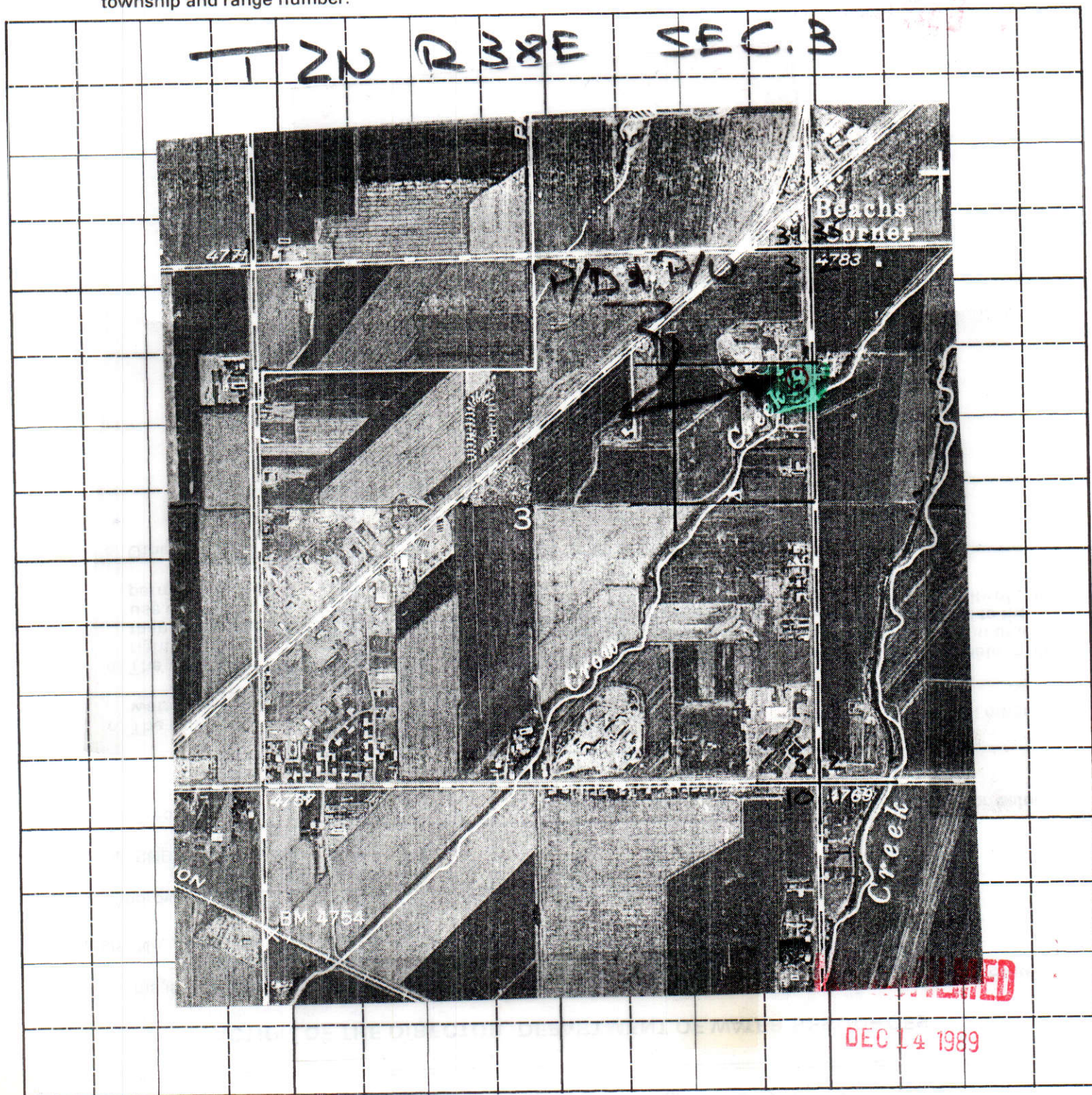


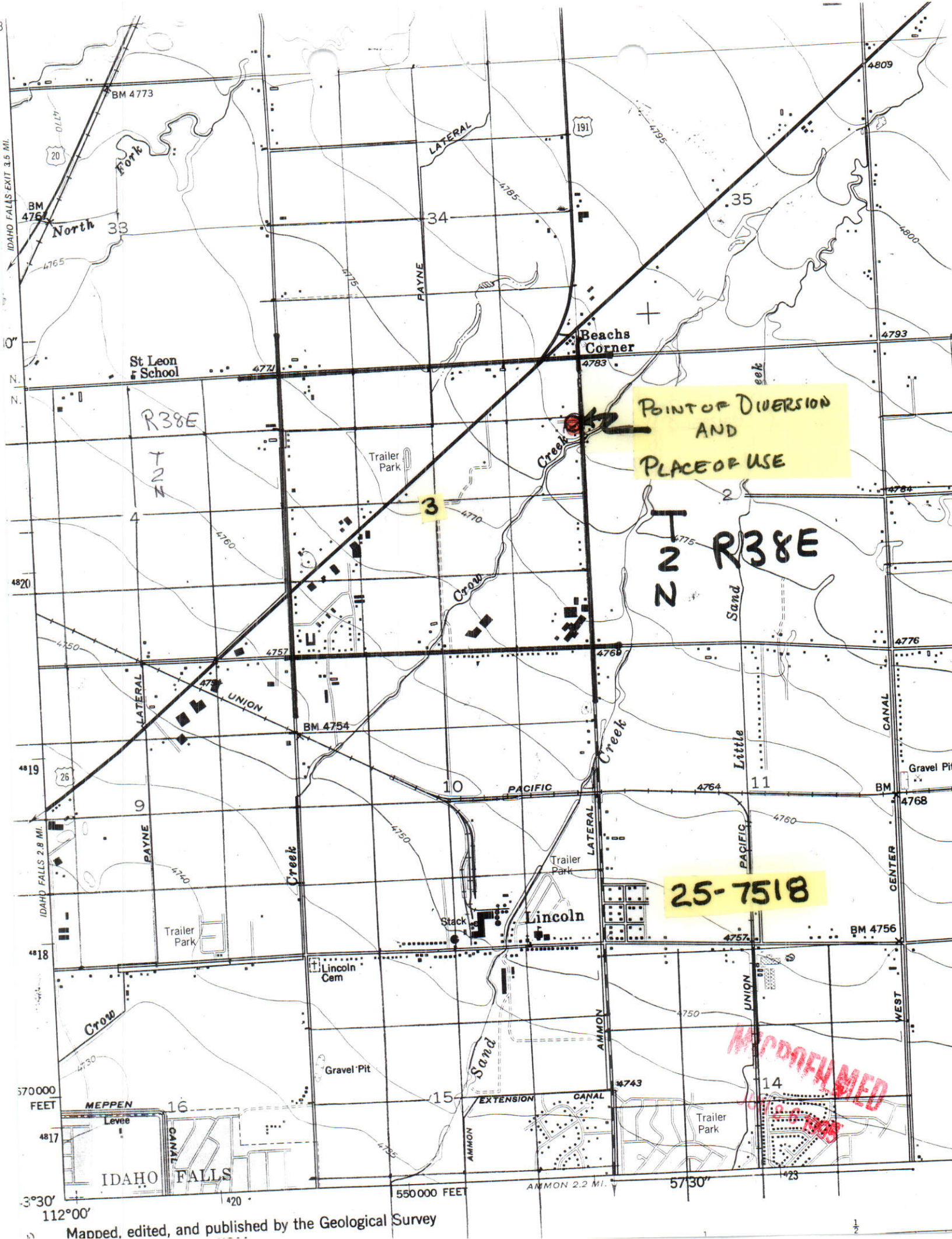
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Richard Summers
(Applicant)



POINT OF DIVERSION
AND
PLACE OF USE

T
2
N
R38E

25-7518

MODIFIED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07518

Priority: August 24, 1989

Maximum Diversion Rate:

0.08 CFS

Maximum Diversion Volume:

