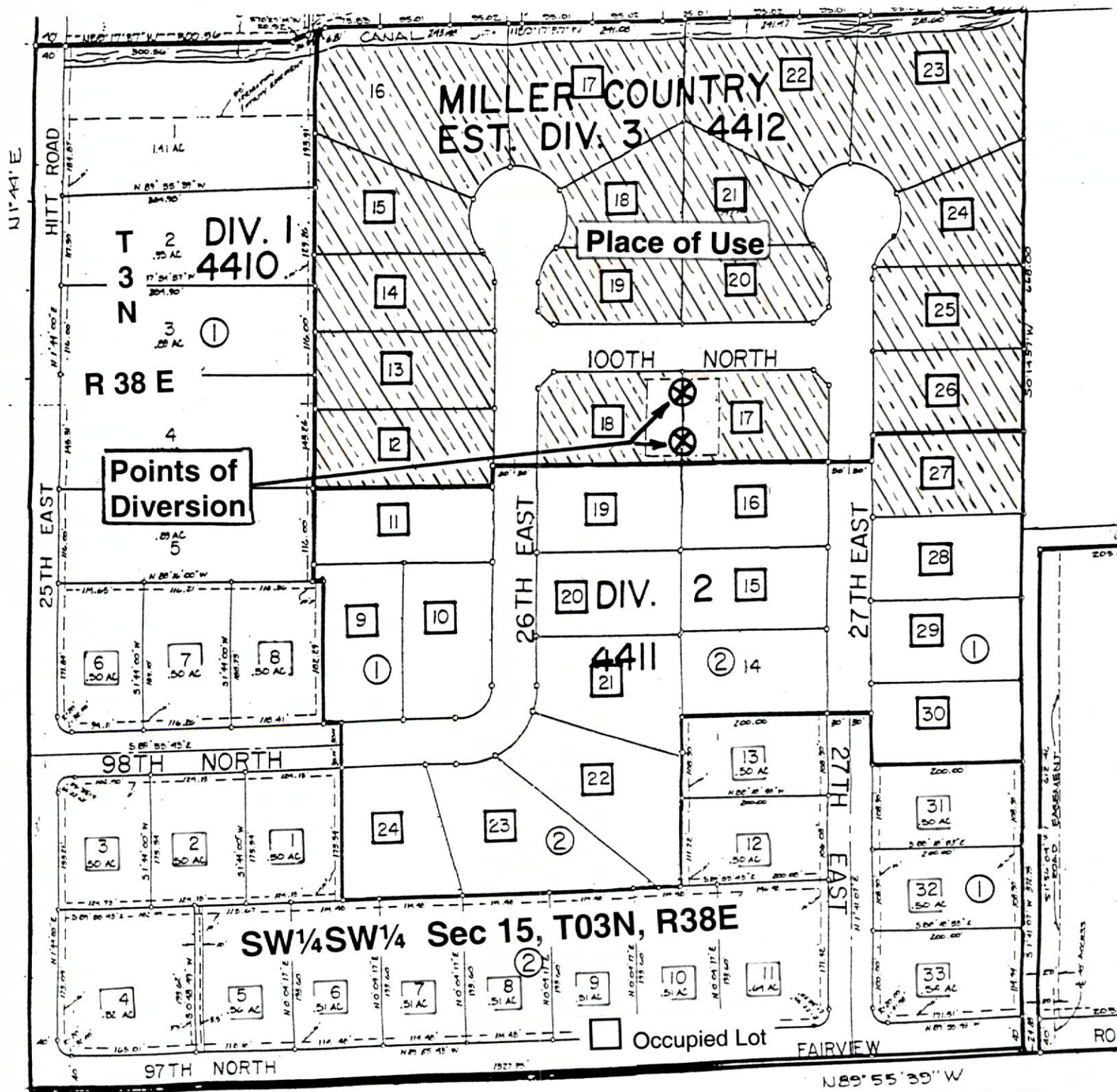




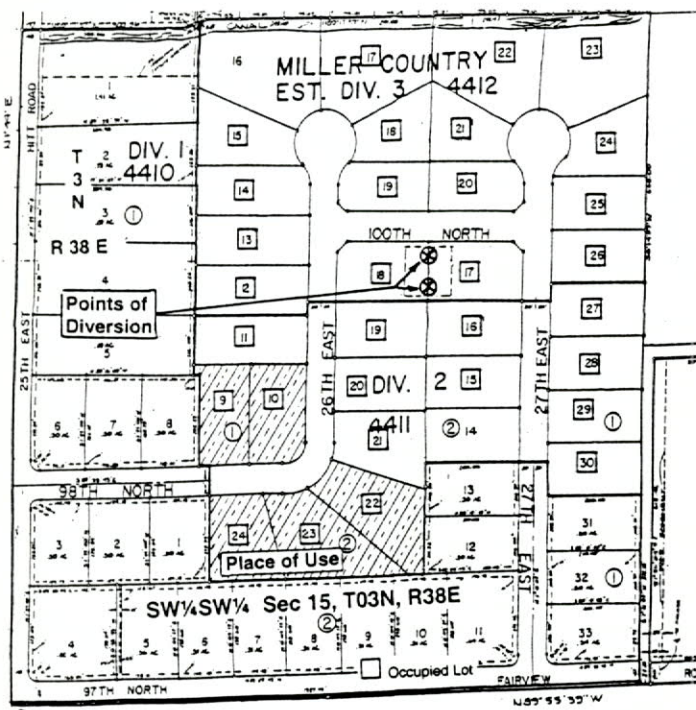




SW Corner Sec 15, T03N, R38E

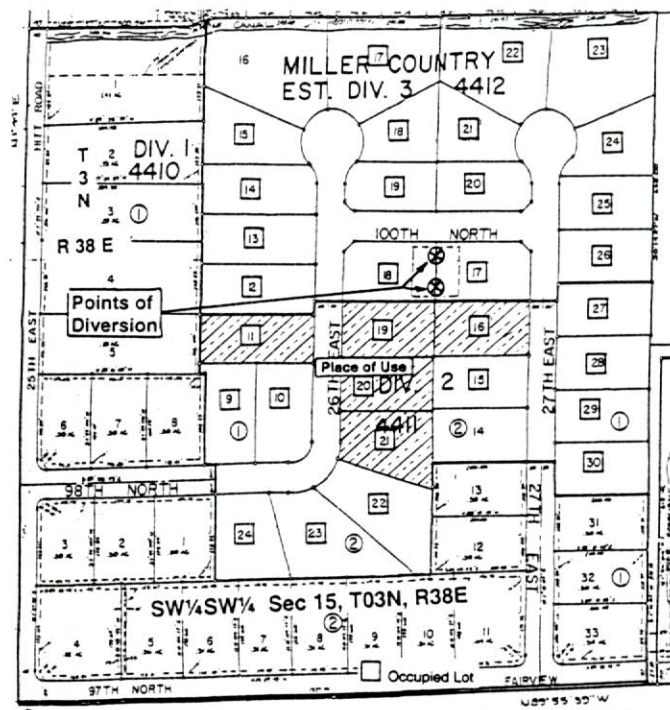
OCT 02 2001

25-07666



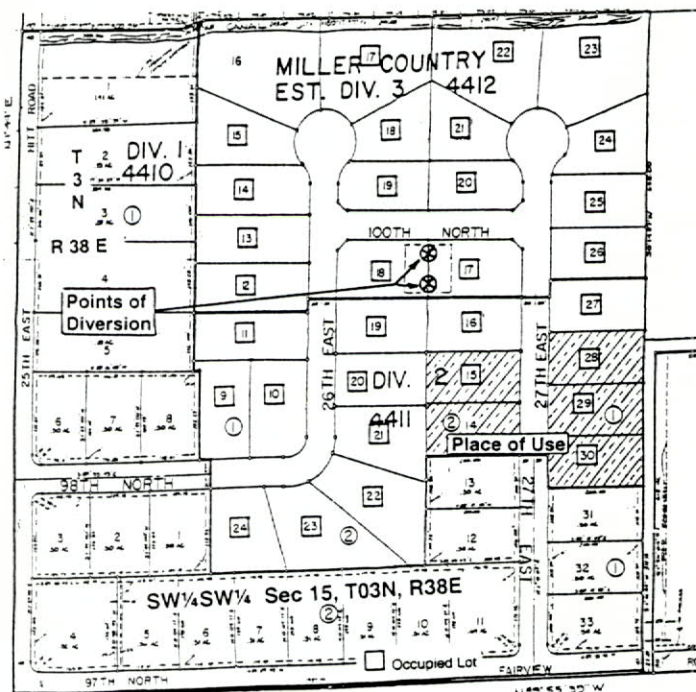
SW Corner Sec 15, T03N, R38E

25-07655



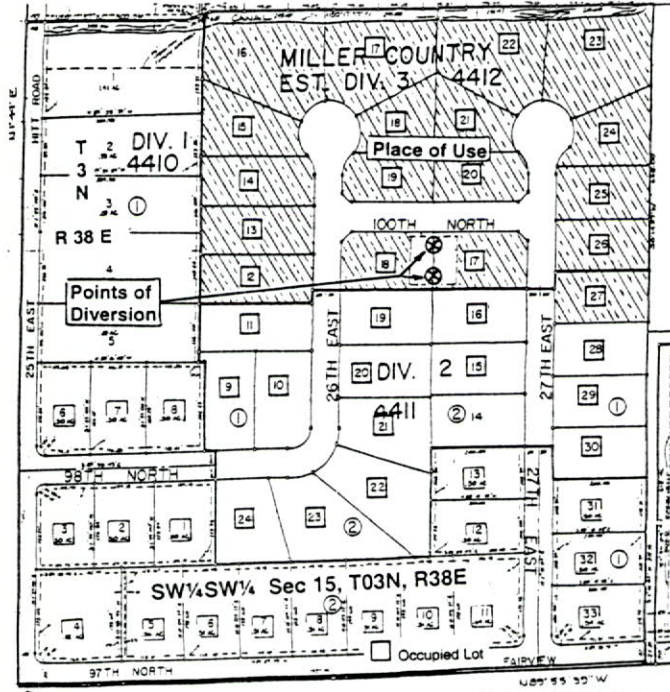
SW Corner Sec 15, T03N, R38E

25-07656



SW Corner Sec 15, T03N, R38E

25-07657



SW Corner Sec 15, T03N, R38E

25-07666

25-07666

OCT 02 2001

MILLER COUNTRY ESTATES  
DIVISION NO. 1

25-07666

# Proof of Publication

## The Post Register

State of Idaho  
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 21st day of January, 1999, last publication having been made on the 28th day of January, 1999, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

*S. Bob Bright*

Subscribed and sworn to before me, this 3rd day of February, 1999.

*Karl J. Dreher*  
Notary Public

My commission expires January 10, 2003

### NOTICE OF APPLICATION FOR WATER RIGHT

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

25-07666

MILLER, LOWELL G  
2519 E 97TH NORTH  
IDAHO FALLS, ID 83401  
Source: GROUNDWATER  
Diversion Pt: NESWSW Sec 15 T 03N R  
38E in BONNEVILLE County.  
Use: DOMESTIC ( 0.200 CFS)  
Total Diversion: ( 0.200 CFS)

Date Filed: 1/6/1999  
In: BONNEVILLE County  
T03N R38E S15 SWSW

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before FEBRUARY 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director  
Published: January 21, 28, 1999

MICROFILMED

MAR 10 1999

RECEIVED

FEB 05 1999

Department of Water Resources  
Eastern Region

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 25-07666

Priority: January 06, 1999

Maximum Diversion Rate: 0.20 CFS  
Maximum Diversion Volume: 21.6 AF

It is hereby certified that LOWELL G MILLER  
2519 E 97TH N  
IDAHO FALLS ID 83401 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated January 06, 1999; and has  
submitted Proof of Beneficial Use on August 02, 2000. An examination indicates that the works have a  
diversion capacity of 0.6 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<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.20 CFS              | 21.6 AF                            |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |                                   |                                                     |
|--------------|-----------------------------------|-----------------------------------------------------|
| GROUND WATER | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | Sec. 15, Twp. 03N, Rge 38E, B.M., BONNEVILLE County |
| GROUND WATER | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | Sec. 15, Twp. 03N, Rge 38E, B.M., BONNEVILLE County |

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N 38E 15  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Points of diversion are located between Lots 17 and 18, Blk.2, Miller Country Estates Division #3.
2. Place of use is located within Lot 27, Blk. 1, Miller Country Estates Division #2, Lots 12-26, Blk. 1, and Lots 17-18, Blk. 2, Miller Country Estates Division #3.
3. Domestic use is for 18 homes.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

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OCT 02 2001

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 25-07666

5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. Rights 25-7655, 25-7656, and 25-7657 are also diverted through the points of diversion described above.

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 28<sup>TH</sup> day of SEPTEMBER, 2001.

Acting for

  
KARL J. DREHER  
Director

MICROFILMED

OCT 02 2001

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SEP 28 2001

State of Idaho Department of Water Resources  
 Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)  
**WATER RIGHT NO. 25-07666**

RECEIVED

SEP 26 2001

Department of Water Resources  
 Eastern Region

Date of Priority: January 06, 1999

Maximum Diversion Rate: 0.20 CFS  
 Maximum Diversion Volume: 21.6 AF

Comes now LOWELL G MILLER  
 2519 E 97TH N

IDAHO FALLS ID 83401 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 25-07666, and requests that the permit be changed as follows:

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.20 CFS                 | 21.6 AF              |

**LOCATION OF POINT(S) OF DIVERSION:**

|                   |            |                                 |
|-------------------|------------|---------------------------------|
| GROUND WATER      | SW1/4SW1/4 | Sec. 15, Twp 03N, Rge 38E, B.M. |
| BONNEVILLE County |            |                                 |
| GROUND WATER      | SW1/4SW1/4 | Sec. 15, Twp 03N, Rge 38E, B.M. |
| BONNEVILLE County |            |                                 |

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N 38E 15  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 26 day of Sept, 2000 /

