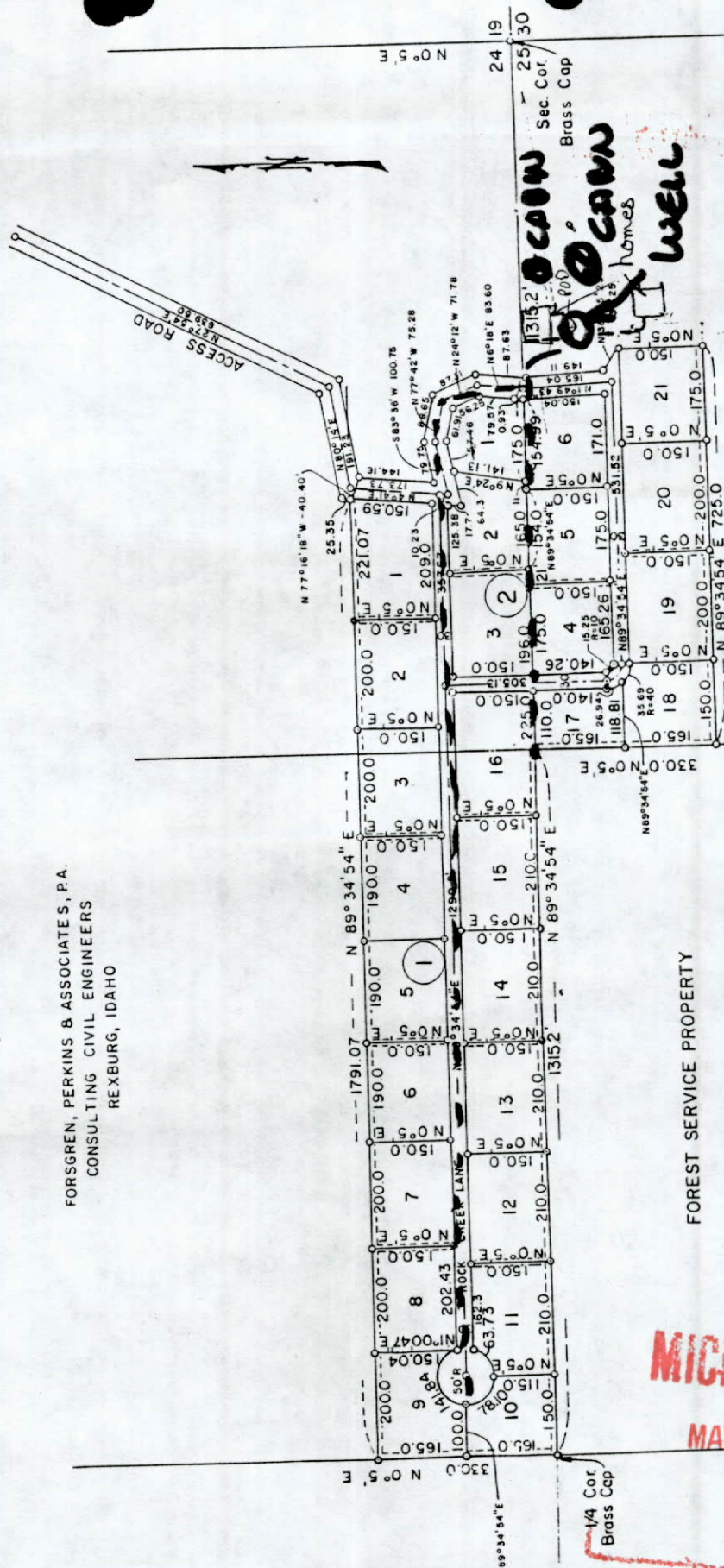


LAKEVIEW ESTATES

FREMONT COUNTY, IDAHO

SW⁴ SE⁴ SE⁴ Sec. 24, and NE⁴ NE⁴ Sec. 25,
all in T.15 N., R.42 E. B.M.

FORSGREN, PERKINS & ASSOCIATES, P.A.
CONSULTING CIVIL ENGINEERS
REXBURG, IDAHO



Legend

Lot Corner

Block No.

Lot	No.
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
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80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

10' Utility

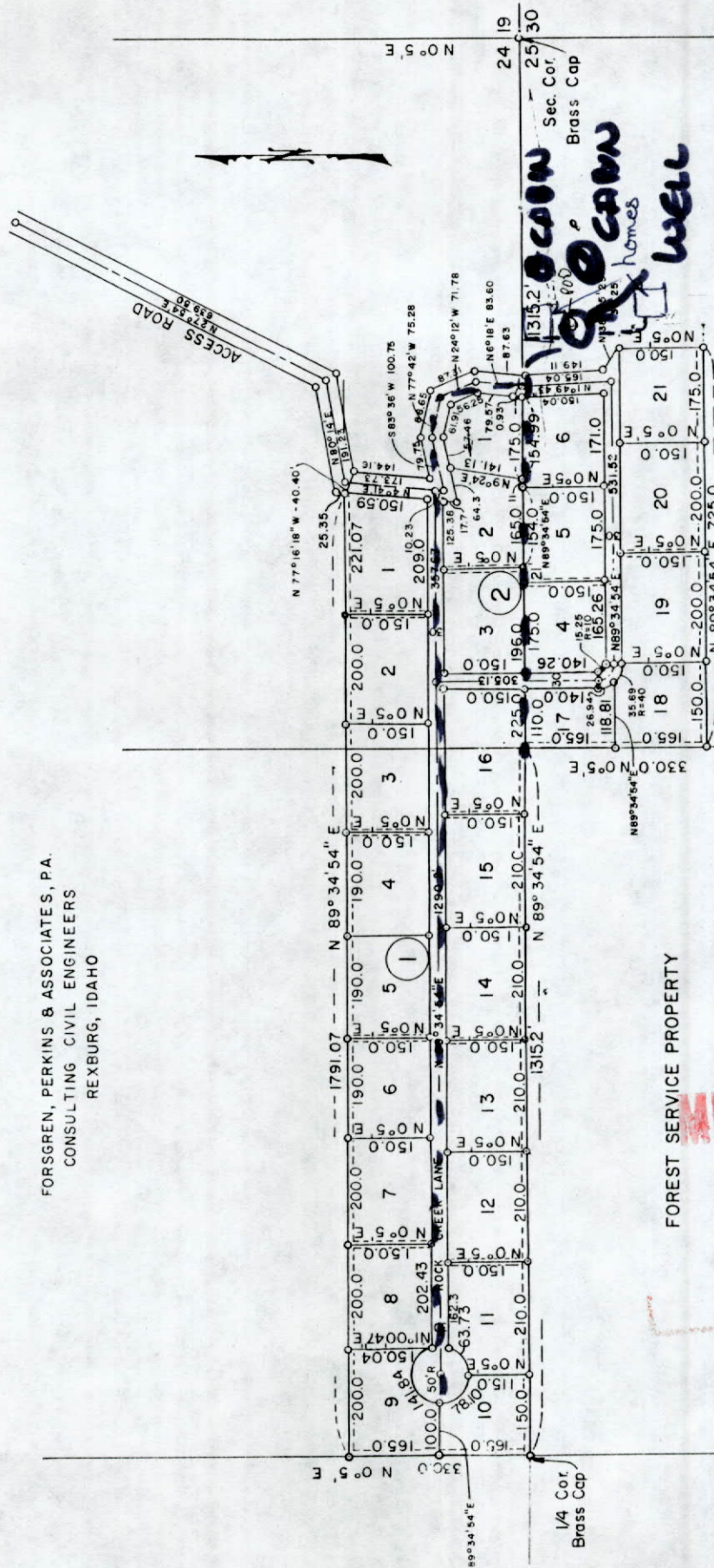
Scale 1" = 200'

LAKEDVIEW ESTATES

FREMONT COUNTY, IDAHO

part of
SW⁴ SE⁴ SE⁴ Sec. 24, and NE⁴ NE⁴ Sec. 25,
all in T.15 N., R.42 E. B.M.

