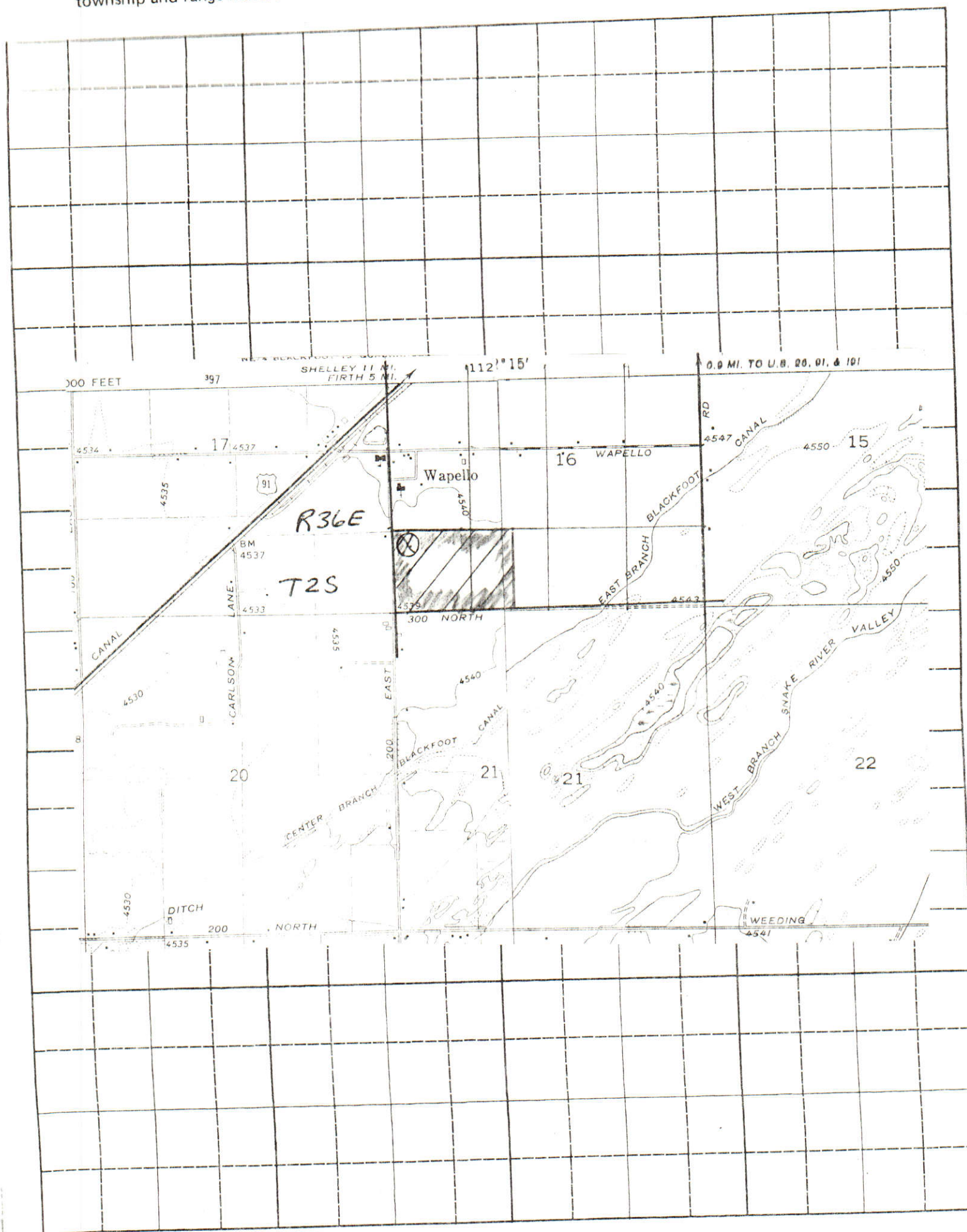


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Mary Jo Marlow
(Applicant)

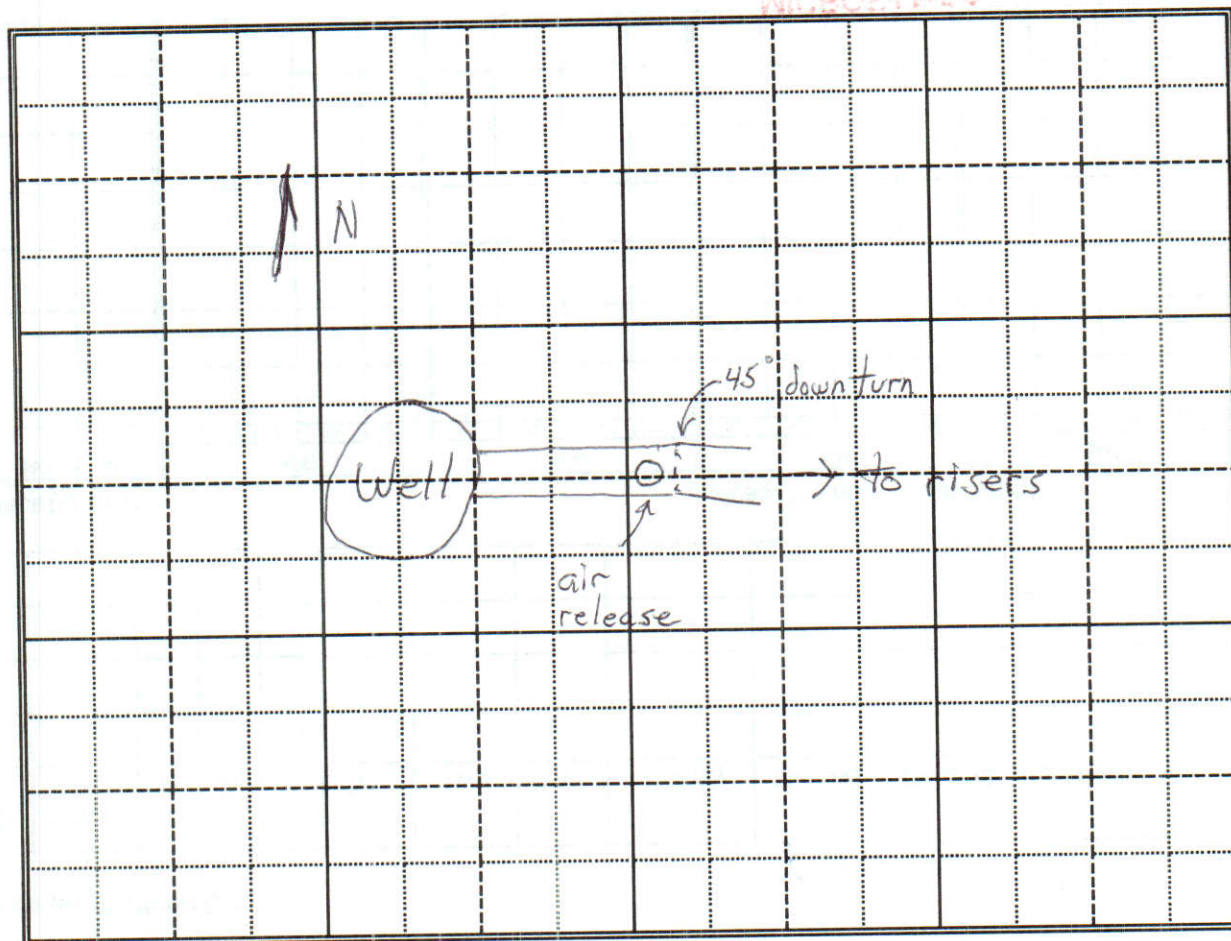
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Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	1 1J	BLACKFOOT IRRIGATION CO.	SNAKE RIVER	02S36E16	40	38	40	23	29	40	36	15	40	9	22	52	18	26	40	28	496
Claim	1 298	BLACKFOOT IRRIGATION CO.	SNAKE RIVER	02S36E16	40	38	40	23	29	40	36	15	40	9	22	52	18	26	40	28	496
Right	27 7402	DENNIS L MARLOW, MARY JO MARLOW,	GROUND WATER	02S36E16											31	16					47
Permit	27 7402	DENNIS L MARLOW, MARY JO MARLOW,	GROUND WATER	02S36E16											40	20					60
Permit	27 7399	LA VERELLE STECKLEIN,	GROUND WATER	02S36E16									10			20	5	35	40	10	120
Right	1 298	BLACKFOOT IRRIGATION CO.	SNAKE RIVER	02S36E16																	0
Claim	27 11040	BOYD D MALM,	GROUND WATER	02S36E16										2							2
Claim	27 7093	LA VERELLE STECKLEIN, DEANNA STECKLEIN,	GROUND WATER	02S36E16																27	27
Right	27 7093	DEANNA STECKLEIN, LA VERELLE STECKLEIN,	GROUND WATER	02S36E16																27	27
Claim	27 7376	ROSS B CHANDLER, LA FAY CHANDLER,	GROUND WATER	02S36E16							1										1
Right	27 7376	LA FAY CHANDLER, ROSS B CHANDLER,	GROUND WATER	02S36E16							1										1
Right	27 7547	ELCY BLEAZARD, TOM BARTAUSKY,	GROUND WATER	02S36E16		39	36														75

surface
water removed
from land
in 1985- see
doc. in file

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
	US Electric	30	R 7183-03-884	Western Land	

*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
		Fuji				

2. Measurements: 6" .111 5 min = 2608 gallons - manual measurement
See file 5 on polysonic for recorded measurements

$$CFS = \frac{521.6 \text{ gpm}}{448.83} = 1.16 \text{ cfs}$$

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MAR 11 2003

27-07402

02S, 36E SEC. 16

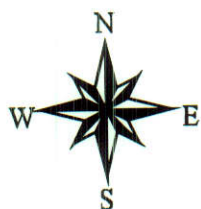
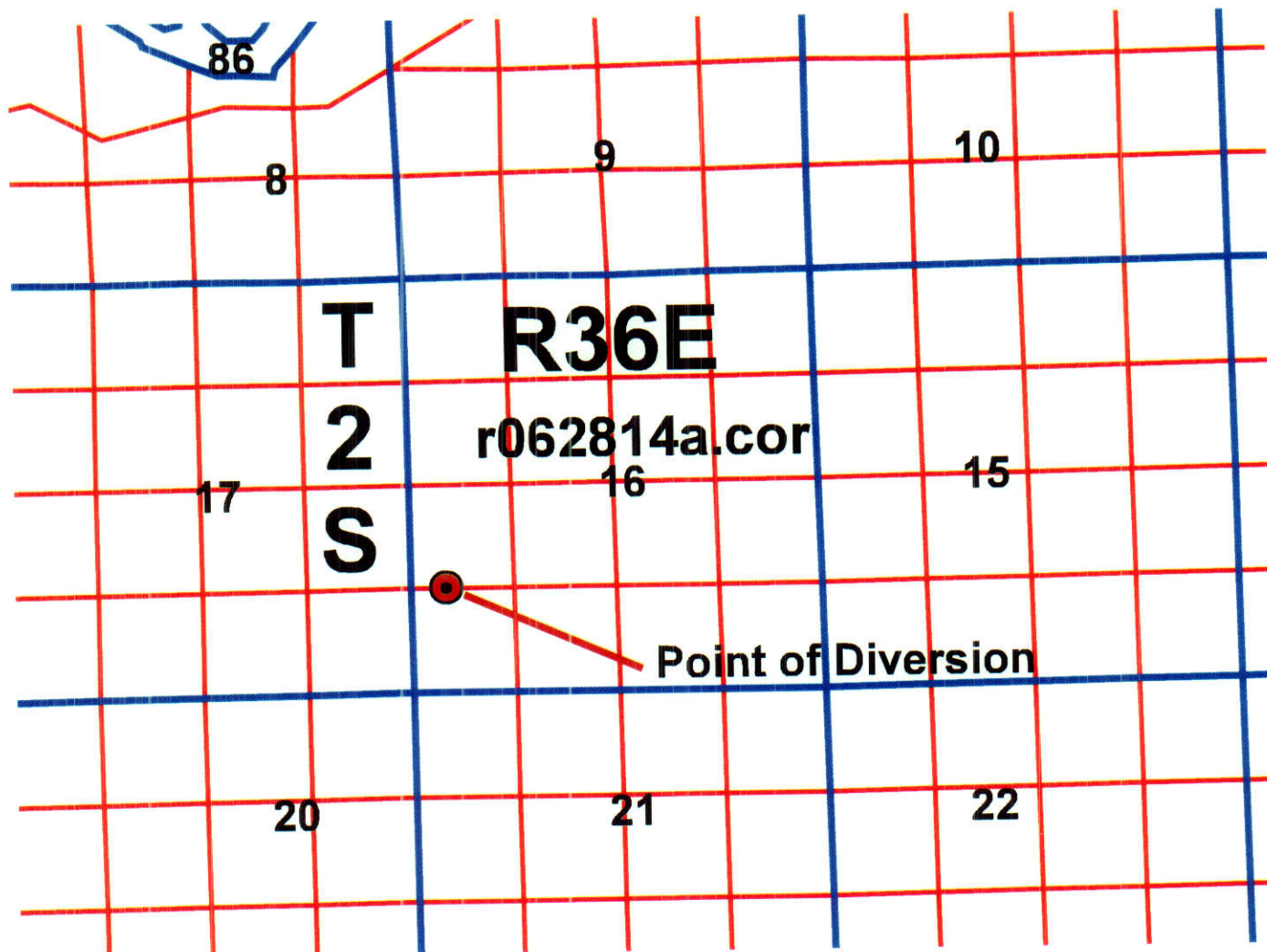


