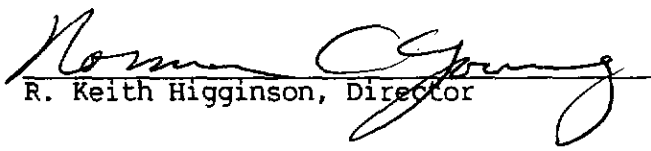
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07464

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 14TH
day of DECEMBER, 1990.

Acting for


R. Keith Higginson, Director

MICROFILMED

JAN 03 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-7464 IN THE
NAME OF STEVE KILLIAN OR RAND DOUGLASS

)
) 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 September 1, 1988; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on September 1, 1988 the permit lapsed for failure of the permit holders to submit 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 lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on September 6, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 22-7464 be REINSTATED and the priority advanced to June 29, 1983.

Dated this 6th day of October, 1988.

RECEIVED

NOV 2 1988

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Steve Killian or Rand Douglass Phone 523-4924

Post office address Route 6 Box 423-A, Idaho Falls, Idaho 83401

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 6 North

Range 39 E.B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .06 for irrigation purposes from 5-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .04 for commercial bldg purposes from 1-1 to 12-31 (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:

a. .10 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. ~~ditch runs on the east side of the building.~~ Well/pump with lines to commercial building and sprinkler lines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 80 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 6N
Range 39E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: water is used for one commercial building.

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AUG 27 1987

Topographic map of the Rexburg, Idaho area, showing the Rexburg Canal, Yellowstone Highway, and surrounding terrain. The map includes a grid with section numbers 35, 36, and 37. Key features include the Rexburg Canal, Yellowstone Highway, and the Rexburg City area. A handwritten note indicates the 'Point of diversion' and 'Place of use' near section 36. The map also shows the 'Burton Cem' and 'SOUTH' direction.

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.

forth.

REFFILMED
AUG 27 1987

Stephen D. Killian
(Applicant)

Land Jugglers

Proposed Permit, 6/24/83

Received by HWS Date 6-24-83 Time 4:32

Preliminary check by S.M. Fee \$ 30.00

Receipted by CW Date 6-24-83 # 30732

Publication prepared by HW Date 3-11-87

Published in STANDARD JOURNAL

Publication dates 3-19-87 + 3-26-87

Publication approved HW Date 4-02-87

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC. kw

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. 22-7464, and said application is hereby APPROVED.

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 September 1, 19 88.
- 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. Other:

Witness my hand this 11th day of August, 1987.

J. Glen Saxton
Chief, Operations Bureau

RECORDED

AUG 27 1987

THE STANDARD/JOURNAL
REXBURG, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Madison } ss

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do solemnly swear that the

Notice Of Application

a copy of which notice appears attached here-
to, 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 hav-

ing been made on March 19, 1987
and the last publication having been made
on March 26, 1987.

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 uninterrupted published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston

Subscribed to and sworn to before me
this March 27, 1987

(SEAL)

[Signature]
Notary Public.

My commission expires Aug. 5, 1991

RECEIVED
MAR 30 1987

Department of Water Resources
Eastern District Office

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FOR WATER RIGHT

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Source: GROUNDWATER

Date Filed: 06/24/1983

Diversion Pt: NWSW Sec 36 T 06N R 39E

Use: IRRIGATION (0.06 CFS) COMMER-
CIAL (0.04 CFS)

In: NWSW Sec 36 T 06N R 39E FOR 3
ACRES

The permits will be subject to all prior
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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
April 6, 1987.

KEN DUNN
Director

Publ. March 19 and 26, 1987J.