1.8 AF

This is to certify, that RICHARD K SUMMERS
STELLA F SUMMERS

3310 LEROY DR

IDAHO FALLS ID 83406

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 24, 1989; and has submitted Proof of Beneficial Use on November 9, 1990. An examination indicates that the works have a diversion capacity of 0.080 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS	0.6 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.08 CFS	1.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 3, Township 02N, Range 38E
BONNEVILLE County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

02N 38E 3

SENE

PLACE OF USE:

DOMESTIC, same as COMMERCIAL use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

RECORDED
JUN 26 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07518

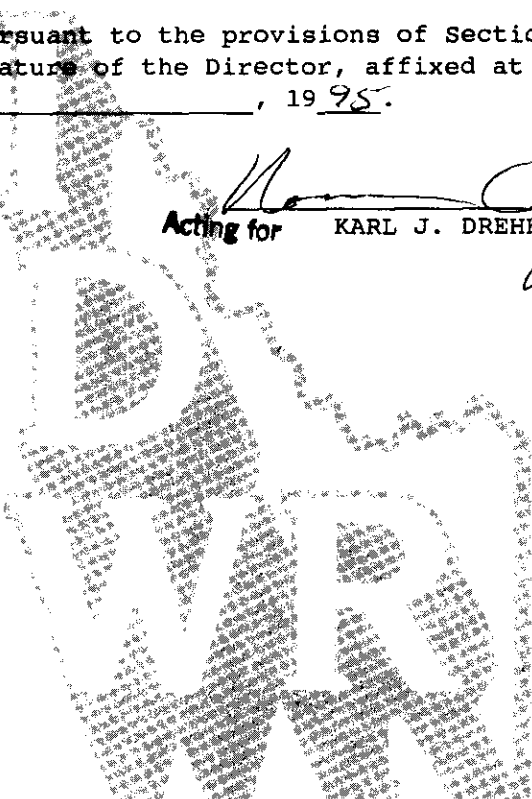
CONDITIONS/REMARKS:

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Commercial use is for a repair shop and an auto body shop.
8. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 14TH day of JUNE, 1995.

Acting for


KARL J. DREHER, Director



RECEIVED
JUN 14 1995

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 25-07518 Telephone No. 529-5479

2. Name(s) of Permit Holder(s): Richard K. Summers / Stella I. Summers

3. Post Office Address: 4475 N. Ammon Rd., Idaho Falls, ID 83401

4. Source of Water: Groundwater

a. If ground water, well driller's name: Drilled before we purchased this property in 1985 Date drilled: Drilled before we purchased this property in 1985

b. Pump horsepower: 5 Pressure (psi): 40 Dynamic pumping level (ft.): 75

Denning Well Drilling, 145 S Market, Teton, ID 83424 put in a new pump 1986

5. Extent of Use:

Domestic 1 (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

2 Summers

6. Total rate and/or volume for which proof is submitted 0.08 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Richard K. Summers
Name

529-5479, 523-4270
Telephone No.

3310 Leroy Dr., Idaho Falls, ID 83406
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed. I relinquish any undeveloped portion of the permit to the state of Idaho.

11-5-90
Date

Richard K. Summers
Signature (and title if on behalf of a company or organization)

Owner

JAN 03 1991

RECEIVED

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 25-07518

Proposed Priority: August 24, 1989

Maximum Diversion Rate:

0.08 CFS

This is to certify, that **RICHARD K. SUMMERS**
STELLA F. SUMMERS
4475 N. AMMON RD.
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>
COMMERCIAL	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESENE Sec. 3, Township 02N, Range 38E
BONNEVILLE County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

02N 38E 3 SENE

PLACE OF USE: DOMESTIC, same as COMMERCIAL use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Commercial use is for two businesses.
7. Domestic use is for 1 home.