*Lowell G Miller*  
 (Signature)

MICROFILMED  
 OCT 02 2001

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 25-07666

.....  
FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = 50<sup>00</sup> Received by gc # E 627142 Date 9/26/01

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 25-07666 with the following:

**CONDITIONS OF APPROVAL**

1. Points of diversion are located between Lots 17 and 18, Blk.2, Miller Country Estates Division #3.
2. Place of use is located within Lot 27, Blk. 1, Miller Country Estates Division #2, Lots 12-26, Blk. 1, and Lots 17-18, Blk. 2, Miller Country Estates Division #3.
3. Domestic use is for 18 homes.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. Rights 25-7655, 25-7656, and 25-7657 are also diverted through the points of diversion described above.

Witness my hand this 28<sup>TH</sup> day of SEPTEMBER, 2001.

Acting for  KARL J. DREHER  
Director

MICROFILMED

OCT 02 2001

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 25-07666 Telephone No. 523-9135

2. Name of Permit Holder(s): Lowell G Miller

3. Mailing Address: 2519 E 97th N

City IF State ID Zip 83401

4. Source of Water: G W If GROUNDWATER (well), Date Drilled: mo. 7 / yr. 99

Well Driller: Jody Denning Same well as Permit 25-07657  
Drilling Permit Number: 0519

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 18 Stockwater (No. and type of stock): 0

Irrigation (No. of acres): 0 Other: 0

6. Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR \_\_\_\_\_ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes X or No \_\_\_\_\_

Has the measuring device been installed?

Yes X or No \_\_\_\_\_

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Lowell Miller Telephone Number: same

Address: same

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Lowell Miller Date: 8-2-00  
(include your title, if on behalf of company of organization)

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OCT 23 2000

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 25-07666

Proposed Priority: January 6, 1999 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **LOWELL G MILLER**  
2519 E 97TH N  
IDAHO FALLS ID 83401

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.20 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 15, Township 03N, Range 38E  
BONNEVILLE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

03N 38E 15 SWSW

## CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 2004**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
7. Point of diversion is located between Lots 17-18, Blk. 2, Miller Country Estates Division No. 3.
8. Place of use is located within Lots 1-17, Blk. 2, Miller Country Estates Division No. 3 and Lot 27, Miller Country Estates Division No. 2.
9. Domestic use is for 18 homes.

**MICROFILMED**

**MAR 10 1999**

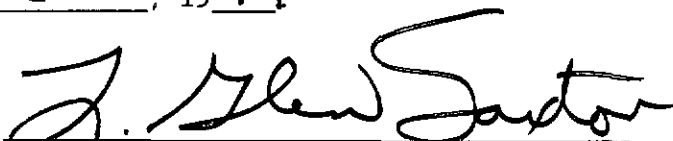
State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 25-07666

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

2<sup>nd</sup> day of March, 1999



Karl J. Dreher, Director

for

MICROFILMED

MAR 10 1999

Ident. No. 25-071616

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

RECEIVED

FEB 18 1999

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Lowell G. Miller Phone 208-523-9135  
Mailing address 2519 E 97<sup>th</sup> N Idaho Falls, ID 83401
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 3N Range 38E Sec. 15 in the NE 1/4, SW 1/4, SW 1/4, Govt. Lot         , B.M., Bonneville County;  
additional points of diversion if any: Division 3, Block 2, lots 17 & 18
4. Water will be used for the following purposes:  
Amount 0.2 cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount          for          purposes from          to          (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.2 cfs and/or (b)           
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Describe type and size of devices used to divert water from the source 10" casing to ~60', 8" inner casing to ~210', Open hole down to ~230', 10HP Submersible Pump
  - b. Height of storage dam          feet; active reservoir capacity          acre-feet; total reservoir capacity          acre-feet
  - c. Proposed well diameter is 10"/8" inches; proposed depth of well is 230 feet
  - d. Is ground water with a temperature of greater than 85°F being sought? NO
  - e. If well is already drilled, when?         ; Drilling firm           
Well was drilled for (well owner)         ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
  - a. Hydropower; show total feet of head and proposed capacity in KW.
  - b. Stockwatering; list number and kind of livestock.
  - c. Municipal; show name of municipality.
  - d. Domestic; show number of households. 18 Households
  - e. Other; describe fully.