MICROFILMED

AUG 27 1987

December 18, 1990

STEVE KILLIAN
RAND DOUGLASS
RT. 6 BOX 423-A
IDAHO FALLS, ID 83401

RE: WATER RIGHT NO. 22-07464

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure



November 21, 1990

STEVE KILLIAN
RAND DOUGLASS
RT. 6 BOX 423-A
IDAHO FALLS, ID 83401

RE: WATER RIGHT NO. 22-07464

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

JAN 03 1991

MEMORANDUM

TO: File 22-7464

FROM: Sharla

DATE: November 13, 1990

RE: Volume Calculations

The examiner has not given any details as to the extent of the commercial use of water except to say that it is for a commercial building and washing of trucks and equipment. He does not give an estimate of gallons used per day, nor does he indicate how many days a year the system is used.

Based on a rough estimate of 1000 gallons/day, (and assuming a 5-day work week), the volume would be 1.9 AFA. The examiner recommends a volume of 1.2 AFA; this amount will be used for licensing.

RECEIVED
JAN 03 1991

LICENSE REVIEW CHECKLIST

Permit No. 22-7464

Name/Address change? ok ☒

Priority date Advance? yes no ☒
Memo to advance N/A

Order to reinstate needed? yes no ☒

Total cfs Limited by fee 04 ☒
Limited by capacity

Total volume Limited by flow
Chart checked for AF rate/ac N/A

Capacity Actual measurement checked NONE
Theoretical checked ☒
If greater than permit, check for other rts

Source Changed? yes no ☒
If so, is memo needed to clarify?

P/D Verify with map ☒ permit ☒
More than one per 44? Remember remark
Check p/d overlap N/A

Uses Check irrigation period of use w/ chart N/A

P/U Verify with map ☒ permit ☒
> 5 acres irrigated, run overlap N/A

Remarks More than one p/d in 44
Description of non-irrig uses ☒
Special overlap condition

Conditions Measuring device
W.Master control
Overlap
Water quality
Other

Dates/Misc Water district
App Rec'd date
Proof Rec'd date

Comments/Changes to Examiner's Recommendations:

License 10-day ☒ 30-day

Back of field report signed? ☒
Reviewer J. Curtis Date 11-13-90
Review time 12 minutes

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

22-7464
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
- ☒ Copy of Permit
- None* ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat
- Check of P/D index L.W. 6-20-89 (Initial and date)
- Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
- Type of Overlap? ☐ Add acres or uses to existing system
- ☐ Increase rate of flow or volume
- ☐ Other: _____
- Check of P/U index L.W. 6-20-89 (Initial and date)
- Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
- Type of Overlap? ☐ Increase rate of flow or volume
- ☐ Add P/D's
- ☐ Increase number of acres within tracts
- ☐ Other: _____
- Aerial Photo
- Required? ☐ yes ☒ no If yes: ☐ copy attached?
- Scheduling Letter sent? _____ (Initial and date)
- ☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Larry P. Miller 7-25-89 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent K.W. 7/26/89 (Initial and date)

Exam Reviewed by Manager of Regional Office _____ (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original

Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 13 1990

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7464

Phone No. 523-4924

1. Owner: Steve Killian or Rand Douglass
Current Address: Route 6 Box 423-A, Idaho Falls, Id. 83401

2. Accompanied by: Scott Killian EXAM. DATE: 6-21-89

Address: 1874 W 1500 S Rexburg, Id. Phone No. 356-0780

Relationship to Permit Holder: Son

3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

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

☐ Copies Attached

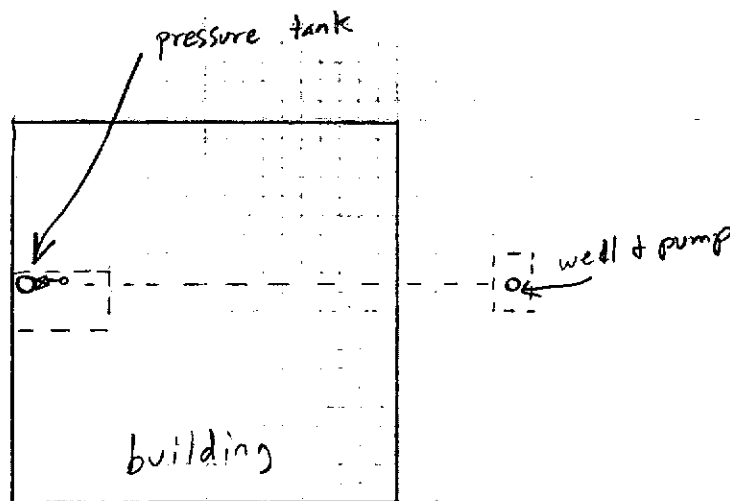
2. Other water rights with same point of diversion: None

