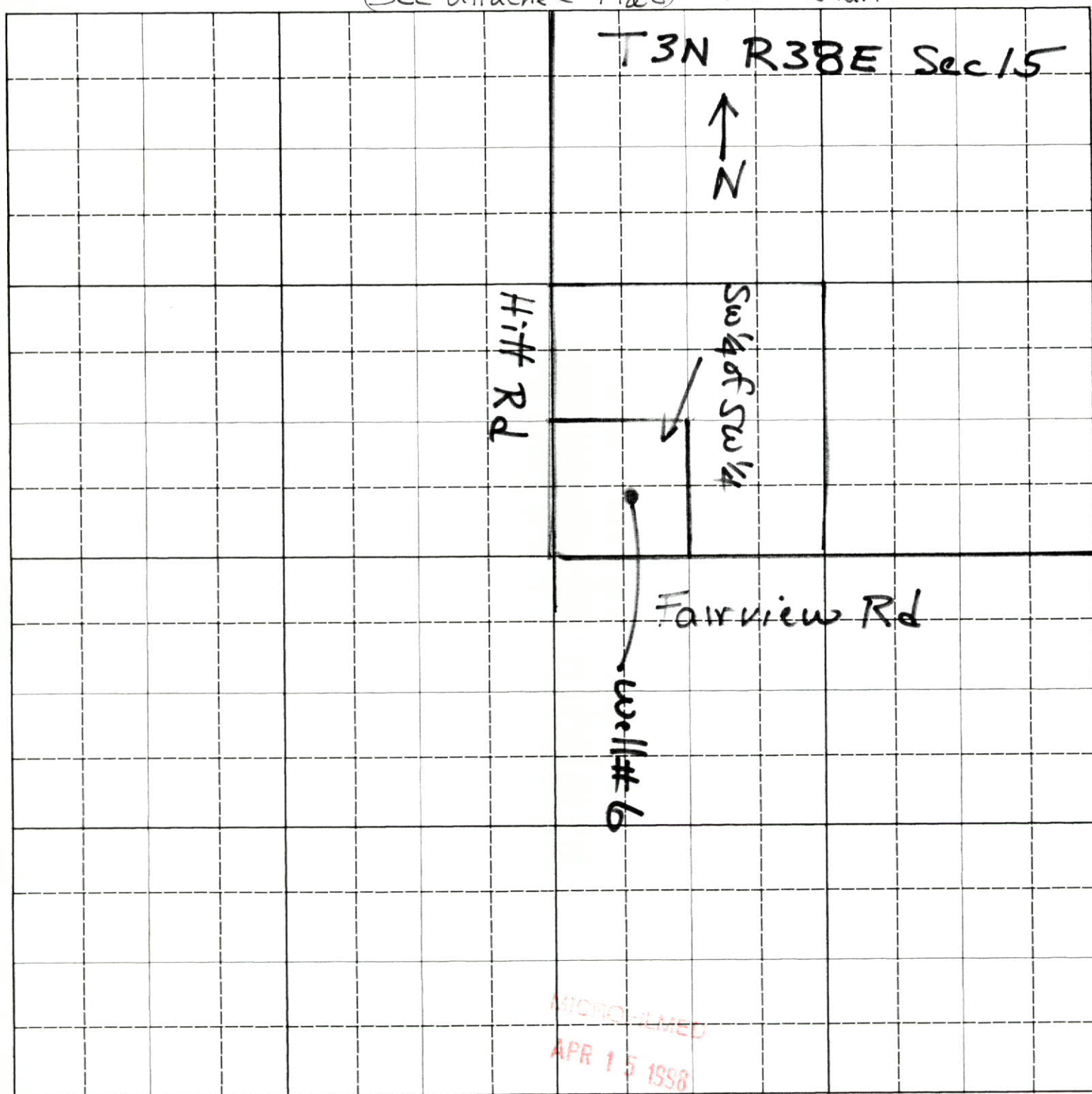


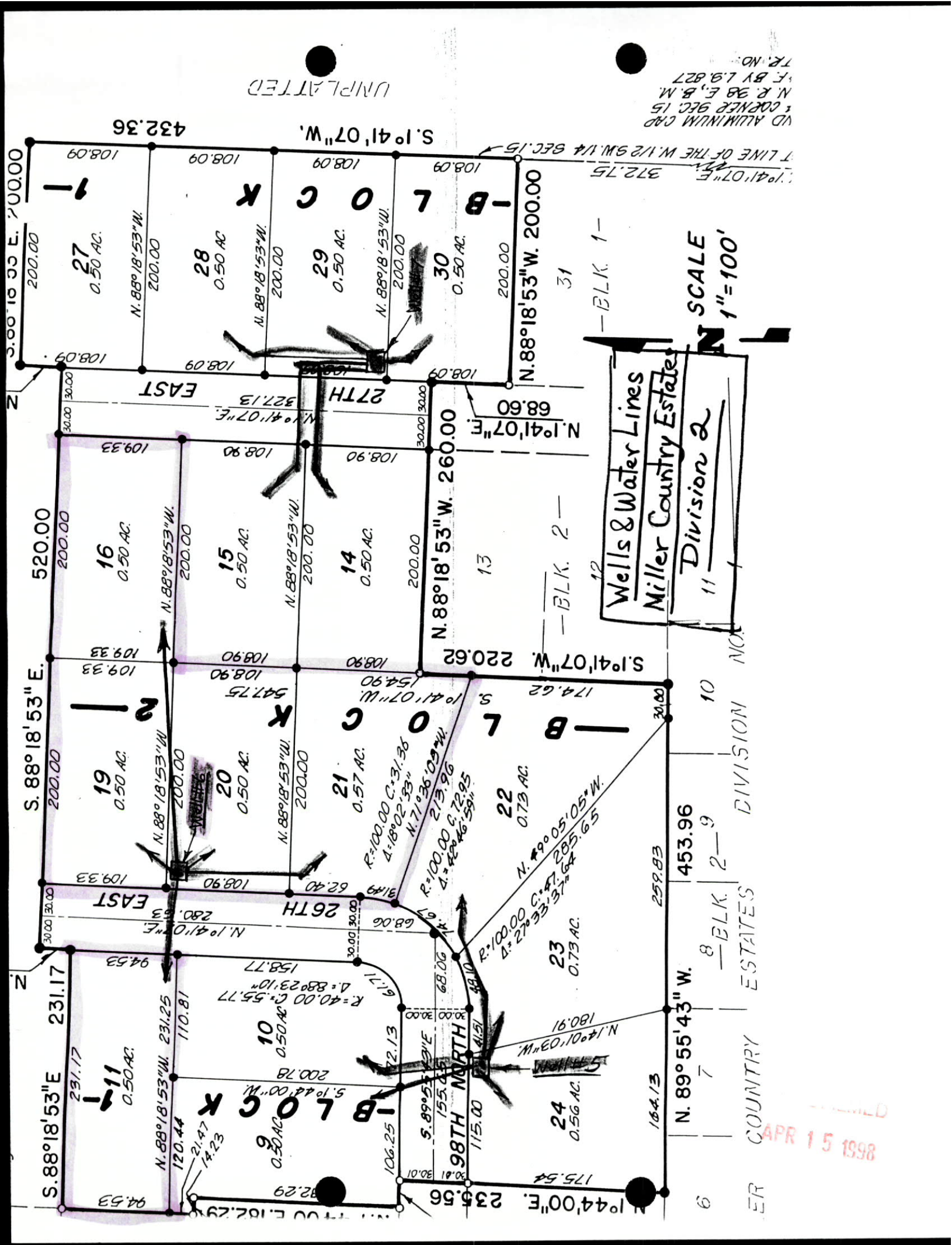
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. (See Attached Plat) for details



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.