POINT OF DIVERSION



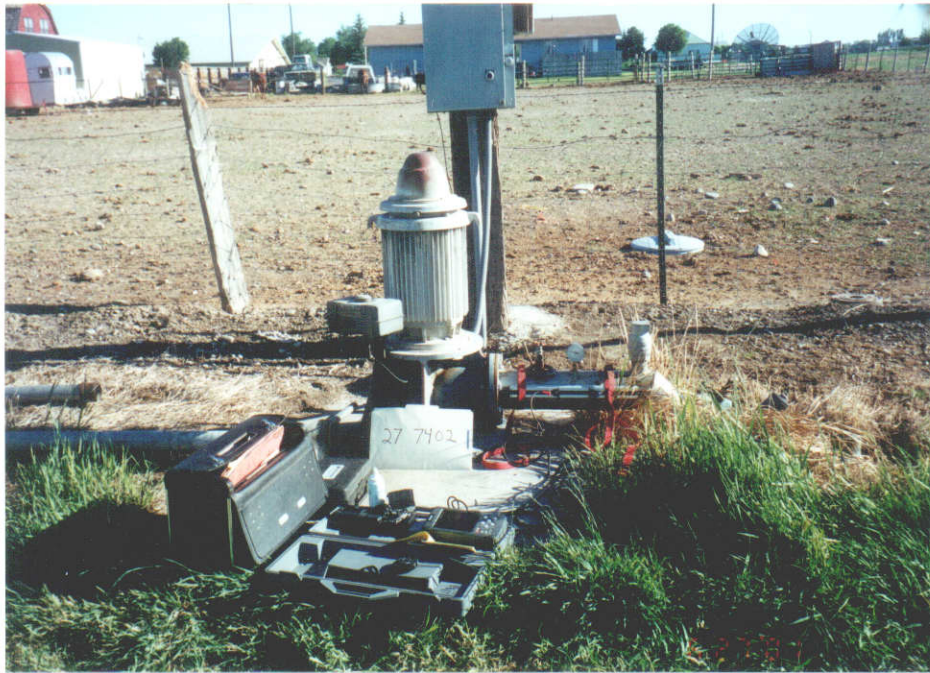
PLACE OF USE

MICROFILMED
MAR 1 2004



27-07402

MICROFILMED
MAR 11 2003



POD # 27-7402 looking north



POD # 27-7402 looking east, POV in background

MICROFILMED

MAR 11 2003

27-7402



Trus. Line



Trus. Line

RECEIVED
MAY 07 1981

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 27-07402

Priority: March 16, 1985

Maximum Diversion Rate: 0.94 CFS
Maximum Diversion Volume: 188.0 AF

It is hereby certified that DENNIS L MARLOW Or MARY JO MARLOW
228 E 300 N
BLACKFOOT ID 83221 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 13, 1985; and have
submitted Proof of Beneficial Use on June 4, 1990. An examination indicates that the works have a
diversion capacity of 1.16 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.94 CFS	188.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW¼SW¼ Sec. 16, Twp 02S, Rge 36E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	36E	16												31.0	16.0				47.0

Total Acres: 47

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 18TH day of DECEMBER, 2002.

MICROFILMED

Acting for

KARL J. DREHER
Director



MAR 3 1 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 27-7402 IN THE
NAME OF DENNIS L. OR MARY JO MARLOW

)
) 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 June 1, 1990; 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 June 1, 1990 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 June 4, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 27-7402 be REINSTATED and the priority advanced to March 16, 1985.

Dated this 26th day of June, 1990.

MICROFILMED

JUL 20 1990

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

RECEIVED
JUN 4 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received \$125.00
Date 6/8/90
Receipt # 602137
Receipt by [Signature]
Reviewed by _____
Sent to region _____

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 27-07402

Name(s) of Permit Holder: Dennis L. or Mary Jo Marlow

Post Office Address: Route 6, Box 283 Blackfoot, Idaho 83221

Telephone No. 785-2585

Source of Water: Ground water

Extent of Use:

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

Irrigation 60 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 1.20 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: March 13, 1985

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

Fee enclosed \$125.00
(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:

Dennis L. or Mary Jo Marlow 785-2585
(Name) (Telephone Number)

228 E 300 N Blackfoot, Idaho 83221
(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.

JUL 20 1990

5-31-90
Date

Dennis L. Marlow
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 27-07402

Proposed Priority: March 13, 1985 Amount: 1.20 CFS

This is to certify, that **DENNIS L. MARLOW**
MARY JO MARLOW
RT. 6 BOX 283
BLACKFOOT, ID 83221

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	1.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW Sec. 16, Township 02S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	36E	16	SWSW 40	SESW 20		60

Total number of acres irrigated: 60

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

WATER DIVISION

JUN 13 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 27-07402

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

30th day of May, 1989.

for J. Keith Higginson
R. Keith Higginson, Director

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

WITH RESPECT TO INTERIM APPROVAL OF

APPLICATION FOR PERMIT NO. 27-7402

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7402; and interim approval is granted subject to the following limitations and conditions:

- a. Subject to all prior water rights.
- b. A measuring device or an access port of a design approved by IDWR shall be installed prior to diverting water under the interim approval.
- c. The water user acknowledges that the interim approval does not convey a continuing right to divert water and does not convey any right to divert water except as specifically provided in the interim approval.
- d. The water user assumes all risk that he or she will be successful in obtaining a permit for water which may be reallocated under the Water Appropriation Rules and Regulations. The water user accepts all risk that storage water will be available and obtainable from the rental pool in future years to allow the interim approval procedure to continue, if storage water is required.
- e. Violation of interim approval conditions, provisions of the Idaho Code, or the Water Allocation Rules and Regulations is cause for cancellation of the interim approval and denial of future requests.
- f. By accepting and commencing diversion of water under this interim approval, the water user acknowledges and agrees that the Director of IDWR is authorized to disconnect the power supply from the pump motor used to divert water under the interim approval or to take other reasonable steps to insure that water is not diverted during any period the interim approval is suspended or revoked.
- g. The Director may impose additional conditions not a part of the original interim approval conditions as determined by the Director.
- h. The filing on which the interim approval is given may be reprocessed under the provisions of Section 42-203C, Idaho Code, at the request of the water user or as determined by the Director in compliance with pertinent adopted rules and regulations and statutes.
- i. Investments made by the water user to divert and use water under the interim approval will not be considered by IDWR when reprocessing the filing under the provisions of 42-203C, Idaho Code.

Witness my hand this

6th day of April, 1987.

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MAY 07 1987

J. Shaw Saxton
Chief, Operations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CANCELLATION)
)
OF PERMIT NO. 27-7402 AND)
)
THE ILLEGAL DIVERSION OF)
)
GROUNDWATER BY DENNIS L. OR)
)
MARY JO MARLOW IN BINGHAM COUNTY)
_____)

ORDER TO SHOW CAUSE
AND CEASE AND DESIST
ORDER

The Director of the Department of Water Resources, being charged with the duties of protecting vested water rights, enforcing specific statutes of the State of Idaho, and the rules promulgated by the Department, and being authorized to order the cessation of violations or attempted violations of the provisions of the law relating to all aspects of the appropriation and distribution of water, has investigated certain diversions of water being made by Alan Dennis L. or Mary Jo Marlow. Based upon the Director's investigations and understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Dennis L. and Mary Jo Marlow applied to the Department to appropriate groundwater for irrigation of lands within the State of Idaho, Bingham County. The application, numbered 27-7402 by the Department, sought authorization to divert groundwater from a well or wells to be constructed at a location as herein described for irrigation of lands as herein described. The application, signed by Mary Jo Marlow

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the land described in the application does not have any other water right appurtenant to it. The relevant information on the application is as follows:

Application No. 27-7402 (filed 3/13/85)

Requested point of diversion: SW1/4SW1/4, Sec. 16, T2S, R36E, B.M.

Requested place of use: S1/2SW1/4, Sec. 16, T2S, R36E, B.M. (60 acres).

2. On April 23, 1985, Application for Permit No. 27-7402 (hereafter referred to as "the Interim Permit") was granted interim approval upon the applicant complying with the following conditions:

- d. Issuance of this permit is on an interim basis until processing can be accomplished under Section 42-203, as amended, Idaho Code, and is contingent upon the permit holder assigning storage water to replace water taken from other water rights as determined by the Director of IDWR.
- e. Each irrigation season before water is diverted under this permit, evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water from other water rights.
- f. The volume of stored water required to be rented from the Upper Snake River Water Supply Bank shall be equal to the volume of water consumptively used, as determined by the Director. For the 1985 irrigation season and each following year that this permit is to be used or until modified by Order of the Director of IDWR, the volume of stored water required is 120 acre-feet (60 acres x 2.0 acre-feet per acre = 120 acre-feet per year).
- g. Water shall not be diverted at any time that storage water is not available and on assignment to the Director of IDWR for purposes of replacing reductions of flow to other water right holders.

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- h. The Director of IDWR retains jurisdiction of this permit to enforce the provisions of this permit, to revise the volume of stored water required, to cancel this permit for failure to comply with the conditions of approval, and to require procedural and substantive compliance with any subsequently adopted rules and regulations concerning exchange or augmentation of water supplies.
- i. By accepting and commencing diversion of water under this permit, the permit holder acknowledges and agrees that: (1) the Director of IDWR may suspend the right to divert water during any period that evidence of the required storage water supply needed for release is not on file with IDWR, and (2) the Director of IDWR is authorized to obtain a court order to disconnect the power supply from the pump motor used to divert water under this permit or by other reasonable means insure that water is not diverted at any and all times, that the right to divert water under this permit is suspended.

3. Prior to interim approval of their application, Dennis L. and Mary Jo Marlow rented 120 acre-feet of storage water from the Upper Snake River Water Supply Bank (hereafter referred to as "Water Supply Bank"), payment for which was accepted on April 1, 1985 by Ronald D. Carlson, Watermaster for Water District No. 1 and Agent for the Committee of Nine, which controls the Water Supply Bank.

4. On May 29, 1986, a letter was sent to Dennis Marlow informing him that Water Supply Bank water must be rented for the 1986 irrigation season for continuation of interim approval.

5. Despite notification of the rental requirement, the permit holders did not rent storage water for the 1986 irrigation season.

6. Field investigations conducted by the Department on August 19, 1986 revealed that portions of the S1/2SW1/4 of Section 16, T2S, R36E, Boise Meridian, **MICROFILMED** which are

MAY 07 1987

owned or under the control of Dennis L. or Mary Jo Marlow, were irrigated during the 1986 irrigation season by a handline irrigation system drawing water from a groundwater point of diversion located approximately at the SW1/4SW1/4, Section 16, T2S, R36E, B.M., irrigating approximately the acreage listed in the Interim Permit.

7. The Director of the Department of Water Resources is not aware of any water rights, other than the Interim Permits, authorizing Alan Weaver to divert groundwater and apply it to irrigation of the lands described in Findings of Fact Nos. 1 and 6.

8. Groundwater in the area described by Findings of Fact Nos. 1 and 6 has been determined by the Director of the Department of Water Resources to be tributary to the Snake River in the Milner Dam to Swan Falls Dam reach.

CONCLUSIONS OF LAW

1. Section 42-351, Idaho Code, enacted by the 49th Idaho Legislature in 1986 provides the following:

"If the director of the department of water resources finds, on the basis of available information, that a person is diverting water from a natural water source without having obtained a valid right to do so or is applying water not in conformance with the conditions of a valid right, then the director of the department of water resources may issue an order directing the person to cease and desist the activity or activities alleged to be in violation of applicable law or of any existing water right."

2. Condition "e" of the Interim Permit states that, annually, "evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Department of IDWR for release to

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replace water taken from other water rights" before water is diverted under the permits for the particular irrigation season.

3. Condition "f" of the Interim Permit states that, until modified by the Director of the IDWR, the permit holder must rent stored water annually from the Upper Snake River Water Supply Bank.

4. Condition "g" of the Interim Permit prohibits the diversion of water if storage water is not assigned to the Director of the Department of Water Resources to replace reductions of flow to other water right holders.

5. Condition "h" of Interim Permit No. 27-7402 provides that upon violation of the conditions of the Interim Permit, the Director is empowered to cancel the permit.