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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JAN 03 1991

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

- ☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.)

- ☐ Aerial Photo Attached
(required for irrigation of 10-acres or more).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well + pump to commercial building for drinking and lavatory, also to wash trucks and equipment. Irrigation is done ~~by pump~~ from a ditch. The pump is not used for irrigation.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A	3/4	N/A	N/A	N/A

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SW	36	6N	39E		maps / on site inspection

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	39E	36									C								

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Range 30-50 psi (Reading at time of exam 38 psi)
(Used 40 in calculations)
Well Drillers report says static water level is 12'

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

$$Q_{Theor.} = \frac{hp (8.814) (eff)}{1.14 + (PSC \times 2.308)} = \frac{(3/4) (8.814) (.8)}{12 + (40 \times 2.308)} = 0.05 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

$V_{com} = 1.2 \text{ afa}$ (from charts)

JAN 03 1991

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

limited to 0.04 cfs at 1.2 afa
for one commercial building.

Irrigation is not included because water
is from a ditch that belongs to
Rexburg irrigation.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1/1	12/31	0.04	1.2
Totals:			0.04 cfs	1.2 afa

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

J. AUTHENTICATION

Field Examiner's Name Larry Waters
Signature Larry L. Waters
Certification Date _____
Field Report Preparation Date 7-25-89

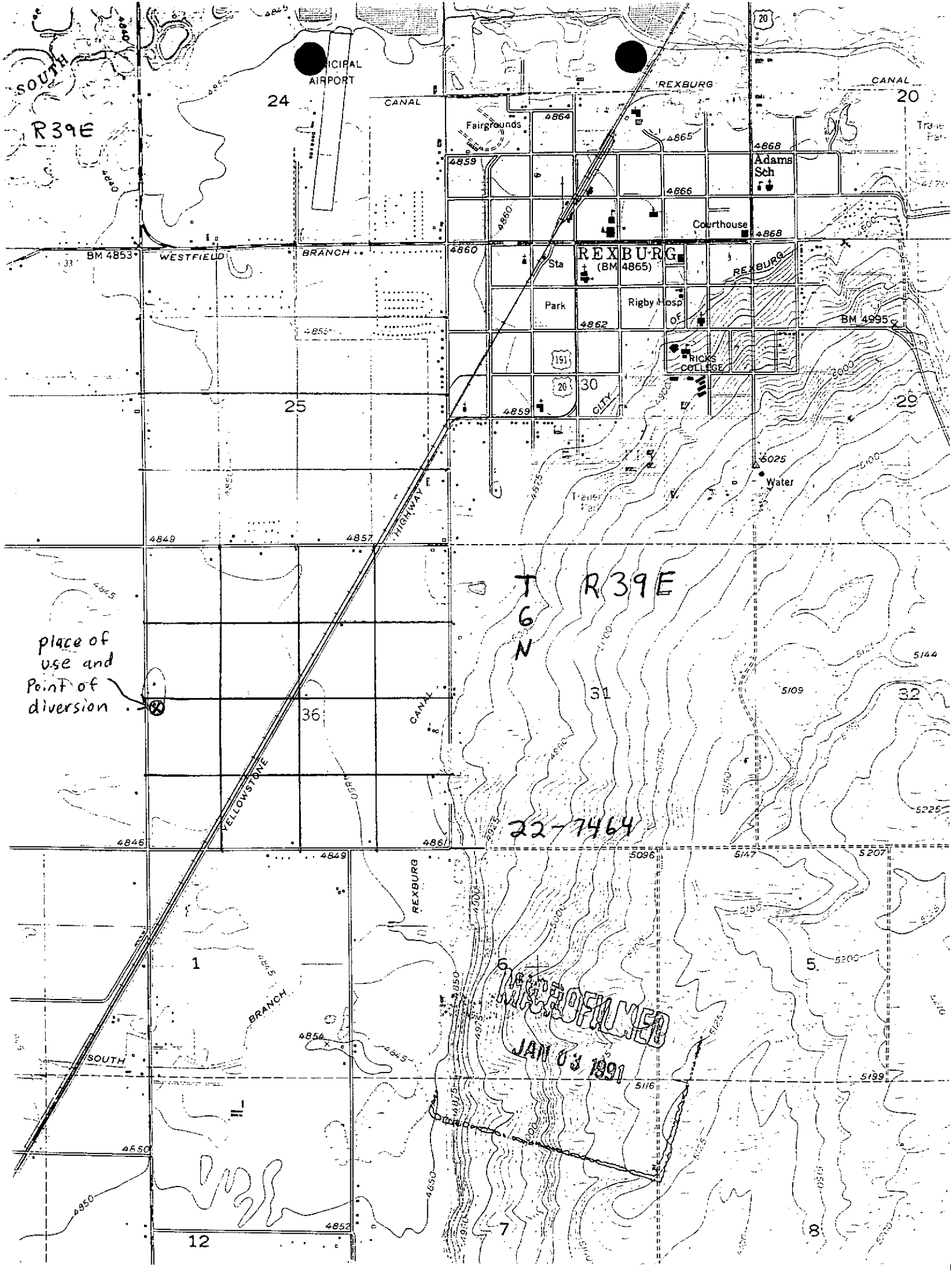
CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

