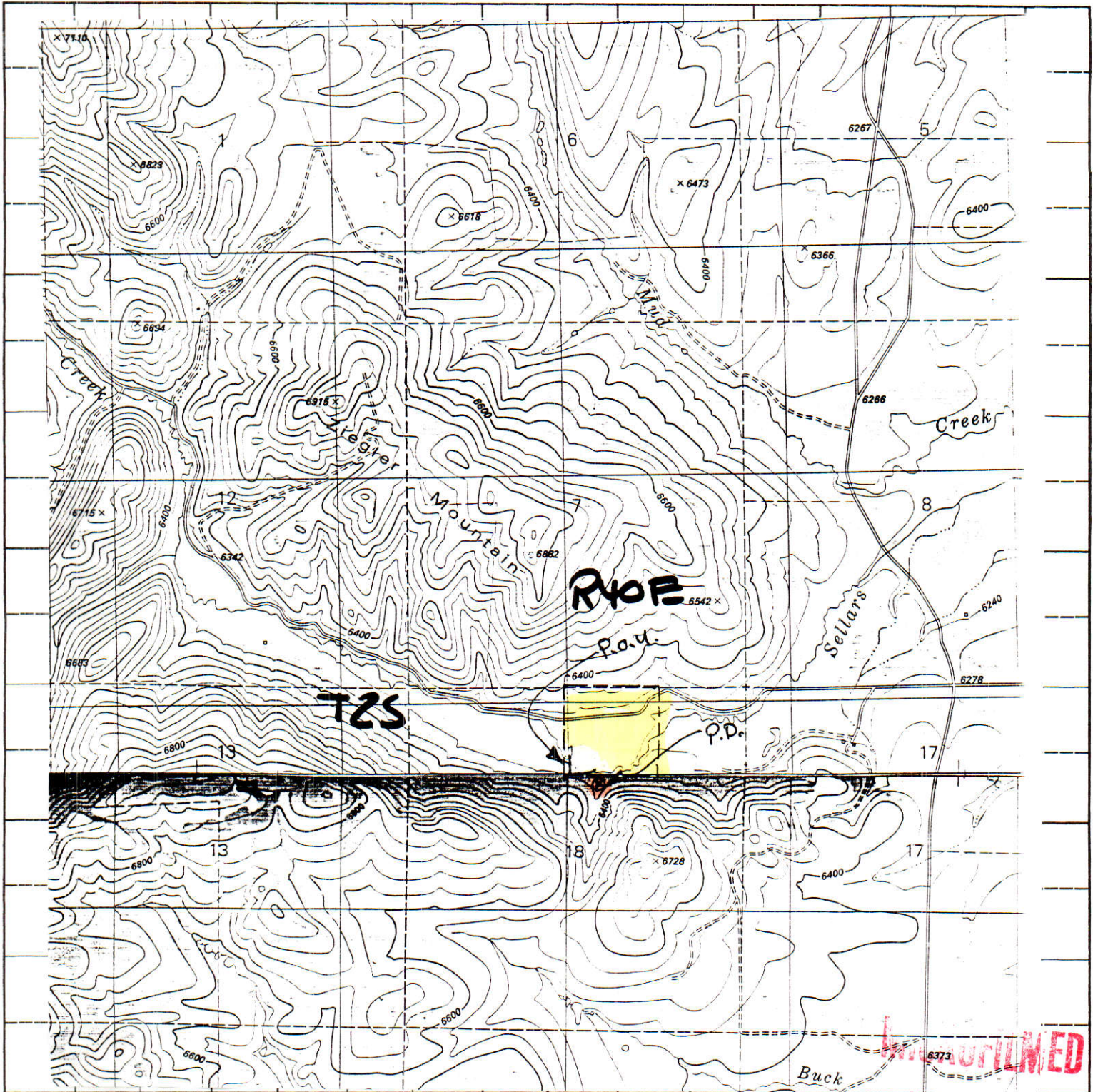


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

x Gerald Kelly
(Applicant)

RECEIVED

FEB - 1 1989

Department of Water Resources
Eastern District Office

DEPT. OF WATER RESOURCES
150 Shoup Avenue
Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

25-07478

KELLY, Gerald
1215 N. 950 E.
Shelley, Idaho 83274
Source: UNNAMED STREAM
Tributary: SELLARS CREEK
Diversion Pt.: NWSWNE, Sec. 18, T. 02S,
R. 40E.
Use: DOMESTIC (.020 CFS)
Date Filed: 12/16/1988
In: T02S, R40E, S18, NWNE

25-07479

KELLY, Gerald
1215 N. 950 E.
Shelley, Idaho 83274
Source: UNNAMED SPRING
Tributary: BUCK CREEK
Diversion Pt.: SWSWSE, Sec. 18, T. 02S,
R. 40E.
Use: DOMESTIC (.020 CFS)
Date Filed: 12/16/1988
In: T02S, R40E S18, SWSE

The permit(s) will be subject to all prior
water rights. Protests may be submitted bas-
ed 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 FEBRUARY
6, 1989.

R. KEITH HIGGINSON
Director

(243)
Pub.: 1/19, 26

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)
I, Michael Bell)

solemnly do

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

newspaper two consecutive weeks,

the first publication having been made on the

19th day of January, 19 89;

and the last publication having been made on the
26th day of January, 19 89;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 30th day of January,
in the year 19 89, before me a Notary Public of said State,
personally appeared

Michael Bell
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Kaye Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires