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MAR 10 1999

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols:

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | TOTALS |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
| 3N  | 38E | 15  |     |    |    |    |     |    |    |    |     |    | D  |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. None, (See 12 below)

11. a. Who owns the property at the point of diversion? Lowell G. Miller  
b. Who owns the land to be irrigated or place of use? Lowell G. Miller  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: This request is for 17 nominally 1/2 Ac lots in Div. III and Lot # 27 in Div II of Miller Country Estates Subdivision. The other lots in Div II are supplied from a previous water right, well and dist. system as approved by DEQ as a public water system. This well and pump will be tied into the Div II water system with an additional dist. system. The new system design has been approved for construction by DEQ

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

MICROFILMED

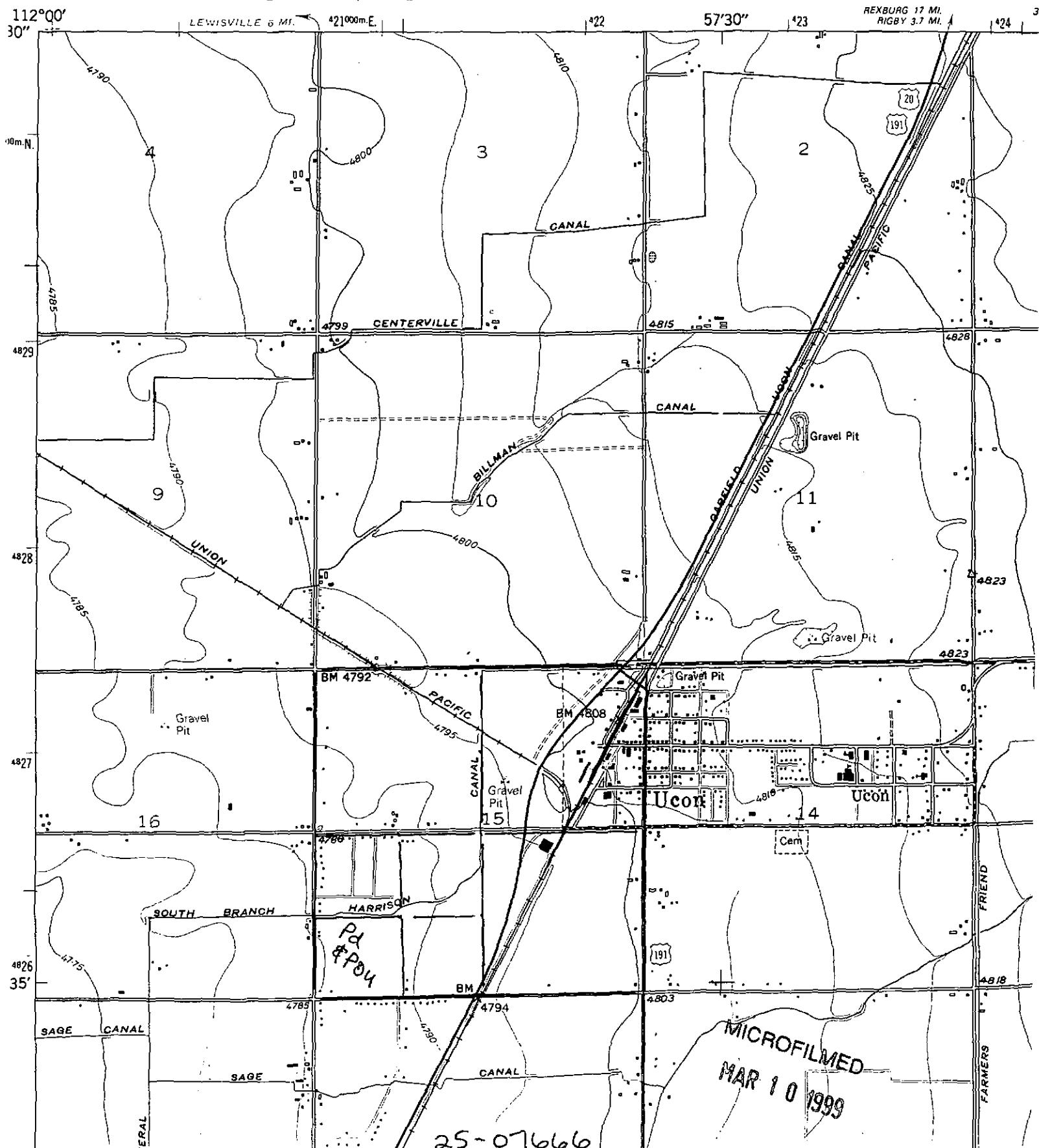
Lowell G. Miller

Signature of Applicant (and title, if applicable)

MAR 10 1999

Received by DMD Date 6 Jan 99 Time 10:00 AM Preliminary check by Ann Marie Vinton  
Fee \$ 50.00 Received by Debbie Dunn # EO24716 Date 6 Jan 1999  
Publication prepared by SC Date 1/21 & 1/28/99 Published in Post Register  
Publication approved SC Date 2/8/99

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY





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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 1, 2001

LOWELL G MILLER  
2519 E 97TH N  
IDAHO FALLS ID 83401

RE: License No. 25-7666 - 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.

Enclosed is a copy of the approved Application for Amendment.

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)

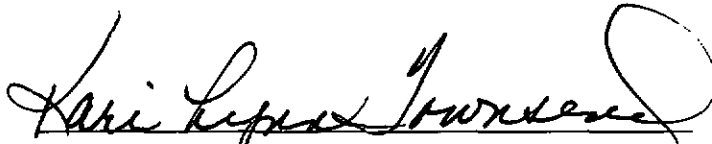
RECEIVED  
OCT 02 2001

**CERTIFICATE OF MAILING**

I hereby certify that on October 1, 2001 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. 25-7666**

**LOWELL G MILLER  
2519 E 97TH N  
IDAHO FALLS ID 83401**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend  
Secretary**

MICROFILMED  
OCT 02 2001

**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  
OCT 02 2001

### 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.

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OCT 02 2001



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 13, 2001

LOWELL G MILLER  
2519 E 97 N  
IDAHO FALLS ID 83401

RE: Water Right Permit No. 25-07655, 25-07666, 25-07656, and 25-07657

Dear Mr. Miller

The Department of Water Resources is reviewing the permits referenced above prior to issuing water right licenses. By issuing licenses, the Department confirms the extent of development that has been established in compliance with the terms of the permits. The examiner who verified your water use reported that certain elements of the permits have been developed differently than described on your permits. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, *Idaho Code*. Before licenses can be issued, your permits must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permits:

- ☒ Point(s) of Diversion (Addition of second well)
- ☐ Place(s) of Use
- ☐ Other

The enclosed Application for Amendment forms depict the elements of the water rights as they will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the filing fees (\$50.00 each, for a total of \$200.00) within 14 days.

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

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

Enclosure(s)

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OCT 02 2001

## **Comment Report**

**25-7666**

1. skeen 9/12/2001 License Review

Comment: License review and data entry by S. Keen on 9/12/2001.

2. VAULT 8/10/2000 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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25-07666

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)

SEE 25-7655

Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make     | Hp | Cont Duty Date<br>Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|----------------|----|------------------------------------|-----------|-----------------------------------|
| NORTH TAG #<br>D 0011036              | FRANKLIN Eled. | 10 | MODEL 28220 29310<br>UNK 99819     | Goulds    | 4"                                |
| SOUTH<br>D 0004782                    | FRANKLIN Eled. | 10 | MODEL 28220 29310                  | Goulds    | 4"                                |
|                                       |                |    |                                    |           |                                   |

\*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 |
|-----------------------|------------|---------|-----------|------------|------|-------------|
| METER                 | Totalizing | McCombs | -         | 9849103    | 4"   |             |
|                       |            |         |           |            |      |             |

2. Measurements: Observed 135 gpm at beginning of pumping cycle from North well

Note: Wells normally do not run together (at the same time); however, capacity should be additive

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25-7666

E. NARRATIVE/REMARKS/COMMENTS

Two wells each with a 10hp pump mainline to delivery system for  
Division # 2 & # 3 Miller Country Estates. Points of Diversion located  
between Lots 17 & 18 Blk # 2 Miller Country Estates Div # 3

PLACE OF USE

25-07655 Miller Country Estates Div. # 2

(5 homes) Lots 9, 10 Block 1

Lots 22, 23, 24 Block 2

25-07656 Miller Country Estates Div # 2

(5 homes) Lot 11 Block 1

Lots 16, 19, 20, 21 Block 2

25-07657 Miller Country Estates Div # 2

(5 homes) Lots 28, 29, 30 Block 1

Lots 15, 14 Block 2

25-07666 Miller Country Estates

(18 homes) Div # 2 Lot 27 Block 1

Div # 3

Blk # 1 Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26

Blk # 2 Lots 17, 18.

(Note: The P/u is not different from application. Data entry incorrect)

Only lots<sup>(2)</sup> not occupied at time of Exam

Miller Country Estates Div # 2 Lot 14 Blk 2

Miller Country Estates Div # 3 Lot 16 Blk 1

Irrigated portion of each lot is 1/2 acre or less.

