

Topographic map of the Palisades Bench area in Alpine, Wyoming. The map shows contour lines, roads, and various landmarks. Handwritten notes in red ink include "TIN" and "Palisades 2 MI. ALPINE, WYO. (U.S. 89) 20 MI." The map is overlaid with a grid and includes a scale bar and a north arrow.

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.

James A. Brown
(Applicant)

Proof of Publication

The Post-Register

RECEIVED

MAR 15 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 2nd day of March, 1989, last publication having been made on the 9th day of March, 1989, 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 13th day of March, 1989.

Notary Public

My commission expires September 30, 1994.

B10

NOTICE OF APPLICATION FOR WATER RIGHT

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

35-08699

BROWN, NELLIE A.

BOX 458

RIRIE, ID 83443

Source: GROUNDWATER

Diversion Pt: NWNE Sec 35 T 01N R 44E

Use: IRRIGATION (.030 CFS)

STOCKWATER (.020 CFS)

DOMESTIC (.020 CFS)

Date Filed: 2/09/1989

In: T01N R44E S35 NWNE

1.0 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 MARCH 20, 1989.

R. Keith Higginson, Director

Published: March 2, 9, 1989

MICROFILMED

JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 22 1996

Department of Water Resources
23-07167

A. GENERAL INFORMATION

1. Owner: Nellie A Brown 253 Park Lane
Current Address: PO Box 63 Irwin Id 83428
2. Accompanied by: Herb Borden EXAM. DATE: 06/21/91
Address: Same Phone No. 483-4491
Relationship to Permit Holder: Friend
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: N.A.
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

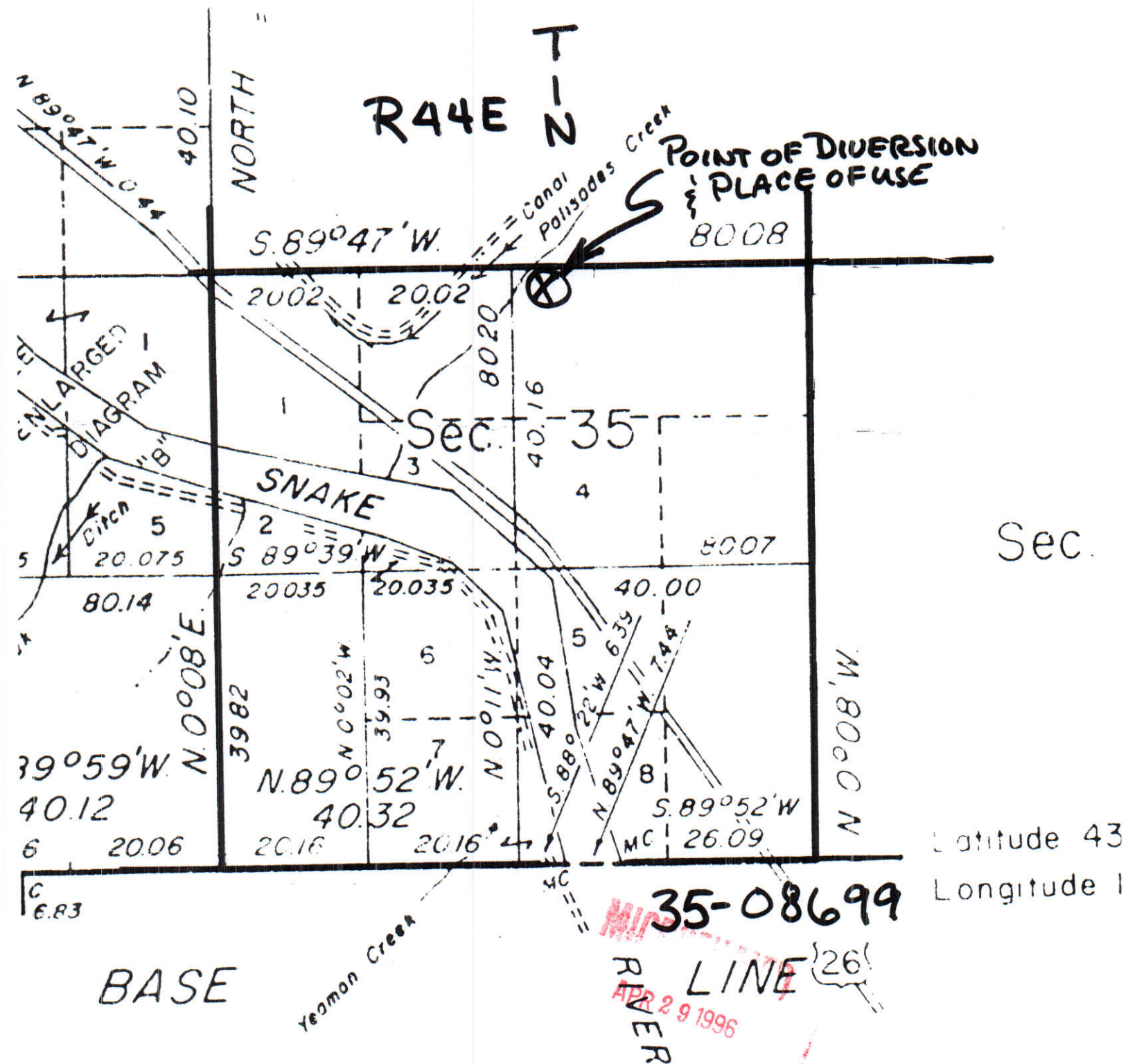
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