November 10, 1988

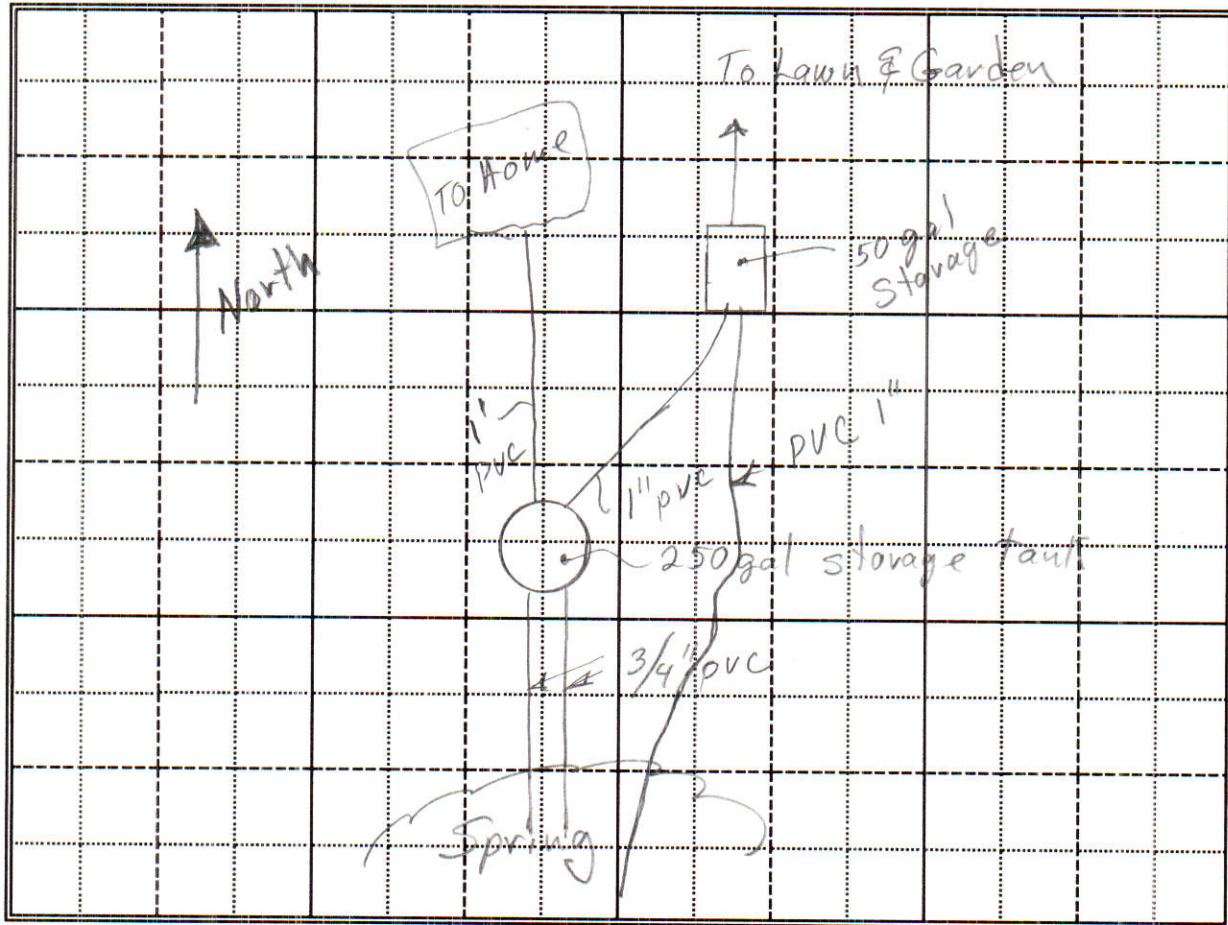
November 10, 1989

Affidavit Processing Fee..... \$5.00

MICROFILMED

MAR 30 1989

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

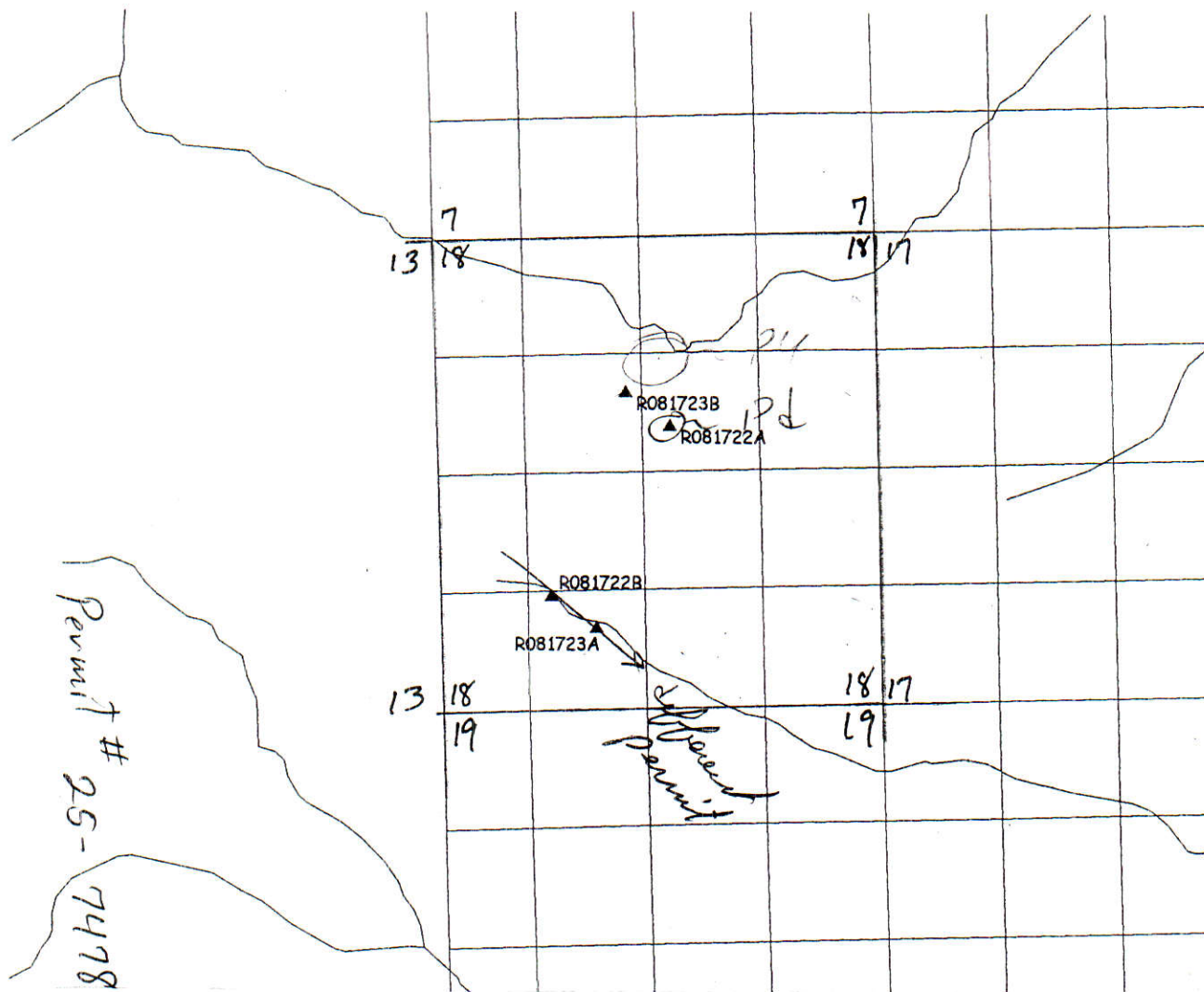
1.

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

2. Measurements: _____

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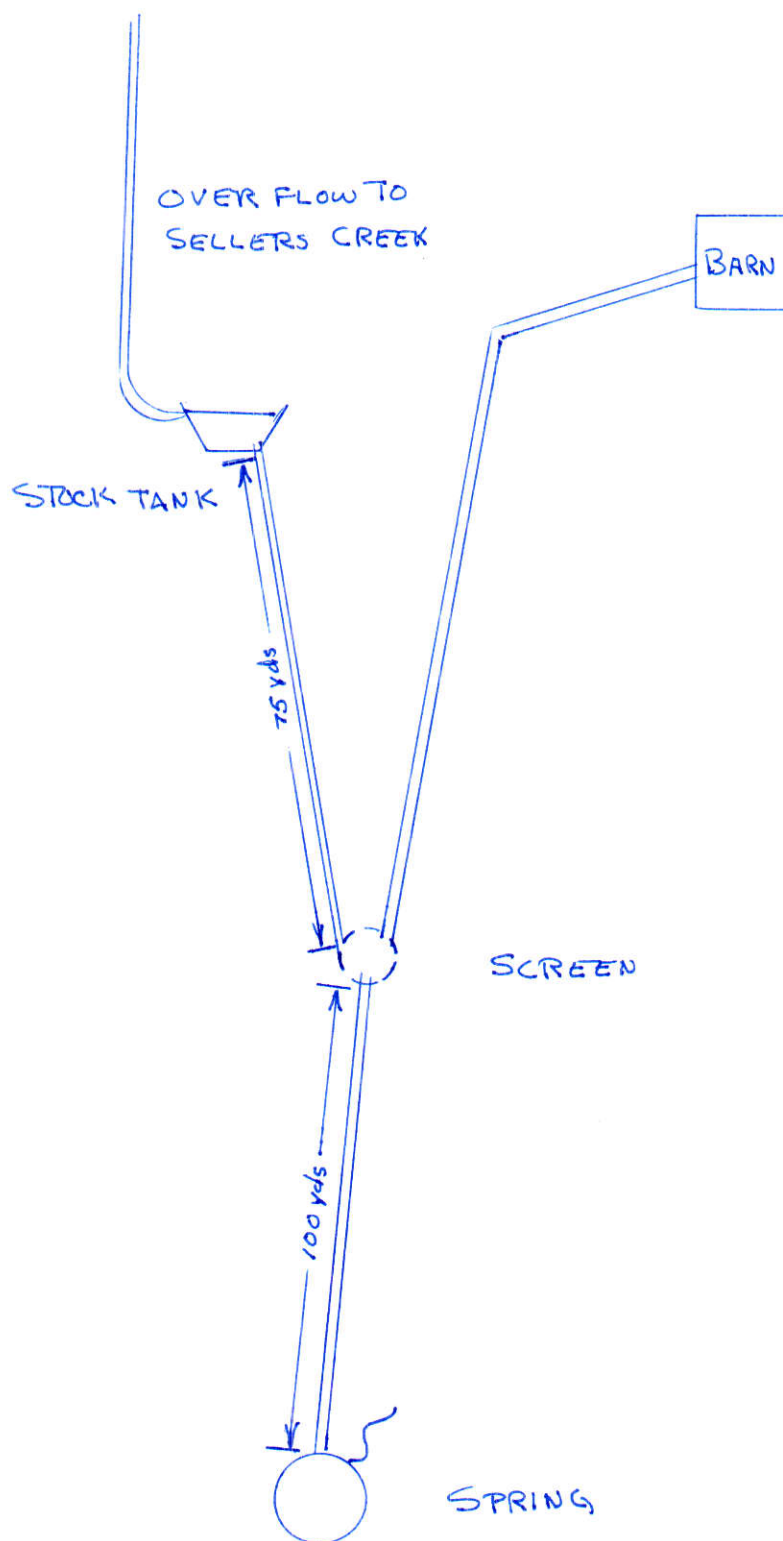
AUG 17 2000



	grouped.att	
Group 4 from r081722a.cor	Point_generic	6343.473
Latitude: 43 14 51.461406892 N	Longitude: 111 48 42.13437151 W	
Group 3 from r081722b.cor	Point_generic	6531.859
Latitude: 43 14 32.994996815 N	Longitude: 111 49 00.747441542 W	
Group 2 from r081723a.cor	Point_generic	6473.522
Latitude: 43 14 29.369980016 N	Longitude: 111 48 53.976730758 W	
Group 1 from r081723b.cor	Point_generic	6400.694
Latitude: 43 14 55.272782584 N	Longitude: 111 48 48.764347312 W	

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AUG 17 2000

N



25-07478
MICROFILMED
AUG 17 2000



DISCHARGE FROM
SPRING
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18
T2S R40E



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FROM SPRING
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18
T2S. R40E
FILTER BEFORE
GOING TO
STOCK TANK



STOCK
TROUGH
SOURCE: SPRING
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18
T2S, R40E