SC
11-13-90

MICROFILMED

JAN 03 1991



well & pump



MICROFILMED

JAN 03 1991

22-7464

January 4, 1989

RE: Permit No. 22-7464

Steve Killian
Rand Douglass
259 E. 33 N.
Idaho Falls, ID 83401

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit. Enclosed please find a copy of an order pertinent to your permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:CW

Enclosure

MICROFILMED

JAN 13 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-7464

Date: 10/5/88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
Y Address change If yes, prepare a data entry
N Proof received timely
Y Reinstated

Source of Water:

Y Surface water
Y Groundwater
Y 1. well log in file
N/A 2. drilling permit
A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

*Proof Acceptable
Reinstate*

Y Priority Calculation:
Date proof received Sept. 6, '88 249
Date proof due Sept. 1, '88 - 244
No. of days late = 5
Priority date June 24, '83 + 175
NEW PRIORITY DATE June 29, '83 = 180

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

AUG 16 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 06 1988

For Office Use Only
Date received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by JS
Sent to region _____

Department of Water Resources

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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.

Permit No. 22-7464

Name(s) of Permit Holder: Steve Killian or Rand Douglass

Post Office Address: 259 E. 33 N., Idaho Falls, ID. 83401

Telephone No. 523-4924 / 522-9291

Source of Water: Ground water

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation None From Well (acres) Other/Remark Commercial use

Culinary water in Tractor Sales and Auto, Inc. building

Total rate and/or volume for which proof is submitted 0.04 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 12-1-82

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Fee enclosed \$ 0.00 N/A
(See License Examination Fee Schedule)

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

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

SCOTT KILLIAN,
TECIE Killian (Name)

356-0780 work
(Telephone Number)

522-7291 work
523-4924 home

(Address)

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.

NOV 21 1988

8-11-88

Date

Rand Douglass
Jessie Killian
Signature of Permit Holder (and title, if appropriate)

August 30, 1988

Terrie Killian or Steve Killian
or Rand Douglas
259 E. 33 N.
Idaho Falls, ID 83401

Dear Ms. Killian and Gentlemen:

Re: Permit No. 22-7464

Returned is the proof of beneficial use form submitted to this office on August 16, 1988.