Lowell O Miller
(Applicant)



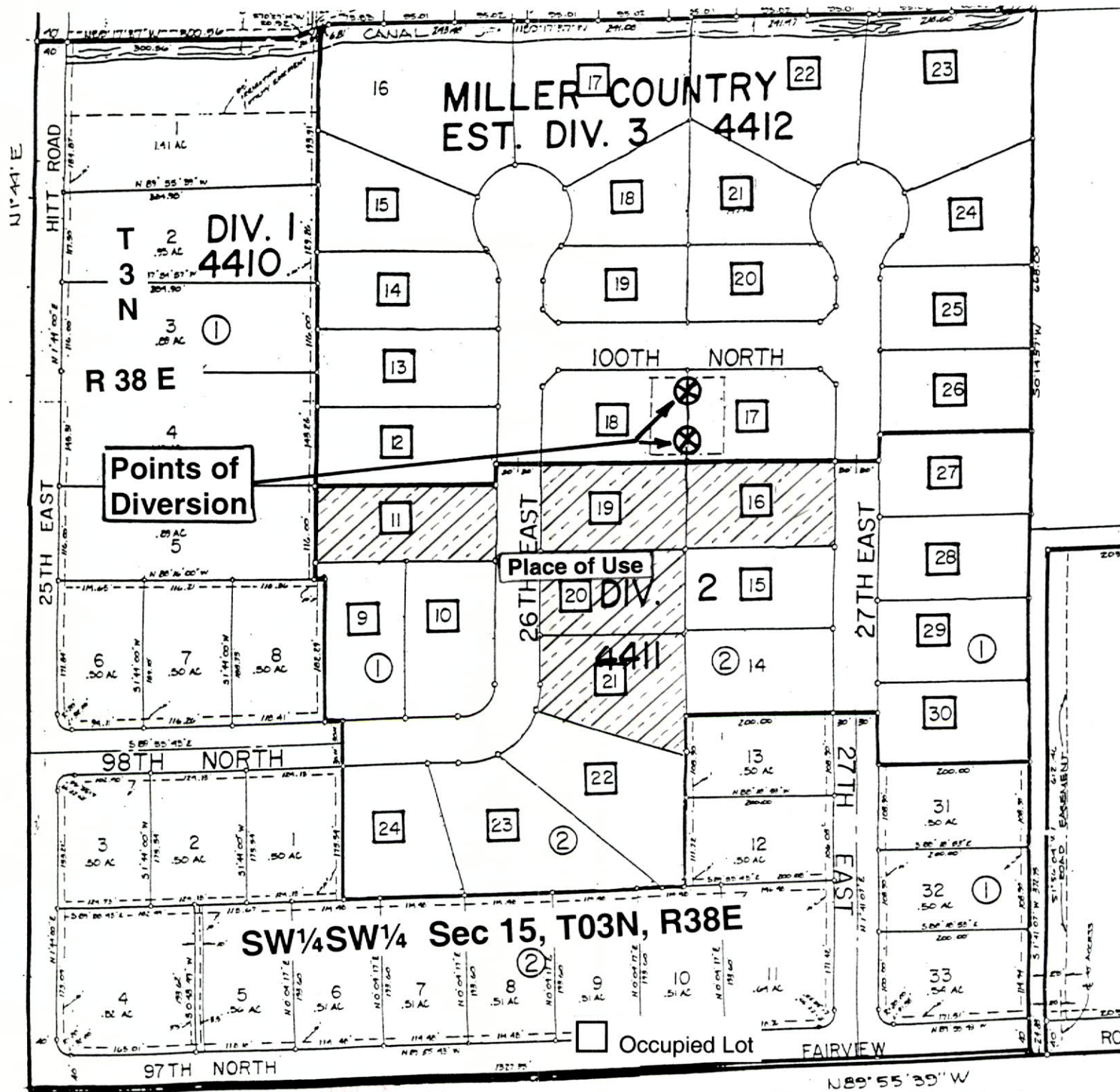
PART OF THE W. $1\frac{1}{2}$ S.W. $1\frac{1}{4}$ SECTION 15, T. 3 N. R. 38 E., B. M.



Date: 1-03-97

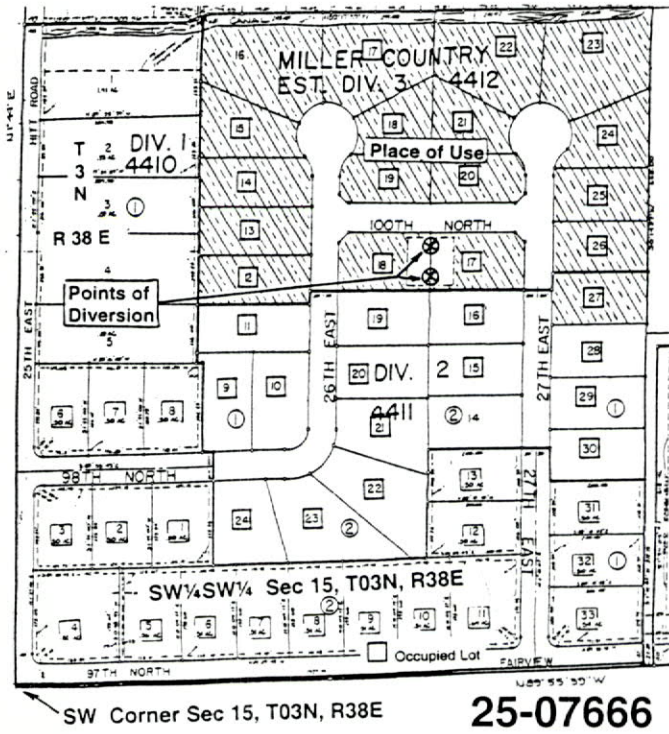
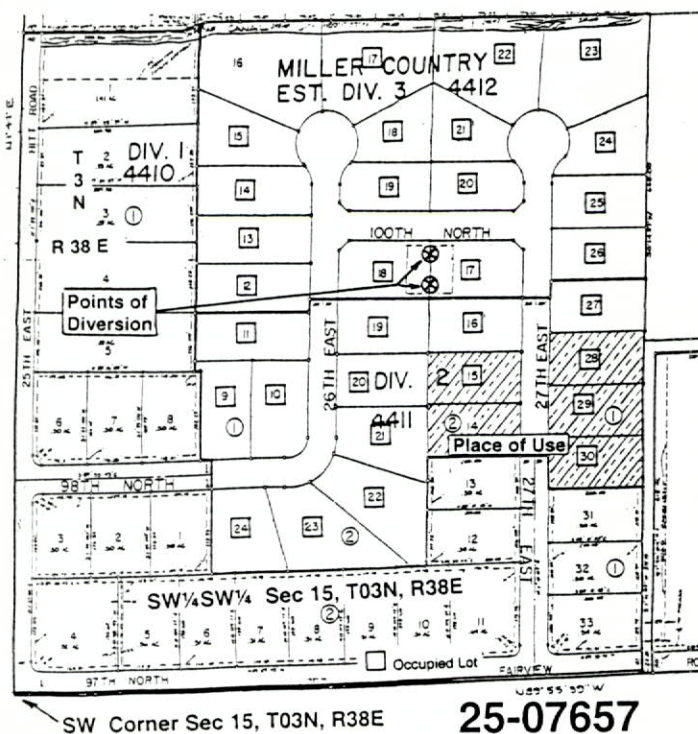
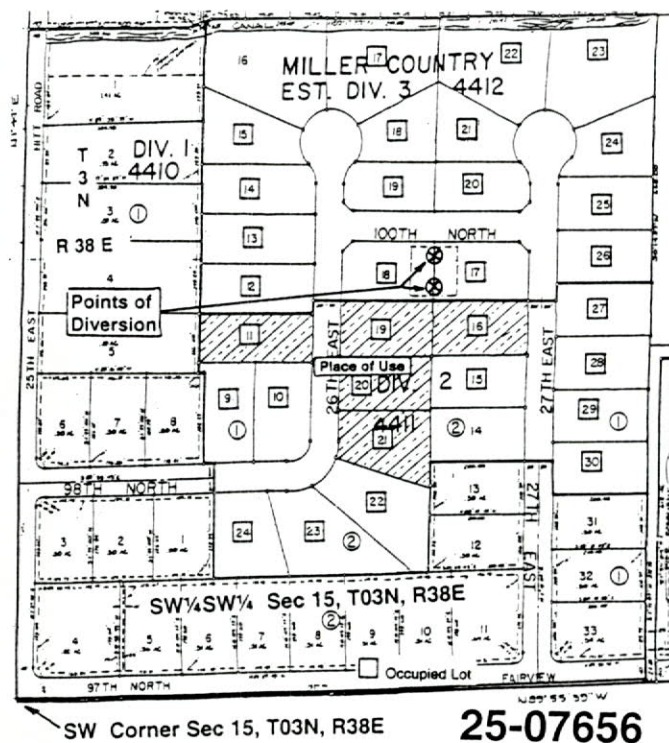
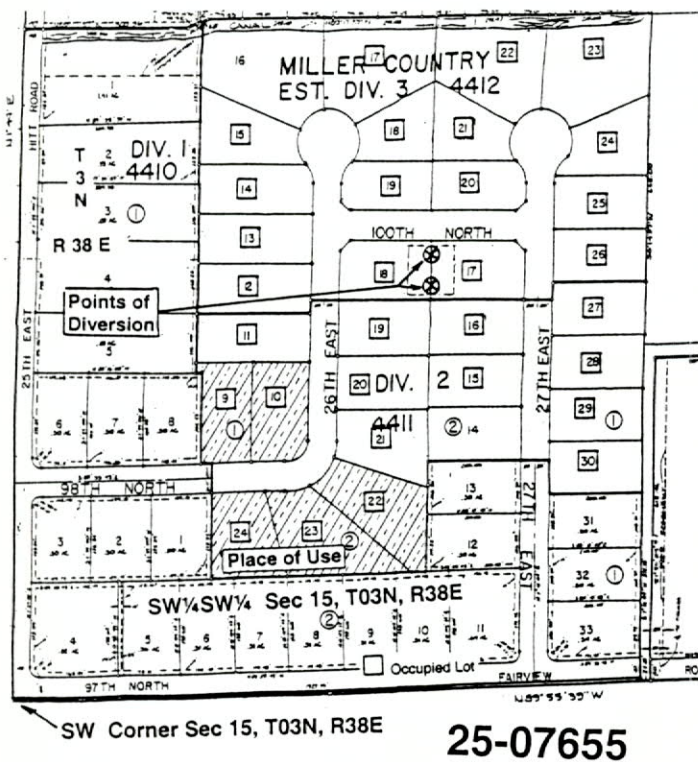
(Gertrude H. Cunningham, deposit and say that I am a