-D
AUG 17 2000



BARN
SOURCE OF WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SEC 18, T2S, R40E

MICROFILMED
AUG 17 2000

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AUG 17 2000



BARN SOURCE: SPRING
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 18
T2S, R40E

Home covered by
25-07478



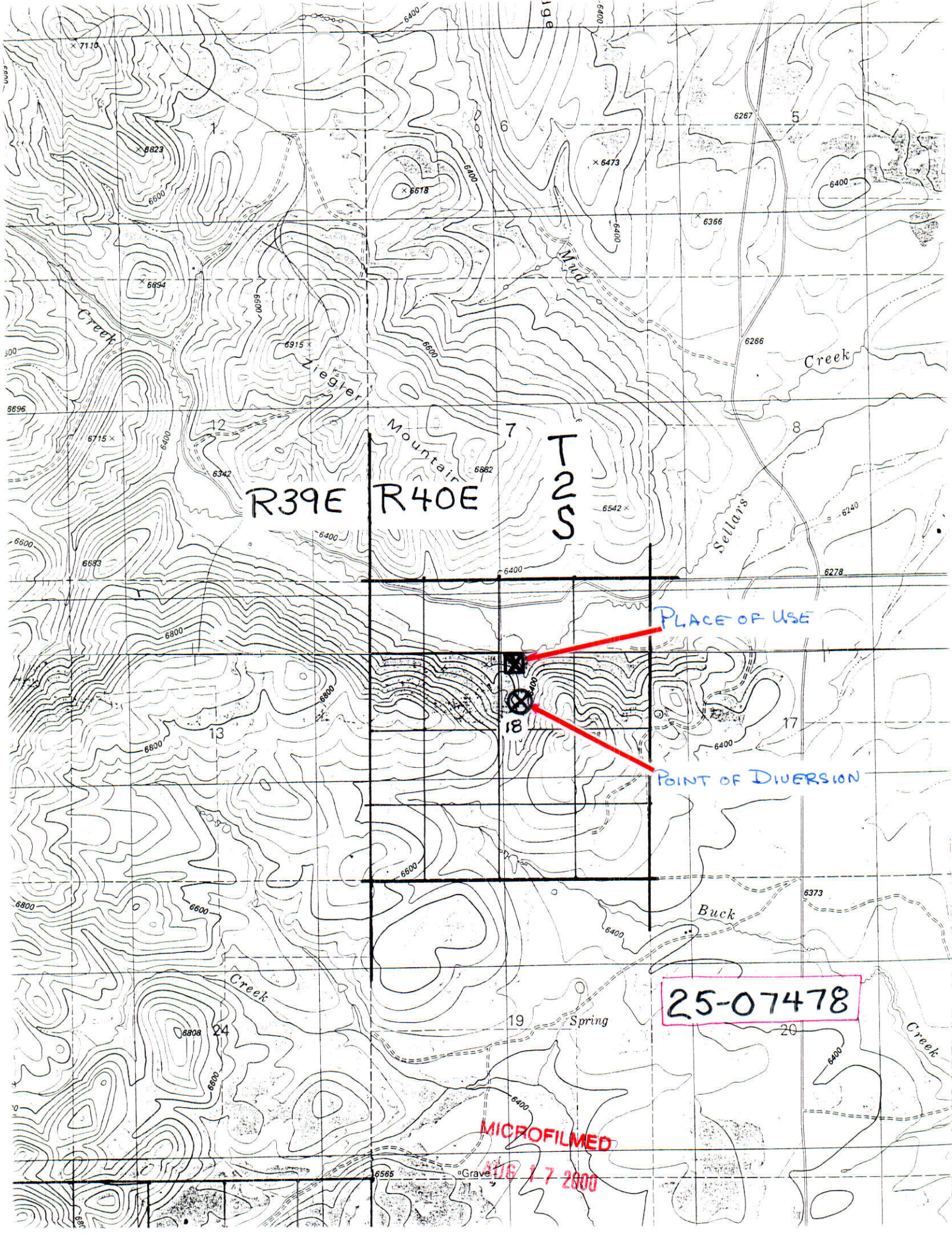
looking South at spring covered



looking South East at place of use.

Permit # 25-7478

MICROFILMED
AUG 17 2000



R39E R40E

T2S

18

PLACE OF USE

POINT OF DIVERSION

25-07478

MICROFILMED

17 2000

R39E R40E

T2S

Mountain

6882

6542 X

6400

6400

6800

18

6728

POINT OF DIVERSION
(25-07479)

PLACE OF USE
(25-7479)

PLACE OF USE

POINT OF DIVERSION

25-07478

6600

6400

MICROFILMED
AUG 17 2000

B

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07478

Priority: December 16, 1988

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that GERALD KELLEY

PO BOX 400

IONA ID 83427

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 16, 1988; and has submitted Proof of Beneficial Use on February 23, 1990. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

UNNAMED STREAM

tributary to SELLARS CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 18, Township 02S, Range 40E
BINGHAM County

PLACE OF USE: DOMESTIC

TWN RGE SEC

02S 40E 18

SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. Domestic use is for 1 home.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 19TH day of

June, 2000.

Acting for

KARL J. DREHER, Director

MICROFILMED

AUG 17 2000

RECEIVED

State of Idaho
Department of Water Resources

JUL 13 2000

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07478

Date of Priority: December 16, 1988 Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

Comes now GERALD KELLEY
PO BOX 400
IONA ID 83427

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. 25-07478, and requests that the permit be changed as follows:

Source: UNNAMED STREAM tributary to SELLARS CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 18, Township 02S, Range 40E
BINGHAM County

PLACE OF USE: DOMESTIC
TWN RGE SEC
02S 40E 18 SWNE

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 at _____, this 10 day of JULY, 2000.

MICROFILMED

AUG 17 2000

Gerald Kelley
(Signature)

Helen Kelley

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07478

FOR DEPARTMENT USE ONLY

Preliminary check by JM Fee = 50.00 Receipted by JM # C049792 Date 7/13/00

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. 25-07478 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the
watermaster of State Water District No. 01.
2. Domestic use is for 1 home.

Witness my hand this 19TH day of JULY, 2000.

Acting for

Karl J. Dreher
KARL J. DREHER, Director

MICROFILMED
AUG 17 2000

Form 216
08/89

For Office Use Only

Amt. of Fee \$

Date 2-21-90

Receipt No.

Received by

FEB 23 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

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.

Permit No. 25-7478

Telephone No. 357-3861

Name(s) of Permit Holder(s): Gerald Kelley

Post Office Address: 1215 N. 950 E., Shelley, ID 83274

Source of Water: unnamed stream trib to Sellers Creek

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic X (No. of households)

Irrigation _____ (No. of acres)

Stockwater X (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted .02 ✓ cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 6-1-1989 ✓

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes / No Installed? Yes No

OR

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

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

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

Name

Telephone No.

Address

MICROFILMED

APR 17 1990

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

2-21-90
Date

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

RECEIVED

Form 202
6/85

DEC 13 1988

STATE OF IDAHO

Ident. No. 257478

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Gerald Kelley Phone 357-3861
Post office address 1215 N. 950 E., Shelley, ID 83274
2. Source of water supply unnamed stream which is a tributary of Sellars Creek
3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 18 Township 2S Range 40E B.M. Bingham County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 cfs for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. pipeline to holding tank and home
 - 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 _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

MAR 30 1989

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. one
- Other; describe fully. _____