Common system required by DEQ for permits 25-7655, 25-7656,

25-7657 & 25-7666

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

25-07666

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## F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{OBSERVED MAX}} = 135 \text{ gpm} = 0.30 \text{ cfs}$$

$$Q_{\text{THEORETICAL}} = 0.29 \text{ cfs}$$

RECOMMEND COMBINING FLOW FOR BOTH WELLS  $Q = 0.30 \text{ cfs} + 0.30 \text{ cfs} = 0.60 \text{ cfs}$

$$Q_{\text{capacity}} = 0.60 \text{ cfs} \quad Q_{\text{LIMITED BY PERMIT}} = 0.20 \text{ cfs}$$

## G. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

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

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

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

### 2. Volume Calculations for Other Uses:

$$V_{\text{DOM}} = 18 \times 1.2 \text{ afa} = 21.6 \text{ afa}$$

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use         | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|------------------------|---------------|-------|------------------------------|--------------------------|
|                        | From          | To    |                              |                          |
| Domestic<br>(18 units) | 1/1           | 12/31 | 0.20 cfs                     | 21.6 afa                 |
|                        |               |       |                              |                          |
|                        |               |       |                              |                          |
|                        |               |       |                              |                          |
|                        |               |       |                              |                          |
| Totals:                |               |       | 0.20 cfs                     | 21.6 afa                 |

### 2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

## I. AUTHENTICATION

Field Examiner's Name

*Keith C. Wilson*

Date

6/13/2001

Reviewer

Date

SEAL

25-07666

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## THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

Hp = Horsepower = 10 hp

Eff = Efficiency = 70% (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = \_\_\_\_\_ ft.

Assumed Draw down = + \_\_\_\_\_ ft.

Lift = \_\_\_\_\_

OR

Measured Dynamic Water Level = 132 ft.  
FROM AS-BUILT PLANS FOR SOUTH WELL  
ON FILE WITH DEQ IDAHO FALLS

psi = Operating Pressure = 35-60 psi  
ACCORDING TO LOWELL G. MILLER-PERMIT HOLDER

$$Q_{cfs} = \left[ \frac{10}{Hp} \times 8.814 \times \frac{0.70}{Eff} \right] \div \left[ \frac{132}{Lift} + \left( \frac{35}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[ \frac{61.698}{ } \right] \div \left[ \frac{212.675}{ } \right]$$

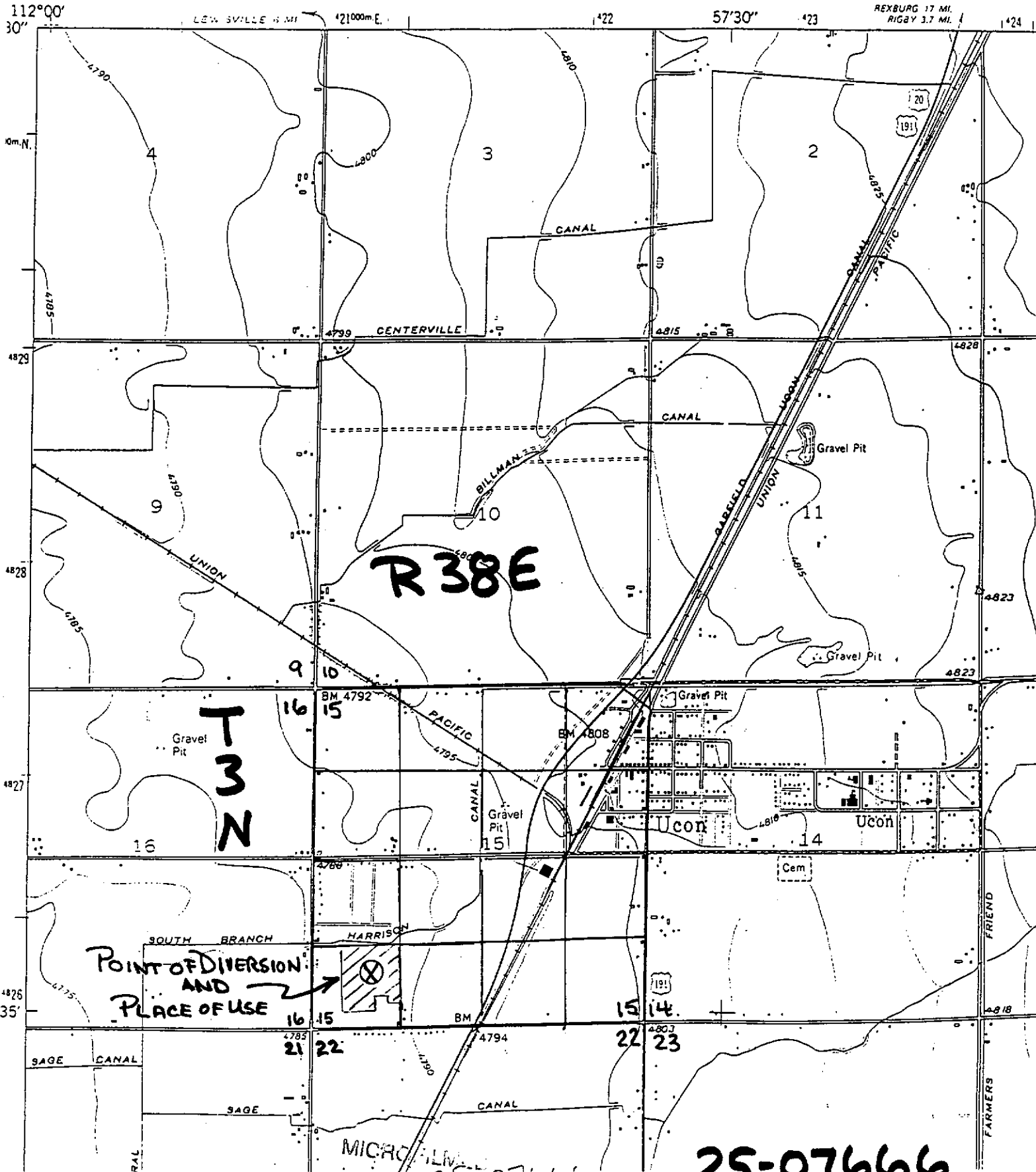
$$Q_{cfs} = \underline{0.29} \text{ cfs}$$

PERMIT NO. 25-07666

MICROFILMED

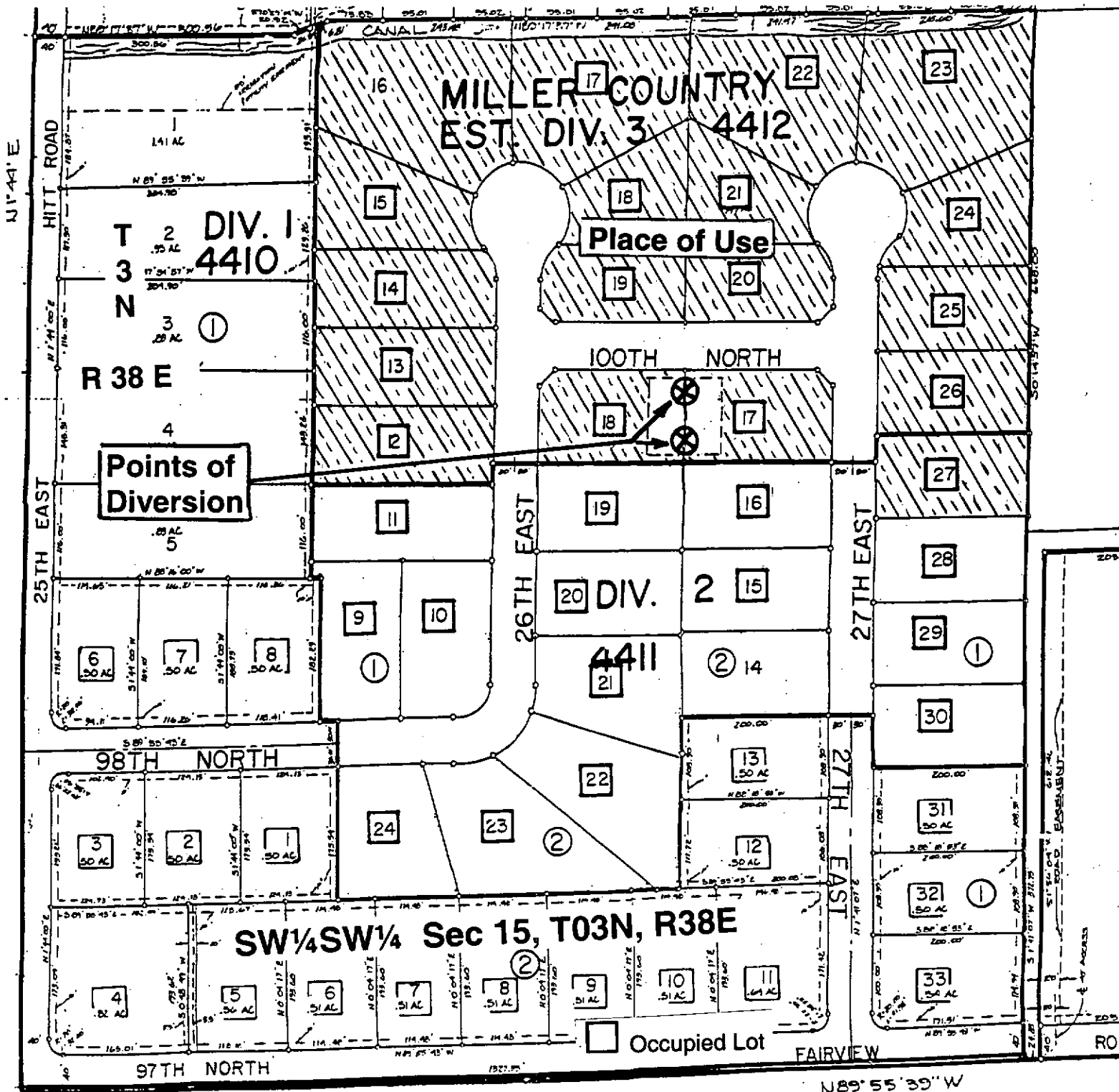
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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