FORSGREN, PERKINS & ASSOCIATES, P.A.
CONSULTING CIVIL ENGINEERS
REXBURG, IDAHO



MAY 16 1990
MICROFILMED

Legend
Lot Corner
Block No.
Lot No.
10' Utility Easement

Scale 1" = 200'

Know all men
same to be subdivided
and do hereby warrant
dedicate for the use
In witness whereof

Stanford
John

1. City/ter.
I hold Certificate No.
owners I have made
land into blocks, lots
and the same has been

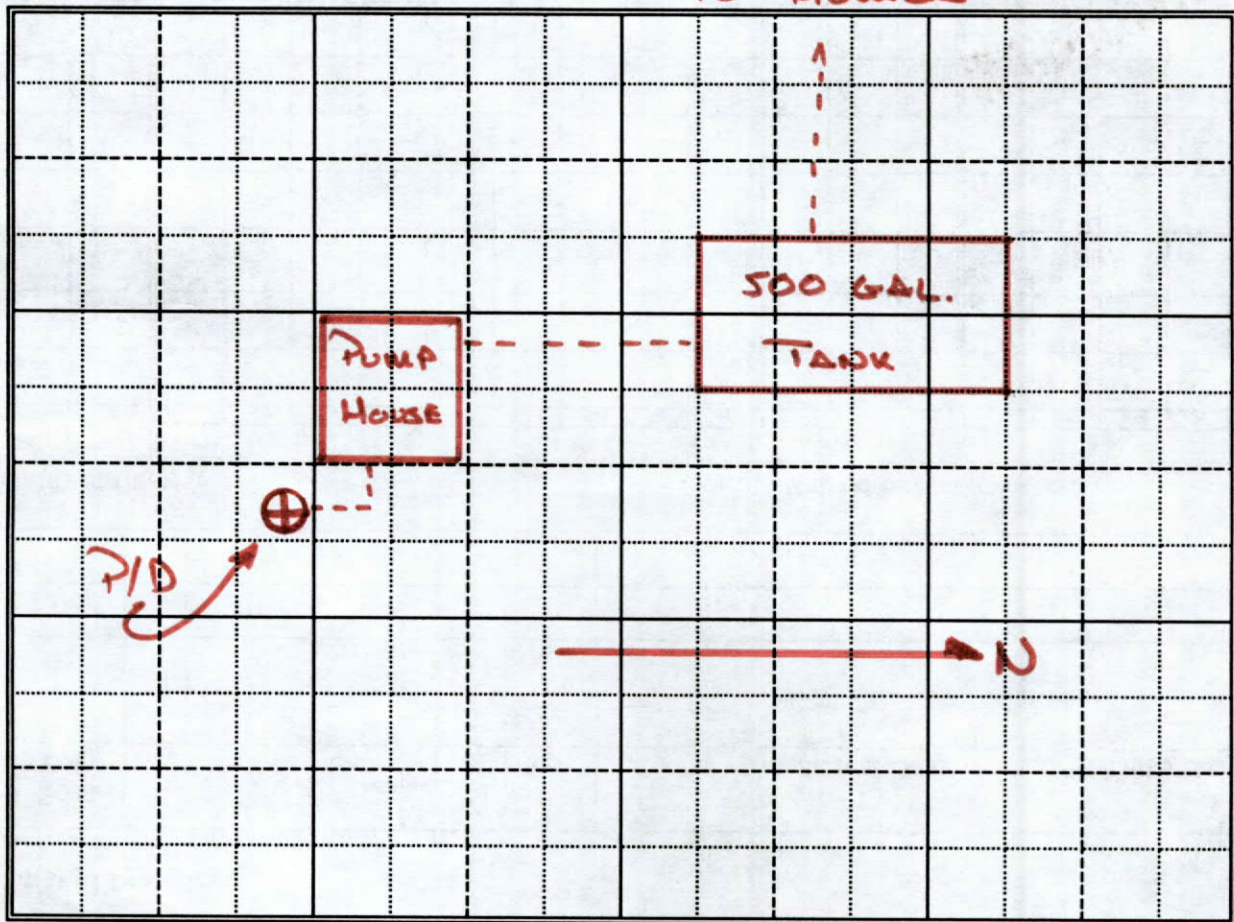
Course

N 89° 34' 54" E
S 0° 05' W
N 38° 45' 29" W
N 77° 06' 18" W
N 10° 49' 43" W
N 6° 18' E
N 24° 12' W
N 77° 42' W
S 83° 36' W
N 4° 41' E
N 77° 16' 18" W
S 89° 34' 54" W
S 0° 05' W

8

1
5

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	FRANKLIN	5	2821032100	"	"

*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
SOLVEST WELLPROBE					500'	

2. Measurements: AS PER OWNER, SYSTEM RUNS AT 70 PSI MIN

STATIC WATER LEVEL: 105.5'

FEB 13 1995

FREMONT COUNTY, IDAHO

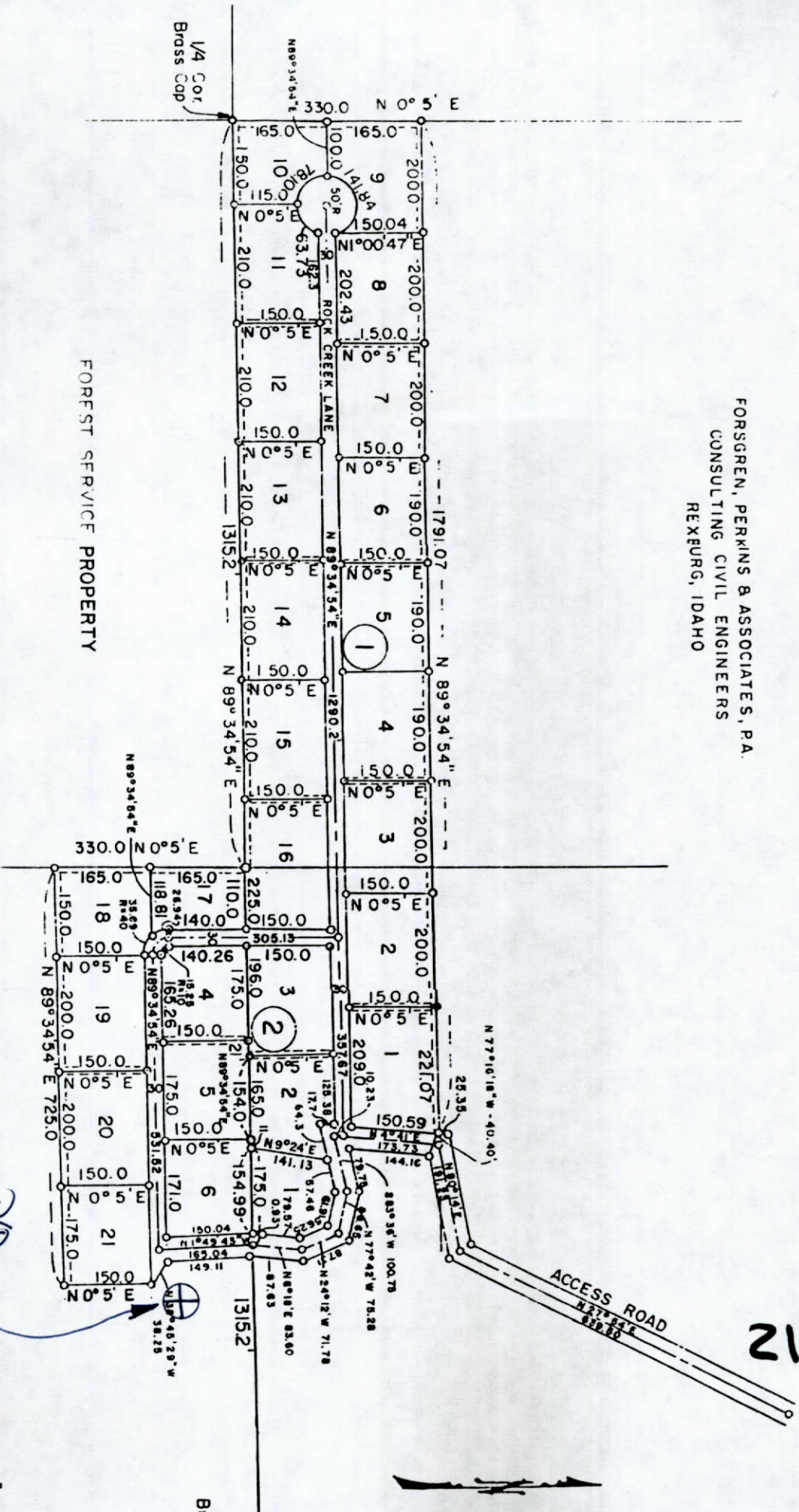
part of
SW⁴ SE⁴ SE⁴ Sec. 24, and NE⁴ NE⁴ Sec. 25,
all in T.15N., R.42E. B.M.