RECORDED
DEC 14 1989

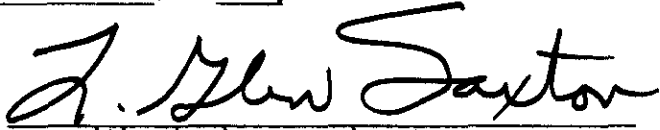
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 25-07518

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

8th day of December, 1989.

for 
R. Keith Higginson, Director

DEC 14 1989

\$ 30⁰⁰

25 7518

Ident. No.

Form 202
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard K. or Stella F. Summers Phone 529-5479
Post office address 4475 N. Ammon Rd. Idaho Falls 83401
2. Source of water supply GROUNDWATER which is a tributary of -
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot -
Sec. 3 Township 2N Range 38E B.M. BONNEVILLE County; additional
points of diversion if any: -
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Commercial purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount - for - purposes from - to - (both dates inclusive)
(cfs or acre-feet per annum)
Amount - for - purposes from - to - (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.08 cubic feet per second and/or (b) - acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well, Pump & Pipelines
TO 2 SMALL BUSINESSES AND 1 APARTMENT
 - 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 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? N/A
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

06010430

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. 1 HOUSEHOLD

e. Other; describe fully. _____

COMMERCIAL: 2 SMALL BUSINESSES - ONE REPAIR SHOP AND ONE AUTOBODY SHOP

9. Description of place of use:

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
02N	38E	3				D/C													—

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

N/A

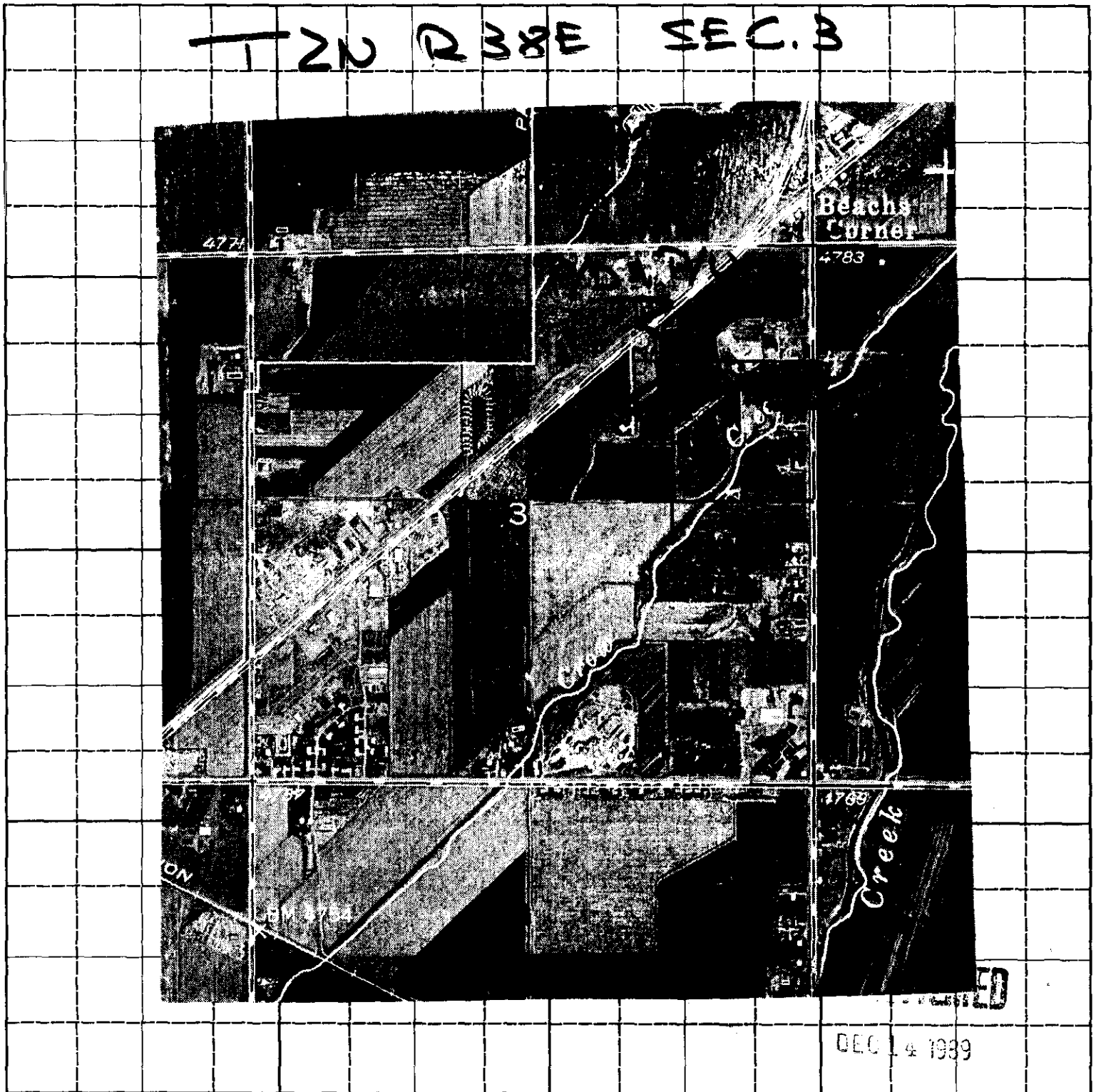
11. a. Who owns the property at the point of diversion? APPLICANTS