MICROFILM  
OCT 02 2001

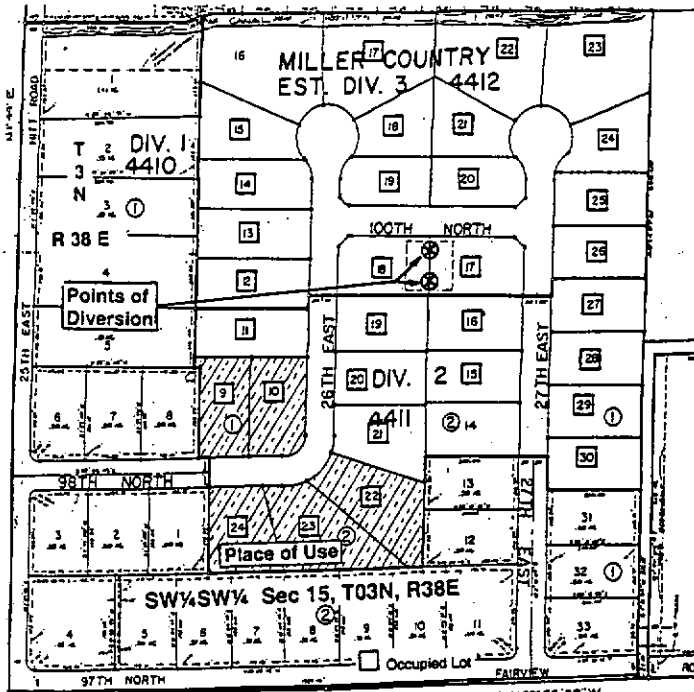
25-07666



SW Corner Sec 15, T03N, R38E

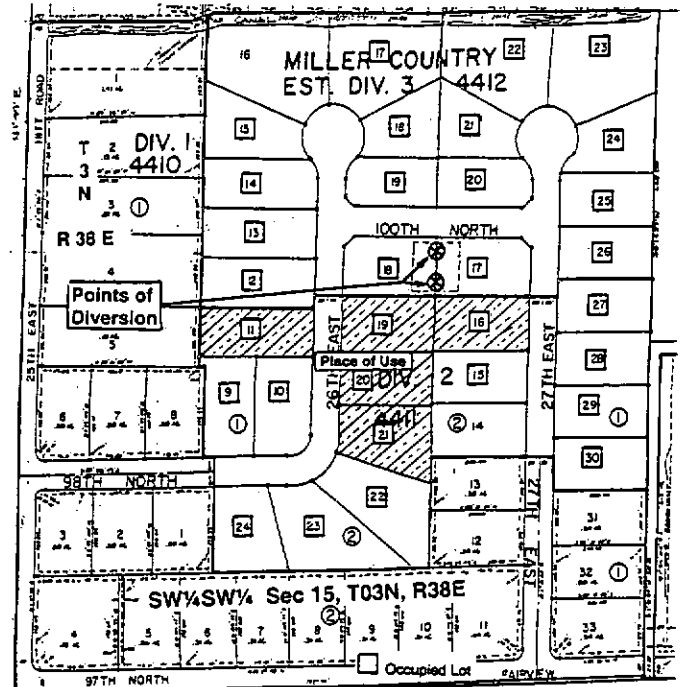
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25-07666