FORSGREN, PERKINS & ASSOCIATES, P.A.
CONSULTING CIVIL ENGINEERS
REXBURG, IDAHO

Lake View Estates

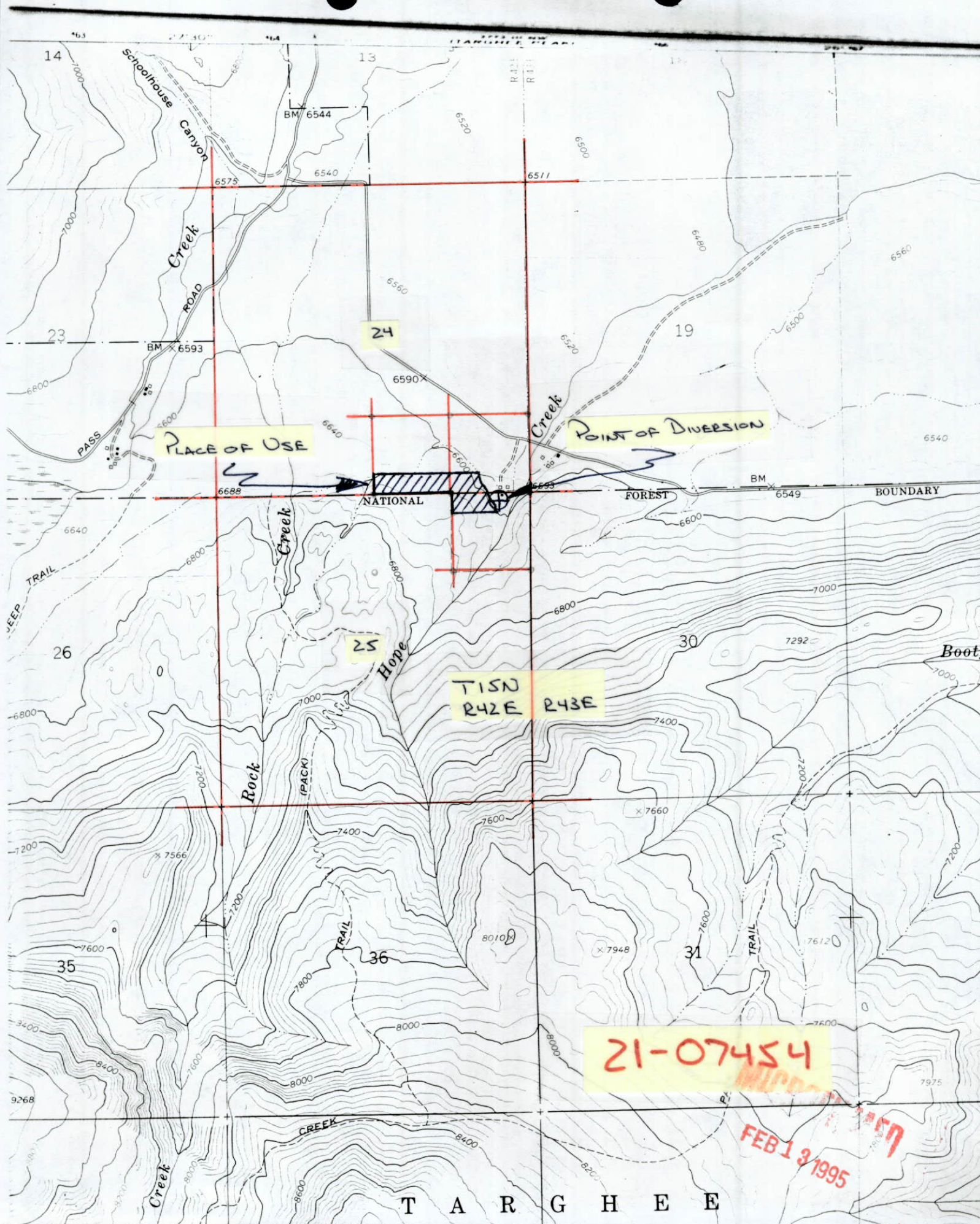
21-7454

FEB 18 1995



21-07454

Le
Lot Cc
Block
Lot N



T A R G H E E

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07454

Priority: April 1, 1989

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume: 13.8 AF

This is to certify, that JOHN H MAGLEBY
456 E 2ND S

REXBURG ID 83440 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 22, 1989; and has submitted Proof of Beneficial Use on May 11, 1992. An examination indicates that the works have a diversion capacity of 0.120 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.12 CFS	13.8 AF

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 25, Township 15N, Range 42E
FREMONT County

PLACE OF USE: DOMESTIC
TWN RGE SEC
15N 42E 24
25

SWSE
NENE

SESE

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. 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.
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. Place of use is located within Lakeview Estates Subdivision.
8. Domestic use is for 16 homes.

MICROFILM
FEB 13 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07454

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 30th
day of JANUARY, 1995.

Acting for


R. Keith Higginson, Director



MICROFILMED
FEB 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 21-07454

IN THE NAME OF JOHN H. MAGLEBY

) 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 May 1, 1992; 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 had lapsed for failure 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 11, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 21-07454 be REINSTATED with an advance in priority to April 1, 1989.

Dated this 12th day of May, 1992.

MICROFILMED

MAY 15 1992

L. Glen Saxton
L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

MAY 11 1992

OFFICE USE ONLY
Amt. of Fee \$ 50
Date 5-7-92
Receipt No. 5017271
Receipt by JDMSTATE OF IDAHO
Department of Water Resources DEPARTMENT OF WATER RESOURCES**PROOF OF BENEFICIAL USE**

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 21-07454 Telephone No. (208)-356-3159
2. Name(s) of Permit Holder(s): JOHN H. MAGLARY
3. Mailing Address: 456 E. 2ND S., RENO, ID 83440
4. Source of Water: GROUNDWATER

If GROUNDWATER, Well Driller's Name: ANDREWS Date Drilled: ~1968

OPTIONAL:

Pump horsepower: 5 Pressure (psi): 70 Dynamic pumping level (ft.): 160

5. Extent of Use (as authorized by the permit):

Domestic 16 (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.19 cfs OR 6.20 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: \$ 50⁰⁰ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

SEE ABOVE
Name _____ Telephone No. _____

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.

MICROFILMED

MAY 15 1992

Date

Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 21-07454

Proposed Priority: March 22, 1989 Maximum Diversion Rate: 0.20 CFS
This is to certify, that **JOHN H. MAGLEBY**
456 E. 2ND S.
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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.20 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NENE Sec. 25, Township 15N, Range 42E
FREMONT County

PLACE OF USE: DOMESTIC

TWN RGE SEC

15N 42E 24	SWSE	SESE
25	NENE	

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1992**.
2. Subject to all prior water rights.
3. 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.
4. 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.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. Domestic use is for 24 homes.