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

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

12. Remarks: _____

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



Scale: 2 inches equal 1 mile.

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

Richard K. Summers
(Applicant)

Received by RB Date 8-24-89 Time 10:15 Preliminary check by _____
Fee \$ 30⁰⁰ Receipted by RB # E009956 Date 8-24-89
Publication prepared by RB Date 9-21-88 Published in Past-Register
Publication approved RB Date 10-18-89

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:

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DEC 14 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 15, 1995

RICHARD K SUMMERS
STELLA F SUMMERS
3310 LEROY DR
IDAHO FALLS ID 83406

RE: WATER RIGHT NO. 25-07518

Dear Water Right Holder(s):

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

JUN 26 1995

BRENDA

NAME	☒	Change OK	☐	Or (Address) Change?	B R
PRIORITY DATE	☐	☒	Advance?	Advanced to:	
			Order to reinstate needed?		
			Incorrect fee for rate recommended?	<u>NO</u>	
SOURCE	☐	☒	Changes or just clarification of originally intended source?		
			Notice of Intent to Void necessary?	☐	
POINT OF DIV	☐	☒	Amendment needed?		
	☐	☒	Overlaps?		
PLACE OF USE	☐	☒	Amendment needed?		
	☐	☒	Overlaps?		
DIV RATE	☐	☒	Permit/fee limits:	<u>.08 CFS</u>	
			Meas Q =	<u> </u>	Theo Q = <u>.08</u> Recommend: <u>.08</u>
				<u>2 businesses OK @ .04 (1 repair shop)</u>	
				<u>1 domestic OK @ .04 (1 auto body shop)</u>	
			Combined rates exceed capacity	☐	
ANNUAL VOLUME	☐	☒	Volume Limit:	Season: <u>1-1 to 12-31</u>	
			Calculations:	<u>Domestic OK @ 1.2</u>	
				<u>Commercial (no info) OK @ .6</u>	
			Flow limit:	<u> </u> cfs x <u> </u> x 1.9835 = <u> </u>	
			Combined volumes exceed capacity/allowable	☐	
USES	☐	☒	Change in Nature of Use or additional uses?	☐	
			Amendment necessary?	☐	
ADDITIONAL INFO			Supplemental Groundwater	☐	PPU Scenario ☐
			Irr/Dom Combination	☐	Shared G/W System ☐
NEW REMARKS	<u>NO</u>		Multiple p/d(s) in ¼ ¼?	☐	
			Other	☐	
NEW CONDITIONS	☐		Watermaster control - District	☐	
	☐		Measuring/Locking Devices	☐	
	☐		Irrigation Overlap	☐	
	☐		Other	<u>KEEP NON-TRUST 049 & 049</u>	
	☐		Water Quality	☐	Heat/Cool/Fish verified ☐