6. Section 42-311(1), Idaho Code, states:

"If the director of the department of water resources finds, on the basis of available information at any time after a permit is issued but prior to license, that the permittee has wilfully and intentionally failed to comply with any of the conditions in the permit, then the director of the department of water resources may issue (a) an order to show cause before the director of the department or the director's designee on or before a date therein set, which shall be not less than thirty (30) days from the date of service, why the director of the Department should not cancel said permit and declare the water subject to appropriation; or (b) an order directing the permittee to cease and desist the activity or activities alleged to be in violation of the conditions of the permit.

7. Appropriation of groundwater from the locations described in Findings of Fact No. 1 and No. 6 is subject to the requirements of Chapter 2, Title 42, Idaho Code, including the additional public interest requirements of Section 42-203C, Idaho

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Code, for reallocating hydropower water rights held in trust by the State of Idaho.

8. The permit holder did not rent storage water for the 1986 irrigation season, but continued to irrigate the lands described in Findings of Fact No. 1 and No. 6 in violation of the conditions of the permit.

9. The noncompliance with the conditions of the permit by the permit holders was wilful and intentional in that the permit holders received notification of the requirement to rent storage water, did not rent the storage water as required by their permit, and diverted water for irrigation during the 1986 irrigation season. The above noncompliance with the storage water rental conditions in the permit is a violation of Section 42-311, Idaho Code.

10. In addition, the permit holders have and are applying water not in conformance with the conditions of a valid water right in violation of Section 42-351, Idaho Code.

11. The illegal diversion of the public waters of the State of Idaho must be stopped or mitigated to prevent injury to other water rights, to protect the water resources of the state, and to assure that the allocation and use of available water supplies takes place in an orderly manner.

12. Section 42-352, Idaho Code, provides that "Any person who wilfully violates any cease and desist order issued under Chapter 3, Title 42, Idaho Code, after the same has been served upon him shall be subject to civil penalty not to exceed one hundred dollars (\$100) for each day following service of the

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cease and desist order in which the illegal diversion of use of water occurs."

13. Use of the well constitutes an individual diversion and if used without a valid water right constitutes a violaton of Section 42-351, Idaho Code.

ORDER

IT IS HEREBY ORDERED, under authority of Section 42-351, Idaho Code, that Dennis L. and Mary Jo Marlow show cause before the Director of the Department of Water Resources, within 7 days of the date of service of this order, why they should not cease the irrigation of the above-described lands until they have received the approval of the Director to appropriate or otherwise use water for the irrigation of these lands.

IT IS FURTHER ORDERED, that should good cause not be shown as above ordered, then Dennis L. and Mary Jo Marlow shall immediately cease and desist from diverting water for the irrigation of the subject lands until they have received the approval of the Director to appropriate or otherwise use water for the irrigation of these lands.

IT IS FURTHER ORDERED, that Dennis L. and Mary Jo Marlow shall pay a civil penalty to the Department of Water Resources in the amount of \$100 per day for each day that water is illegally and wilfully pumped from the well listed in Finding of Fact No. 6 following the date herein set to show cause. Each day of pumping of the well in violation of this order is a violation.

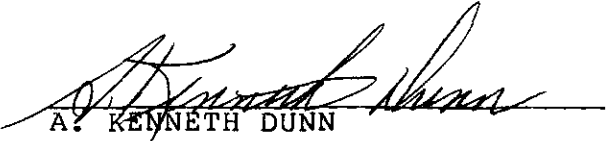
IT IS FURTHER ORDERED, under authority of Section 42-311, Idaho Code, that Dennis L. and Mary Jo Marlow shall show

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cause before the Director of the Department of Water Resources,
within 30 days of the date of service of this Order, why Interim
Permit No. 27-7402 should not be cancelled.

Dated this 9th day of September, 1986.


A. KENNETH DUNN
Director

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MAY 07 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

INTERIM APPROVAL

To appropriate the public waters of the State of Idaho

1. Name of applicant Dennis L. or Mary Jo Marlow Phone 785-2585
Post office address Rt. #6, Box 283, Blackfoot, ID 83221

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

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16 Township 2S
Range 36E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.20 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.20 cubic feet per second and/or b. _____ acre-feet per annum,

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, mainline to hand 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 18 inches; proposed depth of well is 100 feet.

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 — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	36E	16											40	20					60

Total number of acres to be irrigated 60

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

9. a. Who owns the property at the point of diversion Applicant

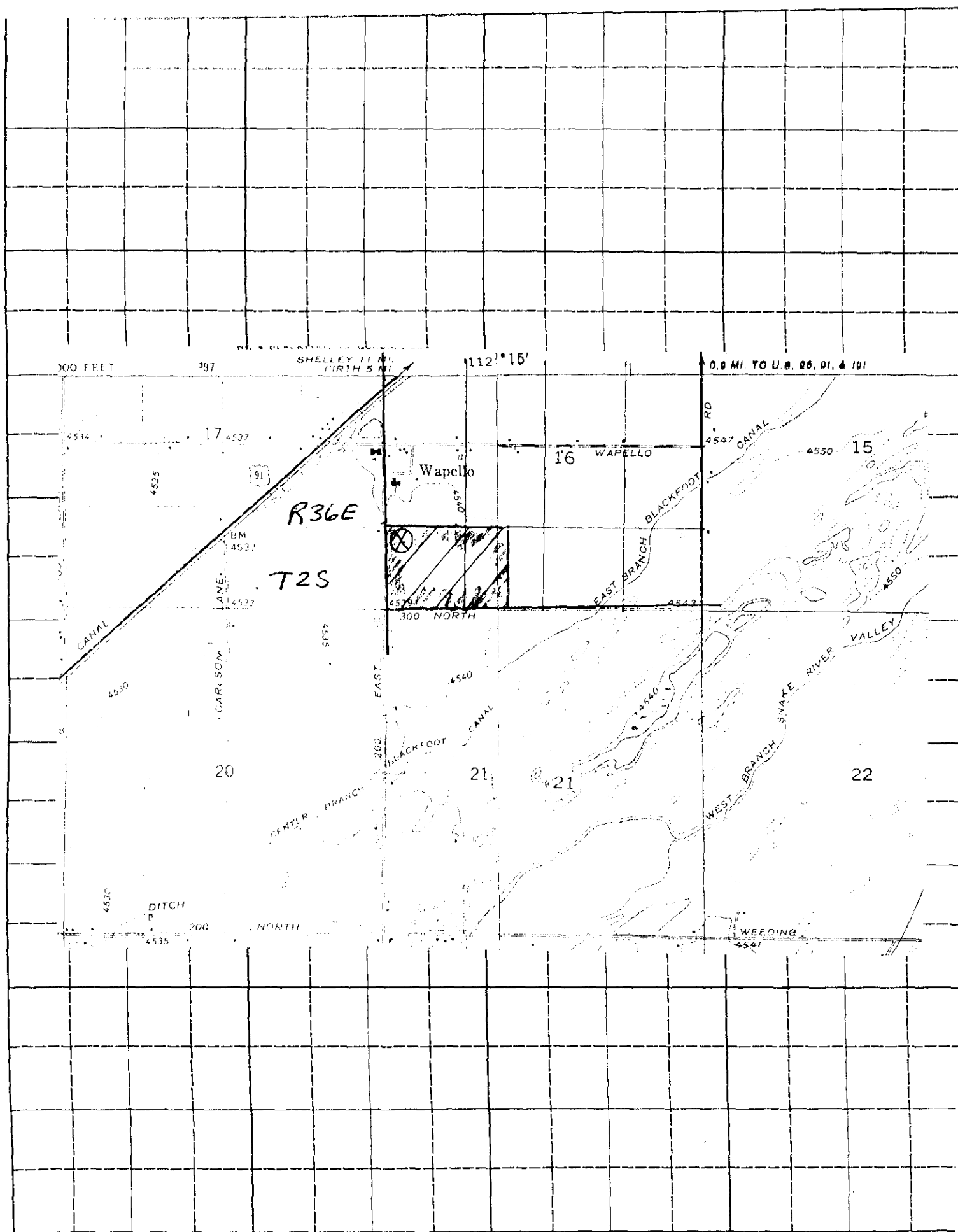
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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



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.

Mary Jo Marlow
(Applicant)

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Received by Kaw Date 3-13-85 Time 12:25
Preliminary check by for Fee \$ 65.00
Receipted by (W) Date 3-13-85 # 33224
Publication prepared by (W) Date 3-29-85
Published in Blackfoot News
Publication dates 4/04 + 4/11/85
Publication approved (W) Date 4-16-85
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC

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. 27-7402, and said application is hereby given INTERIM APPROVAL.

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 _____. None required unless reprocessed and approved under Sec. 42-203C, IDAHO CODE (SB 1008).
- 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: Additional conditions attached hereto:

Dated this 23 day of April, 1985

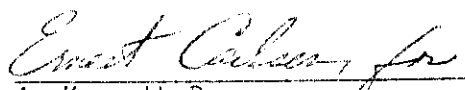
Ernest Carlson
for
A. KENNETH DUNN
Director

MICROFILMED

The following conditions are hereby made a part of the action of the Director of Water Resources (IDWR) on Application for Permit No. 27-7402

- d. Issuance of this permit is on an interim basis until processing can be accomplished under 42-203C, Idaho Code and is contingent upon the permit holder assigning storage water to replace water taken from other water rights as determined by the Director of IDWR.
- e. Each irrigation season before water is diverted under this permit, evidence shall be provided to the department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water taken from other water rights.
- f. The volume of stored water required to be rented from the Upper Snake River Water Supply Bank shall be equal to the volume of water consumptively used, as determined by the Director. For the 1985 irrigation season and each following year that this permit is to be used or until modified by order of the Director of IDWR, the volume of stored water required is 120 acre-feet (60 acres x 2.0 acre-feet/acre = 120 acre feet/year).
- g. Water shall not be diverted at any time that storage water is not available and on assignment to the Director of IDWR for purposes of replacing reductions of flow to other water right holders.
- h. The Director of IDWR retains jurisdiction of this permit to enforce the provisions of this permit, to revise the volume of stored water required, to cancel this permit for failure to comply with the conditions of approval, and to require procedural and substantive compliance with any subsequently adopted rules and regulations concerning exchange or augmentation of water supplies.
- i. By accepting and commencing diversion of water under this permit, the permit holder acknowledges and agrees that: (1) the Director of IDWR may suspend the right to divert water during any period that evidence of the required storage water supply needed for release is not on file with IDWR, and (2) the Director of IDWR is authorized to obtain a court order to disconnect the power supply from the pump motor used to divert water under this permit or by other reasonable means insure that water is not diverted at any and all times, that the right to divert water under this permit is suspended.
- j. This permit will be reprocessed under the provisions of Section 42-203C, Idaho Code, at the request of the permit holder or as determined by the Director and in compliance with pertinent adopted rules and regulations.
- k. A measuring device or an access port of a design approved by IDWR shall be installed prior to diverting water under this permit to allow the rate of diversion to be determined.

Dated this 23 day of April, 1985


A. Kenneth Dunn
Director

MICROFILMED

Source: GROUNDWATER
Date Filed: 02/20/1985
Diversion Pt.: SWSE, SESE, Sec. 16, T. 02S, R. 36E.
Use: IRRIGATION (2.40 CFS)
In: NESW, SESW, NESE, NWSE, SWSE, SESE, Sec. 16, T. 02S, R. 36E, for 120 ACRES.

27-7395

LDS CHURCH
Blackfoot South Stake
Route 4, Box 97
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 08/09/1984
Diversion Pt.: SWNW, Sec. 22, T. 02S, R. 35E.
Use: DOMESTIC (0.04 CFS)
In: SWNW, Sec. 22, T. 02S, R. 35E.

27-7386

CITY OF BLACKFOOT
157 N. Broadway
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 06/30/1983
Diversion Pt.: NWNE, Sec. 35, T. 02S, R. 35E.
Use: MUNICIPAL (2.00 CFS)
In: The City Limits of Blackfoot.

27-7384

CITY OF BLACKFOOT
157 N. Broadway
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 6/30/1983
Diversion Pt.: SWNE, Sec. 27, T. 02S, R. 35E.
Use: MUNICIPAL (0.1440 CFS)
In: SWNE, Sec. 27, T. 02S, R. 35E.

27-7357

HENDRICKS, THOMAS H.
&/or GERTRUDE I.
Box 192
Fort Hall, Idaho 83203
Source: GROUNDWATER
Date Filed: 06/03/1983
Diversion Pt.: SENE, Sec. 36, T. 04S, R. 34E.
Use: IRRIGATION (0.09 CFS)
DOMESTIC (0.25 CFS)
In: SENE, Sec. 36, T. 04S, R. 34E, for 3 ACRES.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before APRIL 22, 1985.