25-07656



SW Corner Sec 15, T03N, R38E

25-07656



25-07656

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



25-07656

OCT 02 2009

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 5th day of March, 1998, last publication having been made on the 12th day of March, 1998, 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.

Robert Park
.....

Subscribed and sworn to before me, this 18th day of March, 1998

Jerry Berry
.....
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:

25-07656

MILLER, LOWELL G
2519 E 97TH N
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: SWSW Sec 15 T 03N R 38E
in BONNEVILLE County.
Use: DOMESTIC (0.110 CFS)
Total Diversion: (0.110 CFS)
Date Filed: 2/25/1998
In: BONNEVILLE County
T03N R38E S15 SWSW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MARCH 23, 1998.

KARL J. DREHER, Director
Published: March 5, 12, 1998

MICROFILMED
APR 15 1998

RECEIVED

MAR 19 1998

Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07656

Priority: February 25, 1998

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 6.0 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 February 25, 1998; 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 DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.11 CFS	6.0 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				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 38E 15												X					

CONDITIONS OF APPROVAL

1. Points of diversion are located between Lots 17 and 18, Blk.2, Miller Country Estates Div. #3.
2. Place of use is located within Lot 11, Blk. 1, and Lots 16 & 19-21, Blk. 2, Miller Country Estates Division #2.
3. Domestic use is for 5 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.

MICROFILMED
OCT 02 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07656

5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. Rights 25-7655, 25-7657, and 25-7666 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 28TH day of SEPTEMBER, 2001.

Acting for

KARL J. DREHER
Director

MICROFILMED

OCT 02 2001

RECEIVED

SEP 28 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 25-07656

RECEIVED

SEP 26 2001

Department of Water Resources
Eastern Region

Date of Priority: February 25, 1998

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 6.0 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. 25-07656, 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	0.11 CFS	6.0 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., 20001.


(Signature)

MICROFILMED

OCT 02 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07656

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = 50.00 Received by gc # E027142 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. 25-07656 with the following:

CONDITIONS OF APPROVAL

1. Points of diversion are located between Lots 17 and 18, Blk.2, Miller Country Estates Div. #3.
2. Place of use is located within Lot 11, Blk. 1, and Lots 16 & 19-21, Blk. 2, Miller Country Estates Division #2.
3. Domestic use is for 5 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, 25-7657, and 25-7666 are also diverted through the points of diversion described above.

Witness my hand this 20TH day of SEPTEMBER, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

OCT 02 2001

#6

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. 25-07656 Telephone No. 523-9135
2. Name of Permit Holder(s): Lowell G Miller
3. Mailing Address: 2519E 97th N
City IF State ID Zip 83401
4. Source of Water: GW If GROUNDWATER (well), Date Drilled: mo. 6 / yr. 98
Well Driller: Teton Waterworks Same well as 25-0765
Drilling Permit Number: 0506
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 5 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: 0.11 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 X
Has the measuring device been installed? Yes or No
8. Fee Enclosed: \$ 50.00 (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 G Miller Telephone Number: 523-9135
Address: 2519E 97th N IF
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 G 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. 25-07656

Proposed Priority: February 25, 1998 Maximum Diversion Rate: 0.11 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	0.11 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 April 1, 2003.
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 within Lot 20, Blk. 2, Miller Country Estates, Division 2.
8. Place of use is located within Lot 11, Blk. 1 and Lots 16, 19-21, Blk. 2; Miller Country Estates, Division 2.
9. Domestic use is for 5 homes.

MICROFILMED

APR 15 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 25-07656

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

1st day of April, 1998.

Karl J. Dreher

Karl J. Dreher, Director

for



MICROFILMED
APR 15 1998

Miller Country Estates Well #6

Form 202
10/92

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

Ident. No. 25-07656

RECEIVED

MAR 30 1998

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

Post office address 2519 E 97th 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 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____

Sec. 15 Township 3 N Range 38 E B.M. Bonneville County; additional

points of diversion if any: None

4. Water will be used for the following purposes:

Amount 0.11 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)

5. Total quantity to be appropriated is (a) 0.11 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. A 5-HP Submersible Pump will be placed in a new 8" dia. well, well drilled to 200-260 ft. Buried PVC pipe will distribute water to all lots

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

c. Proposed well diameter is 8 inches; proposed depth of well is 200-260 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) _____

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

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APR 15 1998

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 5
- Other; describe fully. Well # 6 to be located on Division 2, Block 2 Lot 20 and will supply households on Block 2 Lots 16, 19, 20, 21 and Block 1 Lot 11.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	38E	15											D/5						