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	
2S	40E	18		D															

Total number of acres to be irrigated _____

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

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

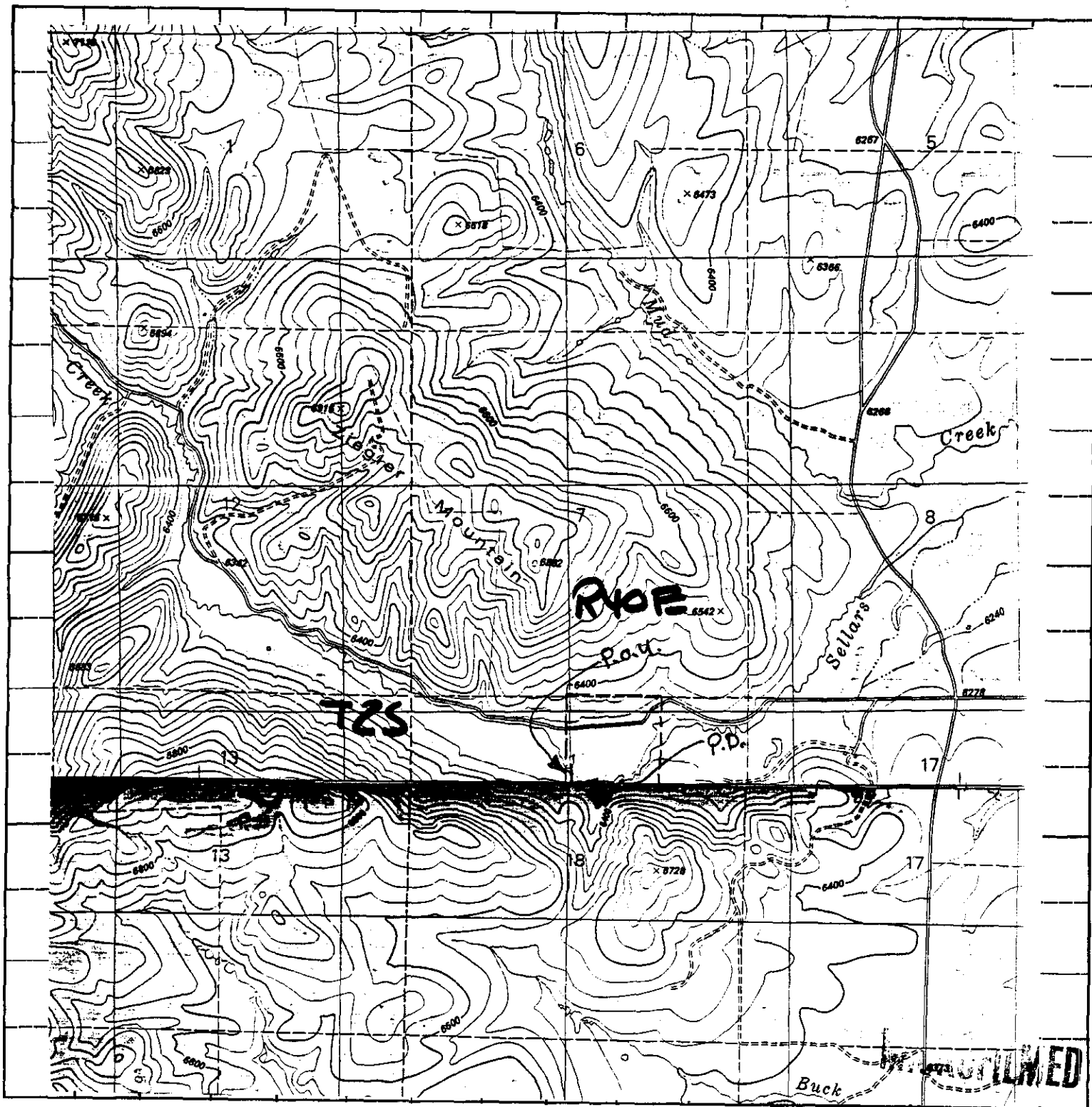
b. Who owns the land to be irrigated or place of use? Applicant

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: Same general P.D. as A25-11809

MAR 30 1989

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.

MAR 30 1989

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.

x *Gerald Kelly*
(Applicant)

Proposed Priority 12/16/88

Received by RB Date 12-16-88 Time 3:20 pm Preliminary check by KCW

Fee \$ 30⁰⁰ Receipted by RB # E005257 Date 12-16-88
1-19-89 1-26-89

Publication prepared by RB Date 1/11/89 Published in Morning News

Publication approved CW Date 2-07-89

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. 25-7478, and said application is hereby APPROVED.

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 April 1, 19 90.

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:

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.

Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 13th day of March, 1989.

A. Glen Saxton

MICROFILMED

MAR 30 1989

RECEIVED

FEB - 1 1989

Department of Water Resources
Eastern District Office

DEPT. OF WATER RESOURCES
150 Shoup Avenue
Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

25-07478

KELLY, Gerald
1215 N. 950 E.
Shelley, Idaho 83274
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Tributary: SELLARS CREEK
Diversion Pt.: NWSWNE, Sec. 18, T. 02S,
R. 40E.
Use: DOMESTIC (.020 CFS)
Date Filed: 12/16/1988
In: T02S, R40E, S18, NWNE

25-07479

KELLY, Gerald
1215 N. 950 E.
Shelley, Idaho 83274
Source: UNNAMED SPRING
Tributary: BUCK CREEK
Diversion Pt.: SWSWSE, Sec. 18, T. 02S,
R. 40E.
Use: DOMESTIC (.020 CFS)
Date Filed: 12/16/1988
In: T02S, R40E S18, SWSE

The permit(s) will be subject to all prior
water rights. Protests may be submitted bas-
ed 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 FEBRUARY
6, 1989.

R. KEITH HIGGINSON
Director

(243)
Pub.: 1/19, 26

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho Michael Bell

I, do
solemnly

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

newspaper two consecutive weeks

the first publication having been made on the

19th day of January, 19 89;

and the last publication having been made on the
26th day of January, 19 89;

that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 30th day of January,
in the year 19 89 before me a Notary Public of said State,
personally appeared

Michael Bell
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Wayne Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho

My commission expires
November 10, 1988

November 10, 1989

Affidavit Processing Fee \$5.00

LMED

MAR 30 1989



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

July 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD KELLEY
PO BOX 400
IONA ID 83427

RE: WATER RIGHT NO. 25-07478

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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 Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

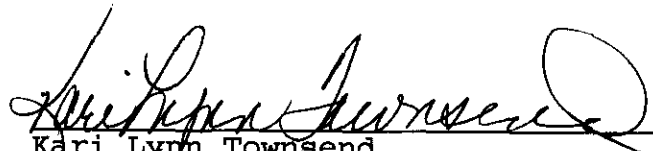
MICROFILMED
AUG 17 2000

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of July, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 25-07478

GERALD KELLEY
PO BOX 400
IONA ID 83427


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 17 2000

**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).

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

AUG 17 2000



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

June 28, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD KELLEY
PO BOX 400
IONA ID 83427

RE: WATER RIGHT NO. 25-07478

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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AUG 17 2000

LICENSE REVIEW CHECKLIST

Reviewed by Sharla Curtis on 6/26/00

Permit No. 25-07478

BU Fee Pd \$ _____

Name/Address: OK ☒ CHANGE

Govt Lots n/a plat copy attached

AREA OF CONCERN: No/Yes _____ Moratorium _____ GWMA _____ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

Supp irr (irr = only use) - 065-104
 Supp irr (+ other uses) - 100-105
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M (if on permit)

LOCATION:

Trust - R55(consumptive uses)
 Non-Trust - 048-049 (consumptive uses
 or non-cons. > 1.0 cfs)

PD Change - P39/P47 - feds(P40)

PD Add - P45/P42

PU Change - P41/P47 - feds(P43)

PU Add - P41/P42

PD & PU Change - P37 - feds(P48)

USES:

STORAGE - 18A-R02-01P-18B-NA
 IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
 STOCKWATER - R37 (BLM/USFS)
 MINING - 081
 FISH PROP - 029(70'S only)-042-081
 HEAT/COOL - R07(injection well)
 FIRE PROT. - 077

Use Change/Add - P46

ADVANCE PRIORITY? _____ Yes ☒ No

MISC CONDITIONS/REMARKS:

Multiple pd's per ¼ - W32
 Subd lot desc (pd) - W59
 Subd lot desc (pu) - W60
 Use definitions - W02 example - C/tire shop
 Non-consumptive - 027
 Water Quality - 081-R07
 Mitigation - 121 (if on permit)
 PPU acre limit - W27

CHECK NEW IRR SEASON MAP _____

SURFACE WATER: (✓Flow Chart)

In/Above MSF - WB9
 WD - R04 (WD# _____)
 ≤ 0.20 cfs/others - R02- 01P or No MD
 > 0.20 cfs - R43

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22, N/A
 (02,03) - WB9 if above Weiser
 Payette R (65) - 047(Payette Lake)
 Salmon R (70's) - 029 (fish screens)
 Weiser R (67) - 086-087

USES:

POWER - R22-R23 (+uses)-025-081-W42-W43-027
 MUNICIPAL
 Restricted area - 022,075
 Irr., GW supp to SW - 102
 DOMESTIC
 Surface water - WB5 (Big Wood or Boise above Star Bridge)
 27A (Payette R)
 > 1 in restricted area - 070-071-075(no parks/common areas, etc)
 Irr use listed separate - WB5
 Lawn/garden included - W01

OVERLAP ANALYSIS/RATES/VOLUMES:

PD overlap rights - W35-W36 Right # _____
 PU overlap rights - WB7-W31(<1 ac)
 GW replaced SW - 050

Permit Rate .02 cfs Fee Limit .04 cfs
 Measured cfs Theoretical cfs

Use	Rate	Volume
<u>Dom</u>	<u>.02</u> cfs	<u>1.2</u> af
_____	_____ cfs	_____ af
_____	_____ cfs	_____ af
TOTALS	_____ cfs	_____ af

OTHER CONDITIONS/REMARKS/COMMENTS

SRBA Claim Filed _____ Yes ☒ No

If no, is a claim required: _____ Yes ☒ No

AMENDMENTS REQUIRED ☒ Yes _____ No

Adjustment Memo Needed ☒ Yes _____ No

If yes, paragraph codes: P41 P38

Reminders P47

pd desc
volume

MEMORANDUM

To: File 25-07478

FROM: Sharla Curtis

DATE: June 27, 2000

RE: License Recommendations

The volume for one domestic use is 1.2 af; this will be added to the license. The examiner shows the point of diversion on the map attached to the field exam report as being in the SWNE, S18. He also has indicated no amendment is required and the point of diversion as described in the permit is the SWNE. The SWSE shown on the front of the field exam report is in error.