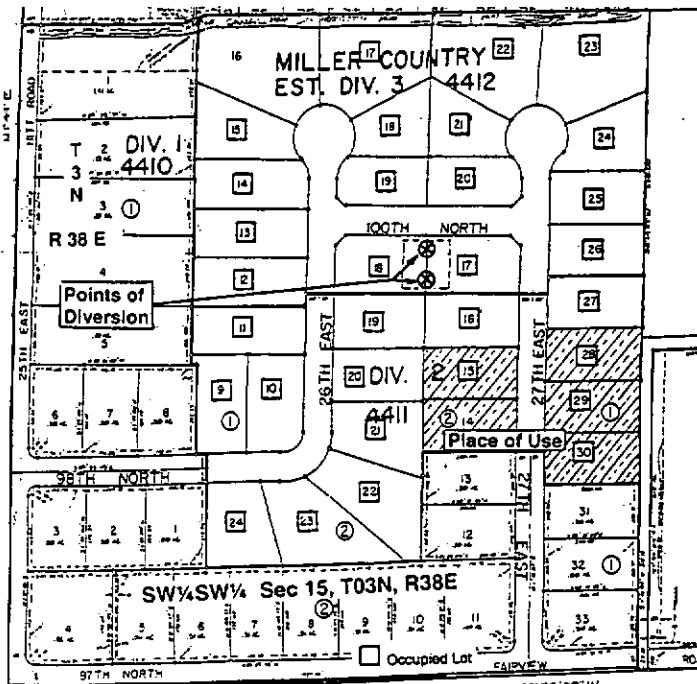
SW Corner Sec 15, T03N, R38E

25-07655



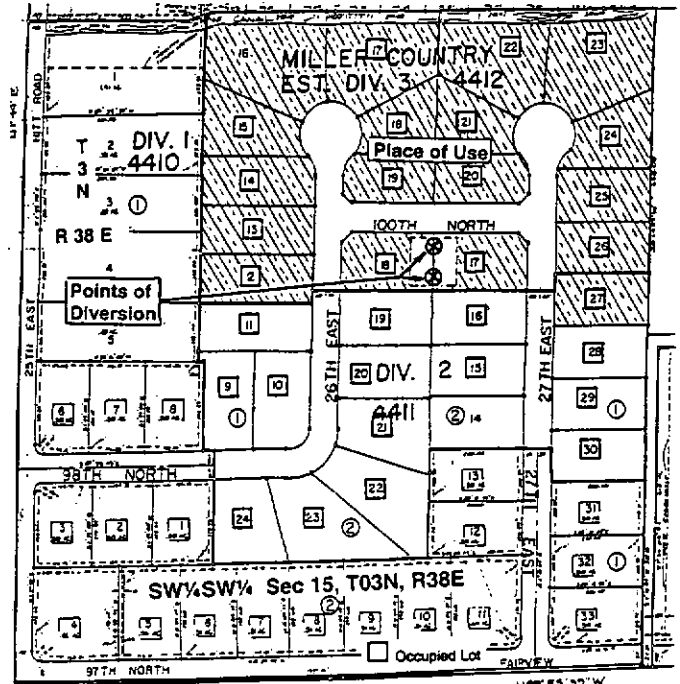
SW Corner Sec 15, T03N, R38E

25-07656



SW Corner Sec 15, T03N, R38E

25-07657



SW Corner Sec 15, T03N, R38E

25-07666

MICROFILM

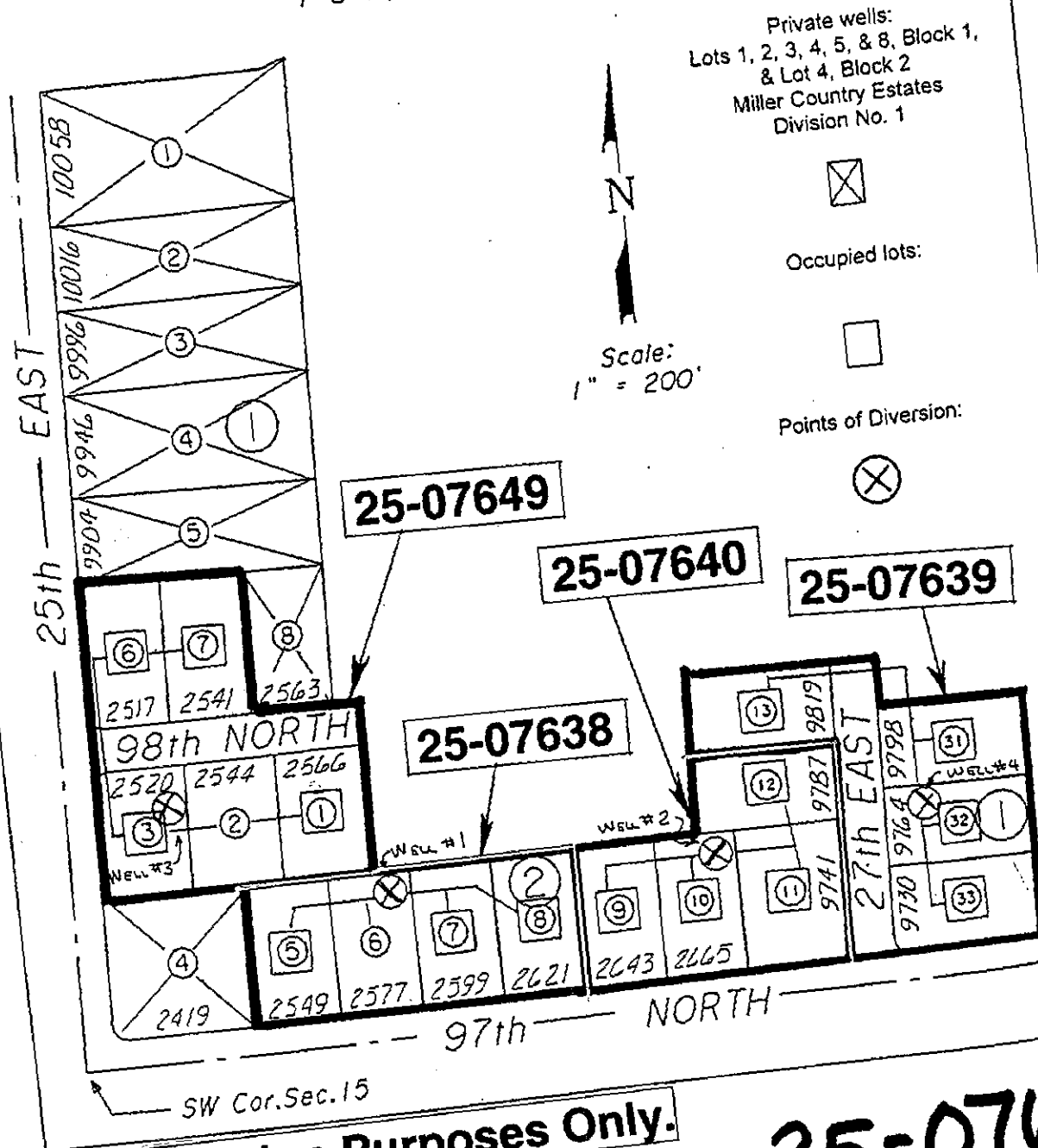
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25-07666

BONNEVILLE COUNTY  
ENGINEERING DEPARTMENT

MILLER COUNTRY ESTATES  
DIVISION NO. 1

Part of  
the W1/2, SW1/4, Sec. 15  
T 3 N, R 38 E.B.M.



For Information Purposes Only.

MICROFILMED

OCT 02 2001

25-07666

**NORTH  
WELL**

IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

|                       |                                             |  |  |
|-----------------------|---------------------------------------------|--|--|
| Office Use Only       |                                             |  |  |
| Inspected by          | Twp. <u>3</u> Rge. <u>38</u> Sec. <u>15</u> |  |  |
|                       | 1/4 <u>36</u> 1/4 <u>37</u> 1/4 <u>38</u>   |  |  |
| Lat. <u>43° 45' N</u> | Long. <u>111° 45' W</u>                     |  |  |

1. WELL TAG NO. D 0011036  
DRILLING PERMIT NO. 25-99-E-0098  
Other IDWR No. \_\_\_\_\_

2. OWNER:  
Name Lowell G. Miller  
Address 2519 E 97th N  
City Idaho Falls State ID Zip 83401

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

|   |  |                                                                                           |  |
|---|--|-------------------------------------------------------------------------------------------|--|
| N |  | Twp. <u>3</u> North <input checked="" type="checkbox"/> or South <input type="checkbox"/> |  |
| E |  | Rge. <u>38</u> East <input checked="" type="checkbox"/> or West <input type="checkbox"/>  |  |
| S |  | Sec. <u>15</u> 1/4 <u>36</u> 1/4 <u>37</u> 1/4 <u>38</u>                                  |  |
|   |  | Gov't Lot _____ County <u>Bonanza</u>                                                     |  |
|   |  | Lat. _____ Long. _____                                                                    |  |
|   |  | Address of Well Site _____                                                                |  |

(Give to nearest name on road - Distance to Road or Landmark) City Idaho Falls

Lt. \_\_\_\_\_ Blk. \_\_\_\_\_ Sub. Name Miller  
Countryside Estates

4. USE:  
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation  
☐ Thermal ☐ Injection ☐ Other \_\_\_\_\_

5. TYPE OF WORK check all that apply (Replacement etc.)  
☒ New Well ☐ Modify ☐ Abandonment ☐ Other \_\_\_\_\_

6. DRILL METHOD  
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other \_\_\_\_\_

7. SEALING PROCEDURES

| SEAL/FILTER PACK |                    | AMOUNT          |                 | METHOD |
|------------------|--------------------|-----------------|-----------------|--------|
| Material         | From To            | Sacks or Pounds |                 |        |
| <u>Bentonite</u> | <u>0</u> <u>20</u> | <u>450</u>      | <u>Overbore</u> |        |

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) \_\_\_\_\_  
Was drive shoe seal tested? ☐ Y ☐ N How? \_\_\_\_\_

8. CASING/LINER:

| Diameter | From      | To         | Gauge      | Material     | Casing                              | Liner                               | Welded                              | Threaded                 |
|----------|-----------|------------|------------|--------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| <u>8</u> | <u>+2</u> | <u>163</u> | <u>250</u> | <u>Steel</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>6</u> | <u>40</u> | <u>200</u> | <u>125</u> | <u>Steel</u> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_

9. PERFORATIONS/SCREENS

Perforations \_\_\_\_\_ Method \_\_\_\_\_  
Screens \_\_\_\_\_ Screen Type \_\_\_\_\_

| From | To | Slot Size | Number | Diameter | Material | Casing                   | Liner                    |
|------|----|-----------|--------|----------|----------|--------------------------|--------------------------|
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

130 ft. below ground Artesian pressure \_\_\_\_\_ lb.  
Depth flow encountered \_\_\_\_\_ ft. Describe access port or control devices: \_\_\_\_\_

11. WELL TESTS:

|                               |                                 |                              |                                           |
|-------------------------------|---------------------------------|------------------------------|-------------------------------------------|
| <input type="checkbox"/> Pump | <input type="checkbox"/> Bailor | <input type="checkbox"/> Air | <input type="checkbox"/> Flowing Artesian |
| Yield gal./min.               | Drawdown                        | Pumping Level                | Time                                      |
|                               |                                 |                              |                                           |

Water Temp. \_\_\_\_\_ Bottom hole temp. \_\_\_\_\_

Water Quality test or comments: \_\_\_\_\_

Depth first Water Encounter \_\_\_\_\_

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

| Sole<br>Dz. | From       | To         | Remarks: Lithology, Water Quality & Temperature    | Water |   |
|-------------|------------|------------|----------------------------------------------------|-------|---|
|             |            |            |                                                    | Y     | N |
| <u>8</u>    | <u>0</u>   | <u>55</u>  | <u>Gravel &amp; Sediment</u>                       |       |   |
|             | <u>55</u>  | <u>63</u>  | <u>Clay</u>                                        |       |   |
|             | <u>63</u>  | <u>107</u> | <u>Basalt</u>                                      |       |   |
|             | <u>107</u> | <u>120</u> | <u>Crevasse &amp; Soft Drilling (lost returns)</u> |       |   |
|             | <u>120</u> | <u>134</u> | <u>Broken &amp; Caving</u>                         |       |   |
|             | <u>134</u> | <u>195</u> | <u>Sediment &amp; Soft Basalt</u>                  |       |   |
|             | <u>195</u> | <u>213</u> | <u>Basalt</u>                                      |       |   |
|             | <u>213</u> | <u>215</u> | <u>Fractured w/ water</u>                          |       |   |
|             | <u>215</u> | <u>310</u> | <u>Basalt</u>                                      |       |   |

JUL 27 1999

Department of Water Resources  
Eastern District Office

Completed Depth 310 (Measurable)  
Date: Started 7/6/99 Completed 7/12/99

13. DRILLER'S CERTIFICATION

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

Company Name Jennings Firm No. 519

Firm Official John Jennings Date 7/12/99

and \_\_\_\_\_  
Driller or Operator \_\_\_\_\_ Date \_\_\_\_\_

(Sign once if Firm Official & Operator)

MICROFILMED

OCT 02 2001

25-07666

For  
Nur  
South  
WELL

IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

Office Use Only  
Inspected by \_\_\_\_\_  
Twp \_\_\_\_\_ Age \_\_\_\_\_ Sec \_\_\_\_\_  
1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
Lat: \_\_\_\_\_ Long: \_\_\_\_\_  
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