KEN DUNN, Director

(8527)
Pub.: 4-4, 11

NOTICE OF APPLICATION FOR WATER RIGHT

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

35-8224

SHRADER, Lark G. &/or MAXINE R.
Rt. 2, Box 305
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 06/30/1983
Diversion Pt.: SWSE, Sec. 20, T. 03S, R. 34E.
Use: IRRIGATION (0.03 CFS)
DOMESTIC (0.04 CFS)
In: SWSE, Sec. 20, T. 03S, R. 34E, for 1 ACRES.

35-8351

PARRISH, Jay
Rt. 7, Box 356
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 06/25/1984
Diversion Pt.: NESE, Sec. 33, T. 02S, R. T. 06S, R. 31E, for 60 ACRES.

27-7402

MARLOW, Dennis L. &/or MARY JO
Route 6, Box 283
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 03/13/1985
Diversion Pt.: SWSW, Sec. 16, T. 02S, R. 36E.
Use: IRRIGATION (1.20 CFS)
In: SWSW, SESW, Sec. 16, T. 02S, R. 36E for 60 ACRES.

27-7399

STECKLEIN, LA VERELLE
757 W. Riverton Road
Blackfoot, Idaho 83221

RECEIVED
APR 12 1985

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, David Mark Brown do

solemnly

swear that I am the Publisher of The Morning News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue or said newspaper 2 consecutive weeks

the first publication having been made on the 4th day of April, 19 85,

and the last publication having been made on the 11th day of April, 19 85; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

David Mark Brown by OCB

Subscribed and sworn to before me this 11th

day of April, 19 85

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, ~~1984~~ 1988

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 18, 2002

DENNIS L MARLOW
MARY JO MARLOW
228 E 300 N
BLACKFOOT ID 83221

RE: License No. 27-7402 - Issuance of License

Dear Water Right Holder(s):

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

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

ENCLOSURE
2002-12-18

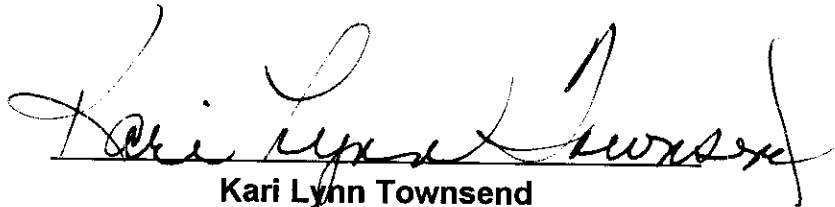
CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

27-7402

**DENNIS L MARLOW
MARY JO MARLOW
228 E 300 N
BLACKFOOT ID 83221**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 11 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

APR 11 1993

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICRO
MAY 1 1979

LICENSE REVIEW CHECKLIST

Permit No 27-7402 Date: 12-16-02 Reviewer: Kay Walker

Change/OK

Name/Address fix address

Source ok Does change clarify original intended source? If no, void permit.
Point of Diversion: ok Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use ok Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): none
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion: Permitted rate 1.20 cfs
Fee Limit 2.0 cfs Recommended Total Diversion Rate _____
Measured 1.16 cfs
Theoretical _____ cfs

Water Uses ok Change (P46) Season of Use per new Standards
4-1 10-31

Irrigation 0.94 cfs 188.0 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 0.94 cfs 188.0 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination
0.94 cfs x 1.9835 x 214 days = 399 af (vs) 47 acres x 4.0 (FHR) = 188.0 af
3.0 (coh)

Remarks: _____

Additional Conditions _____ Watermaster Control _____ GW Dist? _____
_____ GW Measurement/Measuring Device _____ Water Msmt. Dist? _____
_____ Other _____ Crit. GWMA? _____
Trust R55 - remove 051) _____ GWMA? _____
Non-trust (048) _____ Government Lots? _____

Advance Priority? _____ yes If yes, explain why below.
_____ no

SRBA Claim? NO - not req'd

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	1 1J	BLACKFOOT IRRIGATION CO.	SNAKE RIVER	02S36E16	40	38	40	23	29	40	36	15	40	9	22	52	18	28	40	28	496
Claim	1 298	BLACKFOOT IRRIGATION CO.	SNAKE RIVER	02S36E16	40	38	40	23	29	40	36	15	40	9	22	52	18	28	40	28	496
Right	27 7402	DENNIS L. MARLOW, MARY JO MARLOW,	GROUND WATER	02S36E16											31	16					47
Right	27 7402	DENNIS L. MARLOW, MARY JO MARLOW,	GROUND WATER	02S36E16											40	20					60
Right	27 7369	LA VERELLE STECKLEIN,	GROUND WATER	02S36E16									10			20	8	38	40	10	120
Right	1 298	BLACKFOOT IRRIGATION CO.	SNAKE RIVER	02S36E16																	0
Claim	27 11040	BOYD D MALM,	GROUND WATER	02S36E16										2							2
Claim	27 7093	LA VERELLE STECKLEIN, DEANNA STECKLEIN,	GROUND WATER	02S36E16																27	27
Right	27 7093	DEANNA STECKLEIN, LA VERELLE STECKLEIN,	GROUND WATER	02S36E16																27	27
Claim	27 7376	ROSS B CHANDLER, LA FAY CHANDLER,	GROUND WATER	02S36E16							1										1
Right	27 7376	LA FAY CHANDLER, ROSS B CHANDLER,	GROUND WATER	02S36E16							1										1
Right	27 7547	ELCY BLEAZARD, TOM BARTAUSKY,	GROUND WATER	02S36E16		39	36														75

↑ ↑
surface
water removed
from land
in 1985- see
doc. in file

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

MADE 18 2002
K

A. GENERAL INFORMATION

Permit No. 27-7402

1. Owner: Dennis L. Marlow / Mary Jo Marlow Phone No. 785-2585

Current Address: 228 E 300 N Blackfoot ID 83221

2. Accompanied by: None EXAM DATE: 6-28-01

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Surface water (01-1J, 298) Snake River

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

R062814A

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SW	16	2S	36E		Aerial photo / GPS file

2. Place(s) of Use:

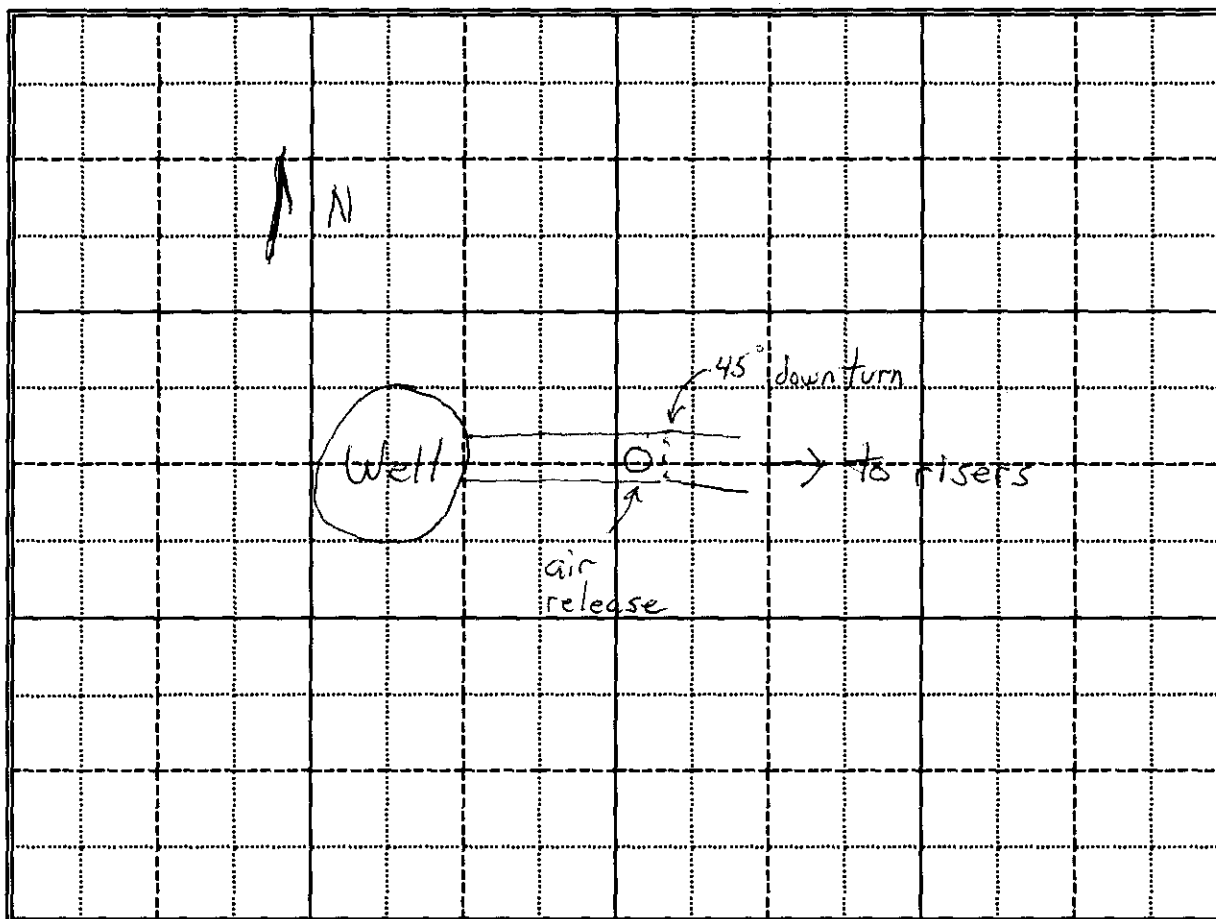
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	36E	16											31	16					47

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MADE 18 2002

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
	US Electric	30	R 7183-03-884	Western Land	

*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
		Fuji				

2. Measurements: 6" well 5 min = 2608 gallons - manual measurement
See file 5 on polysonic for recorded measurement

MICROPLIMED

$$CFS = \frac{52.16 \text{ gpm}}{448.82} = 0.116 \text{ cfs}$$

E. NARRATIVE/REMARKS/COMMENTS

Well- Pump - ~~headlines~~ Wheel/lines

At time of exam $2\frac{3}{4}$ lines were running.
+ a few odds and ends totaling roughly 3
quarter mile lines.

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

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SEP 11 2002

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$\frac{2608}{5 \text{ min}} = \frac{521.6 \text{ gpm}}{448.83} = 1.16 \text{ cfs}$$

$$47 \text{ ac} \times 0.02 = 0.94 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 47 \times 4 = 188 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.94(214)1.9835 = 399 \text{ AF/A}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 188 \text{ AF/A}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	0.94 cfs	188 AF/A
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			0.94 cfs	_____