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AUG 17 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 18 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 25-07478

1. Owner: Gerald Kelley Phone No. (208) 525-6805

Current Address: Box 400, Blackfoot Reservoir, Tona, Id 83427

2. Accompanied by: Gerald Kelley EXAM DATE: 8-14-98

Address: Box 400, Blackfoot Reservoir, Tona, Id 83427 Phone No. (208) 525-6805

Relationship to Permit Holder: Owner

3. Source: unnamed stream tributary to Sellars Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
-	-	NW	SW	SE	18	25	40E	Bingham	USGS and NOAA/NOAA maps

2. Place(s) of Use:

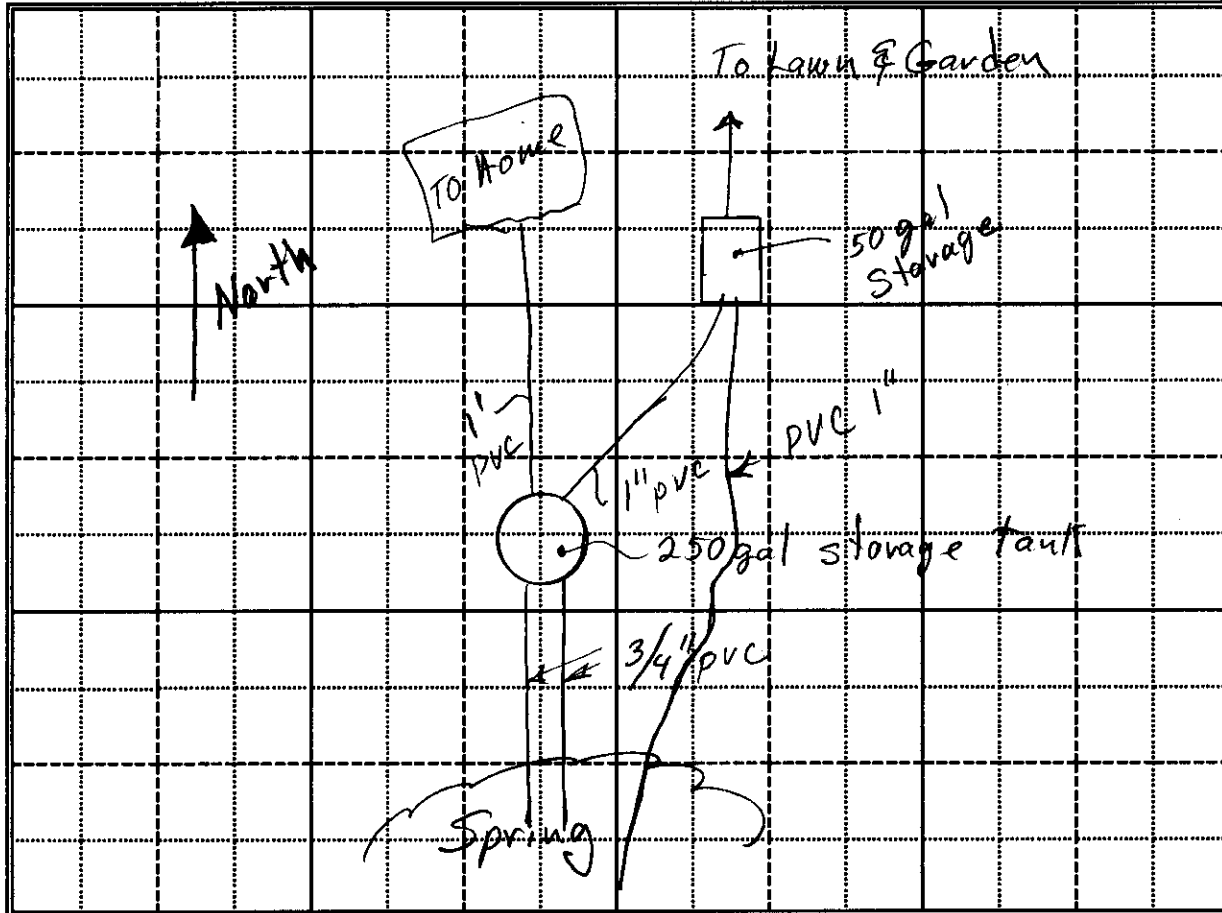
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	40E	18			D														D

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AUG 17 2000

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

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

*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

2. Measurements: _____

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AUG 17 2000

E. NARRATIVE/REMARKS/COMMENTS

No pumps on springs - all gravity flow.

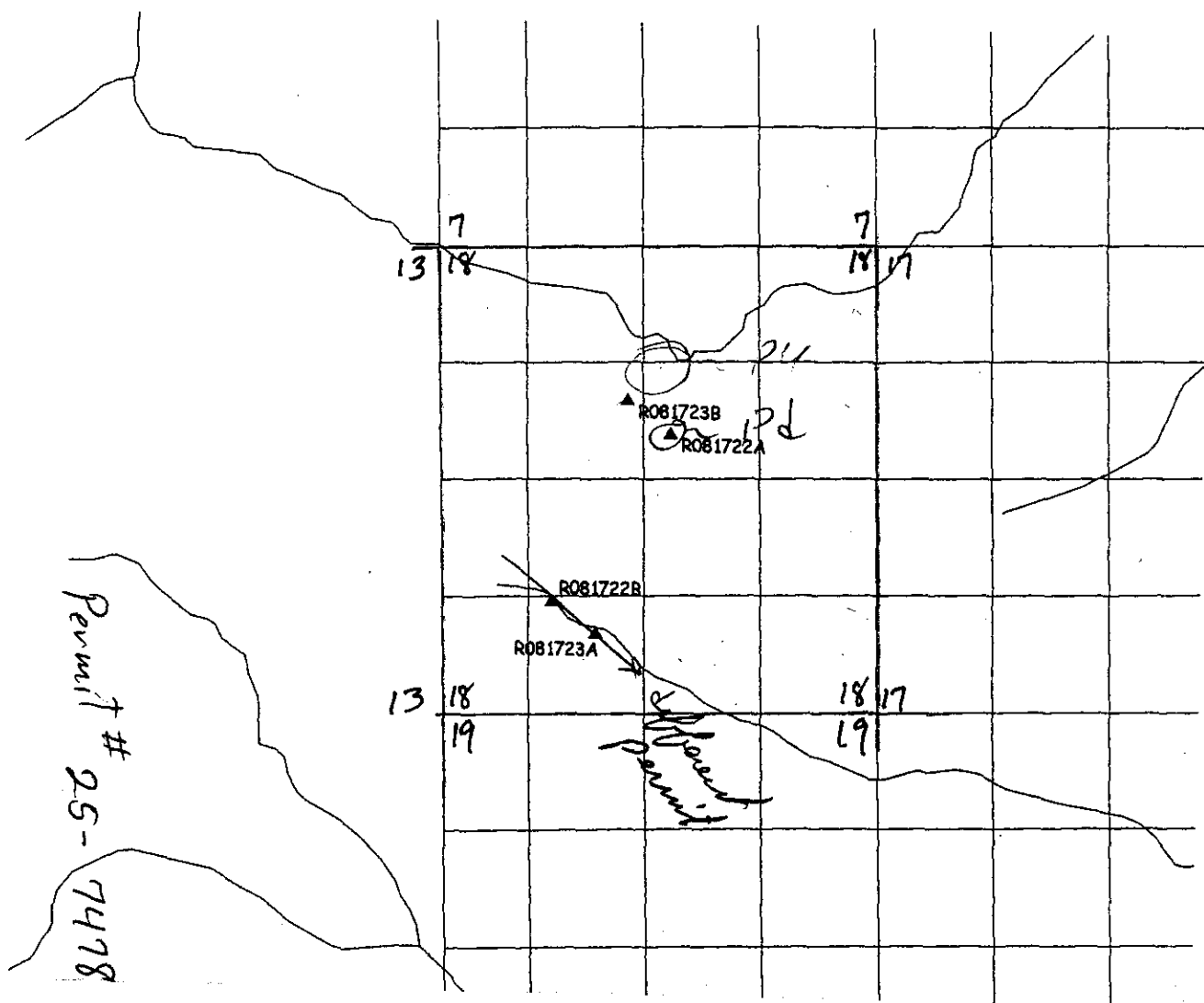
The water is tapped from the springs with 2 3/4" pvc lines. The water enters a 250 gal storage tank which supplies the home through a 1" pvc line. The overflow from this tank enters a 50 gal storage tank as well as a 1" pvc line from the spring. The 50 gal tank supplies water for the lawn and garden. Note the two tanks were not visible