Total number of acres to be irrigated _____

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

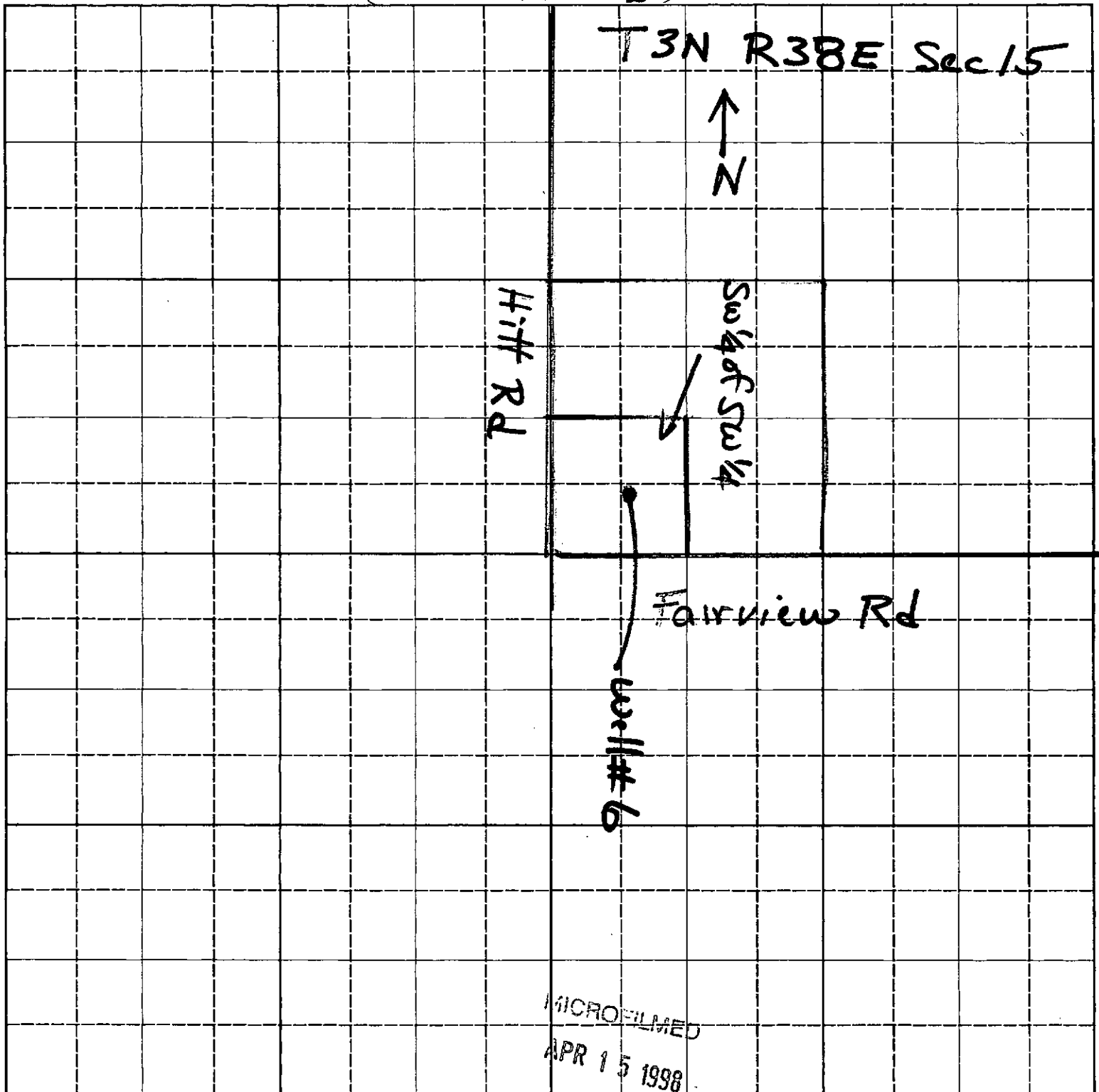
- Who owns the property at the point of diversion? Lowell G. Miller
- Who owns the land to be irrigated or place of use? Lowell G. Miller
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. n/a

12. Remarks: Lots now owned by L. G. Miller will be sold to individuals for building sites. Jody Denning will be drilling the wells.

MICROFILMED

PR 15 1998

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. (See Attached Plat) for details



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.

Lowell O Miller
(Applicant)

Received by DD Date 2-15-98 Time _____ Preliminary check by HWT
Fee \$ 50⁰⁰ Receipted by Dennis Dunn # ED23892 Date 13 February 1998
Publication prepared by SC Date _____ Published in Post Register 3-5-12, 1998
Publication approved _____ Date 3-24-98

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

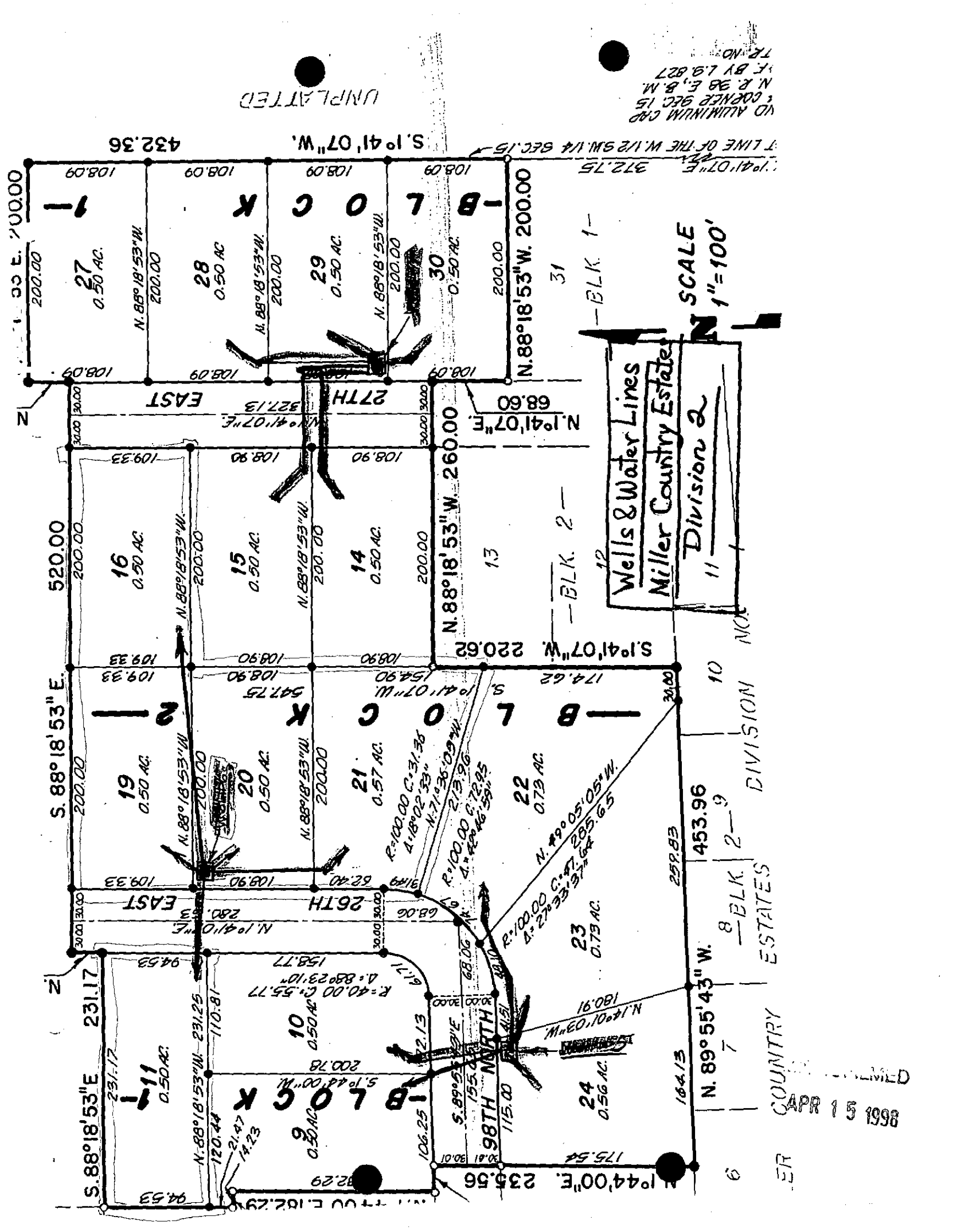
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED
APR 15 1998



UNPLATTED

NO ALUMINUM CAP
CORNER SEC. 15
N. R. 36 E., B. M.
F. BY L. 9, 827
TR. NO.