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 Steve Mueller Date 6-28-01

Reviewer DAVE CARLSON Date 3/13/2002

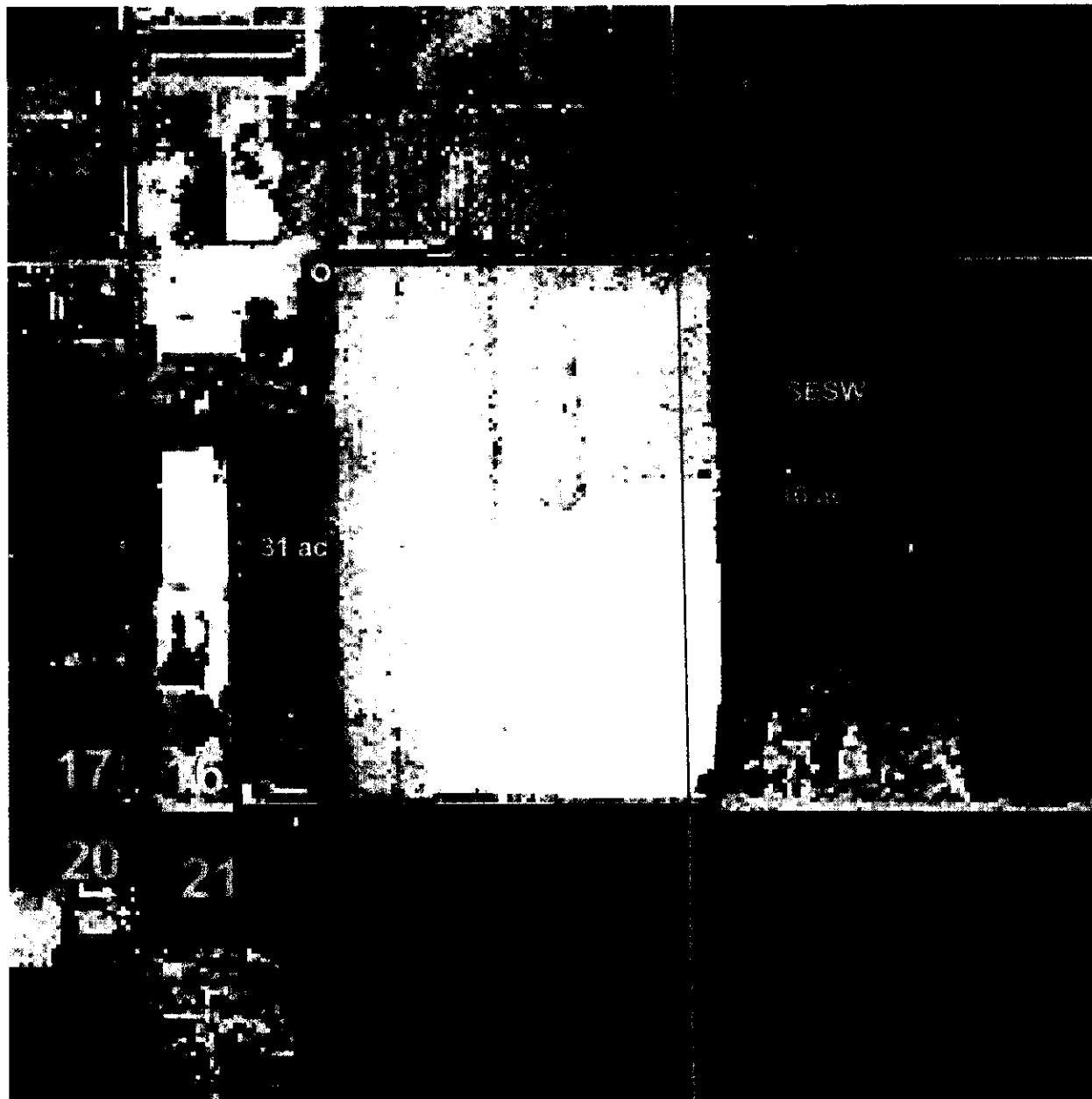
SEAL

MICROFILMED

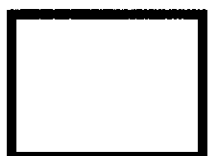
4-10-01

27-07402

02S, 36E SEC. 16

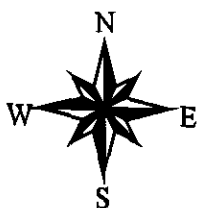
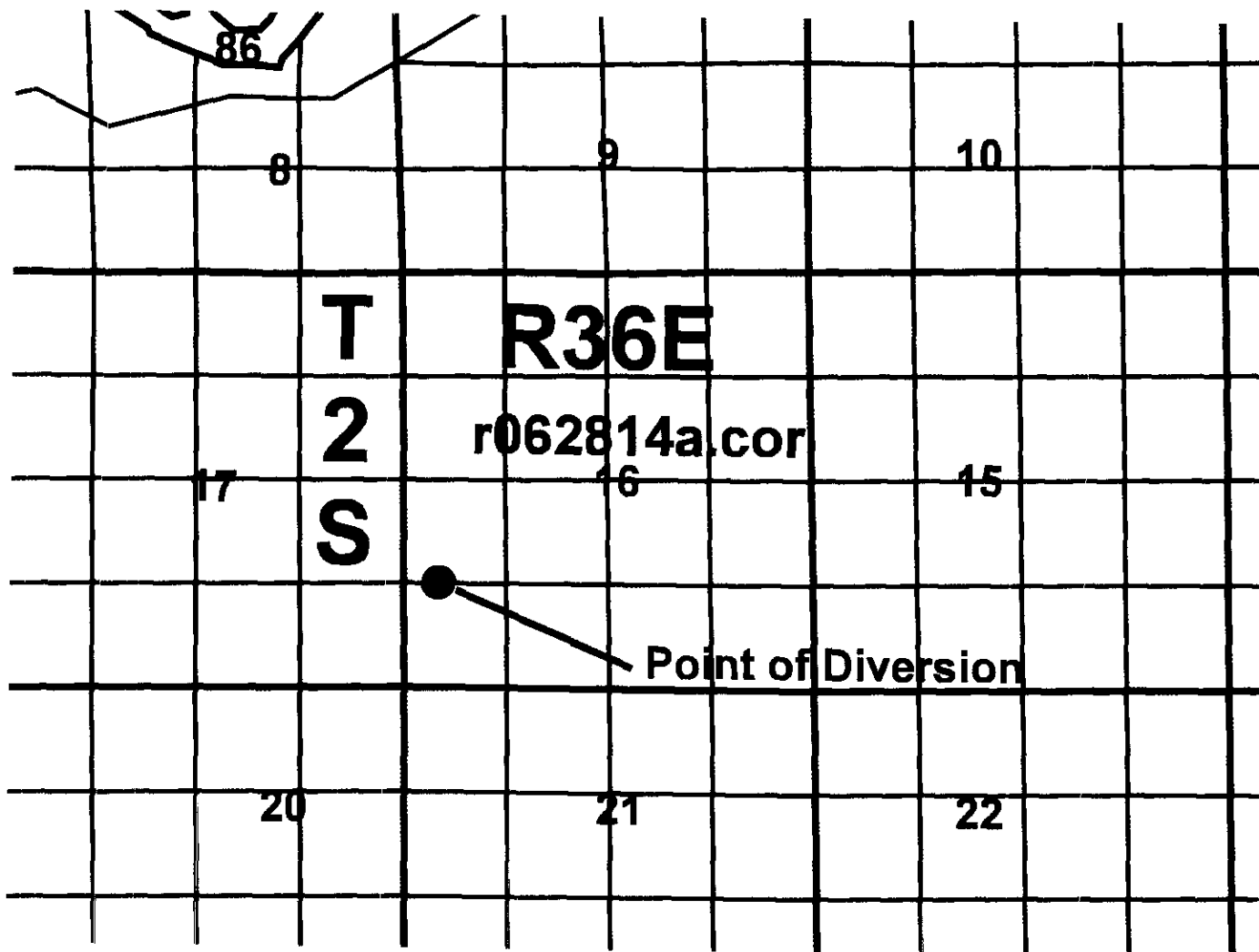


⊙ POINT OF DIVERSION



PLACE OF USE

MICRO



27-07402

MICROFILMED

2001-1-17-03



POD # 27-7402 looking north



POD # 27-7402 looking east, POV in background

MICROFILM

WELL DRILLER'S REPORT

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

OCT 15 1985

1. WELL OWNER

Name Northside Estates
Address c/o Gary George
P.O. Box 801 Idaho Falls, Idaho 83401
Owner's Permit No. 25-85-C-0012-000

7. WATER LEVEL

Department of Water Resources
Eastern District Office
Static water level 114 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature OF. Quality Good
Describe artesian or temperature zones below

2. NATURE OF WORK

W.R. 25-07402
☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

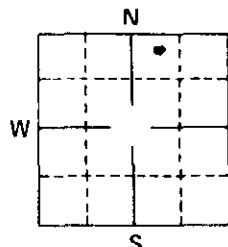
Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
.250 inches 10 inches + 1 feet 28 feet
.250 inches 8 inches 1 feet 169 feet
inches inches feet feet
inches inches feet feet
Was casing drive shoe used? ☒ Yes 8" ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches
Number From To
perforations feet feet
perforations feet feet
perforations feet feet
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from feet to feet
Surface seal depth 40+ Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐
Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Weld
☐ Cemented between strata
Describe access port Well Cap

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
10	0	6	Soil.		X
10	6	22	Sand & gravel.		X
10	22	28	Clay & boulders.		X
10	28	35	Broken basalt some clay.		X
10	35	45	Firm gray basalt.		X
10	45	55	Broken gray basalt.		X
10	55	80	Firm gray basalt.		X
10	80	88	Broken brown basalt.		X
10	88	128	Firm gray basalt.		X
10	128	146	Cinders.	X	
10	146	167	Gravel & clay.		X
10	167	170	Broken gray basalt.	X	
10	170	176	Firm gray basalt.		X
10	176	188	Cinders.	X	
10	188	226	Hard green basalt.		X
10	226	230	Broken gray basalt.	X	
10	230	241	Firm gray basalt.		X
10	241	250	Broken gray basalt.	X	

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Northside
Estates
Lot No. _____ Block No. MICRO

County Bonneville

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32 T. 3 N. R. 38 E. W.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Firm Name Andrew Well Drilling Firm No. 5
Address 1268 E. 17th Street Date 7/19/85
Idaho Falls, Idaho 83401
Signed by (Firm Official) Paul J. Andrew
and
(Operator) Dale Kulse

June 26, 1990

DENNIS L. MARLOW
MARY JO MARLOW
RT. 6 BOX 283
BLACKFOOT, ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07402

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED

JUL 20 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 27-7402

Date: 6-21-90

General Considerations:

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

Source of Water:

☐ Surface water
☒ Groundwater
_____ 1. well log in file 1985 - ~~1984~~
NA 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

Yea Is a measuring device or access port required?
Yea Has one been installed?
Yea Waiver or modification of measuring device requested

Remarks:

no well log found

Priority Calculation:

Date proof received	<u>June 4, 1990</u>	<u>155</u>
Date proof due	<u>June 1, 1990</u>	<u>- 152</u>
No. of days late		<u>= 3</u>
Priority date	<u>March 13, 1985</u>	<u>+ 72</u>
NEW PRIORITY DATE	<u>Mar 16, 1985</u>	<u>= 75</u>

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

13842
March 31, 1990

DENNIS L. MARLOW
MARY JO MARLOW
RT. 6 BOX 283
BLACKFOOT, ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 27-07402

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 June 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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JUL 20 1990

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
May 31, 1989

DENNIS L. MARLOW
MARY JO MARLOW
RT. 6 BOX 283
BLACKFOOT, ID 83221

PERMIT APPROVAL NOTICE

RE: PERMIT NO. ~~2~~27-07402

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.

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

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.



JUN 12 1989

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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

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

FINAL REGIONAL PROCESSING REVIEW

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

✓ Yes No Publication dates & paper, recorded on application
Yes ✓ No Protests received
Final date for protest
Yes No Protests, dates, resolution of protest, recorded on application
Yes ✓ No Recommendations attached
Yes ✓ No Measuring device required
✓ Yes No Access port required
X Yes No Will water be delivered by watermaster? If yes, what Dist. 27-^{P05}
Yes No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 3-13-1985
By Date

STATE OFFICE REVIEW P05, P23, P03, P16 46 01G 48 49
By kw See below for additional information
Date 5/22/89

ADDITIONAL INFORMATION

App. in NON-TRUST area
allow 1 yr. for development



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 9, 1987

RE: Water Right No. 27-7402

Dennis L. or Mary Jo Marlow
Rt. 6, Box 283
Blackfoot, ID 83221

Dear Mr. and Mrs. Marlow:

Enclosed is your interim approval for the 1987 irrigation season.

The copy of the application for permit to appropriate water attached to the interim approval defines the various components of your interim approval. The inclusion of the copy of the application is only for the purpose of definition, and any terms contained therein are limited by the conditions of the interim approval.

Sincerely,

GARY SPACKMAN

Supervisor, Water Allocation Section

GS:sc

Enclosures

cc: Eastern Region
Tom Nelson

RECEIVED

MAY 07 1987

State of Idaho
Department of Water Resources
Boise, Idaho

April 6, 1987

Dear Sirs,

This letter is to give written notice
that I intend to divert water to irrigate the
land covered by Application No. 27-7402 for the
year 1987.

Thank you.
Dennis L. Morrow
Route 4, Box 283
Blackfoot, Idaho

73221

RECEIVED

APR 8 1987

Department of Water Resources
Eastern District Office

MICROFILMED

MAY 07 1987

RECEIVED

APR 02 1987

Department of Water Resources



e of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 1, 1987

Dennis L. or Mary Jo Marlow
Rt. 6, P.O. Box 283
Blackfoot, ID 83221

Re: Interim Approval

Dear Mr. and Mrs. Marlow:

NOTICE OF PENDING INTERIM APPROVAL CANCELLATION

Department records show that you were previously issued an interim approval for Application No. 27-7402, and that you were notified on February 13, 1987, that your interim approval must be renewed for the 1987 irrigation season. To initiate the renewal process, you were required to notify the Department of your intent to divert water during calendar year 1987. The Department has not received notification.

Please be advised that you must request renewal by May 1, 1987, or your interim approval will be cancelled. Diversion of water without interim approval is illegal under the laws of the State of Idaho.

For more information on interim approval, you should contact the Department's eastern regional office at 150 Shoup Avenue, Suite 15, Idaho Falls, ID 83401.

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MAY 07 1987

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC:Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 13, 1987

Dennis L. or Mary Jo Marlow
Rt. 6, P.O. Box 283
Blackfoot, ID 83221

RE: Interim Approval

Dear Mr. and Mrs. Marlow:

Department records show that you were issued an interim approval for Application No. 27-7402. As you know, interim approvals were a temporary measure to allow users the opportunity to divert and use water until the Department could consider processing the application under the provisions of the Swan Falls Agreement.

During past irrigation seasons, you have been required to lease storage water from the Upper Snake River Water Supply Bank. Your point of diversion has now been determined to be outside of the portion of the Snake River Groundwater Aquifer which supplies surface water below Milner Dam. The water you are diverting is not currently classified as trust water.