MICROFILMED

MAY 16 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 21-07454

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

1st day of May, 1990

for R. Keith Higginson, Director

MICROFILMED

MAY 16 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant John H Magleby Phone (208) 356-3159
Post office address 456 East, 2nd South; Rexburg, Idaho 83440
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ ¼ of NE ¼ of NE ¼, Govt. Lot _____
Sec. 25 Township 15N Range 42E B.M. Fremont County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 20 for Domestic purposes from 1 January to 31 December (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well and 5hp pump to community water delivery system
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 8" inches; proposed depth of well is 166 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
2 years (minimum 1 year).

MICROFILMED

MAY 16 1990

UNCLASSIFIED

1976 and has been used ever since that time.

12. Remarks: By agreement the applicant's supply meter in the subdivisions. The well was drilled in

applicant to make this filing.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

b. Who owns the land to be irrigated or place of use? *Who owns the land to be irrigated or place of use? (Applicant)*

11. a. Who owns the property at the point of diversion? Applicant

10. Describe any other water rights used for the same purposes as described above. *None*

Total number of acres to be irrigated.

[illegible]

ponding place of use below. See instructions for standard symbols.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

9. Description of place of use:

e. Other; describe fully.

d. Domestic; show number of households.

c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

a. Hydropower; show total feet of head and proposed capacity in kW.

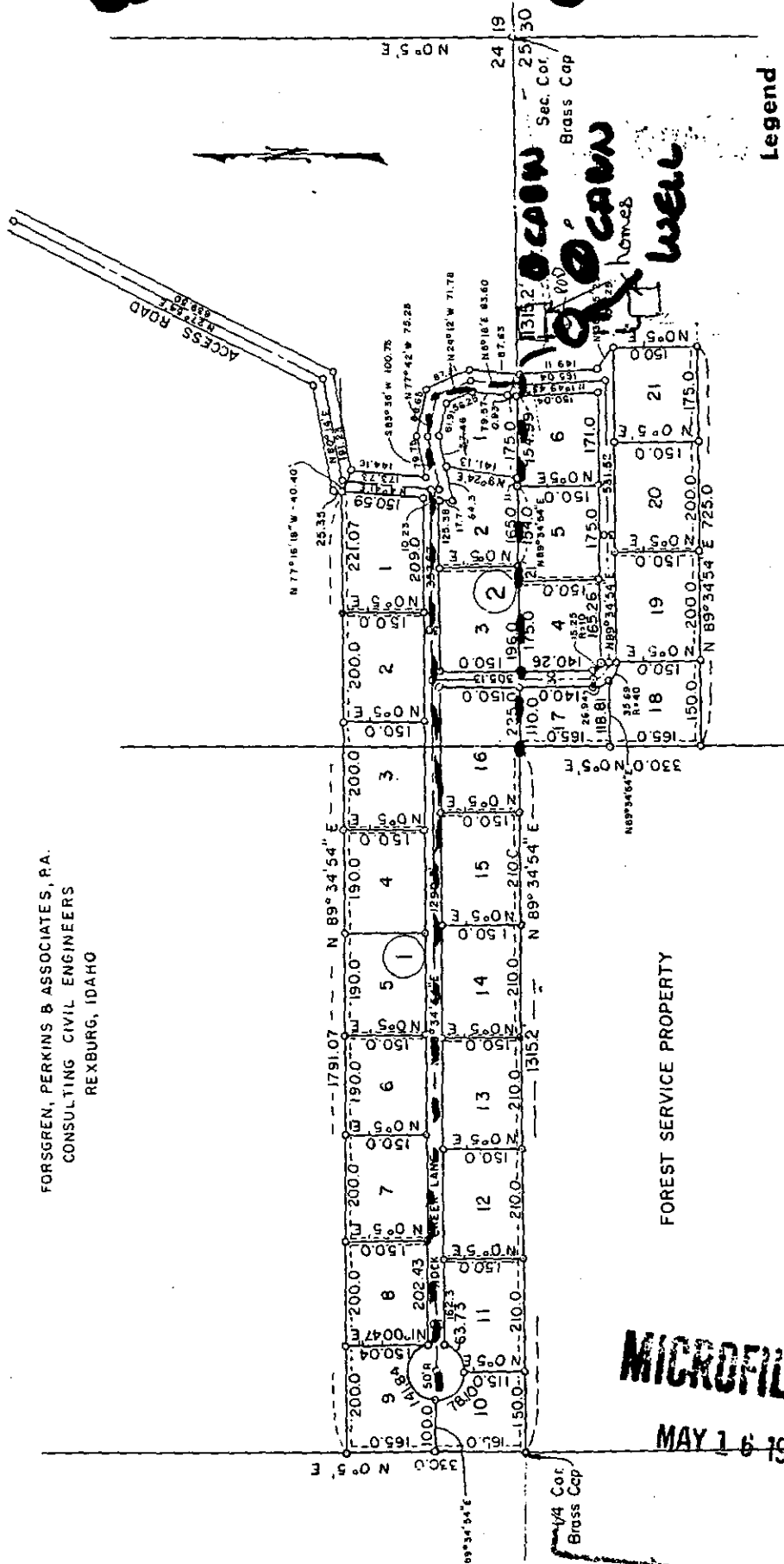
8. Description of proposed uses (if irrigation only, go to item 9):

LAKEVIEW ESTATES

FREMONT COUNTY, IDAHO

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, and NE $\frac{1}{4}$ Sec. 25,
all in T.15 N., R.42 E. B.M.

FORSYTH, PERKINS & ASSOCIATES, P.A.
CONSULTING CIVIL ENGINEERS
REXBURG, IDAHO



MICROFILMED

MAY 16 1960

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

MICROFILMED
MAY 16 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.

John H. Mayberry
(Applicant)

Assisted by SMD

Received by Jo Date 3-22-89 Time 11:05 AM Preliminary check by SMD
Fee \$ 30.00 Received by Jo # ENK324 Date 3-22-89
Publication prepared by RB Date 3-15-89 Published in Herald Chronicle
Publication approved by RB Date 4-6-90

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:

MICROFILMED
MAY 16 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant John H. Mableby Phone 356-3159

Post office address 456 EAST 2nd SOUTH REXBURG, IDAHO

2. Source of water supply GROUND WATER which is a tributary of N/A

3. Location of point of diversion is 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____

Sec. 25 Township 15 Range 42 B.M. FREMONT County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 for DOMESTIC 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.20 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WELL w/ SHP PUMP INTO
COMMUNITY WATER DELIVERY SYSTEM. WATER IS USED
FOR HOME OWNERS IN LAKEVIEW ESTATES SUBDIVISION, FREMONT CITY.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 8" inches; proposed depth of well is 166 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).

MICROFILMED

MAY 16 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. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 28
- e. Other; describe fully. WATER USED FOR 26⁺ LOTS W/1 SUBDIVISION
AND TO TWO HOMES OUTSIDE SUBDIVISION

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	
50N	42E	24															D 13	D 5	
		25	D 9																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or place of use? LOTS ARE SOLD TO PRIVATE INDIVIDUALS.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: BY AGREEMENT, APPLICANTS SUPPLY WATER TO SUBDIVISION.
WELL HAS BEEN IN PLACE SINCE 1976.