SCALE
1"=100'

Wells & Water Lines
Miller Country Estate
Division 2

DIVISION NO.
ESTATES

APR 15 1998
ER

For original see 25-07655

MILLER COUNTRY ESTATES DIVISION NO. 2 BONNEVILLE COUNTY, IDAHO

PART OF THE W. 1/2 S.W. 1/4 SECTION 15, T.3 N. R. 38 E., B.M.

RECORDERS CERTIFICATE

The foregoing plat was duly accepted and approved by the Board of County Commissioners of Bonneville County, Idaho on the 13th day of October, 1997.

COUNTY'S ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of County Commissioners of Bonneville County, Idaho on the 13th day of October, 1997.

CITY'S ACCEPTANCE

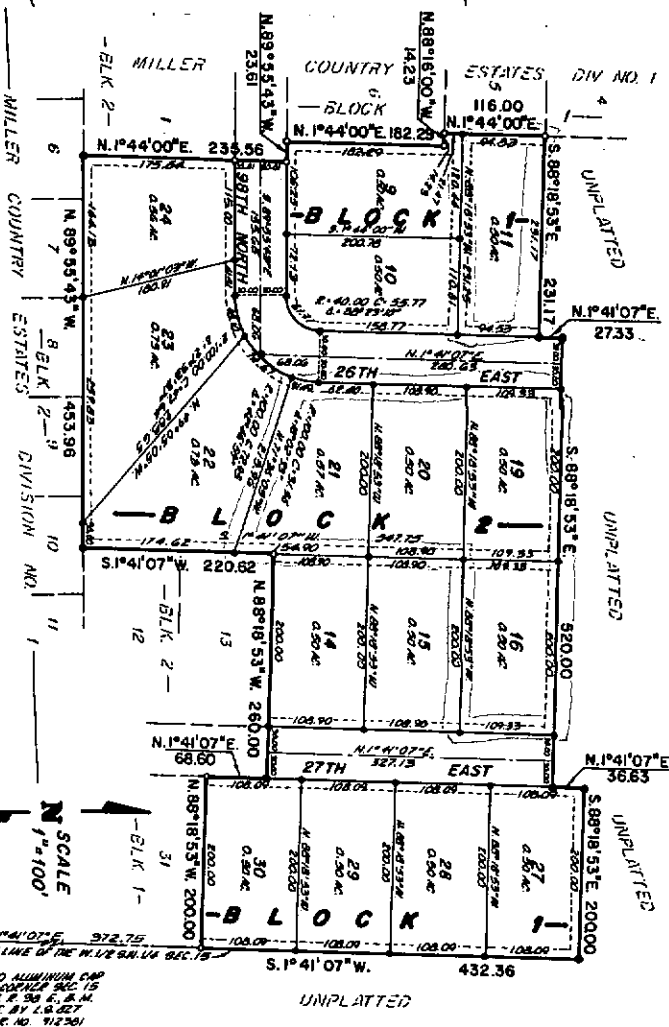
The foregoing plat was duly accepted and approved by the City of Boise, Idaho on the 13th day of October, 1997.

TREASURER'S CERTIFICATE

The undersigned Treasurer of the County of Bonneville, State of Idaho, do hereby certify that the foregoing plat was duly accepted and approved by the Board of County Commissioners of Bonneville County, Idaho on the 13th day of October, 1997.

EXAMINING SURVEYOR'S CERTIFICATE

I hereby certify that I have examined the plat and find it to conform with the provisions of the Idaho Code, Chapter 15, Title 56, and the rules and regulations of the State Board of Surveyors.



LEGEND & NOTES

- 50' ± 1.50' Standard for all other cases except as noted.
- 1/2" ± 1.50' Standard for all other cases except as noted.
- 50' ± 1.50' Standard for all other cases except as noted.
- 1/2" ± 1.50' Standard for all other cases except as noted.

IRRIGATION WATER RIGHTS

The water rights for the lands shown on this plat are as follows:

HEALTH DEPARTMENT CERTIFICATE

I hereby certify that the plat conforms with the provisions of the Idaho Code, Chapter 15, Title 56, and the rules and regulations of the State Board of Surveyors.

BOUNDARY DESCRIPTION

The boundary of the land shown on this plat is as follows: Beginning at the corner of the land shown on the plat, and running North 89° 55' 43\"/>

OWNER'S CERTIFICATE

I hereby certify that the land shown on this plat is my own, and that I have no other claims or interests in the land.

ACKNOWLEDGEMENT

The undersigned, the owner of the land shown on this plat, do hereby acknowledge that the land is my own, and that I have no other claims or interests in the land.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat conforms with the provisions of the Idaho Code, Chapter 15, Title 56, and the rules and regulations of the State Board of Surveyors.





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

October 1, 2001

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

RE: License No. 25-7656 - 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)

MICROFILMED
OCT 2 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. 25-7656

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.

MICROFILMED
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

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)

MICROFILMED

OCT 02 2001

Comment Report

25-7656

1. skeen 9/12/2001 License Review

Comment: Licensing review by S. Keen on 9/12/2001.

2. CZIMMERM 3/31/1998 DIVERSION DESCRIPTION

Comment: 5 HP submersible pump will be place in a new 8" x 200'-260'. Buried PVC pipe will distribute water to all 5 lots.

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

Comment: Proof of Beneficial Use Rcvd

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OCT 02 2001

A. GENERAL INFORMATION

Permit No. 25-07656

1. Owner: Lowell G. Miller

Phone No. 523-9135

Current Address: 2519 E 97th N Idaho Falls Id 83401

2. Accompanied by: Lowell G Miller

EXAM DATE: 6-13-2001

Address:

Phone No. _____

Relationship to Permit Holder:

3. Source: GROUND WATER

tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 25-7655/25-7656/25-7657/25-7666

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination ON SITE
COUNTY DAT

[illegible]

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OCT 02 2001

27-7656

3. **Delivery System Diagram:** Include 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).

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

SEE 25-07655
Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Cont Duty Date Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NORTH TAG # D0011036	FRANKLIN Elect.	10	MODEL 28220 29310 UNK 99819	Goulds	4"
SOUTH D0004782	FRANKLIN Elect.	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	McDermott	-	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

OCT 02 2009

25-7656

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⁽²⁾ 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

MICROFILM

OCT 02 2001

25-7656

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 $Q = 0.30 \text{ cfs} + 0.30 \text{ cfs} = 0.60 \text{ cfs}$

$$Q_{\text{CAPACITY}} = 0.60 \text{ cfs}$$

$$Q_{\text{LIMITED BY PERMIT}} = 0.11 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

$$V_{\text{DOM}} = 5 \times 1.2 \text{ afa} = 6.0 \text{ afa}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic (5 units)	1/1	12/31	0.11 cfs	6.0 afa
Totals:			0.11 cfs	6.0 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