As a result of your diversion location falling outside of the present trust water boundaries, you will not be required as a condition of interim approval to lease storage water during the 1987 irrigation season. Nevertheless, if you desire to divert water during the calendar year 1987, you must inform the Department of Water Resources, in writing, of your intent to divert. Upon proper notification, the Department will issue you another interim approval without a requirement that you lease storage water in 1987.

Regional office personnel of the Department will field inspect the place of use for all continuing interim approvals and for all cancelled interim approvals, since the Idaho statutes now dictate penalties for the unauthorized diversion and use of water. Your present interim approval will expire in April, 1987.

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MAY 07 1987

For more information on interim approval, you should contact the Department's Eastern Regional office at 150 Shoup Avenue, Suite 15, Idaho Falls, ID 83401, telephone, 525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Eastern Region

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MAY 07 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

TO: Glen Saxton
FROM: Gary Spackman *Gary*
DATE: October 16, 1986
RE: Cease and Desist Orders

Five cease and desist orders prohibiting illegal diversion of water were prepared in September, 1986. The following is a summary by name of the status of each of the orders:

Richard Egbert

The cease and desist order was served upon Mr. Egbert personally on September 22, 1986. The order granted Mr. Egbert seven days from the date of service (September 20, 1986) to show cause why he should not cease and desist from diverting water at the points of diversion specified in the order.

I am not aware of any response to the order received by the state office. Eastern Region has not received a response. I conclude that Mr. Egbert has not shown cause, and that the cease and desist order is effective. I have scheduled the matter for call-up next spring for investigation during the irrigation season.

Alan Weaver

The cease and desist order was served upon Mrs. Alan Weaver at the Weaver residence on September 25, 1986 by the Fremont County Sheriff's Office. The order granted Mr. Weaver seven days from the date of service (October 2, 1986) to show cause why he should not cease and desist from diverting water at the points of diversion specified in the order.

I am not aware of any response to the order received by the state office. Eastern Region has not received a response. I conclude that Mr. Weaver has not shown cause, and that the cease and desist order is effective. I have scheduled the matter for call-up next spring for investigation during the irrigation season.

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MAY 07 1987

TO: Glen Saxton
DATE: October 16, 1986
PAGE: 2

Dennis and Mary Jo Marlow - 27-7402

The cease and desist order was served upon the Marlows by Department personnel on September 22, 1986. The order granted the Marlows seven days from the date of service (September 29, 1986) to show cause why they should not cease and desist diverting water from the point of diversion specified in the order.

A response was received from the Marlows by the state office on October 1, 1986. After a review of the facts contained therein, it was determined that their diversion was located outside of the trust water boundaries. A letter was sent to the Marlows on October 6, 1986 withdrawing the cease and desist order, but warning them that further diversion without an approved permit was a violation of the law.

Dwight Horsch Farms

The cease and desist order was served upon Dwight Horsch personally on September 16, 1986. The Order granted Mr. Horsch seven days from the date of service (September 23, 1986) to show cause why he should not cease and desist diverting water at the points of diversion specified in the order.

Mr. Horsch responded to the order through his attorney, Ben Caveness. Mr. Horsch stipulated to a settlement which called for payment of the annual rental fee required by his interim permit, plus 25% of the annual rental fee or \$100.00, whichever was greater, as a civil penalty. The Department received a check for \$250.00 as a civil penalty.

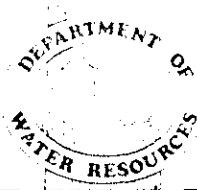
After a review of the trust water boundaries, the Department determined that the Horsch diversion was outside the trust water area. On the basis of the decision made in the Marlow case listed above, the Horsch check was returned to Horsch Farms with a letter, dated October 6, 1986, withdrawing the cease and desist order, but informing the interim permit holder that any further diversions without an approved permit would be a violation of the law.

Rick Sturgill

A cease and desist order was prepared for service and sent to Eastern Region, but was returned to the state office because Mr. Sturgill's diversion falls outside of the trust water boundaries. The order will be retained in the file. No letter has been sent to Mr. Sturgill.

RECEIVED

MAY 07 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 6, 1986

Dennis L. or Mary Jo Marlow
Rt. 6, Box 283
Blackfoot, ID 83221

Re: Interim Permit No. 27-7402

Dear Mr. and Mrs. Marlow:

The Department has received and reviewed your response to the Director's Order to Show Cause and Cease and Desist Order dated September 9, 1986. The Department agrees that use of water in your particular location does not legally have an effect on trust water use downstream from Milner Dam. Your response is a satisfactory showing that your groundwater diversion is not within the trust water area, and that Finding of Fact No. 8 is in error.

As you are aware, however, Interim Permit No. 27-7402 was issued as an interim approval prior to the amendments to Section 42-203, Idaho Code, during the last session of the legislature and prior to the determination and designation of the geographic area within which ground water has been determined to be tributary to the Snake River in the Milner Dam to Swan Falls Dam reach. (Re: Rule 1,5,1,2. Water Appropriation Rules and Regulations.) The permit was also issued with unique conditions of approval. While your use is outside this geographic area, Interim Permit No. 27-7402 must be reprocessed in essentially the same manner as if the Swan Falls trust water issue had never arisen.

Your permit is among approximately 375 applications outside the geographic area described above, which need to be processed. The Department will make every effort to timely process these pending filings including Interim Permit No. 27-7402 prior to next irrigation season in order that you can divert and beneficially use water in compliance with state law.

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MAY 07 1987

Dennis L. or Mary Jo Marlow
October 6, 1986
Page 2

If you have not been notified by the Department of the status of the reprocessing of your permit prior to the next irrigation season, please contact the Department to determine its status. You are not entitled to divert water under Interim Permit No. 27-7402 until it is reprocessed and approved. Diversion prior to approval is a violation of the law.

The Department, however, withdraws the cease and desist order previously issued, and regrets any inconvenience caused you over this matter. If you have questions, please feel free to contact the Department.

Sincerely,


L. GLEN SAXTON
Chief, Operations Bureau

Is

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MAY 07 1987

RECEIVED

OCT 1 1986

IN THE MATTER OF DENNIS F. OR MARY JO
HARLOW, PLAINTIFF AND CROSS DEFENDANT
VERSUS THE STATE OF IDAHO, DEFENDANT
APPLICATION (27-7402)

Department of Water Resources

RECEIVED

Dennis F. and Mary Jo Harlow, the respondents in this matter, own sixty (60) acres of irrigated land located within the S₁ of Section 16 Township 2 South Range 36 East Boise Meridian. This land was developed for irrigation in 1889 and has been delivered water through the Blackfoot Canal since that time. The Blackfoot Canal, in addition to 366 cfs dating from July 10, 1889, has 100 cfs from April 1, 1889 and 23,777 acre feet of storage water in Jackson, Palisades and American Falls Reservoirs.

The respondents owned 177 acres of land within Section 16 but were forced, by financial hardship, to sell 117 acres in February of 1985. As a condition of sale they agreed to allow the delivery ditches to the remaining sixty acres to be removed and to drill a well to supply their irrigation water.

In March of 1985 the respondents applied to the Department of Water Resources for a permit to appropriate 1.20 cfs from groundwater for the irrigation of their remaining sixty acres of land. At the time application was made they were advised that processing and approval of their permit application would not be possible for 1985. They also were advised that the director had made provisions to issue interim permits if sufficient water was rented from the water supply bank to mitigate any resulting depletion of Idaho Powers water rights. The respondents did lease water from the water bank and were given interim approval application 27-7402 on April 23, 1985.

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MAY 07 1987

In 1935 and 1936 the Idaho State Legislature enacted statutes implementing the agreement between the Idaho Power Company and the Governor. In this legislation the legislature defined trust water as being water tributary to the Snake River below Milner Dam. (ID. Sec 42-203B) With the passage and implementation of this statute it clearly became inappropriate for someone diverting water in the "non-trust water area" to lease stored water for release past Milner Dam to provide additional flows to the Idaho Power Company. In addition, the 20,000 acres per year limitation on development found in Idaho Code Sec 42-203D does not apply because the respondent's lands have been continuously irrigated since 1889. The respondents find it curious that the department in its finding of fact no. 8 would state that...."Groundwater in the area described (Sec 16,E28,R364) has been determined by the Director of the Department of Water Resources to be tributary to the Snake River in the Milner Dam to Swan Falls Dam reach..." when the Director in his adopted rules says it is in the non-trust water area. Clearly we believe the Director's ~~finding no. 8 to be~~ in error.

In addition, since the Swan Falls issue has apparently permanently "linked" groundwater and surface water it seems strange to now attempt to separate them. The net depletion on the respondent's sixty acres will be no different whether the water comes from groundwater or surface water. With the linkages made through the Swan Falls settlement it should not matter if the respondents Blackfoot Canal water is diverted from the canal or from groundwater. The respondents therefore know of no way or need, in view of the distinction between the trust water and non-trust water designations, for mitigation through the rental of stored water for release downstream.

During the year 1986 more water was available

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MAY 10 1987

River than at any time in history. Blackfoot irrigation had little need for any storage water. The respondents question therefore is: Who is injured by their use of water during 1936? If no one is injured then they have a right to use the unappropriated water of the Snake River as guaranteed by Idaho's Constitution.

The respondents have attempted to comply with state law to the best of their ability. They applied for a permit to appropriate groundwater when that was appropriate and they rented water for mitigation when that was appropriate. The respondents believe there was no appropriate action available to them in 1936 other than to continue to irrigate property as it has been irrigated for 96 years.

Respectfully,

Dennis Marlow
Mary Jo Marlow

MICROFILMED

MAY 07 1987

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

IN THE MATTER OF CANCELLATION)
OF PERMIT NO. 27-7402 AND)
THE ILLEGAL DIVERSION OF) RETURN OF SERVICE
GROUNDWATER BY DENNIS L. OR)
MARY JO MARLOW IN BINGHAM COUNTY)
_____)

I, Harold W. Jones, being an adult citizen of
the State of Idaho over 18 years of age, hereby certify that on
the 22 day of Sept., 1986, I personally served
Mary Jo Marlow, with an original copy of an ORDER TO
SHOW CAUSE AND CEASE AND DESIST ORDER pertaining to the illegal
diversion of groundwater. Service was accomplished at
Wapello, Bingham County, Idaho.

Dated this 22 day of Sept., 1986.

Harold W. Jones

Subscribed and sworn to before me this 22nd day of
September, 1986.

MICROFILMED

MAY 07 1987

William May
Notary Public

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

IN THE MATTER OF CANCELLATION)
)
OF PERMIT NO. 27-7402 AND)
)
THE ILLEGAL DIVERSION OF) ACCEPTANCE OF SERVICE
)
GROUNDWATER BY DENNIS L. OR)
)
MARY JO MARLOW IN BINGHAM COUNTY)
_____)

I, Dennis L. or Mary Jo Marlow do hereby acknowledge
that on the 22 day of Sept, 1986, an original
copy of an ORDER TO SHOW CAUSE AND CEASE AND DESIST ORDER
regarding the illegal diversion of groundwater was personally
served upon me.

Dated this 22 day of Sept, 1986.

Mary Jo Marlow
DENNIS L. or MARY JO MARLOW

MICROFILMED

MAY 07 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CANCELLATION)
)
OF PERMIT NO. 27-7402 AND)
)
THE ILLEGAL DIVERSION OF)
)
GROUNDWATER BY DENNIS L. OR)
)
MARY JO MARLOW IN BINGHAM COUNTY)
)

ORDER TO SHOW CAUSE
AND CEASE AND DESIST
ORDER

The Director of the Department of Water Resources, being charged with the duties of protecting vested water rights, enforcing specific statutes of the State of Idaho, and the rules promulgated by the Department, and being authorized to order the cessation of violations or attempted violations of the provisions of the law relating to all aspects of the appropriation and distribution of water, has investigated certain diversions of water being made by Alan Dennis L. or Mary Jo Marlow. Based upon the Director's investigations and understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Dennis L. and Mary Jo Marlow applied to the Department to appropriate groundwater for irrigation of lands within the State of Idaho, Bingham County. The application, numbered 27-7402 by the Department, sought authorization to divert groundwater from a well or wells to be constructed at a location as herein described for irrigation of lands as herein described. The application, signed by Mary Jo Marlow states that

the land described in the application does not have any other water right appurtenant to it. The relevant information on the application is as follows:

Application No. 27-7402 (filed 3/13/85)

Requested point of diversion: SW1/4SW1/4, Sec. 16, T2S, R36E, B.M.

Requested place of use: S1/2SW1/4, Sec. 16, T2S, R36E, B.M. (60 acres).