Since a water right permit is considered as personal property, only the permit holder(s) can take action on the permit. This permit is in the name of Steve Killian or Rand Douglas. Either of these two people should sign the proof of beneficial use form and return it promptly.

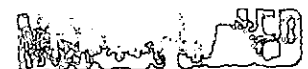
If you would like the permit to have other names included, an assignment is needed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure



NOV 21 1988

To: File 22-7464

From: Groundwater Protection

Date:

Drilling Permit: ☒ Not Applicable
☐ Found and in file
☐ Not Found

Well Drillers Report:

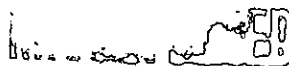
☐ Not found, due to reported age of well
probably not available
☒ Found and is in file
☐ Not found

Follow-up

☐ Request from permit holder the well
drillers report and/or the name of the
well driller.
☐ Ask permit holder when well was drilled
and notify holder of drilling permit
requirement if after July 01, 1987.

OK

JP



NOV 21 1988

MAY 3 1983

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

1 1993

Steve Killian
259 E. 33rd N.
Idaho Falls, ID 83401



Idaho Water Resources
1301 N. Orchard St
Boise,
Id 83720

Handwritten address in cursive script.

NOV 21 1988

Vertical date stamp.

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 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. <u>The return receipt fee will provide you the name of the person delivered to and the date of delivery.</u> For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.	
1. ☐ Show to whom, date and address of delivery.	
2. ☐ Restricted Delivery.	
3. Article Addressed to: <i>Idaho Water Resources</i> <i>Box 1 N. Orchard St</i> <i>Boise Id 83720</i>	
4. Type of Service: ☐ Registered ☐ Insured ☐ Certified ☐ COD ☐ Express Mail	Article Number <i>P713</i> <i>437 835</i>
Always obtain signature of addressee <u>or</u> agent and DATE DELIVERED.	
5. Signature - Addressee <i>X</i>	
6. Signature - Agent <i>X</i>	
7. Date of Delivery	
8. Addressee's Address (<i>ONLY if requested and fee paid</i>)	

DOMESTIC RETURN RECEIPT

NOV 21 1988

DOUGLASS, RAND
KILLIAN, STEVE
RT. 6 BOX 423-A
IDAHO FALLS, ID 83401

138054
CERTIFIED MAIL
June 30, 1988

PROOF DUE NOTICE

RE: Permit No. 22-7464

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 September 1, 1988. (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 completed 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

RECEIVED

NOV 21 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
AUGUST 19, 1987

KILLIAN, STEVE
RT. 6 BOX 423-A
IDAHO FALLS, ID 83401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-7464

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH 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.

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 THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED

AUG 27 1987

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER: 22 7464

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: 22 July 87

Comments: _____

Application released from
San Falls on 6th Dismissal.
Dated 9 July '87.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 4-6-87
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 3-30-87
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01
24 June 1983 Date of priority recommended.
Special conditions of approval or cover letter. _____

Well has been drilled - condition 43
does not apply -
allow 1 yr. for B/U development -

By: Ernest Carter

Date: 22 July 1987

STATE OFFICE REVIEW:

L16, L05

AUG 27 1987

RECEIVED

- ☐ See attached sheet for more information.