1. WELL TAG NO. 0000-4782  
DRILLING PERMIT NO. 25-02-2598-E-0077  
Owner IDWR No. 25-07-1455

2. OWNER:  
Name Lowell Miller  
Address 2519 E 97th  
City Dakota Falls State ID Zip 83401

3. LOCATION OF WELL by legal description:  
Sketch map location must agree with written location.

North  
Twp. 3 North ☒ or South ☐  
Rge. 38 East ☒ or West ☐  
Sec. 15 SW ☒ SE ☐ NE ☐ NW ☐  
Gov't Lot \_\_\_\_\_ County Booneville  
Lat: \_\_\_\_\_ Long: \_\_\_\_\_  
Address of Well Site \_\_\_\_\_ City \_\_\_\_\_  
(Give at least name of road - distance to road or landmark)

4. USE:  
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation  
☐ Thermal ☐ Injection ☐ Other \_\_\_\_\_

5. TYPE OF WORK check all that apply (Replacement etc.)  
☒ New Well ☐ Modify ☐ Abandonment ☐ Other \_\_\_\_\_

6. DRILL METHOD  
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other \_\_\_\_\_

7. SEALING PROCEDURES

| SEAL/FILTER PACK |                    | AMOUNT          |                 | METHOD |
|------------------|--------------------|-----------------|-----------------|--------|
| Material         | From To            | Sacks or Pounds |                 |        |
| <u>Bentonite</u> | <u>0</u> <u>20</u> | <u>350</u>      | <u>overline</u> |        |

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) \_\_\_\_\_  
Was drive shoe seal tested? ☐ Y ☒ N How? \_\_\_\_\_

8. CASING/LINER:

| Diameter   | From To              | Gauge      | Material     | Casing                              | Linear                   | Welded                              | Threaded                 |
|------------|----------------------|------------|--------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <u>10"</u> | <u>+2</u> <u>10</u>  | <u>250</u> | <u>Steel</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>8"</u>  | <u>+2</u> <u>210</u> | <u>230</u> | <u>Steel</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_

9. PERFORATIONS/SCREENS

Perforations \_\_\_\_\_ Method \_\_\_\_\_  
Screens \_\_\_\_\_ Screen Type \_\_\_\_\_

| From To | Slot Size | Number | Diameter | Material | Casing                   | Linear                   |
|---------|-----------|--------|----------|----------|--------------------------|--------------------------|
|         |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|         |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|         |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

127 ft. below ground Artesian pressure \_\_\_\_\_ lb.  
Depth flow encountered \_\_\_\_\_ ft. Describe access port or control devices: \_\_\_\_\_

11. WELL TESTS:

| Field gal/min | Drawdown | Pumping Level | Time        |
|---------------|----------|---------------|-------------|
| <u>150 F</u>  |          |               | <u>1 hr</u> |
|               |          |               | <u>1 hr</u> |

Water Temp. \_\_\_\_\_ Bottom hole temp. \_\_\_\_\_  
Water Quality test or comments: \_\_\_\_\_

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

| Core Dia.  | From To               | Remarks: Lithology, Water Quality & Temperature | Y                                   | N |
|------------|-----------------------|-------------------------------------------------|-------------------------------------|---|
| <u>12"</u> | <u>0</u> <u>55</u>    | <u>over Bunker</u>                              |                                     |   |
|            | <u>55</u> <u>63</u>   | <u>Clay, Fractured Basalt</u>                   |                                     |   |
| <u>10</u>  | <u>63</u> <u>150</u>  | <u>Basalt some fractures</u>                    | <input checked="" type="checkbox"/> |   |
|            | <u>150</u> <u>182</u> | <u>Fractured Basalt, Sand</u>                   | <input checked="" type="checkbox"/> |   |
|            | <u>192</u> <u>203</u> | <u>Basalt</u>                                   |                                     |   |
|            | <u>203</u> <u>209</u> | <u>Basalt some fractures</u>                    | <input checked="" type="checkbox"/> |   |
|            | <u>209</u> <u>210</u> | <u>Fractured Basalt</u>                         | <input checked="" type="checkbox"/> |   |

RECEIVED

AUG 13 1998

Department of Water Resources  
Eastern Region

Completed Depth 210 (Measurable)  
Date: Started 6-8-98 Completed 6/12/98

13. DRILLER'S CERTIFICATION

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

TETON WATER WORKS LLC  
Company Name PO BOX 502 Firm No. 506

SHELLEY, ID 83274  
Firm Official \_\_\_\_\_ Date 6/16/98

and  
Operator \_\_\_\_\_ Date 6/16/98  
(Sign once a Firm Official & Operator)

MICROFILMED  
OCT 02 2001

25-07666



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 31, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

LOWELL G MILLER  
2519 E 97 N  
IDAHO FALLS ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NOS. 25-07655, 25-07656, 25-07657 AND 25-07666

Dear Permit Holder:

The department acknowledges receipt of the proofs of beneficial use forms submitted for the above referenced permits. 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.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah Gibson  
Administrative Assistant  
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

OCT 23 2000

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 25-07660 Reviewed by D. Gibson Date 8/31/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?

Domestic

Yes Address same as permit?

Yes Proof timely received?

Correct Uses? Yes

If not, complete calculation below.

SOURCE OF WATER

No Surface water source

Yes Ground water source

Yes Drilling permit required?

No Copy in the file? Drilling Permit No. \_\_\_\_\_

Amount paid for permit \_\_\_\_\_ Correct?

Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

No Required?

Yes Installed?

Waiver requested?

PRIORITY CALCULATION

|                     |               |   |
|---------------------|---------------|---|
| Date proof received | <u>8/2/00</u> |   |
| Date proof due      | <u>3/1/04</u> | - |
| No. of days late    |               | = |
| Priority Date       |               | + |
| New Priority Date   |               |   |

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof

DATA ENTRY

New Address No Proof Made 8/2/00



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 2, 1999

LOWELL G MILLER  
2519 E 97TH N  
IDAHO FALLS ID 83401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 25-07666

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

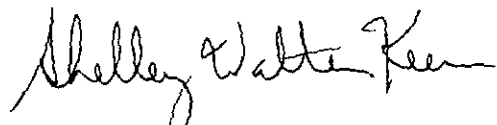
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you. RECEIVED  
MAR 2 10 1999

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosures

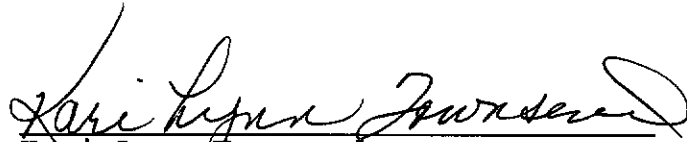
MICROFILMED  
MAR 10 1999

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of March, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 25-07666

LOWELL G MILLER  
2519 E 97TH N  
IDAHO FALLS ID 83401

  
Kari Lynn Townsend  
Secretary

MICROFILMED

MAR 10 1999

## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

### PETITION FOR RECONSIDERATION

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

### EXCEPTIONS AND BRIEFS

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

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

### ORAL ARGUMENT

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

MICROFILMED  
MAR 10 1999

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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.

RECEIVED

APR 10 1999

# APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by CirbylonNo.: 25-7666 Name: Miller Date: 3/1/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: ESRP Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or \*W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

WMD

- Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)
- Supp. irr. + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- FISH & GAME CONTACTED: - YES / NO; WHEN: \_\_\_\_\_ RESPONSE: \_\_\_\_\_
- IN/ABOVE MSF (✓ MAP) - \*WB9
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # \_\_\_\_\_)
- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
  - > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
  - ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
  - > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
  - ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (\*Surface water):

- Snake R (01) - \*W22 -P04, NA
- (02/03-irr) - 007 (w/ remark \*WB9 if above Weiser), NA
- Payette R (65) - \*W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- MUNICIPAL
  - In restricted area? - 022, 075, 004 (+memo?)
  - Irr., GW supp. to SW? - 102

DOMESTIC

- Surface water - \*WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- > 1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) - C
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) \_\_\_\_\_

OTHER CONDITIONS:

STANDARD REMARKS:

- ① W59 ② W60 ③ W01

BENEFICIAL USE DUE:

- 3/1/2004

COMMENTS:

- \_\_\_\_\_

Lowell B Miller  
Division 3, Miller Subdivision

Send copy

RECEIVED

Dist. for staffing 6 Jan 99  
Submitted for advertising

Form No. 202  
4/87

FEB 18 1999

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATIONS FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY DMA DATE 6 Jan 99 APPLICATION NO. 25-07666

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

See reverse side for additional information

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested \_\_\_\_\_

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  
☐ Idaho Dept. of Fish & Game  
☐ Idaho Dept. of Lands  
☐ Adjudication Bureau Unit  
☐ U.S. BLM  
☐ U.S. Forest Service  
☐ Water District  
☒ Other Idaho falls DEQ *snackea 1/12/99*

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  
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. \_\_\_\_\_  
☒ Yes ☐ No Special conditions of approval or cover letter below.