2. On April 23, 1985, Application for Permit No. 27-7402 (hereafter referred to as "the Interim Permit") was granted interim approval upon the applicant complying with the following conditions:

- d. Issuance of this permit is on an interim basis until processing can be accomplished under Section 42-203, as amended, Idaho Code, and is contingent upon the permit holder assigning storage water to replace water taken from other water rights as determined by the Director of IDWR.
- e. Each irrigation season before water is diverted under this permit, evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water from other water rights.
- f. The volume of stored water required to be rented from the Upper Snake River Water Supply Bank shall be equal to the volume of water consumptively used, as determined by the Director. For the 1985 irrigation season and each following year that this permit is to be used or until modified by Order of the Director of IDWR, the volume of stored water required is 120 acre-feet (60 acres x 2.0 acre-feet per acre = 120 acre-feet per year).
- g. Water shall not be diverted at any time that storage water is not available and on assignment to the Director of IDWR for purposes of replacing reductions of flow to other water right holders.

h. The Director of IDWR retains jurisdiction of this permit to enforce the provisions of this permit, to revise the volume of stored water required, to cancel this permit for failure to comply with the conditions of approval, and to require procedural and substantive compliance with any subsequently adopted rules and regulations concerning exchange or augmentation of water supplies.

i. By accepting and commencing diversion of water under this permit, the permit holder acknowledges and agrees that: (1) the Director of IDWR may suspend the right to divert water during any period that evidence of the required storage water supply needed for release is not on file with IDWR, and (2) the Director of IDWR is authorized to obtain a court order to disconnect the power supply from the pump motor used to divert water under this permit or by other reasonable means insure that water is not diverted at any and all times, that the right to divert water under this permit is suspended.

3. Prior to interim approval of their application, Dennis L. and Mary Jo Marlow rented 120 acre-feet of storage water from the Upper Snake River Water Supply Bank (hereafter referred to as "Water Supply Bank"), payment for which was accepted on April 1, 1985 by Ronald D. Carlson, Watermaster for Water District No. 1 and Agent for the Committee of Nine, which controls the Water Supply Bank.

4. On May 29, 1986, a letter was sent to Dennis Marlow informing him that Water Supply Bank water must be rented for the 1986 irrigation season for continuation of interim approval.

5. Despite notification of the rental requirement, the permit holders did not rent storage water for the 1986 irrigation season.

6. Field investigations conducted by the Department on August 19, 1986 revealed that portions of the S1/2SW1/4 of Section 16, T2S, R36E, Boise Meridian, Bingham County, which are

owned or under the control of Dennis L. or Mary Jo Marlow, were irrigated during the 1986 irrigation season by a handline irrigation system drawing water from a groundwater point of diversion located approximately at the SW1/4SW1/4, Section 16, T2S, R36E, B.M., irrigating approximately the acreage listed in the Interim Permit.

7. The Director of the Department of Water Resources is not aware of any water rights, other than the Interim Permits, authorizing Alan Weaver to divert groundwater and apply it to irrigation of the lands described in Findings of Fact Nos. 1 and 6.

8. Groundwater in the area described by Findings of Fact Nos. 1 and 6 has been determined by the Director of the Department of Water Resources to be tributary to the Snake River in the Milner Dam to Swan Falls Dam reach.

CONCLUSIONS OF LAW

1. Section 42-351, Idaho Code, enacted by the 49th Idaho Legislature in 1986 provides the following:

"If the director of the department of water resources finds, on the basis of available information, that a person is diverting water from a natural water source without having obtained a valid right to do so or is applying water not in conformance with the conditions of a valid right, then the director of the department of water resources may issue an order directing the person to cease and desist the activity or activities alleged to be in violation of applicable law or of any existing water right."

2. Condition "e" of the Interim Permit states that, annually, "evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to

replace water taken from other water rights" before water is diverted under the permits for the particular irrigation season.

3. Condition "f" of the Interim Permit states that, until modified by the Director of the IDWR, the permit holder must rent stored water annually from the Upper Snake River Water Supply Bank.

4. Condition "g" of the Interim Permit prohibits the diversion of water if storage water is not assigned to the Director of the Department of Water Resources to replace reductions of flow to other water right holders.

5. Condition "h" of Interim Permit No. 27-7402 provides that upon violation of the conditions of the Interim Permit, the Director is empowered to cancel the permit.

6. Section 42-311(1), Idaho Code, states:

"If the director of the department of water resources finds, on the basis of available information at any time after a permit is issued but prior to license, that the permittee has wilfully and intentionally failed to comply with any of the conditions in the permit, then the director of the department of water resources may issue (a) an order to show cause before the director of the department or the director's designee on or before a date therein set, which shall be not less than thirty (30) days from the date of service, why the director of the Department should not cancel said permit and declare the water subject to appropriation; or (b) an order directing the permittee to cease and desist the activity or activities alleged to be in violation of the conditions of the permit.

7. Appropriation of groundwater from the locations described in Findings of Fact No. 1 and No. 6 is subject to the requirements of Chapter 2, Title 42, Idaho Code, including the additional public interest requirements of Section 42-203C, Idaho

Code, for reallocating hydropower water rights held in trust by the State of Idaho.

8. The permit holder did not rent storage water for the 1986 irrigation season, but continued to irrigate the lands described in Findings of Fact No. 1 and No. 6 in violation of the conditions of the permit.

9. The noncompliance with the conditions of the permit by the permit holders was wilful and intentional in that the permit holders received notification of the requirement to rent storage water, did not rent the storage water as required by their permit, and diverted water for irrigation during the 1986 irrigation season. The above noncompliance with the storage water rental conditions in the permit is a violation of Section 42-311, Idaho Code.

10. In addition, the permit holders have and are applying water not in conformance with the conditions of a valid water right in violation of Section 42-351, Idaho Code.

11. The illegal diversion of the public waters of the State of Idaho must be stopped or mitigated to prevent injury to other water rights, to protect the water resources of the state, and to assure that the allocation and use of available water supplies takes place in an orderly manner.

12. Section 42-352, Idaho Code, provides that "Any person who wilfully violates any cease and desist order issued under Chapter 3, Title 42, Idaho Code, after the same has been served upon him shall be subject to civil penalty not to exceed one hundred dollars (\$100) for each day following service of the

cease and desist order in which the illegal diversion of use of water occurs."

13. Use of the well constitutes an individual diversion and if used without a valid water right constitutes a violaton of Section 42-351, Idaho Code.

ORDER

IT IS HEREBY ORDERED, under authority of Section 42-351, Idaho Code, that Dennis L. and Mary Jo Marlow show cause before the Director of the Department of Water Resources, within 7 days of the date of service of this order, why they should not cease the irrigation of the above-described lands until they have received the approval of the Director to appropriate or otherwise use water for the irrigation of these lands.

IT IS FURTHER ORDERED, that should good cause not be shown as above ordered, then Dennis L. and Mary Jo Marlow shall immediately cease and desist from diverting water for the irrigation of the subject lands until they have received the approval of the Director to appropriate or otherwise use water for the irrigation of these lands.

IT IS FURTHER ORDERED, that Dennis L. and Mary Jo Marlow shall pay a civil penalty to the Department of Water Resources in the amount of \$100 per day for each day that water is illegally and wilfully pumped from the well listed in Finding of Fact No. 6 following the date herein set to show cause. Each day of pumping of the well in violation of this order is a violation.

IT IS FURTHER ORDERED, under authority of Section 42-311, Idaho Code, that Dennis L. and Mary Jo Marlow shall show

cause before the Director of the Department of Water Resources,
within 30 days of the date of service of this Order, why Interim
Permit No. 27-7402 should not be cancelled.

Dated this 9th day of September, 1986.


A. KENNETH DUNN
Director

INTER-DEPARTMENT MEMO — 1

DATE August 19, 1986

MICROFILMED

MAY 07 1987

FROM Harold W. Jones

TO Ernest Carlsen

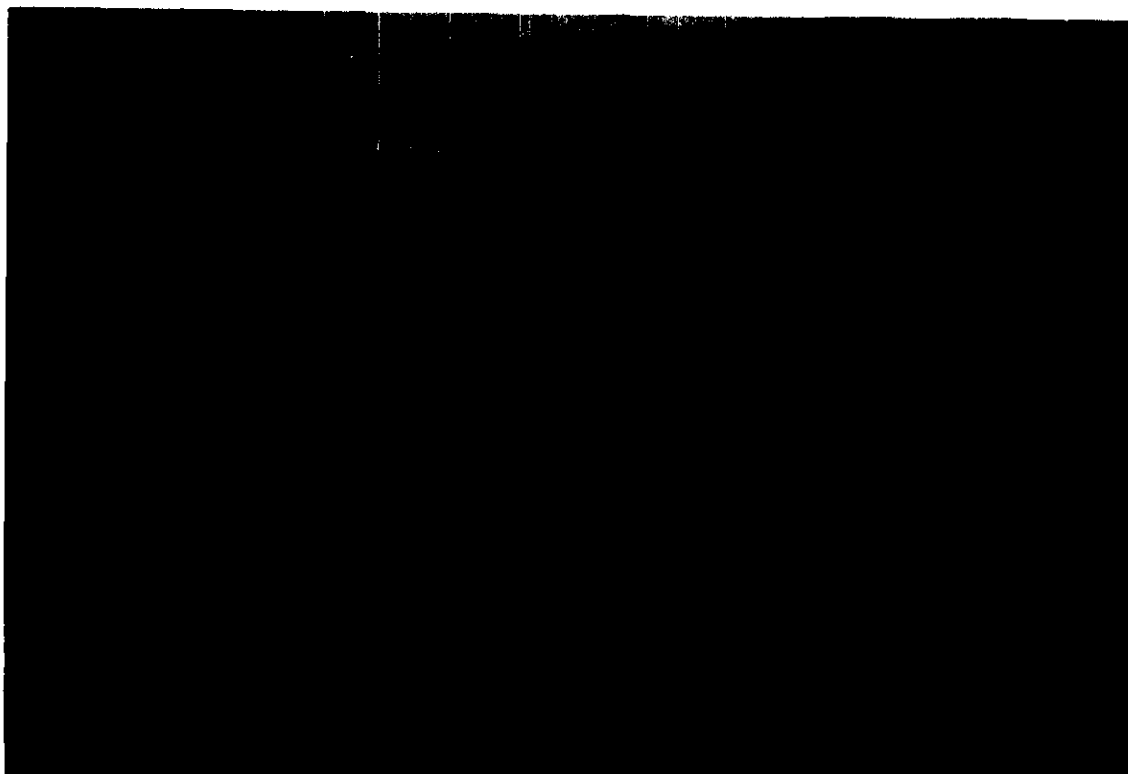
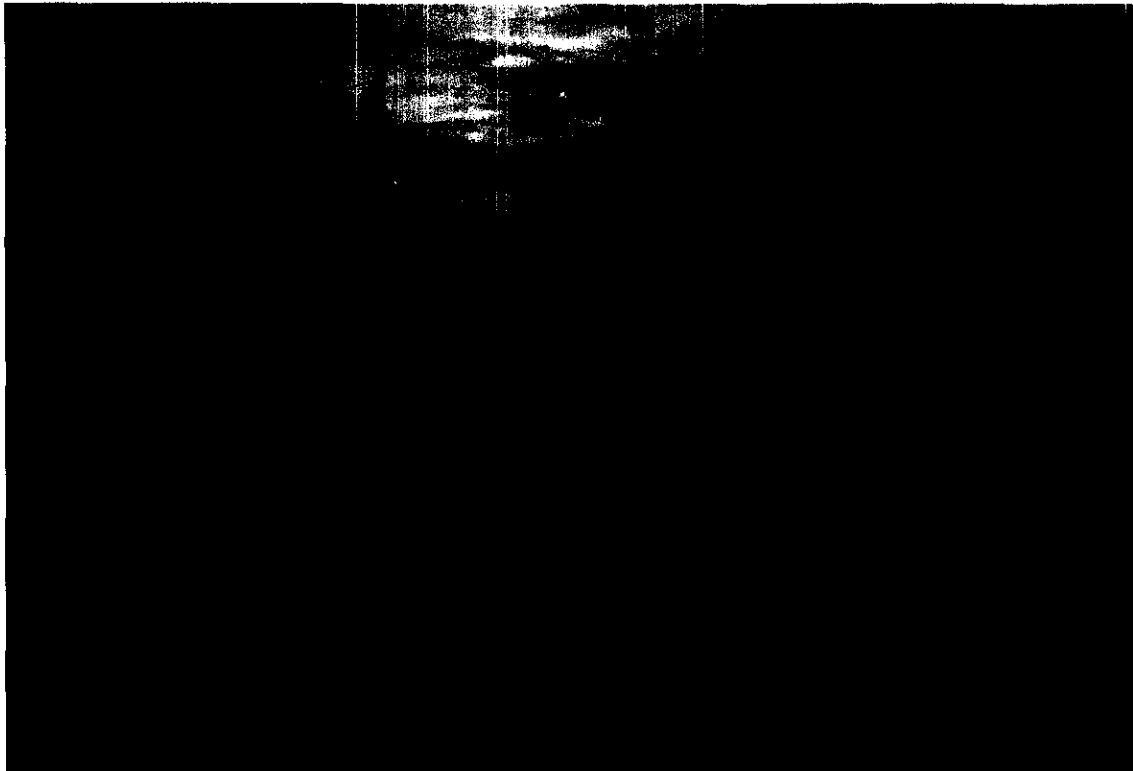
SUBJECT Interim Permit 27-7402

At 12:44 P.M. on 8/19/86 I inspected the P.O.U. for above permit. The ground in question has a hay crop (alfalfa) on it with bales in the field. There are also (2) two sprinkler lines in the field running North & South. There were no risers on South edge of field, so mainline is on North side as is P.D., which is what permit indicates. Adjacent neighbor says field was sprinkle irrigated this year. Another neighbor says ditch just east of school and running southwest does not service the east side of the road where P.O.U. is. I would be of the opinion that the P.D. was the well on this permit and was used for irrigation in 1986.