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

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AUG 17 2000

Additional Computation Sheets Attached

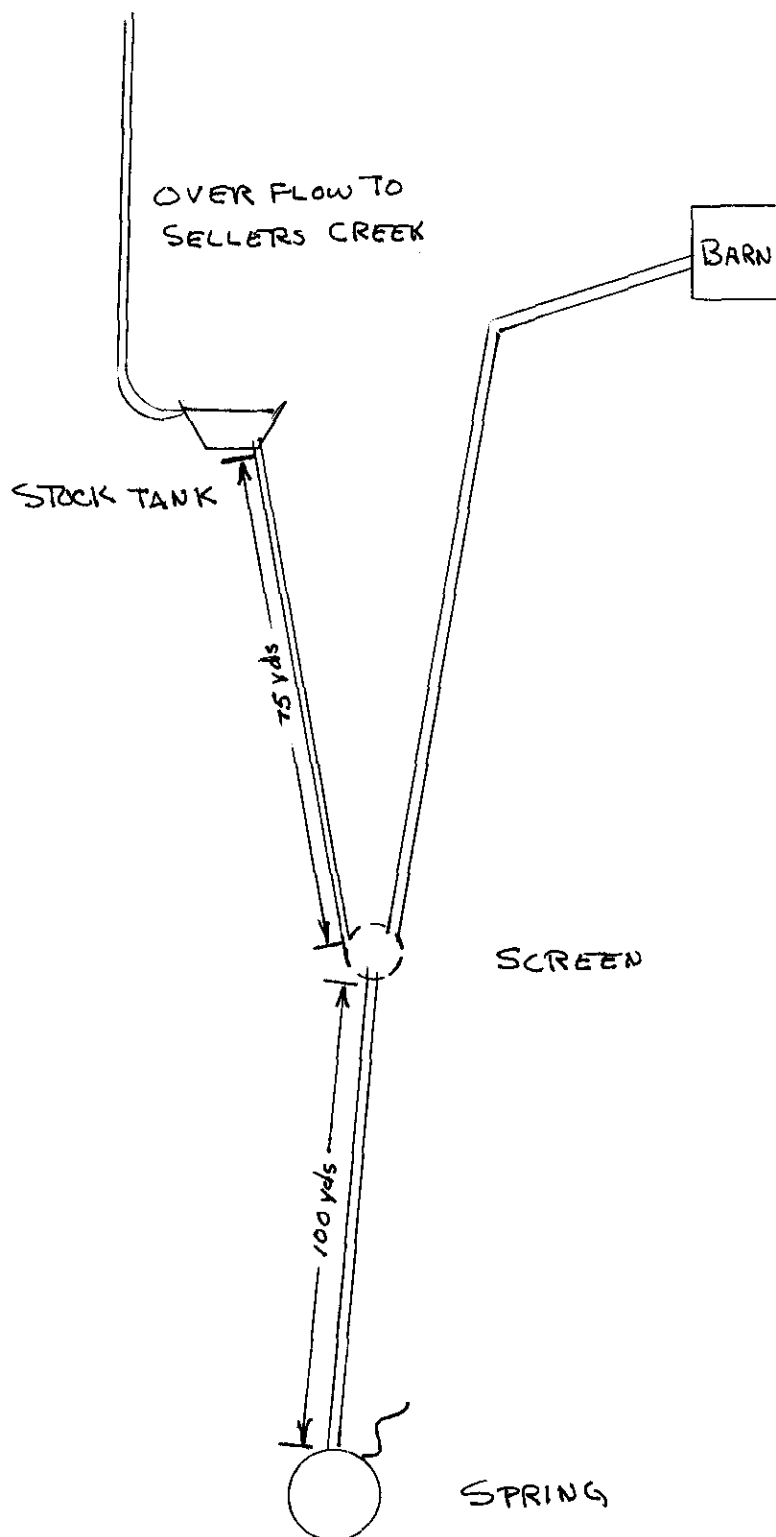
SEAL
MICROFILMED
AUG 17 2000



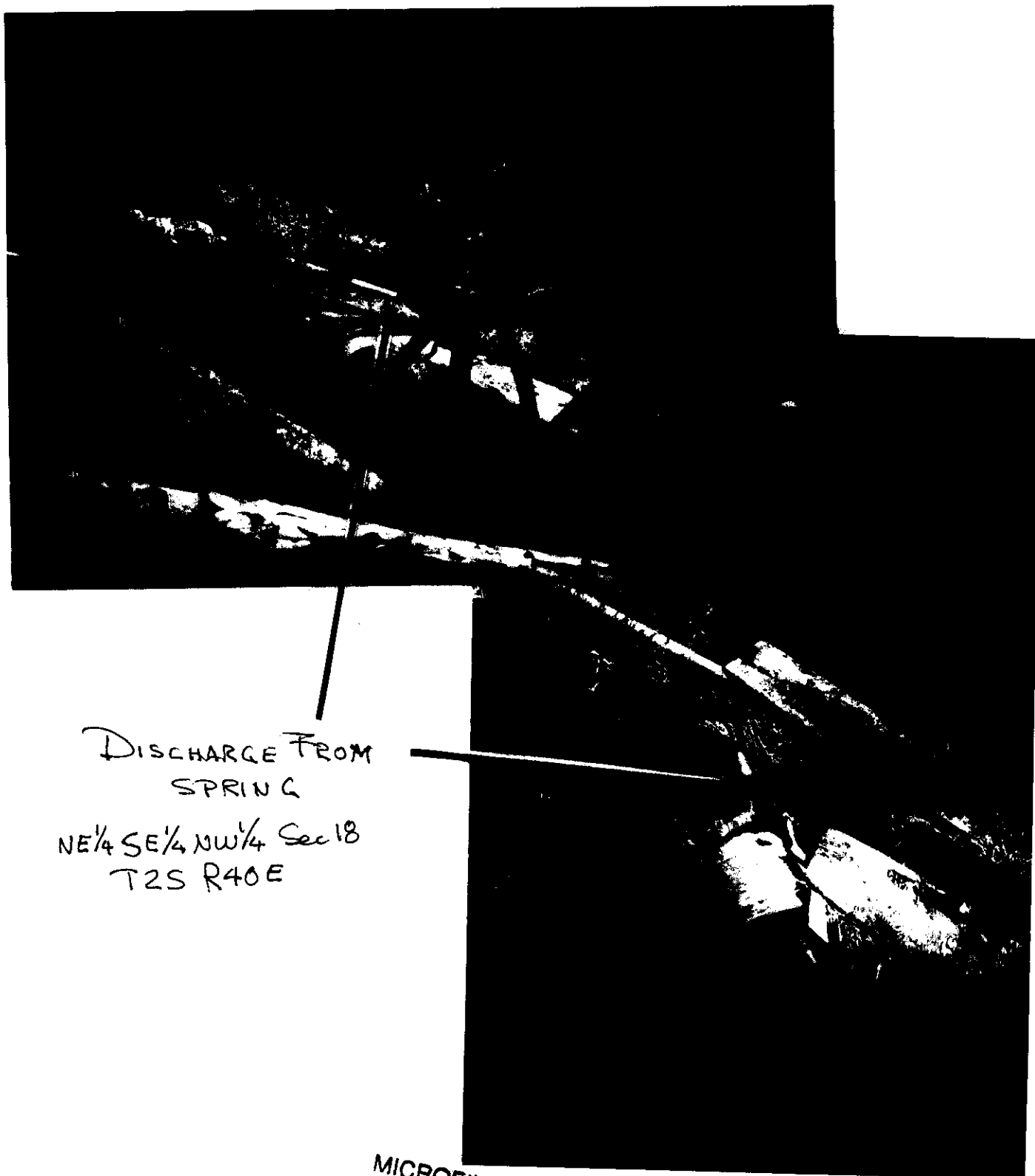
Group 4 from r081722a.cor	grouped.att	
Latitude: 43 14 51.461406892 N	Point_generic	6343.473
	Longitude: 111 48 42.13437151 W	
Group 3 from r081722b.cor	Point_generic	6531.859
Latitude: 43 14 32.994996815 N	Longitude: 111 49 00.747441542 W	
Group 2 from r081723a.cor	Point_generic	6473.522
Latitude: 43 14 29.369980016 N	Longitude: 111 48 53.976730758 W	
Group 1 from r081723b.cor	Point_generic	6400.694
Latitude: 43 14 55.272782584 N	Longitude: 111 48 48.764347312 W	