By: kw

Date: 7/30/87

JUL 27 1987

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

11/11/87 150 5000 - 11/11/87
734-0700 Jerry Kalange

RECEIVED

JUL 17 1987

Department of Water Resources
Eastern District Office

1 Thomas G. Nelson
James C. Tucker
2 NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
3 P.O. Box 1906
Twin Falls, ID 83301
4 Telephone (208) 734-0700
5 Paul L. Jauregui
James R. Thompson
6 P.O. Box 70
Boise, ID 83707
7 Telephone (208) 383-2678
8 Attorneys for Plaintiff
5196p/TGN/dcb/7-06-87
9

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

* * * * *

IDAHO POWER COMPANY, a	)	Case No. 81375
corporation,	)	
	)	
Plaintiff,	)	
	)	SIXTH NOTICE OF DISMISSAL
vs.	)	OF CERTAIN DEFENDANTS
	)	
IDAHO DEPARTMENT OF WATER	)	
RESOURCES, et al	)	
	)	
Defendants.	)	

* * * * *

TO: THE CLERK OF THE DISTRICT COURT

NOTICE IS HEREBY GIVEN that all claims in the Second
Amended Complaint filed in the above-captioned action are
hereby dismissed with prejudice as to the following described
water applications, permits, licenses or statutory claims held
by the following named Defendants or their successors in
interest. It is not the intent of the Plaintiff to dismiss any

AUG 27 1987

SIXTH NOTICE OF DISMISSAL
OF CERTAIN DEFENDANTS - 1

1 of the following Defendants or their successors in interest as
2 to claims relating to any other water right application,
3 permit, license or statutory claim except as specifically
4 herein enumerated.

6	I.D. No.	Name	Status	Priority Date	Source
7	29-7507	ANDERSON, DR. JEFF	A	08-13-1979	SW
8	25-7314	ASHMENT, RAY OR JUDY	A	03-28-1983	G
8	41-7064	BARKDULL, RANCHES	P	10-14-1982	G
9	37-8111	BENNETT, EMMA MALCOMSON	A	05-23-1983	G
9	27-7338	BETLAM, PETER B. OR KAREN A.	A	12-29-1982	G
10	36-8185	BOSSERMAN, GENE	A	05-18-1983	G
11	37-7693	BURKE, JOHN A.	P	12-16-1977	SW
11		JUDD, FREDERICK E.			
12	47-7766	COOP, RICHARD H.	P	11-02-1981	G
12	22-7456	DALTON, ROBERT L.	A	08-03-1983	G
13		DALTON, THERESA			
13	45-7124	DARRINGTON, CLIFFORD H.	P	01-29-1973	G
14		DARRINGTON, DENTON C. (Asgnd)			
15		DARRINGTON, REGENE			
15	31-7338	EDWARDS, DAVID F.	A	05-02-1980	G
16		GUNDERSON, K. PAUL			
16	31-7404	JACOBS, MITCH	A	06-30-1983	G
17		MORTENSEN, STEVE			
17	36-7529	JULIAN CLAWSON FARMS INC.	P	03-28-1975	G
18		CONNECTICUT MUTUAL INSURANCE CO.			
18	22-7464	KILLIAN, STEVE OR	A	06-24-1983	G
19		DOUGLASS, RAND			
20	36-7907	MARSHALL, BYRON D.	P	03-26-1980	G
20	35-7897	MARTIN, LARRY D.	P	05-13-1980	G
21	34-7248	MC CASLIN, JOHN WEAVER	P	07-08-1980	G
21	36-8223	MILLER & CANTONE	A	06-29-1983	G
22	47-7413	NELSON, E. LE GRANDE	P	08-23-1977	SW
22	47-7414	NELSON, E. LE GRANDE	P	07-20-1977	G
23	45-7507	NEWCOMB, BRUCE C.	P	06-16-1982	G
23		NEWCOMB, WAYNE			
24	29-7758	PAUL, BETTY LOU	A	06-24-1983	SW
24	27-7382	PERRY, DANIEL VERNILE	A	08-30-1983	SW
25	27-7261	PETERSON, WOODROW	P	03-10-1981	G
25	35-7914	PHILLIPS, VERNON C.	P	09-08-1980	G
26	35-7973	PHILLIPS, VERNON C.	P	04-14-1981	G
26		AKA Callan Phillips			
27		PHILLIPS, MARILYN L.			
27	45-7527	PRICE, EUGENE F.	A	03-10-1983	G
28		PRICE, BERTHA			
28	35-8135	RICHARDSON, ELDON H.		05-03-1983	G