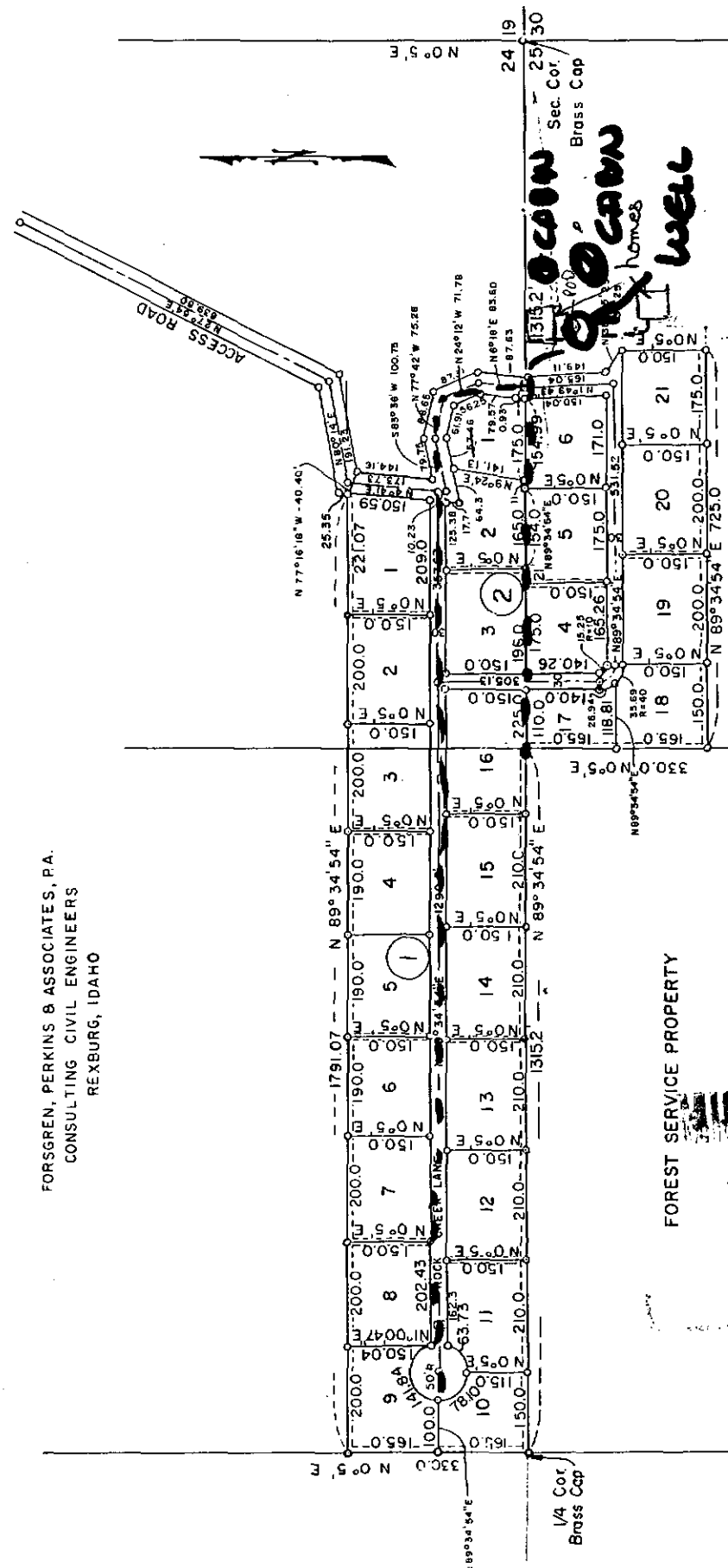
MICROFILMED

LAKEVIEW ESTATES

FREMONT COUNTY, IDAHO

SW ⁴/₄ SE ⁴/₄ Sec. 24, and NE ⁴/₄ Sec. 25,
all in T.15 N., R.42 E. B.M.

FORSYTH, PERKINS & ASSOCIATES, P.A.
CONSULTING CIVIL ENGINEERS
REXBURG, IDAHO



FOREST SERVICE PROPERTY

MAY 16 1990

Legend

- Lot Corner
- Block No.
- Lot No.
- 10' Utility Easement
- Scale 1" = 200'

Know all men
same to be subdiv
and do hereby wa
dedicate for the p
in witness wh

*John
Gamm*

I, *Clayton*
I hold Certificate N
owners I have made
land into blocks, lots
and the same has been

Course
N 89° 34' 54"
S 0° 05'
N 4° 54'
N 1° 18' E
N 38° 45' 29"
N 1° 49' 43" W
N 6° 18' E
N 24° 12' W
N 77° 42' W
S 83° 36' W
N 4° 41' E
N 77° 16' 18"
S 89° 34' 54"
S 0° 05' W

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

MICROFILMED

MAY 16 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.

John A. Magaly
(Applicant)

MICROFILMED
MAY 16 1990

- 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: _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by JD Date 3-22-89 Time 11:05 A Preliminary check by AMS

Fee \$ 30. Received by JD Date 3-22-89 # E006324 Date 3-22-89

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JOHN H MAGLEBY
456 E 2ND S
REXBURG ID 83440

February 1, 1995

RE: WATER RIGHT NO. 21-07454

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

FEB 13 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 21-07454 DATE 1-11-95



NAME	Yes ☐	No ☒	Or Address Change? _____
PRIORITY DATE	☒	☐	Advance? <u>YES</u> Advanced to: <u>4-1-89</u> Order to reinstate needed? <u>DONE</u> Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐	☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	☐	☒	Amendment needed? _____
	☐	☒	Overlaps? _____
PLACE OF USE	☐	☒	Amendment needed? _____
	☐	☒	Overlaps? _____
DIV RATE	☐	☒	Permit/fee limits: <u>.20 CFS</u> Meas Q = _____ Theo Q = <u>.12 CFS</u> Recommend: <u>.12</u> <u>16 homes per chart = .18 CFS</u> <u>limited to capacity @ .12 CFS</u> Combined rates exceed capacity _____
ANNUAL VOLUME	☒	☐	Season of use: <u>1-1 to 12-31</u> Calculations: <u>7 homes with lawns = 8.40</u> ? <u>13.80</u> <u>9 homes without lawns = 5.40</u> Flow limit: _____ cfs x _____ x 1.9835 = _____ Combined volumes exceed capacity/allowable _____
USES	☐	☒	Change in Nature of Use or additional uses? _____ Amendment necessary? _____
REMARKS	☐	☒	Multiple p/d(s) in ¼ ¼? _____
	☐	☒	Other _____
CONDITIONS	☐	☒	Measuring/Locking Devices _____
	☐	☒	Watermaster control - District _____
	☐	☒	Irrigation Overlap _____
	☐	☒	Water Quality _____
	☒	☐	Other <u>NON-TRUST</u> Heat/Cool/ Fish verified _____

COMMENTS: _____

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Domestic</u>	<u>.12</u>	<u>13.8</u>	Adjustment Memo Needed	<u>YES</u>
_____	_____	_____	LICENSE	☒
_____	_____	_____	1ST AMENDMENT LETTER	_____
_____	_____	_____	FINAL AMENDMENT LETTER	_____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 21 1994
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 21-07454

1. Owner: John H. Magleby Phone No. (208) 356-3159

Current Address: 456 E. 2ND S., PERBURG, ID 83440

2. Accompanied by: Me. Magleby EXAM DATE: 8/27/1992

Address: SAME Phone No. SAME

Relationship to Permit Holder: OWNER

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
		NE	NE	NE	25	15N	42E	FREMONT	USGS, SUBDIVISION Plat