COMMENTS: _____

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	<u>NO</u>
<u>Commercial</u>	<u>.04</u>	<u>.6</u>	Adjustment Memo Needed	<u>NO</u>
<u>Domestic</u>	<u>.07</u>	<u>1.2</u>	LICENSE	<u>✓</u>
<u>Totals</u>	<u>.08</u>	<u>1.8</u>	1ST AMEND LETTER	
			2ND AMEND LETTER	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

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FEB 21 1995

Department of Water Resources

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

- ☐ Blank Field Report Form
- ☐ Copy of Permit
- ☐ Copies of any Amendments/Orders with Conditions of Approval
- ☐ Well Inspection Form (If Needed)
- ☐ Aerial Photo Required? ☐ yes ☐ no If yes: ☐ copy attached
- ☐ SRBA Attachment A Submitted to Adjudication Section
- ☐ SRBA Claim Check Received _____ (initial & date)
☐ N/A ☐ Applicable, See Attachment A _____
- ☐ Copy of U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of government plat
- ☐ Check of P/D index HWT (initial & date)
- ☐ Overlap ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
- ☐ Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____
- ☐ Check of P/U index HWT (initial & date)
- ☐ Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
- ☐ Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____
- ☐ Scheduling Letter Sent? _____ (initial & date)
- ☐ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully Completed and Signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Copy of SRBA Claim Verification Sheet / ☐ Original Returned to Adjudication Section

C. Review and Processing:

- Exam Completed 5-28-95 RKW (signature of examiner & date)
- Exam Reviewed by Senior Water Resource Agent RW 2-15-95 (initial & date)
- Exam Reviewed by Manager of Regional Office _____ (initial & date)
- Exam Sent to State Office LA 2/17/95 (initial & date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 21 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 25-7518
1. Owner: Richard K or Stella F. Summers Phone No. 523-4270
Current Address: 3310 Leroy Dr. Idaho Falls Id 83406
2. Accompanied by: Stella Summers EXAM. DATE: 28 May 93
Address: Same Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NA. ☐ Copies Attached
2. Other water rights with same point of diversion: NA. ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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

Scale: 1" = _____

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JUN 26 1995

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

System Description (continued)

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

well pump mainline to single domestic home and commercial building
 Domestic home @ 4435 N. Ammon Rd, Idaho Falls, Id.
 Commercial building @ 4471, 4473 & 4475 N. Ammon Rd., Idaho Falls, Id.

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Unknown	-	-	-	-

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	NE	3	2N	38E	Bonneville	

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

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	38E	3				D/C													

Do not use this space

26 1995

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

NONE

Well log in area static H₂O @ 2100'

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Assume 2 hp, 30 psi, 100' static 80 gpm

$$Q = \frac{hp(8.14)(.8)}{100 + (psi \times 2.306)} = 0.08 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