MICROFILMED

OCT 02 2001

25-7656

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

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

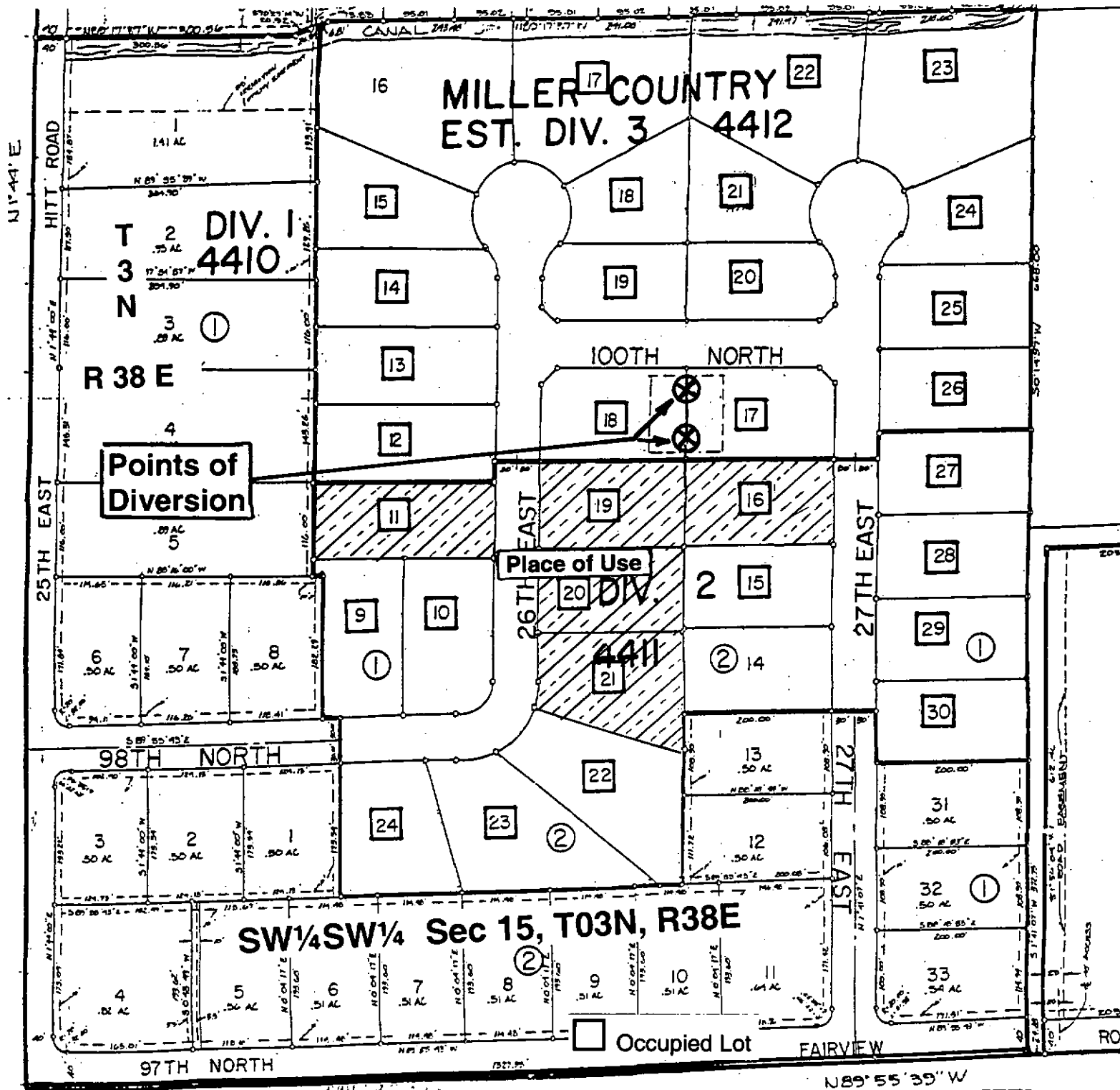
$$Q_{cfs} = [\underline{61.698}] \div [\underline{212.675}]$$