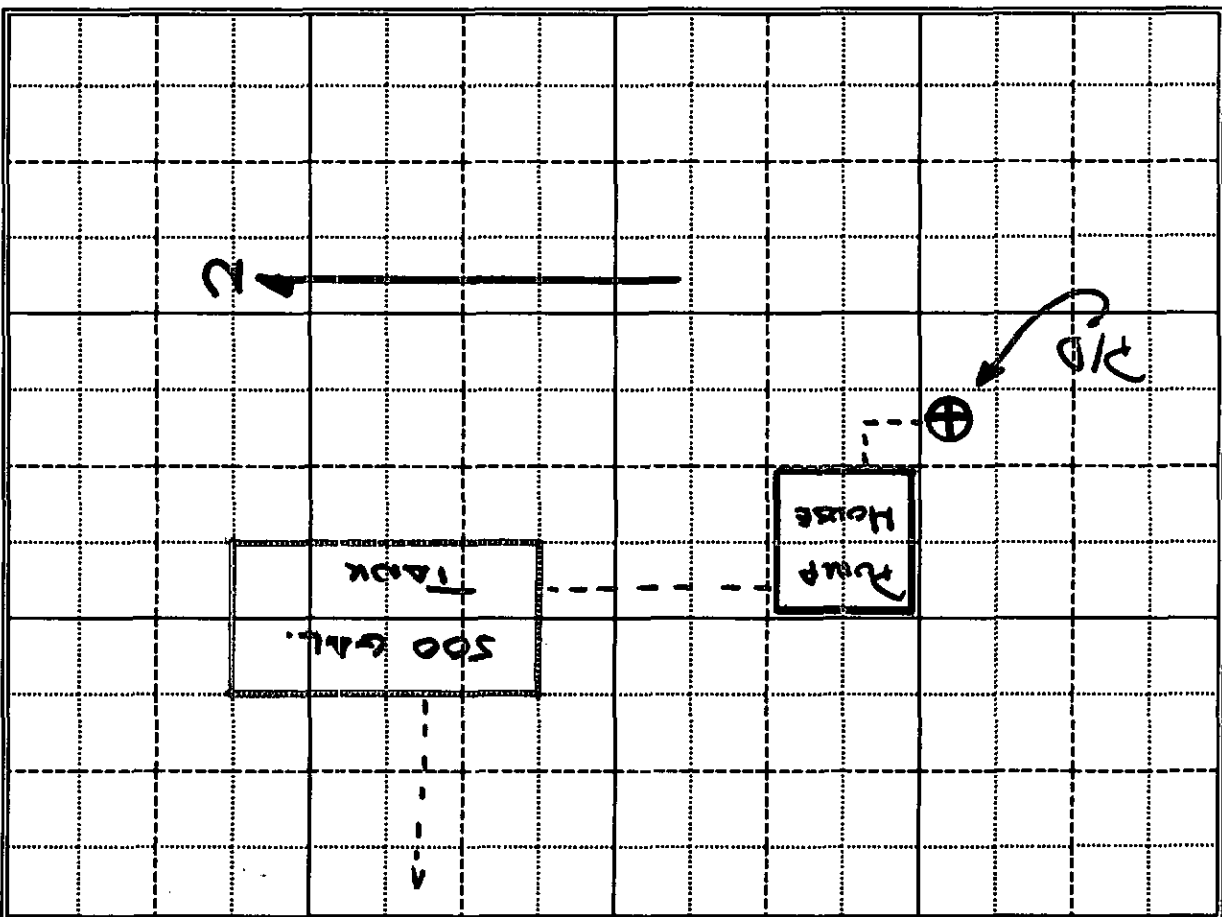
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	42E	24															D	D	
		25	D																

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3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe l.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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	FEARLESS	5	2821032100	"	"

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

D. FLOW MEASUREMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
SOUTHERN WEIR					500'	

2. Measurements: AS PER OWNER, SYSTEM RUNS AT 70 PSI WIND

SOLAR WATER LEVEL: 105.5'

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E. NARRATIVE/REMARKS/COMMENTS

WELL WITH SUB. PUMP TO 500 GAL. TANK TO PIPELINE TO HOUSING
DEVELOPMENT. 16 HOMES SERVICED. SUMMER HOMES, 7 OF THE
SIXTEEN HAVE LAWNS, SUBDIVISION KNOWN AS LAKEVIEW ESTATES

TOTAL OF 16 UNITS

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

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{measured}} = \frac{5 \text{ hp} (8.8 \times 14) \cdot 7 \text{ ECF}}{105.5 \text{ cfs} + (2.308 \times 70 \text{ ME})} = 0.12 \text{ cfs}$$

From IDIVE DOMESTIC CHART: 16 houses = 0.18 cfs

LIMITED BY CAPACITY = 0.12 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

1.) Assume 4 hr diversion: $\left(\frac{4 \text{ hr}}{24 \text{ hr/day}} \right) (365 \text{ days/yr}) (0.12 \text{ cfs}) (1.9835) =$

$$\text{RECOMMENDED} \rightarrow = 14.48 \text{ AFA}$$

$$2) \text{ 7 houses w/ lawns} = 1.20 \text{ AFA/house} = 8.40 \text{ AFA}$$

$$9 \text{ houses w/o lawns} = 0.60 \text{ AFA/house} = 5.40 \text{ AFA}$$

$$13.80 \text{ AFA}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic (16 units)

From

1/1

Period of Use

To 12/31

Rate of Diversion

Q (cfs) 0.12

Annual Volume

V (afa) 14.48

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

Paul B. Meyer

Date 2-16-93

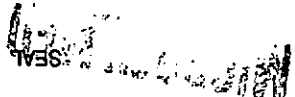
Reviewer

Keith C. Wilson

Date 12/1/93

* See attached explanation memo. Bc

FEB 13 1995



MEMORANDUM

TO: File 21-07454 / John Magleby
FROM: Brenda Chapman
DATE: January 12, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

G. VOLUME CALCULATIONS

Volume recommendation changed to 13.8 af based on normal internal/external domestic guidelines. The exam lists there are 7 homes with lawns and 9 without. There is no justification for the higher than normal recommendation.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Domestic	1-01 to 12-31	.12	13.8

See item G.

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FIELD FORM FOR WELL WATER LEVEL MEASUREMENT PROBLEM DOCUMENTATION

This form should be used upon the occurrence of any unusual circumstances during well water level measurements. The form should be kept on file with the Department and will be used by the Bureau of Risk Management if a damage claim is filed by the well owner.

Date: 27 August 1992 Time: 1130 hrs

Well Owner: John H. Magleby, 456 E. 2nd. S., Rexburg, ID 83440

Staff Making Measurement: Paul Meyer

Other People Present: John Magleby

Well Location: NENE Sec. 25, Twn. 15N, Rne. 42E

Type of Well - irrigation() municipal() industrial()
commercial() domestic(XX) no present use()

Motor: Manufacturer Franklin Electric HP 5 hp

Model 282 1032 100 Serial Unknown

Type of Pump - vertical turbine() submersible(XX)
end suction() none()

was pump operating during measurement? yes() no(XX)

Pump: Manufacturer See above

Model _____ Serial _____

Purpose of Measurement - theoretical flow rate(XX)
pump efficiency test()
groundwater inventory()
other() _____

Type of Equipment Used - steel tape() Fisher M-scope()
Olympic Actat() Soiltest(XX)
other() _____

Give a complete description of the problem. Include photos of the well site if possible. Also include a description of the cable or tape which was broken or cut such as color, type, length and tip description. Describe any apparent damage to the pumping plant.

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ATTACHMENT "A"

On 27 August 1992, as part of the beneficial use field examination for Permit 21-07454, I was taking a measurement of the static water level for the theoretical flow calculations. The instrument I was using was a Soiltest 500-foot wellprobe. The wire was thin yellow "two-lead" with numeric calibrations every foot. The probe tip was about eight inches long and consisted of several small lead weights ending with two small conductors in a plastic tip. The landowner, John Magleby accompanied me for the examination.

The probe reached water at 105.5 feet after a normal decent. No obstructions or "hang-ups" were encountered during the lowering of the probe. No changes in line weight (indicating a caught probe and looping of the line) occurred.

However, during retrieval, the probe immediately "hung-up" at approx 100 feet. I let a few feet of line hoping that the probe would free itself, but it held fast. I repeated this process four to five times, but the probe would neither free itself nor drop any lower. I tried holding the wire tight and wiggling it. Finally, I gave a light tug, being very careful not to stretch the wire, but the probe failed to work free.