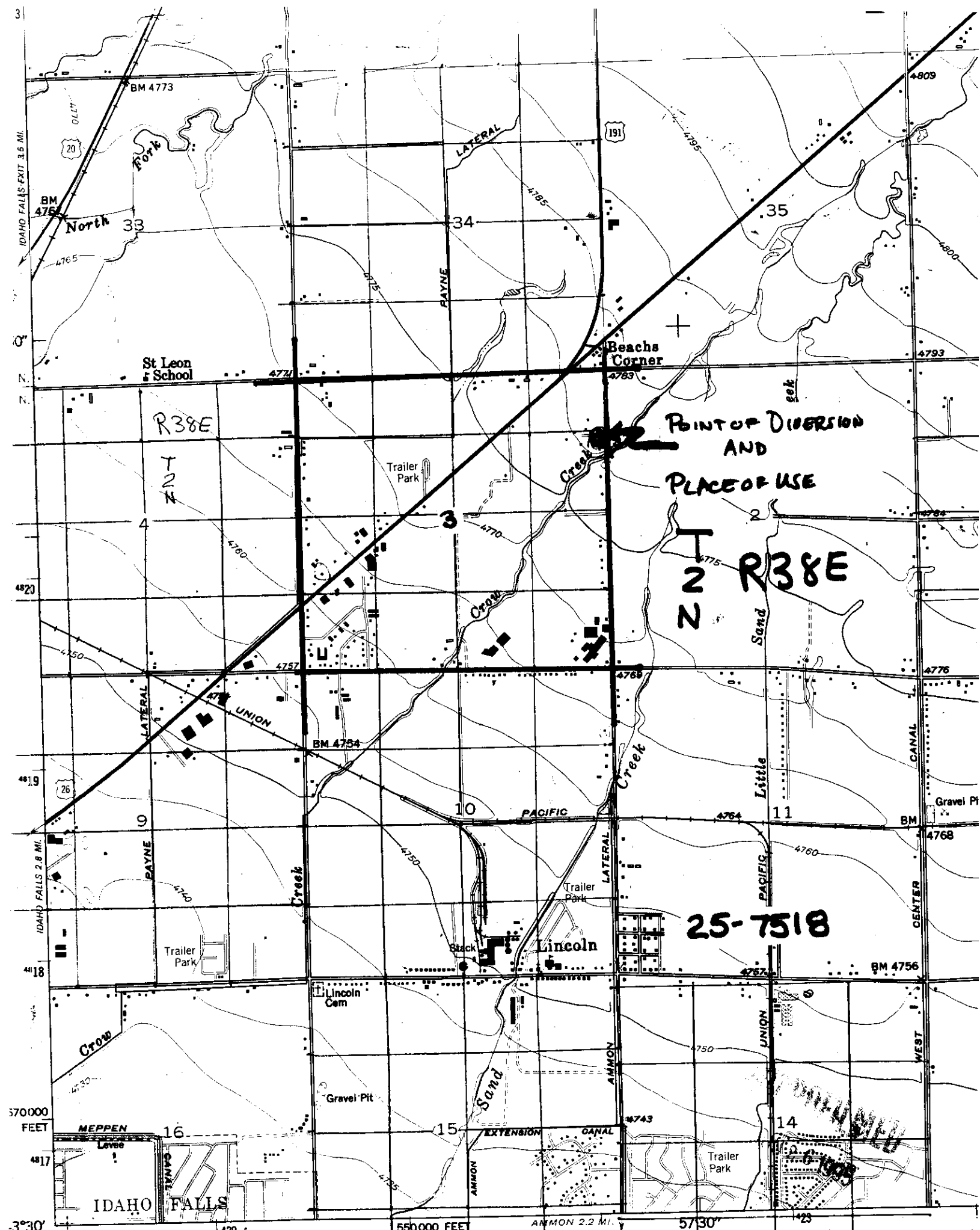
$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

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

2. Volume Calculations for Other Uses:

$$V_{DOM} = 1.2$$
$$V_{COM} = 0.6$$

RECEIVED
JUN 26 1995



December 19, 1990

RICHARD K. SUMMERS
STELLA F. SUMMERS
4475 N. AMMON RD.
IDAHO FALLS, ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-07518

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JAN 03 1991

138560

October 31, 1990

RICHARD K. SUMMERS
STELLA F. SUMMERS
4475 N. AMMON RD.
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 25-07518

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 03 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
December 11, 1989

RICHARD K. SUMMERS
STELLA F. SUMMERS
4475 N. AMMON RD.
IDAHO FALLS, ID 83401

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P25-07518

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

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

Microfilm

DEC 14 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

DEC 11 1961

13-Sep-1989

Richard K. Summers
4475 N. Ammon Road
Idaho Falls, ID 83401

RE: Application for Permit No. 25-7518

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Post-Register. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

DEC 14 1989

Proof of Publication
The Post-Register

RECEIVED
OCT 5 1989
Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss

I, ... Ted Delezene ..., first being duly sworn, depose and say: That I am the
... Foreman ... of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, 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 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks 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 weeks, first publication having been made
on the ... 21st ... day of ... September ..., 19.89., last publication
having been made on the ... 28th ... day of ... September ..., 19.89., 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.

Subscribed and sworn to before me, this ... 3rd ... day of ... October ..., 19.89..