SIXTH NOTICE OF DISMISSAL
OF CERTAIN DEFENDANTS - 2

AUG 27 1987

April 20, 1987

Ms. Susan Barry
Nelson, Rosholt, Robertson, Tolman, & Tucker
P.O. Box 1906
Twin Falls, ID 83303

Dear Ms. Barry:

This office has been appraised of correspondence from Mr. Tom Nelson to Loren Holmes, Southern Regional Manager, stating it was acceptable to process permit applications requesting irrigation of a residential lot of three (3) or less acres or commercial use. A review of the applications, on file in this office, joined in the Ada County Civil Case #81375, Swan Falls, revealed several that were in accordance with this guideline on irrigation.

Though the applications have been published and are otherwise in proper form for final administrative action they must first be dismissed from Civil Case #81375. To expedite possible dismissal, a copy of the first two pages of each permit application is enclosed for consideration.

We would appreciate being appraised of the decision concerning these applications at your earliest convenience. Additional information is available upon request.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

Enclosures

MICROFILMED
AUG 27 1987

March 18, 1987

Steve Killian or Rand Douglas
Route 6, Box 423-A,
Idaho Falls, Idaho 83401

RE: Application for permit no. 22-7464

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 22-7464. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Standard Journal. The advertisement will be published for two 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,

Ernest Carlsen
Assistant Regional Manager

EC/md Enclosure

RECORDED

AUG 27 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 11, 1987

The Standard Journal
P. O. Box 10
Rexburg, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 APRIL 6, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

MICROFILMED

AUG 27 1987

NOTICE OF APPLICATION

FOR WATER RIGHT

The following applications have been filed to appropriate
the public waters of the State of Idaho:

22-2464-

KILLIAN, STEVE
DOUGLASS, RAND

RT. 6, BOX 423-A, IDAHO FALLS, ID 83401

Source: GROUNDWATER

Date Filed: 06/24/1983

Diversion Pt: NWSW Sec 36 T 06N R 39E

Use: IRRIGATION (0.06 CFS)
COMMERCIAL (0.04 CFS)

In: NWSW Sec 36 T 06N R 39E FOR 3 ACRES

The permits 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. Protests must be filed with the
Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho, 83402 on or before April 6, 1987.

Ken Dunn

Director

Published March 19, and March 26, 1987

MICROFILMED

AUG 27 1987

MEMORANDUM
TO: REGIONS
FROM: BOB FLEENOR
RE: APPLICATION PROCESSING

RECEIVED

MAR 9 1987

Department of Water Resources
Eastern District Office

ATTACHED IS A LETTER FROM IDAHO POWER COMPANY STATING THAT THEY HAVE NO OBJECTION TO PROCESS APPLICATIONS FOR THREE ACRES OR LESS.

PLEASE REVIEW THE APPLICATION IN YOUR SWAN FALLS HOLD FILE AND PROCESS THOSE THAT ARE FOR THREE ACRES OR LESS.

MICROFILMED

AUG 27 1987



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

August 13, 1985

RE: Application for Permit No. 22-7464

Steve Killian
Rand Douglass
Rt. 6, Box 423-A
Idaho Falls, Idaho 83401

Dear Applicants:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

MICROFILMED

AUG 27 1987

22-7464

KILLIAN, STEVE
DOUGLASS, RAND

RT. 6, BOX 423-A, IDAHO FALLS, ID 83401

Source: GROUNDWATER

Date Filed: 06/24/1983

Diversion Pt: NSW Sec 36 T 06N R 39E

Use: IRRIGATION	(0.06 CFS)
COMMERCIAL	(0.04 CFS)

In: NSW Sec 36 T 06N R 39E FOR 3 ACRES

MICROFILMED
AUG 27 1987