SIGNATURE

27-7402

Trus. Line



MICROFILMED
MAY 07 1981

May 29, 1986

RE: Interim Approval for Permit No. 27-7402

Mr. Dennis Marlow
Rt. 6, Box 283
Blackfoot, ID 83221

Dear Mr. Marlow:

During 1985 you received interim approval for application No. 27-7402. This approval was for one year and was conditioned upon your leasing replacement storage from the Water Bank. If you are planning on diverting water during 1986, it appears it will be necessary for you to again lease replacement storage. In April, the Idaho Power Company filed suit to prevent implementation of the Department's rules and regulations, which would have allowed the Department to resume the processing of water right applications. This suit virtually guarantees that the rental of replacement water will be necessary again this year.

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

Very truly yours,

RONALD D. CARLSON
Watermaster

RDC:cw

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. Glen Saxton
L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

RECEIVED
SEP 11 1985



IDAHO POWER COMPANY

BOX 70 • BOISE, IDAHO 83707

July 11, 1985
LOGAN E. LANHAM
Senior Vice President - Public Affairs

RECEIVED
JUL 13 1985

Mr A Kenneth Dunn
Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Re: Interim Approvals for Seasonal Exchanges

Dear Ken:

This will acknowledge Idaho Power Company's entitlement to call certain waters provided through storage leases as the basis for the Idaho Department of Water Resources's (IDWR) approval of the development of certain wells. The following is a list of the amounts of water that the Idaho Power Company is presently aware of that it can call from the rental pool pursuant to those interim IDWR approvals:

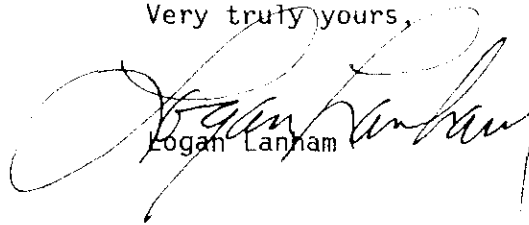
<u>Name</u>	<u>IDWR No</u>	<u>Acre-feet of Water</u>
Dennis L Marlow	27-7402	120
LaVerelle Stecklein	27-7399	240
Dwight Horsch	35-8082	120
LDS Church	27-7381	190
Samuel J Huffman	27-7405	190
Quality Farms, Inc	31-7415	190
Quality Farms, Inc	31-7416	280
N D Collaer, Trustee	27-7361	56
Alan Weaver	31-7430	264
Alan Weaver	31-7431	264
Alan Weaver	31-7432	264
Alan Weaver	31-7433	264
Total		2,386

It is our understanding that Idaho Power Company is entitled to call this water from the pool in a similar fashion to the leased water which it calls from the pool, and at the same time as that leased water is called. This understanding is the same as set out in Mr Tom Nelson's letter to me of June 27, 1985, which you are shown as receiving a copy of.

MITCHELL

We would like to be kept informed of these interim approvals for seasonal exchanges as they arise.

Very truly yours,



Logan Lannam

LL/NRY:slp

cc: T A Spofford
P L Jauregui
T G Nelson
R D Carlson





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 9, 1985

Thomas G. Nelson
Nelson, Rosholt, Robertson,
Tolman & Tucker
P.O. Box 1906
Twin Falls, ID 83303

Re: Interim Approvals for Seasonal Exchanges

Dear Mr. Nelson:

In response to your letter dated June 27, 1985 to Logan E. Lanham, the Department has issued the following interim approvals:

<u>Water Right No.</u>	<u>Name</u>	<u>Rate</u>	<u>Vol.</u>
27-7361	N. D. Collaer	0.56 cfs	56 AF
-7381	LDS Church	0.3	30
-7399	LaVerelle Stecklein	2.4	240
-7402	Dennis and Mary Jo Marlow	1.2	120
-7405	Samual J. Huffman	0.12	12
31-7378	Martin Family Trust	4.54	454
-7415	Quality Farms, Inc.	1.9	190
-7416	Quality Farms, Inc.	2.8	280
-7430	Alan Weaver	2.64	264
-7431	Alan Weaver	2.64	264
-7432	Alan Weaver	2.64	264
-7433	Alan Weaver	2.64	264
35-8082	Dwight W. Horsch	1.2	120
-8572	Dwight W. Horsch	0.4	40

Please note that the volume of water associated with Water Right No. 27-7381 should be 30 AF rather than 190, and the volume for Water Right No. 27-7405 should be 12.0 rather than 190. The volumes calculated were in error and are being corrected by Order.

MICHAEL J. [illegible]

Thomas G. Nelson
July 9, 1985
Page 2

As additional interim approvals are granted, the Department will forward copies to you as in the past.

Sincerely,



A. KENNETH DUNN
Director

AKD/LGS/lis

cc: Eastern Region

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE NO.

MAILING ADDRESS: P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700
SUN VALLEY (208) 726-4661

RECEIVED
JUL 1 1985

Department of Water Resources

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
LAIRD B. STONE
GARY D. SLETTE

June 27, 1985

Mr. Logan E. Lanham
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707

Re: Interim Approvals for
Seasonal Exchanges

Dear Logan:

You and I have previously discussed the program going on mostly around Blackfoot whereby IDWR is approving seasonal storage leases as a basis for approving development of wells. With the irrigation season fairly well along, perhaps the last of those has now been seen for this year, although I received one yesterday. In any event, I want to give you a list of the amounts of water that the Company is entitled to call from the rental pool pursuant to those interim approvals:

Dennis L. Marlow	No. 27-7402	120 acre feet	
LaVerelle Stecklein	No. 27-7399	240 acre feet	
Dwight Horsch	No. 35-8082	120 acre feet	
LDS Church	No. 27-7381	190 acre feet	← 30AF
Samuel J. Huffman	No. 27-7405	190 acre feet	← should be 12
Quality Farms, Inc.	No. 31-7415	190 acre feet	
" "	No. 31-7416	280 acre feet	
N. D. Collaer, Trustee	No. 27-7361	56 acre feet	

By the terms of my understanding with Mr. Dunn, the Company is entitled to call this water from the pool in a similar fashion to the leased water which it calls from the pool, and at the same time as that leased water is called. The reason for the last condition is the inability to measure extremely small amounts of water past Milner Dam.

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Mr. Logan E. Lanham
June 27, 1985
Page 2

By copy of this letter to Mr. Dunn, I am informing him of the interim permits known to me and asking him to notify us if there are any others.

If you need anything further, or need any copies of the actual documents, I will be happy to send them to you.

Yours very truly,



Thomas G. Nelson

TGN:gjc

cc: A. Kenneth Dunn
T. A. Spofford
P. L. Jauregui

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 6/12/1985

TO Files 35-8082, 27-7402 and 27-7399

SUBJECT Original Application Forms

Pursuant to a discussion with Ernie Carlsen of Eastern Region, the original application forms were sent to the right holders when the interim approvals were sent out.

Therefore, we have only copies of the original forms in our files.

MICROFILMED

SIGNATURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

G. F. RAMSEY *g*

27 7402

INITIAL REVIEW BY: _____

APPLICATION NUMBER: _____

CHECK:

MAR 18 1985

- ☒ 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.

Field check by: _____

Date: _____

Comments: _____

☐ 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.

*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: 4-22-85

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 4-13-85

☒ 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? _____

3-13-85 Date of priority recommended.

Special conditions of approval or cover letter. _____

By: Ernest Carlson

Date: April 22, 1985

STATE OFFICE REVIEW:

region allowed interim approval

☐ See attached sheet for more information.

By: LW

Date: 6/11/85

Department of Water Resources

MICROFILMED

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						

April 23, 1985

Dennis L. Marlow
Rt. #6, Box 283
Blackfoot, ID 83221

RE: 27-7402

Dear Mr. Marlow:

You have requested that an interim approval be given authorizing diversion of water for use on the lands described in Application for Permit No. 27-7402. In addition, you have obtained a lease for 120 acre feet of water for the 1985 season from the Upper Snake River Water Supply Bank. The enclosed interim permit has been issued to allow the well to be drilled and groundwater to be used if storage water is obtained and assigned to the Director of the Department to replace water lost to other right holders. The permit will be reprocessed under the provisions of 42-203C to determine if the trust waters made available under 42-203B and the Snake River Water Rights Agreement can be allocated to the proposed use. Reprocessing will occur after rules and regulations have been adopted to guide processing of applications under the criteria of 42-203C and will be in accordance with those adopted rules and regulations.

By issuing this interim approval, I am not committing to issuance of a permit for the trust water, and the investment you make pursuant to this interim approval will not influence the future decision as the permit is reprocessed. You assume all the risk that you will be successful in obtaining a permit for the reallocated water and thereby eliminate the need to provide replacement storage water. You are also assuming all risk relative to the availability of storage water from the rental pool in future years to allow use of water under this interim approval to continue.

Sincerely,

A. Kenneth Dunn
Director

EMC/cz

cc: Tom Nelson
Ron Carlson

APR 24 1985

WATER BANK LEASE AGREEMENT FOR 1985

EXCHANGE AGREEMENT

The Committee of Nine, hereafter lessor, being authorized pursuant to Idaho Code §42-1765 to operate the Upper Snake River Water Supply Bank does agree to lease to Dennis L. or Mary Jo Marlow of Blackfoot, hereafter lessee, 120 A.F. of water for the irrigation year starting April 1, 1985. This agreement is subject to the adopted Rules and Regulations of the Water Supply Bank and applicable conditions on the requisite water right permit granted by the Idaho Department of Water Resources.

Upon execution of this agreement and receipt of \$ 300.00, the Snake River Watermaster will assign to the Director of the Department of Water Resources 120 A.F. of storage to be released at his discretion in exchange for water pumped from groundwater at a well(s) located within:

SW 1/4 SW 1/4, Sec. 16, T. 2S, R. 36E ;

Other: _____

For the irrigation of 60 acres of land within:

S 1/2 SW 1/4, Sec. 16, T. 2S, R. 36E, B.M.

The lessee understands and agrees that this lease in no way obligates the lessor to future leases or in any other manner not specified above.

Mary Jo Marlow
(Name) Dennis L. or Mary Jo Marlow

Rt. #6, Box 283, Blackfoot, ID 83221

(Address)

MICROFILMED

State of Idaho)

County of Bingham)

On this 28 day of March, 1985, before me the undersigned Notary Public in and for said county and state, personally appeared Mary Jo Marlow, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written.

Gloria L Swainston

Notary Public in and for Idaho

Residing at : Blackfoot

I have accepted the request of Pennis Marlow to purchase water from the Water Supply Bank this 1st day of April, 1985.

Frank P. Carl

Watermaster, Water District No. 1

Agent for the Committee of Nine

MICROFILMED

March 25, 1985

RE: Application for Permit No. 27-7402

Dennis L. or
Mary Jo Marlow
Rt. #6, Box 283
Blackfoot, ID 83221

Dear Applicants:

Pursuant to your request to process the above referenced application, we have taken the liberty to complete the lease agreement necessary to start processing on your application. Please sign the agreement in the presence of a notary public and return to this office with the rental fee of \$300.00.

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

Very truly yours,

RONALD D. CARLSON
Watermaster

RDC:CW

Enclosure

RECEIVED

27-7402

MARLOW, DENNIS L. &/or MARY JO

ROUTE 6 BOX 283, BLACKFOOT, ID 83221

Source: GROUNDWATER

Date Filed: 03/13/1985

Diversion Pt: SWSW Sec 16 T 02S R 36E

Use: IRRIGATION (1.20 CFS)

In: SWSW SESW Sec 16 T 02S R 36E FOR 60 ACRES

27-7402

MARLOW, Dennis L. &/or MARY JO

Route 6, Box 283

Blackfoot, Idaho 83221

Source: GROUNDWATER

Date Filed: 03/13/1985

Diversion Pt.: SWSW, Sec. 16, T. 02S, R.
36E.

Use: IRRIGATION (1.20 CFS)

In: SWSW, SESW, Sec. 16, T. 02S, R. 36E,
for 60 ACRES.

MICROFILMED