Ted Delezene
.....
Don R. Naper
.....
Notary Public

My commission expires September 30, ..., 19.94..

B10

**OF APPLICATION
ON WATER RIGHT**

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

23-07127
U.S.A. FOREST SERVICE
P.O. BOX 208
ST. ANTHONY, ID 83445
Source: SNAKE RIVER; Tributary:
COLUMBIA RIVER
Diversion Pt: SWSNW Sec 32 T 03N R
43E
Use: STOCKWATER (.040 CFS)
Date Filed: 7/13/1989
In: T03N R43E S32 NWNE
24-07165

KIBBIE, WILLIAM H.
P.O. BOX 22081
SALT LAKE CITY, UT 84122
Source: KING CREEK; Tributary: SALT
RIVER
Diversion Pt: SWNE Sec 3 T 04S R 46E
SWNW Sec 3 T 04S R 46E
SENE Sec 3 T 04S R 46E
Use: IRRIGATION (1.800 CFS)
Date Filed: 7/16/1984
In: T04S R46E S03 NWNE SWNE SWNW
SENE
125.0 ACRES TOTAL

25-07399
EASTERN IDAHO
TECHNICAL COLLEGE
1600 HITT ROAD
IDAHO FALLS, ID 83404
Source: GROUNDWATER
Diversion Pt: SESE Sec 21 T 02N R 38E
Use: IRRIGATION (.270 CFS)
HEATING (.270 CFS)
COOLING (.270 CFS)
Date Filed: 1/02/1985
In: T02N R38E S21 SESE
14.0 ACRES TOTAL

25-07515
GAS HOUSE INC.
LEAVITT, GERALD
4473 S. 15 W.
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: NWSW Sec 36 T 02N R 37E
Use: INDUSTRIAL (.200 CFS)
Date Filed: 8/24/1989
In: T02N R37E S36 NWSW
25-07517

VALLEY BANK INC.
501 BROADWAY
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: LOT 7 (NESENE) Sec 24 T
02N R 37E
Use: COMMERCIAL (.500 CFS)
Date Filed: 8/24/1989
In: T02N R37E S24 Lot 7 (SENE)
R38E S19 Lot 2 (SWNW)
1.0 ACRES TOTAL

25-07518
SUMMERS, RICHARD K.
SUMMERS, STELLA F.
4475 N. AMMON RD.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: NESENE Sec 3 T 02N R 38E
Use: COMMERCIAL (.040 CFS)
DOMESTIC (.040 CFS)
Date Filed: 8/24/1989
In: T02N R38E S03 SENE
31-07530

LARSEN, BLAINE
P.O. BOX 188
HAMER, ID 83425
Source: GROUNDWATER
Diversion Pt: NWNWSW Sec 35 T 09N R
36E
Use: STOCKWATER (.176 CFS)
Date Filed: 6/14/1989
In: T09N R36E S02 NENW
S35 SWNW
DEC 14 1989

35-08358
GRIMES, GEORGE B.
RT. 9 BOX 282
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: NENE Sec 19 T 02N R 37E
Use: IRRIGATION (.120 CFS)
DOMESTIC (.040 CFS)
Date Filed: 10/01/1984
In: T02N R37E S19 NENE
4.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho 83402 on or before OCTOBER
9, 1989.

R. Keith Higginson, Director
Published: September 21, 28, 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 13, 1989

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 OCTOBER 9, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED
DEC 14 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

DEC 14 1989

25-07518

SUMMERS, RICHARD K.
SUMMERS, STELLA F.
4475 N. AMMON RD.
IDAHO FALLS, ID 83401

Source: GROUNDWATER

Diversion Pt: NESENE Sec 3 T 02N R 38E

Use: COMMERCIAL (.040 CFS)
 DOMESTIC (.040 CFS)

Date Filed: 8/24/1989

In: T02N R38E S03 SENE

RECORDED

DEC 14 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 9, 1989.

R. Keith Higginson, Director

Published 9/21/1989 & 9/28/1989

INDEXED

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