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AUG 17 2000

N

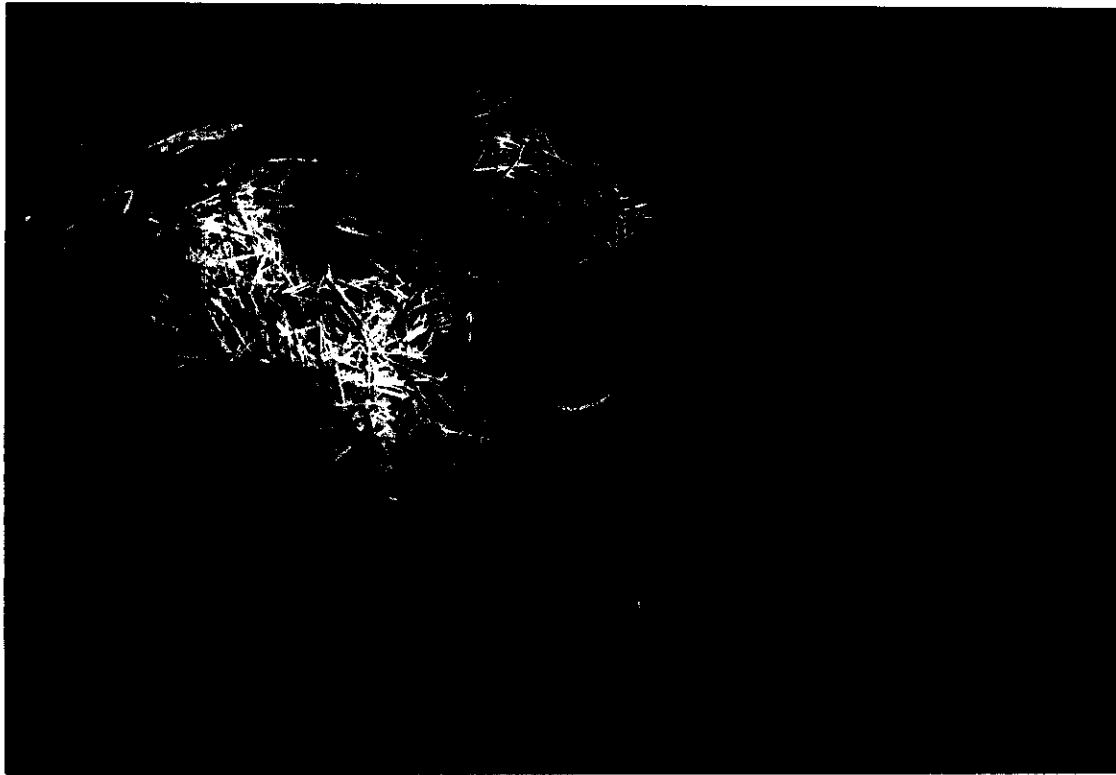


25-07478
MICROFILMED
AUG 17 2000

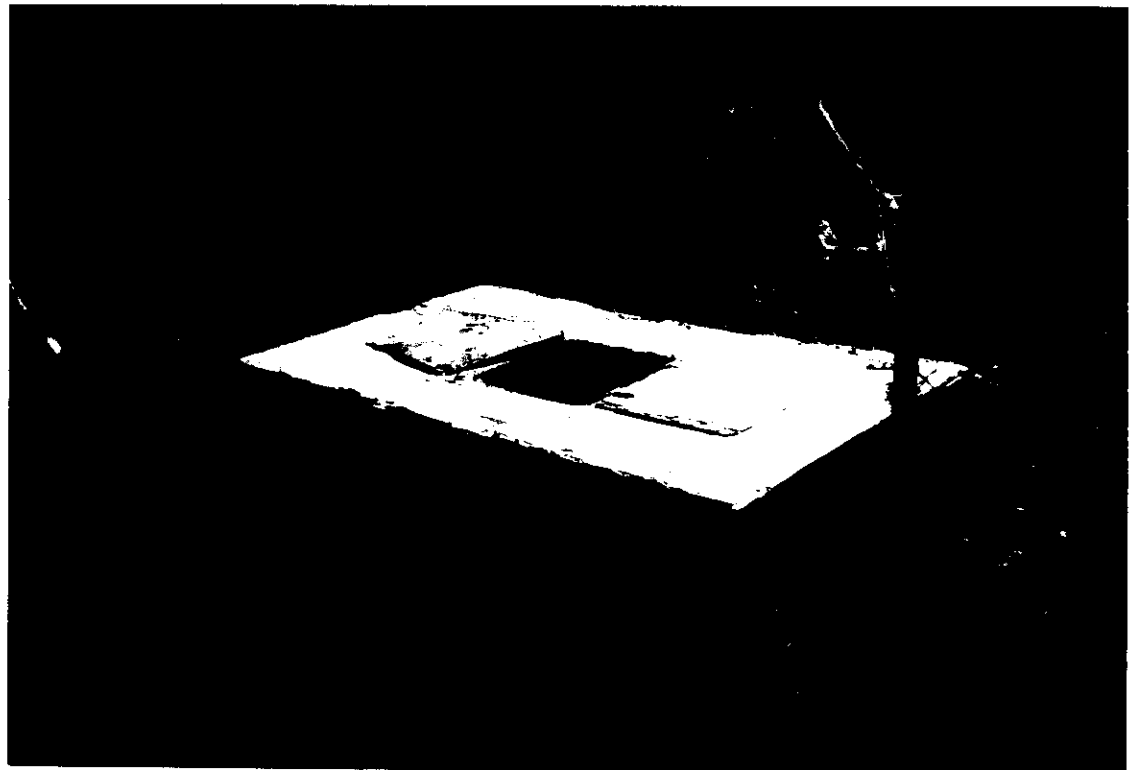


DISCHARGE FROM
SPRING
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18
T2S R40E

MICROFILMED
AUG 17 2000

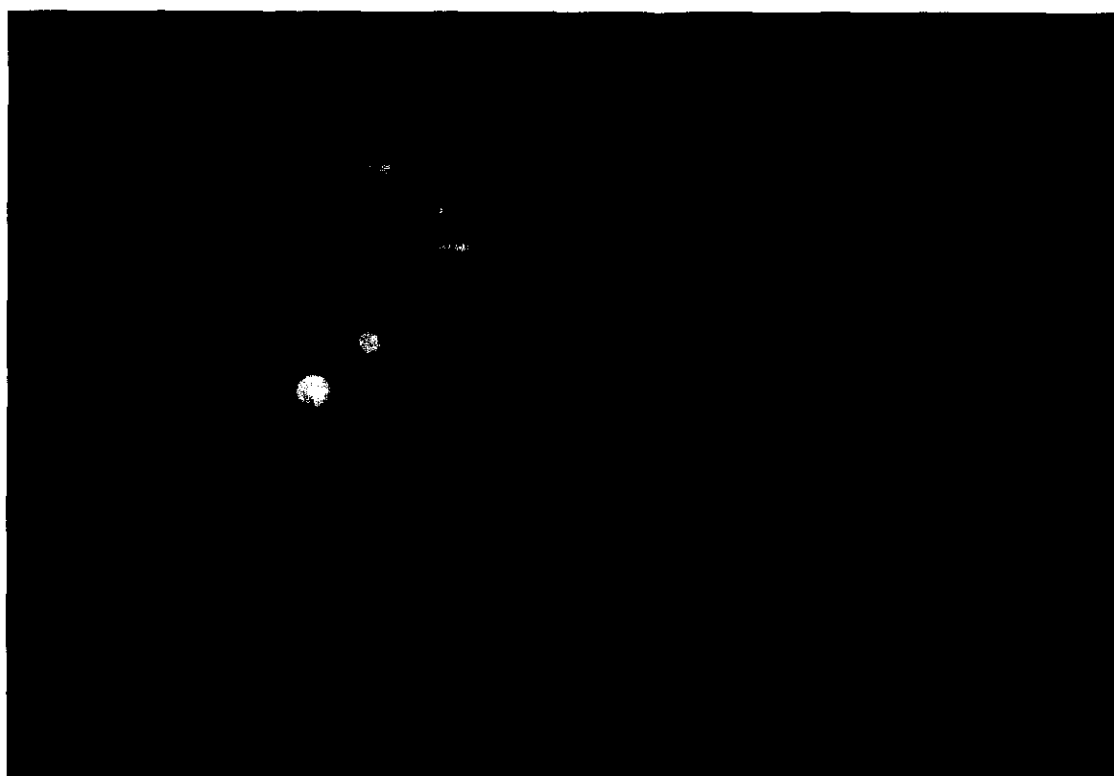


FROM SPRING
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18
T2S. R40E
FILTER BEFORE
GOING TO
STOCK TANK



STOCK
TROUGH
SOURCE: SPRING
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18
T2S, R40E

AUG 17 2000



BARN
SOURCE OF WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SEC 18, T2S, R40E