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

MICROFILM

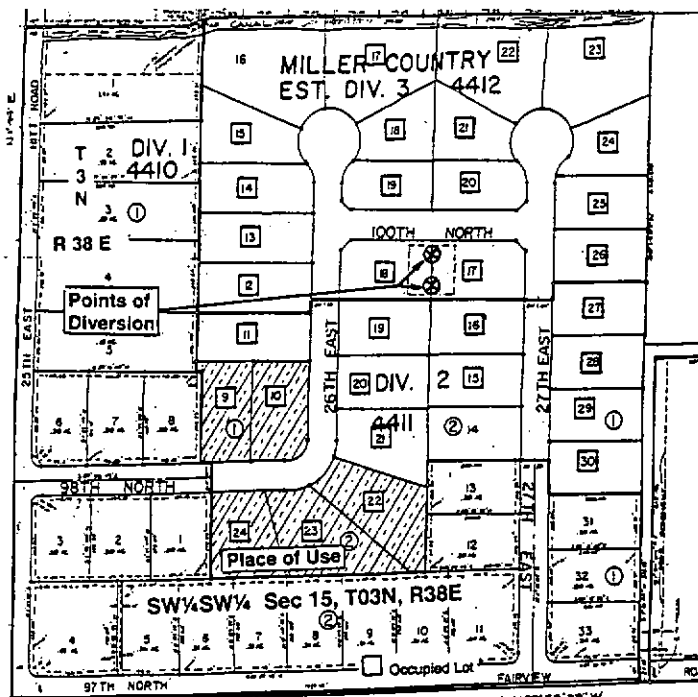
PERMIT NO. 25-07656

OCT 02 2001



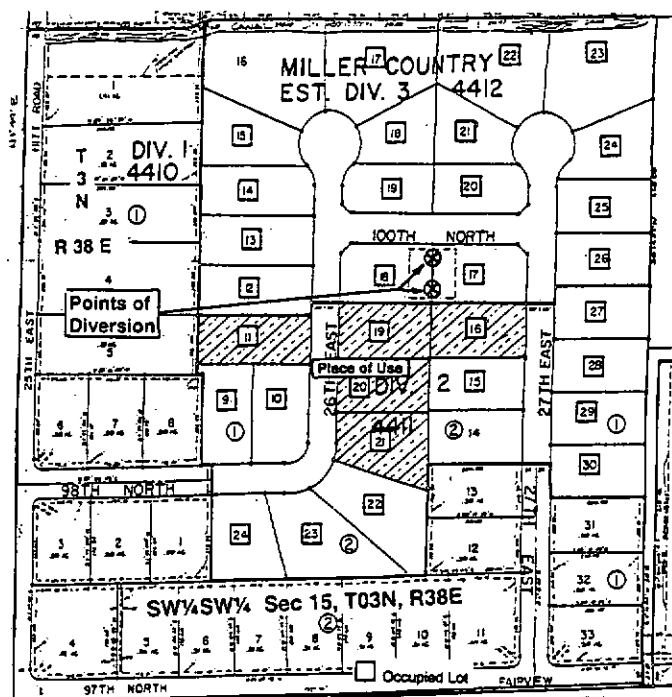
SW Corner Sec 15, T03N, R38E

25-07656



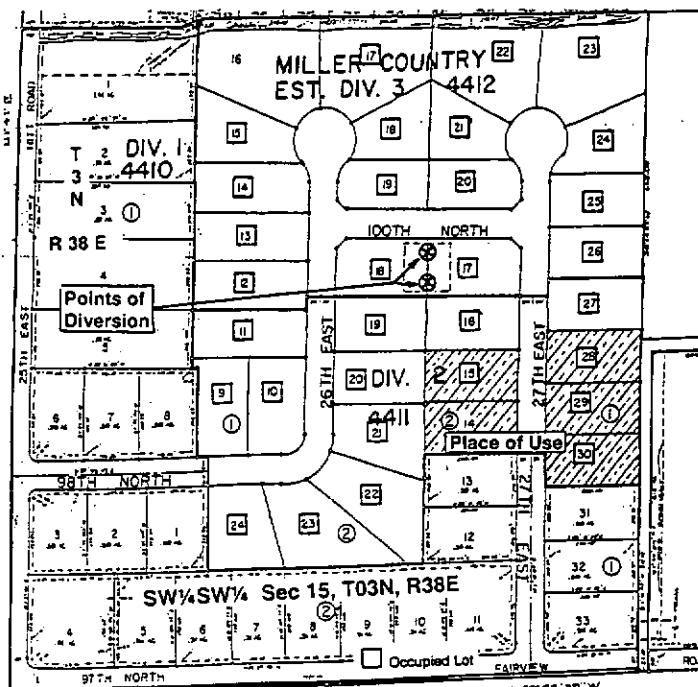
SW Corner Sec 15, T03N, R38E

25-07655



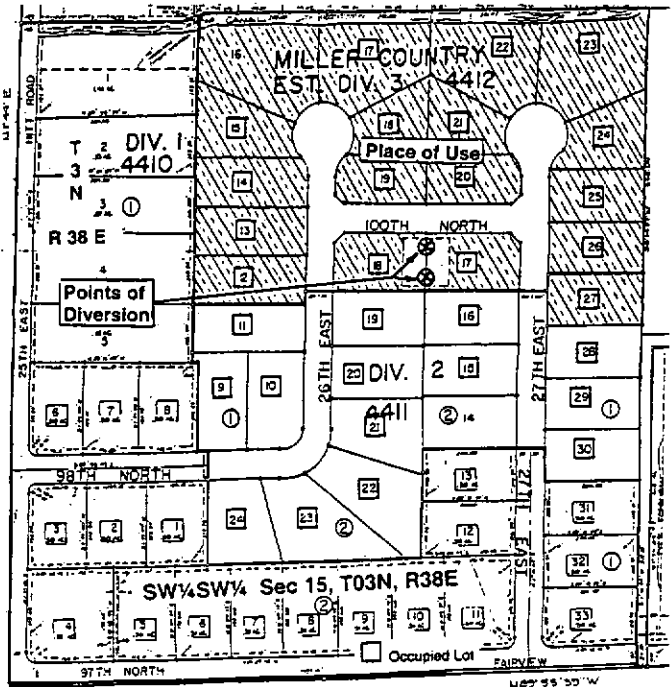
SW Corner Sec 15, T03N, R38E

25-07656



SW Corner Sec 15, T03N, R38E

25-07657



SW Corner Sec 15, T03N, R38E

25-07666

MICRO

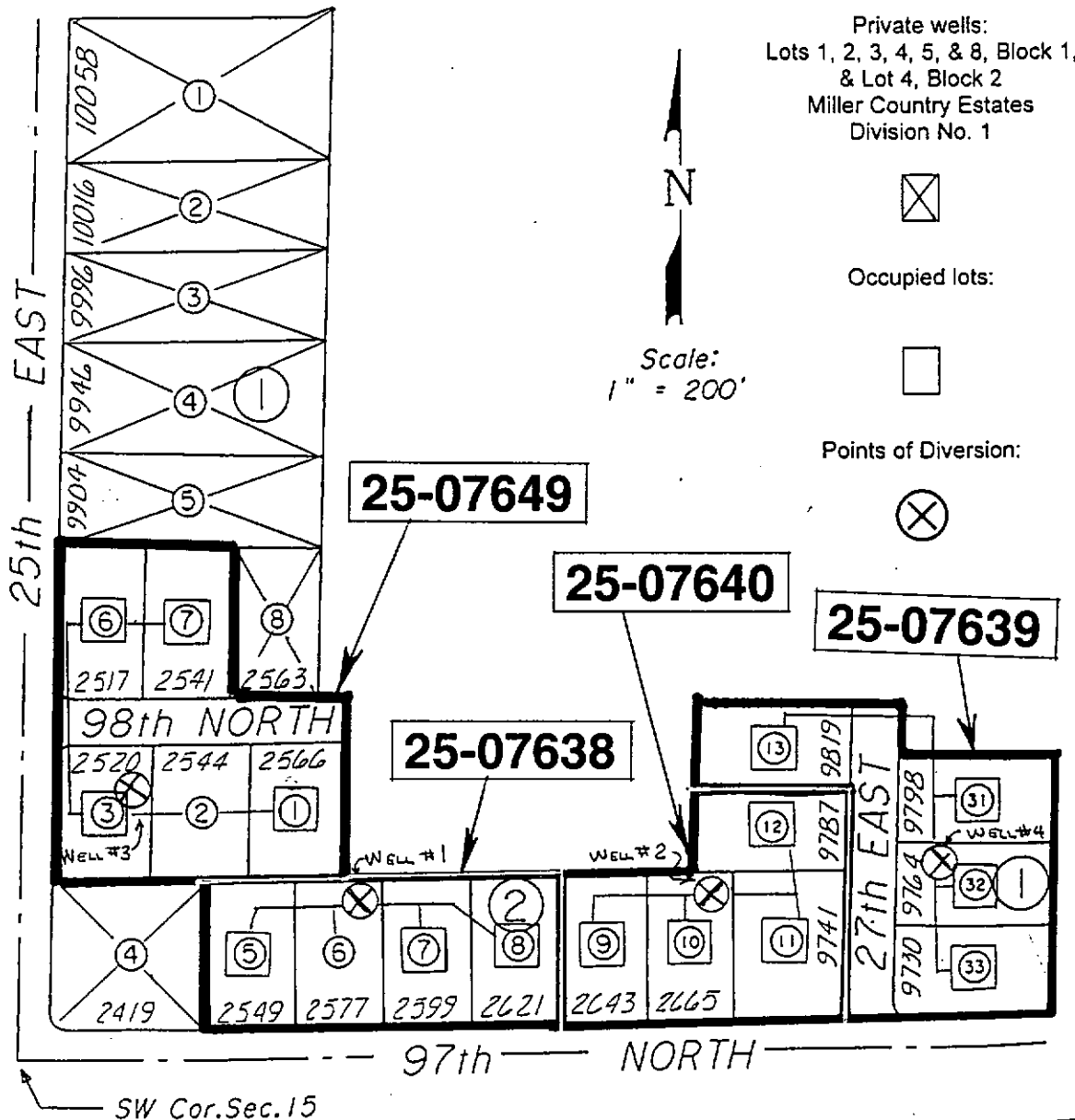
OCT 02 2001

25-07656

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.

MICRO
OCT 02 2001

25-07656

**NORTH
WELL**

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
_____ 1/4	_____ 1/4	_____ 1/4	
Lat: _____		Long: _____	
☐ Pump		☐ Bailer	
☐ Air		☐ Flowing Artesian	

1. WELL TAG NO. 0 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 ☒ or South ☐	
E		Rge. <u>38</u> East ☒ or West ☐	
S		Sec. <u>15</u> 1/4 <u>SW</u> 1/4 <u>SW</u> 1/4	
		Gov't Lot _____ County <u>Bannock</u>	
		Lat: _____ Long: _____	
		Address of Well Site _____ City <u>Idaho Falls</u>	

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>63</u>	<u>280</u>	<u>Steel</u>	☒	☐	☒	☐
<u>6</u>	<u>40</u>	<u>200</u>	<u>280</u>	<u>Steel</u>	☐	☒	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
Screens _____ Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

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:

Flow gal./min	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Core Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
	<u>0</u>	<u>55</u>	<u>Gravel & 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>Gravel & Soft Drilling (lost Returns)</u>		
	<u>120</u>	<u>134</u>	<u>Broken & Caving</u>		
	<u>134</u>	<u>145</u>	<u>Sediment & Soft Basalt</u>		
	<u>145</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 7/16/99 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 Joe Jennings Date 7/12/99
and _____
Order or Operator _____ Date _____
(Sign once a Firm Official & Cooperator)

25-07656

MICRO
OCT 02 2001

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat : : Long: : :

1. WELL TAG NO. 0000-4782
 DRILLING PERMIT NO. 25-07-2598-E-0079
 Other IDWA No. 25-07-1655

2. OWNER:

Name Lowell Miller
Address 2519 E 92N
City Idaho Falls State ID Zip 83401

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N

W

E

Twp. 3 North ☒ or South ☐

Age. 38 East ☒ or West ☐

Sec. 15 SW 1/4 1/4 1/4 1/4

Gov't Lot _____

County Booneville

Lat. : : : Long: : :

Address of Well Site

(Give at least name of road - Distance to Head or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

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	
Bentonite	0	20	350	overlaid

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
10"	+7	60	250	Steel	☒	☐	☒	☐
8"	+7	210	250	Steel	☒	☐	☒	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations	Method
Screens	Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

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:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
50 P			1 hr
			1 hr

Water Temp.	Bottom hole temp.
-------------	-------------------

Water Quality test or comments:

Depth first Water Encounter

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

13. DRILLER'S CERTIFICATION

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

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

SHELLEY, ID 63274

Firm Official Fred J. [Signature] Date 6/15/92
and

and
Driver or Operator Fred R. [Signature] Date 6/16/92
(Signature of Farm Official & Operator)

1 Sign once if Farm Official in Cooperation

02 2001

25-07656



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. 25-07656 Reviewed by D. Gibson Date 8/31/00

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

Yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

Domestic

Correct Uses? Yes

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?