I then tied a loop in the wire, cut the free end and hung the loop on a connector inside the casing. About 105 feet of cable, plus the tip was left inside the well. I replaced the access plug and concluded the exam.

At 1100 hrs on 28 August 1992, Mr. Magleby contacted me by telephone and stated that the pump would not run and that he had called a local pump repairman from West Yellowstone, Montana to make a repair call. According to Mr. Magleby, the repairman had said that somehow the circuit for the pump had shorted, causing a breaker to open. The location of the breaker was such that Mr. Magleby could not access it himself. The repairman felt that the movement of the wiring inside the well casing during the attempts to extract the probe was the cause.

AM

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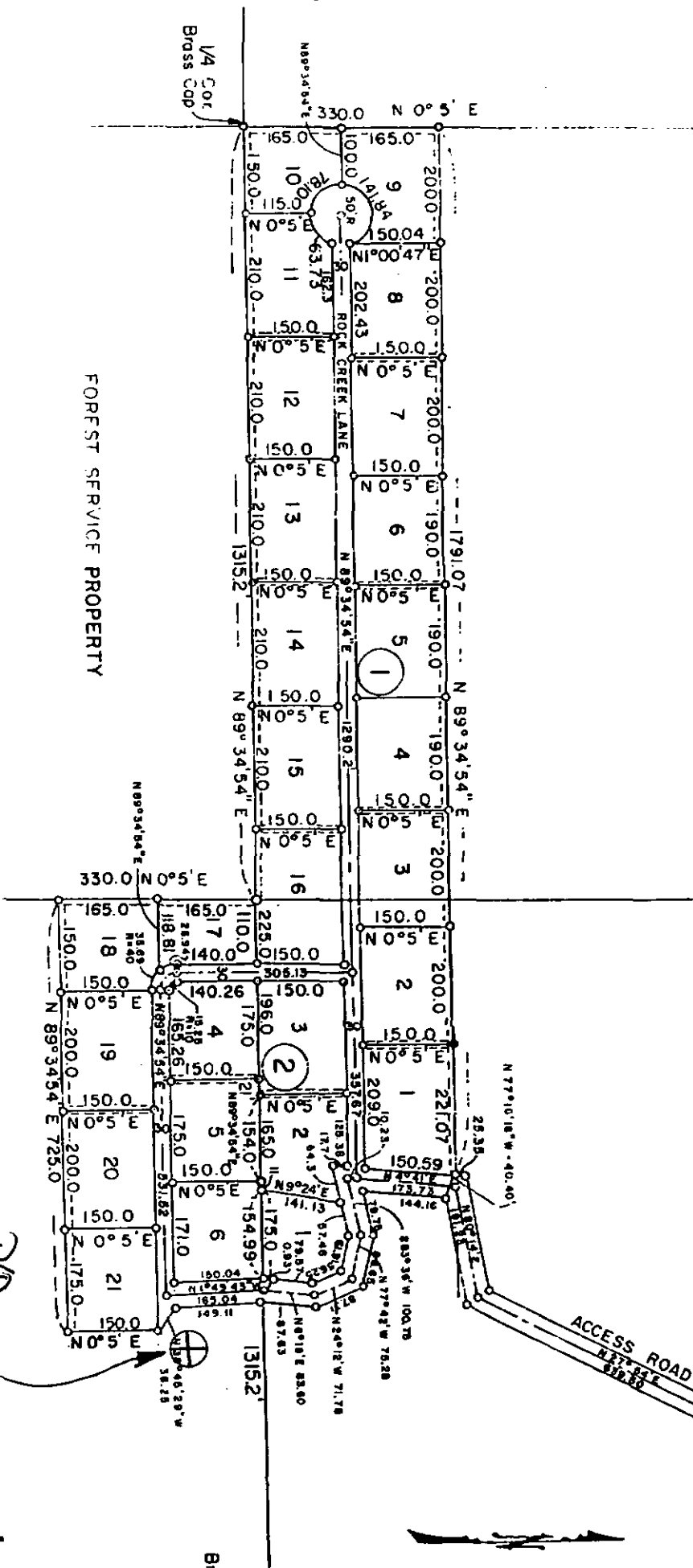
FREMONT COUNTY, IDAHO

part of
SW ⁴ SE ⁴ SE ⁴ Sec. 24, and NE ⁴ NE ⁴ Sec. 25,
all in T.15 N., R.42 E. B.M.

FORSYTH, PERKINS & ASSOCIATES, P.A.
CONSULTING CIVIL ENGINEERS
REXBURG, IDAHO

Lane View Estates

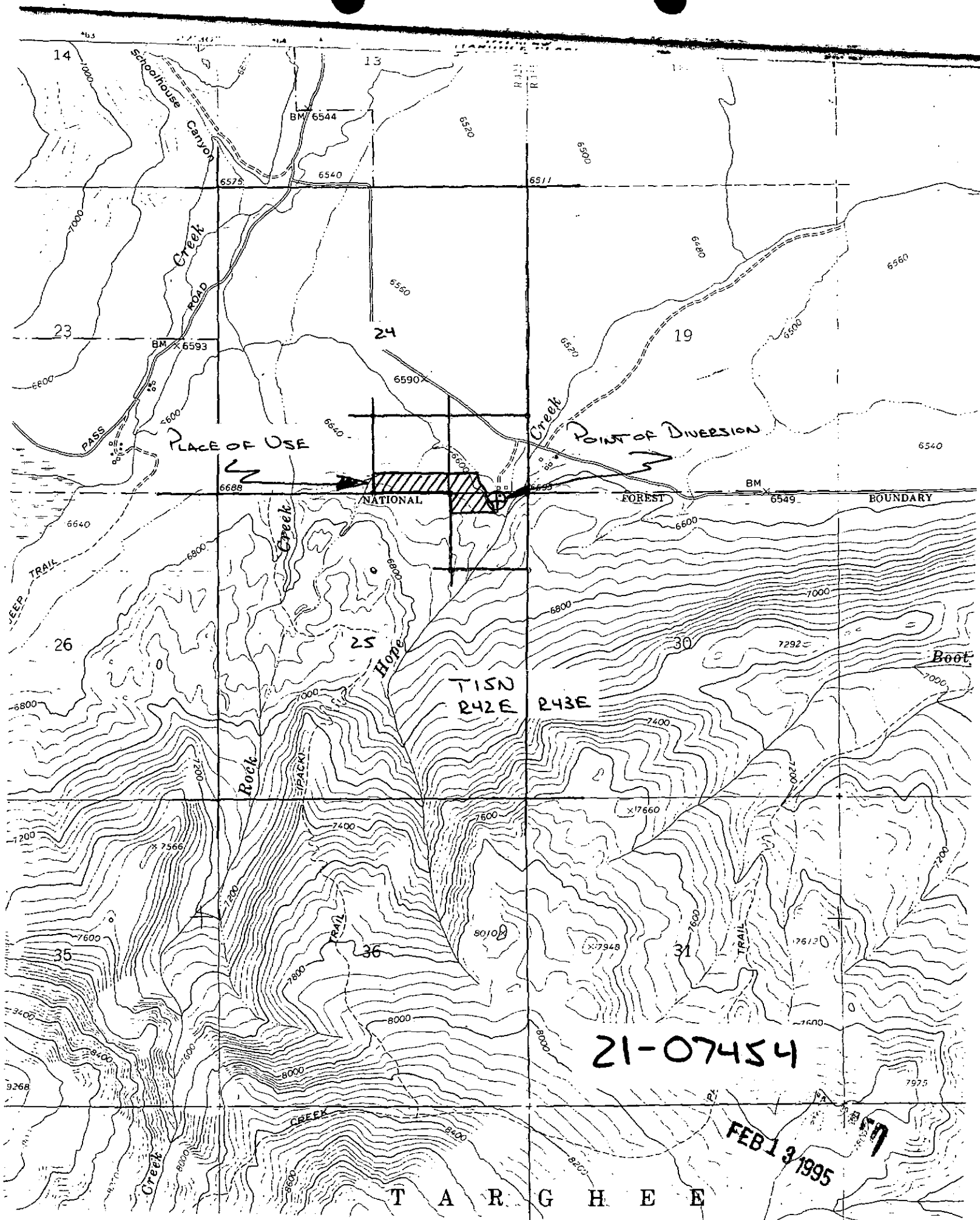
FOREST SERVICE PROPERTY



21-7454
FEB 18 1995

21-07454

Le
Lot Cc
Block
Lot N



May 15, 1992

JOHN H. MAGLEBY
456 E. 2ND S.
REXBURG ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07454

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED
MAY 15 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 21-07454

Reviewed by Klg

Date 5/11/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
no Proof timely received?
If not, complete calculation below.

domestic-16
yes Correct Uses?