*\* See Attached memo from Dennis Dunn*

Date of priority recommended Jan 6, 1999  
By: [Signature] Date: 2-9-1999  
STATE OFFICE REVIEW

By \_\_\_\_\_ Date: \_\_\_\_\_  
ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

|                    |                              |                        |
|--------------------|------------------------------|------------------------|
| _____ City         | _____ Idaho Fish & Game      | _____ Irrigation Dist. |
| _____ County       | _____ Idaho Health & Welfare | _____ Canal Company    |
| _____ Reservations | _____ Div. of Environment    | _____ Other _____      |

## Project impacts/implications report

COMMENTS

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Memo: 25-0766

9 February 1999

To: Harold Jones  
From: Dennis M. Dunn

*DMD*

This morning I spoke with Mr Gary Marshall with Mountain River Engineering. Mr Marshall is the project engineer for Mr Lowell Miller. Gary told me that it would be a year at least before Mr Miller was ready to drill the well and it may be two years before the well is drilled. Gary indicated that as soon as the frost had left the ground this spring (1999) that the roads were to be constructed, water lines laid and the sewer system and lines laid.

I told Mr Marshall that the water right permit was ready to go to Boise for review and approval. He told me that he was aware that a signed and sealed well design must be submitted to DEQ and water resources for approval before a drilling permit would be issued by the department. I told him that in order to prevent any misunderstandings between Mr Miller, the Department, and DEQ that I was going to attach a condition to the water right requiring the well design be submitted and approved by the Department and DEQ before the drilling permit is issued. Gary told me that the condition was acceptable to him.

I propose the following condition be added to permit (25-07666): A signed and sealed well design must be submitted to the Department and DEQ and approved by the Department and DEQ before a drilling permit can be issued for this permit.

MICROFILMED

MAR 10 1999

# Proof of Publication

## The Post Register

State of Idaho  
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 21st day of January, 1999, last publication having been made on the 28th day of January, 1999, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

*S. Bob Bright*

Subscribed and sworn to before me, this 3rd day of February, 1999.

*Notary Public*

My commission expires January 10, 2003

### NOTICE OF APPLICATION FOR WATER RIGHT

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

25-07666

MILLER, LOWELL G  
2519 E 97TH NORTH  
IDAHO FALLS, ID 83401  
Source: GROUNDWATER  
Diversion Pt: NESWSW Sec 15 T 03N R  
38E in BONNEVILLE County.  
Use: DOMESTIC ( 0.200 CFS)  
Total Diversion: ( 0.200 CFS)  
Date Filed: 1/6/1999  
In: BONNEVILLE County  
T03N R38E S15 SWSW

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before FEBRUARY 8, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director  
Published: January 21, 28, 1999

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MAR 10 1999

RECEIVED

FEB 05 1999

Department of Water Resources  
Eastern Region



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 [www.idwr.state.id.us/idwr/idwrhome.htm](http://www.idwr.state.id.us/idwr/idwrhome.htm)

---

January 12, 1999

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

**LOWELL G MILLER**  
2519 E 97<sup>TH</sup> NORTH  
IDAHO FALLS ID 83401

**RE: Application for Permit 25-07666**

**Dear Applicant:**

This office is currently in the process of advertising the application in the Post Register on January 21 and 28, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

**Harold W. Jones**  
Water Right Supervisor

HWJ::sc

MICROFILMED

MAR 10 1999



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 [www.idwr.state.id.us/idwr/idwrhome.htm](http://www.idwr.state.id.us/idwr/idwrhome.htm)

---

January 12, 1999

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

**IDAHO DIVISION OF ENVIRONMENTAL QUALITY  
900 N SKYLINE DR STE B  
IDAHO FALLS ID 83402**

**RE: Application for Permit 25-07666**

**Dear Sir:**

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is Feb 8, 1999, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Harold W. Jones". The signature is written in a cursive, flowing style.

**Harold W. Jones**  
Water Right Supervisor

**HWJ: sc**

**Enc.**

MICROFILMED

MAR 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 [www.idwr.state.id.us/idwr/idwrhome.htm](http://www.idwr.state.id.us/idwr/idwrhome.htm)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
JANUARY 12, 1999

Legal Notices Department  
THE POST-REGISTER  
P.O. BOX 1800  
IDAHO FALLS, ID 83403

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 8, 1999.

Yours truly,

Sharla Cox  
Secretary

Encl.



MICROFILMED

MAR 10 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

25-07666

MILLER, LOWELL G  
2519 E 97TH NORTH  
IDAHO FALLS, ID 83401

Source: GROUNDWATER

Diversion Pt: NESWSW Sec 15 T 03N R 38E in BONNEVILLE County.

Use: DOMESTIC ( 0.200 CFS)  
Total Diversion: ( 0.200 CFS)

Date Filed: 1/ 6/1999

In: BONNEVILLE County  
T03N R38E S15 SWSW

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before FEBRUARY 8, 1999. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Published: 1/21/1999 & 1/28/1999

KARL J. DREHER, Director

MICROFILMED

MAR 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

January 6, 1998

Mr Lowell G. Miller  
702 South Meridian, Space 69  
Apache Junction, Arizona 85220

Re: Application for Permit & Well Design

Dear Mr Miller,

The Department has received your application for a permit to supply water for division 3. DEQ did confirm that they had approved the well site and the plans for the distribution system. However DEQ has not yet received a well design from Mr Gary Marshall.

The Department is going forward with processing of your application. A drilling permit cannot be issued for the well until the well design has been approved by Mark Dietrick at DEQ.

Mark asked me to remind you that approval of the plans submitted to DEQ are good for one year. If you hadn't planned on drilling the well this year or installing the system you may wish to contact Mark.

If you have any questions please contact me.

Sincerely,

Dennis M. Dunn  
Sr. Water Rights Agent

cc: Gary Marshall  
Mark Dietrick, DEQ  
file

enc: receipt

MICROFILMED

MAR 10 1999



STATE OF IDAHO  
DIVISION OF  
ENVIRONMENTAL QUALITY

900 North Skyline, Suite B, Idaho Falls, ID 83402-1718, (208) 829-2660

Philip E. Batt, Governor

December 8, 1998

Mr. Lowell Miller  
2519 E. 97th North  
Idaho Falls, ID 83401

**Re: Miller Country Estates Division No. 3 Sewer and Water Systems  
Bonneville County, DEQ No. 98-36-10**

Dear Mr. Miller:

We have reviewed the plans and specifications for the proposed sanitary sewer and water systems for the **Miller Country Estates Division No. 3** subdivision. The plans and specifications appear to meet State standards and are hereby approved.

Our approval is for the design only. Final project approval will be given after it is established that the systems are operating properly. Deviations from the approved plans that might result in violations of Idaho Regulations, must be reviewed by this office prior to field installation. This office must be kept informed of the scheduling of all construction phases so that spot inspections can be made as necessary. One copy of the approved plans and specifications will be kept on file at this office. Another copy of the approved plans must be onsite during construction.

This approval will expire December 8, 1999. If construction is not completed by the expiration date, plans will need to be resubmitted for approval before further construction proceeds.

Within 30 days after construction, a professional engineer registered in the State of Idaho must provide this office with as-built plans, or a letter of certification stating that the project was installed substantially according to the approved plans.

Please reference the above DEQ No. when submitting as-built drawings or correspondence related to this project.

98-36-10.LTR

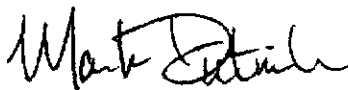
MICROFILMED  
MAR 10 1999

PRINTED ON RECYCLED PAPER

Mr. Lowell Miller  
December 8, 1998  
Page 2

If you have any questions regarding this letter or if we can be of further assistance, please call me at (208) 528-2650.

Sincerely,



Mark Dietrich  
Associate Engineer

cc: Greg Eager, Regional Manager-Engineering, DEQ-IF  
District 7 Health Department, IF  
Kent Spencer, State Plumbing  
Gary Marshall, PE, Mountain River Eng., 1020 Lincoln Road, Idaho Falls, ID 83401

98-36-10.LTR

MICROFILMED  
MAR 10 1999

Harold Jones  
Idaho Dept. of Water Resources  
900 N. Skyline Drive  
Idaho Falls, ID 83402

December 21, 1998

RECEIVED  
DEC 28 1998  
Department of Water Resources  
Eastern Region

Subject: Application for Water Appropriation

Attachments:

- (1) Application
- (2) Filing Fee, \$50
- (3) DEQ approval letter
- (4) Recorded Plat of Div. III

Dear Harold,

Please submit this application for a water right for Miller Country Estates Div. III. As you may recall in Div II, I had asked for 3 separate water rights for three wells with 5 households on each well (for a total of 15 lots). Your suggestion for the remaining lot (div II has 16 lots) was to include it into the Div III water request. This application includes that lot.

The supply for Div II was changed from three cluster wells to one public water system at the request of DEQ. When this well is tied into the Div II water system, The water flow and totaling meter will measure the water usage of both Div II and Div III.

If you need any further information, you can call either Gary Marshall at Mountain River at 524-6175 or Mark Dietrick at DEQ. You can call me in Arizona at (602)-984-6408. My temporary address here is " 702 S. Meridian Space #69 Apache Junction, AZ 85220 ".

Thanks for your timely consideration of this request.

Sincerely yours,

  
Lowell G. Miller

MICROFILMED  
MAR 10 1999