Unknown Installed?

Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>8/2/00</u>	
Date proof due	<u>4/1/03</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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 2, 1998

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

PERMIT APPROVAL NOTICE

RE: PERMITS 25-07656 & 25-07657

Dear Permit Holder:

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

The permits are preliminary orders issued by IDWR pursuant to section 67-5243, Idaho Code. They can and will become final orders 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.

MICROFILMED

APR 15 1998

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, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

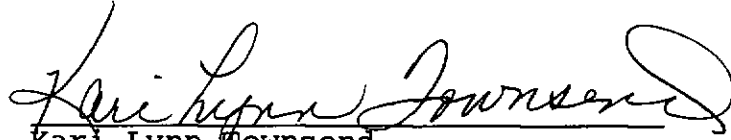
APR 15 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Rights 25-07656 & 25-07657

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


Kari Lynn Townsend
Secretary

MICROFILMED

APR 15 1998

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

Page 15 1998

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.

MICROFILMED

APR 15 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lee*
 No.: 25-07656 Name: Miller Date: 3/31/98 Ad OK? ☒ Gvmt Lts: ☒
AREA OF CONCERN:**PROTESTED:****SYSTEM COMPLETED:**

> 1 year

≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

Included w/permit

irr. in WD

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

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R(70's)

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**
 - No/Yes: ESRP Mor / _____ GWMA / Trust / Non-trust
 - 020 (Protest Agreement) or *W19 (Order)

 - 26A P17
 - P16

 - 067 or No MD (in-stream stock or power)
 - No MD
 - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
 - 01M (report when notified)
 - No MD

 - 046 P23
 - Permit No. _____ - _____ - _____ - _____, P99
 - P05 (new well location)

 - *WB9
 - R04 (WD # _____)
 - 01J-P08 (MD & LD)
 - 01H-P01 (LD) or No MD (in-stream stock)

 - 067 or No MD (in-stream stock or power)
 - No MD

 - 01M or No MD (in-stream stock or power)
 - No MD

 - *W22 -P04, NA
 - 007 (w/ remark *WB9 if above Weiser), NA
 - *W22 (regulated uses), 047-P04 (Payette Lake), NA
 - 029 (fish screens), NA

 - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
 - 071-070
 - 077
 - 029-007-042(req)-081 (WQ)-P10
 - R07 (injection well)
 - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
 - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
 - 054(req) -081-P10
 - 022, 075, 004 (+memo?), NA (not in restricted area)
 - 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
 - R37 (BLM/USFS); NA
 - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

 - P84 (in 20/30/40/50/60/70/80 (87) basin)
 - 058 (<85° GW temp only)
 - P52 (stream channel alteration)
 - 023 (Twin Falls area)

 - 1
 - 051-052-053-P74 (Consumptive Uses), NA
 - 048-049 (Consumptive Uses), NA
 - 004 (PD/PU) _____

 - ① W59 ② W60 ③ W01/S
 - 4/1/ 2003

RECEIVED

MAR 30 1998

Dist. for starting 2-25-98
Submitted for advertising 2-25-98

Form No. 202
4/87

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

INITIAL REVIEW BY HWT DATE 2-25-98 APPLICATION NO. 25-07656
Lowell Miller - Well #6

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

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

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

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
Recommendations attached
Measuring device required
Access port required
Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☒ No Special conditions of approval or cover letter below.

Date of priority recommended

2-13-1998

By:

HWS

Date:

3-24-98

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard ruled document. There is no handwriting or other markings on the page.

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.

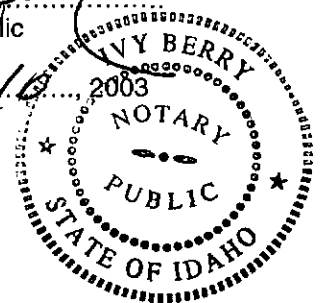
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 5th day of March, 1998, last publication having been made on the 12th day of March, 1998, and that the 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.

Robert Park

Subscribed and sworn to before me, this 18th day of March, 1998

Jerry Berry
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:

25-07656
MILLER, LOWELL G
2519 E 97TH N
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: SWSW Sec 15 T 03N R 38E
in BONNEVILLE County.
Use: DOMESTIC (0.110 CFS)
Total Diversion: (0.110 CFS)
Date Filed: 2/25/1998
In: BONNEVILLE County
T03N R38E S15 SWSW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MARCH 23, 1998.

KARL J. DREHER, Director
Published: March 5, 12, 1998

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APR 15 1998

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MAR 19 1998

Department of Water Resources
Eastern Region



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 25, 1998

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

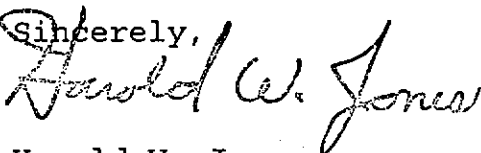
RE: Notice of Application for Permit 25-07655, 25-07656, and
25-07657

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register on MAR. 5 & 12, 1998. 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

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APR 15 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 25, 1998

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 MARCH 23, 1998.

Yours truly,

Rita Bodell
Secretary

Encl.



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APR 15 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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MICROFILMED
APR 15 1998

25-07656

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

Source: GROUNDWATER

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

Use: DOMESTIC	(	0.110 CFS)
Total Diversion:	(	0.110 CFS)

Date Filed: 2/25/1998

In: BONNEVILLE County	
T03N R38E S15	SWSW

MICROFILMED
APR 15 1998

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KARL J. DREHER, Director

Published: 3/ 5/1998 & 3/12/1998

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APR 15 1998



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

900 North Skyline, Idaho Falls, ID 83402-1718, (208) 528-2650

Philip E. Batt, Governor

Date: February 24, 1998

To: Dennis Dunn
Idaho Department of Water Resources

From: Greg Eager
Regional Engineering Manager

Subject: Miller Country Estates

On February 23, 1998, I spoke to Lowell Miller regarding the need to provide engineering design on his proposed subdivision domestic water systems. According to Steve Goddard of the Attorney General Office, the proposed cluster water systems are considered to be public water systems. Therefore, IDAPA 16.01.08.551 requires all new water systems to submit engineering plans and specifications to DEQ for review and approval. Mr. Miller indicated he would contact his engineer, Mountain River Engineering regarding the development's water systems. Mountain River did the design of the wastewater collection system. I also told Mr. Miller he could get a clarification regarding public water systems from the AG's office if he submits a written request.

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APR 15 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

13 February 1998

Lowell G. Miller
702 S. Meridian Space 69
Apache Junction, Az 85220

Dear Mr Miller,

It appears that your water system(s) may qualify as a public water system due to recent court decisions. A copy of your applications has been forwarded to Greg Eager at the Division of Environmental Quality in Idaho Falls.

You should contact Greg as soon as possible to determine the status of your water system.

Sincerely,

Dennis M. Dunn
Sr. Water Resource Agent

cc: Greg Eager, DEQ
file

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APR 15 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

Harold Jones
Idaho Dept. of Water Resources
900 N. Skyline
Idaho Falls, ID 83401

January 26, 1998

RECEIVED

FEB 02 1998

Department of Water Resources
Eastern Region

Dear Harold,

Sorry I missed your return call. When I called back you were gone but Paul Meyers answered my questions.

Attached are 3 water appropriation permit requests for three wells located in the Miller Country Estates Subdivision Division 2. I have included a recorded plat of the subdivision and a blowup copy showing where each of the three wells and water lines will be located.

My temporary address in Arizona until the first of April is:

702 S. Meridian Space # 69
Apache Junction, AZ 85220
Tel # (602) 984-6408

If there are any problems associated with processing these requests and getting them processed, please call or write me at the the above address. I plan to start the drilling in the latter part of April.

Thanks for your early consideration of these requests.

Sincerely Yours,



Lowell G. Miller

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APR 15 1998