SOURCE OF WATER

 Surface water source

✓ Ground water source

NA Drilling permit required?

 Copy in the file? Drilling Permit No.

1968 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?

NA Required?
 Installed?
✓ Waiver requested?

PRIORITY CALCULATION

Date proof received 5/11/92 131
Date proof due 5/1/92 - 121
No. of days late = 10
Priority Date 3/22/89 + 81
New Priority Date 4/11/89 91

DEFICIENCIES OR ACTION ITEMS

proof acceptable

needs an order

DATA ENTRY

New Address

Proof Made 5/11/92
5/15/92 Klg

JOHN H. MAGLEBY
456 E. 2ND S.
REXBURG ID 83440

May 6, 1992

RE: PERMIT NO. 21-07454 LAPSE NOTICE

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 February 28, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5/6/92
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

MAY 15 1992

February 28, 1992

JOHN H. MAGLEBY
456 E. 2ND S.
REXBURG ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 21-07454

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 May 1, 1992.

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

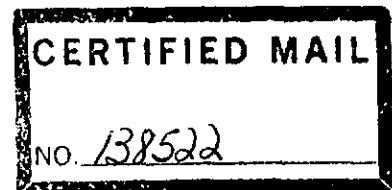
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



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MAY 15 1992

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
May 1, 1990

JOHN H. MAGLEBY
456 E. 2ND S.
REXBURG, ID 83440

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P21-07454

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.

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

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MAY 16 1990

permit was approved.

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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MAY 15 1990

St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

APR - 1 1990

Department of Water Resources
Eastern District Office

OF IDAHO
y of Fremont

Terry Weatherston
I first duly sworn, depose and say,
I am the printer of THE FREMONT
HERALD-CHRONICLE, a semi-weekly
paper printed and published in
Fremont County, Idaho; and I do solemnly
swear that the Notice Of Water Rights
notice of which notice appears attached
hereto, was published in the regular and
normal issue of said newspaper, and not
in a supplement issue thereof

Two consecutive issues, the
publication having been made on
March 15, 1990
the last publication having been
on March 22, 1990
Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under Idaho
statutes; that it has at least two
thousand bona fide subscribers living
in 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 said notice.

Terry Weatherston

OF IDAHO)
TY OF MADISON)

On this 23rd day of March
the year of 1990, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me to
be the person whose name subscribed to
the within instrument, and being by me
duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the

Joseph L. Judd

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: June 8, 1993

FILED
MAY 16 1990

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07408
BAUM, RUSSELL O.
ORME, H.J.
P.O. BOX 7
ASHTON, ID 83420
Source: FALL RIVER. Tributary:
HENRYS FORK, SNAKE RIVER.
Diversion Pt: NWNESW Sec 36 T 09N
R 43E
Use: IRRIGATION (2.000 CFS) Total
Diversion: (2.000 CFS)
Date Filed: 1/04/1989
In: T08N R43E S01 Lot 1 (NENE) Lot 2
(NENE) Lot 3 (NENW) Lot 4 (NWNW)
T09N R43E S36 NESW NWSW NWSE
204.0 ACRES TOTAL

21-07417
CRYSTAL BROTHERS
PARTNERSHIP
C/O VERL CRYSTAL
28 N. 3300 E.
RIGBY, ID 83442
Source: TARGHEE CREEK Tributary:
HENRYS LAKE
Diversion Pt: SWNENW Sec 11 T 15N R
43E
Use: IRRIGATION (.090 CFS)
STOCKWATER (.050 CF) Total Diversion:
(.090 CFS).
Date Filed: 3/23/1989
In: T15N R43E S11 NENW 3.0 ACRES
TOTAL

21-07418
DEAN SCHWENDIMAN & SONS INC.
C/O DEAN SCHWENDIMAN
P.O. BOX 57
NEWDALE, ID 83436
Source: GROUNDWATER
Diversion Pt: SENE Sec 7 T 07N R 42E
NESW, Sec 8 T 07N R 42E, LOT 3
(NWSW) Sec: 7 T 08N R 42E, NENE Sec
30 T 08N R 42E
Use: IRRIGATION (11.000 CFS) Total
Diversion: (11.000 CFS)
Date Filed: 2/15/1989
In: T07N R41E S12 NENE NWNE
SWNE SENE SENW NESW SESW NESE
NWSE SWSE SESE; R42E S07 NENE
NWNE SWNE SENE NENW Lot 1
(NWNW Lot 2 (SWNW) SENW NESW Lot
3 (NWSW) NESE NWSE, S08 SWNE
SENE NENW NWNW SWNW SENW
NESW NWSW NESE NWSE, S09 SWNW
SENE NESW NWSW SESW, S16 NENW
1551.0 ACRES TOTAL

21-07454
MAGLEBY, JOHN H.
456 E. 2ND S.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: NENE Sec 25 T 15N R
42E
Use: DOMESTIC (.200 CFS) Total
Diversion: (.200 CFS)
Date Filed: 3/22/1989
In: T15N R42E S24 SWSE SESE, S25
NENE

22-07642
JRG PARTNERS
26 ARASTRADERO RD.
PORTOLA VALLEY, CA 94025
Source: UNNAMED SPRING & CREEK
Tributary: TETON RIVER
Diversion Pt: SWSWNE Sec 17 T 04N
R 45E
Use: IRRIGATION (.050 CFS) Total
Diversion: (.050 CFS)
Date Filed: 3/21/1989
In: T04N R45E S17 SWNE 2.5 ACRES
TOTAL

22-07846
REYNOLDS, ROBERT L.
RT. 1 BOX 162
ST. ANTHONY, ID 83445
Source: GROUNDWATER
Diversion Pt: SENENE Sec 15 T 07N R

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

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 7, 1990

HERALD CHRONICLE
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 APRIL 2, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

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MAY 16 1990

21-07454

MAGLEBY, JOHN H.
456 E. 2ND S.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: NENE Sec 25 T 15N R 42E

Use: DOMESTIC (.200 CFS)
Total Diversion: (.200 CFS)

Date Filed: 3/22/1989

In: T15N R42E S24	SWSE	SESE
S25	NENE	

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MAY 16 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203C, 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 2, 1990.

R. Keith Higginson, Director

Published 3/15/1990 & 3/22/1990

MICROFILMED

MAY 16 1990

28-Feb-1990

Department of Health & Welfare
150 N. 3rd
Pocatello, ID 83201

RE: Applications for Permit 21-7454

Dear Sir:

We are enclosing a copy of an application that may be of interest to your department. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is April 2, 1990, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc.

RECEIVED

MAY 16 1990

28-Feb-1990

John H. Magleby
456 E. 2nd S.
Rexburg, ID 83440

RE: Application for Permit No. 21-7454

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 Herald Chronicle on March 15 & 22, 1990. 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

MICROFILMED

MAY 16 1990