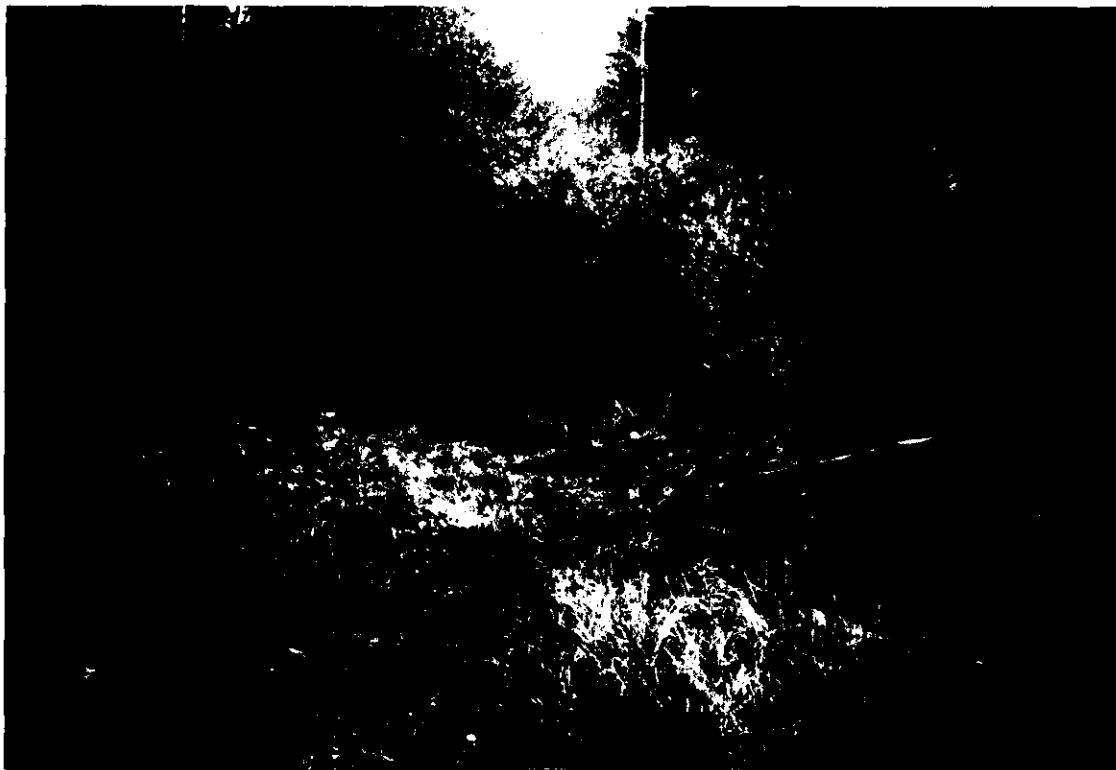
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AUG 17 2000

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AUG 17 2000



Home covered by
25-07478

BARN SOURCE: SPRING
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 18
T2S, R40E



looking South at spring covered

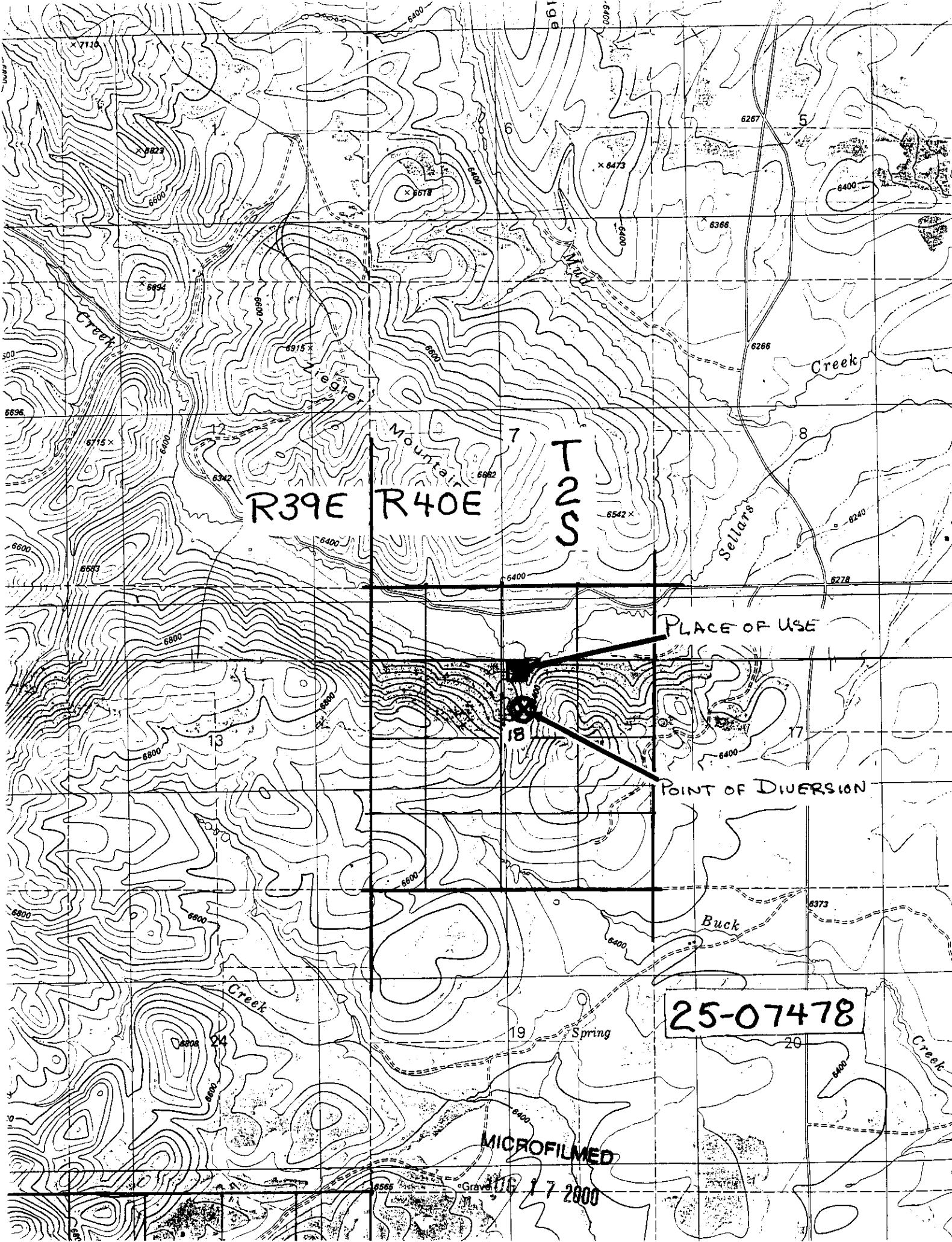


looking South East at place of use.

Permit # 25-7478

MICROFILMED

AUG 17 2000



R39E R40E

T2S

PLACE OF USE

POINT OF DIVERSION

25-07478

MICROFILMED

17 2000

R39E R40E

T2S

Mountain

6882

6542 X

6400

6400

6800

PLACE OF USE

POINT OF DIVERSION

18

X 6728

POINT OF DIVERSION
(25-07479)

PLACE OF USE
(25-7479)

25-07478

6600

MICROFILMED
AUG 17 2000

6400

B

April 13, 1990

GERALD KELLEY
1215 N. 950 E.
SHELLEY, ID 83274

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-07478

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

APR 17 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 25-7478

Date: _____

General Considerations:

4 Name same as permit
3 Signature the same as permit holder
3 Address change _____ If yes, prepare a data entry
3 Proof received timely
1/18 Reinstated

Source of Water:

9 Surface water
 Groundwater
 1. well log in file
 2. drilling permit
 A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

1/18 Is a measuring device or access port required?
1/18 Has one been installed?
1/18 Waiver or modification of measuring device requested

Remarks: Proof acceptable

1/18 Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	-
No. of days late	_____	=
Priority date	_____	+
NEW PRIORITY DATE	_____	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138085
January 31, 1990

GERALD KELLEY
1215 N. 950 E.
SHELLEY, ID 83274

PROOF DUE NOTICE

RE: PERMIT NO. 25-07478

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

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

REGISTERED

APR 17 1990

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) 334-7900
March 15, 1989

GERALD KELLY
1215 N. 950 E.
SHELLEY, ID 83274

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

RE: PERMIT NO. 25-07478

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.

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

MAR 30 1989

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY KCW DATE 12/23/88 APPLICATION NUMBER 257478REQUIRED 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 signator 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

FEB 18 1989

Department of Water Resources

PROCESSING

- ☒ Yes ☒ No 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 2-6-89
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 12-16-1988
By HWS Date 2-09-89

STATE OFFICE REVIEW

P16 4849 05 (01, Snake River)

☐ See below for additional information

By KW Date 3/6/89

ADDITIONAL INFORMATION

App. in NON-TRUST area-

January 12, 1989

Gerald Kelley
1215 N. 950 E.
Shelley, ID 83274

Application for Permit No. 25-07478

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 25-07478. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Morning News. 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

MAR 30 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 11, 1989

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 6, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

MAR 30 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

NOT RECORDED

MAR 30 1989

25-07478

KELLY, GERALD
1215 N. 950 E.
SHELLEY, ID 83274

Source: UNNAMED STREAM

Tributary: SELLARS CREEK

Diversion Pt: NWSWNE Sec 18 T 02S R 40E

Use: DOMESTIC (.020 CFS)

Date Filed: 12/16/1988

In: T02S R40E S18 NWNE

MicroFILMED

MAR 30 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 FEBRUARY 6, 1989.

R. Keith Higginson, Director

Published 1/19/1989 & 1/26/1989

MICROFILMED

MAR 30 1989