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).

APR 29 1996



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 23-07167

Priority: February 9, 1989

Maximum Diversion Rate:
Maximum Diversion Volume:

0.04 CFS
1.2 AF

This is to certify, that NELLIE A BROWN
PO BOX 63

IRWIN ID 83428-0063 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 9, 1989; and has submitted Proof of Beneficial Use on June 28, 1990. An examination indicates that the works have a diversion capacity of 0.050 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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 35, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

01N 44E 35

NWNE

CONDITIONS OF APPROVAL AND 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.
6. Point of diversion is located within Lot 2, Blk. 1, Park Lane Subdivision.
7. Place of use is located within Lot 2, Blk. 1, Park Lane Subdivision.
8. Domestic use is for 1 home.

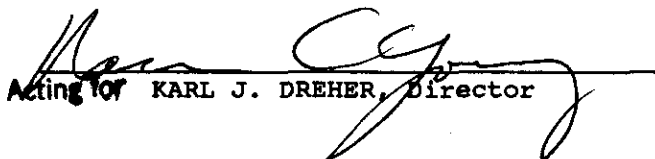
APR 29 1996

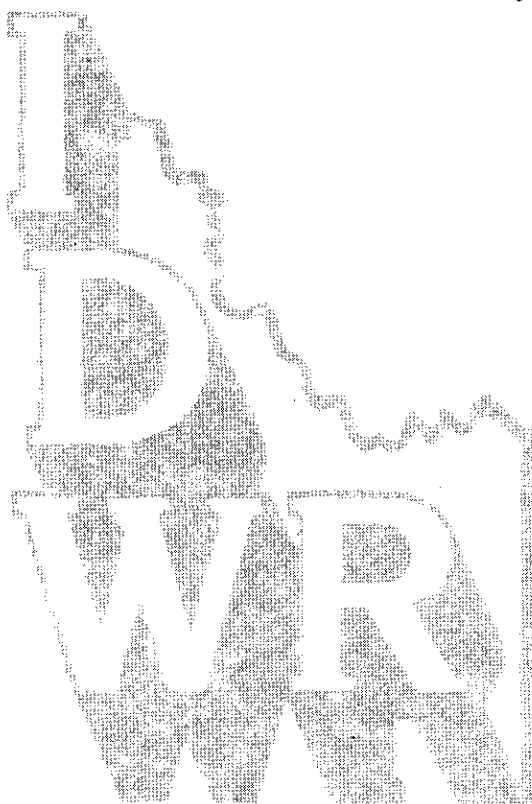
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 23-07167

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 2ND
day of April, 19 96.


Acting for KARL J. DREHER, Director




APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. ²³⁻⁰⁷¹⁶⁷~~35-8699~~ IN THE)
NAME OF NELLIE A. BROWN) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

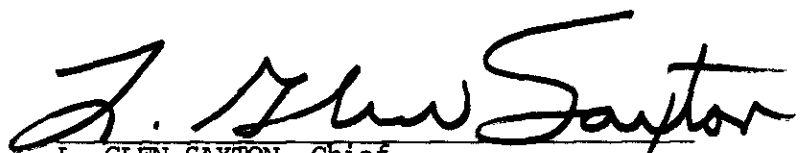
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on June 28, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. ²³⁻⁰⁷¹⁶⁷~~35-8699~~ be REINSTATED and the priority advanced to March 8, 1989.

Dated this 3rd day of October, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

DEC 17 1990

08/89

For Office Use Only

Amt. of Fee \$

Date

Receipt No.

Received by

RECEIVED

JUN 28 1990

no fee incl.
Department of Water ResourcesSTATE 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.

Permit No. 35-08699 Telephone No. 483-4491Name(s) of Permit Holder(s): Nellie A. BrownPost Office Address: Box 63 IRWIN, Ida 83428Source of Water: wellIf ground water, well driller's name: Reanning Date drilled: 1978

Extent of Use:

Domestic X (No. of households) Irrigation 1 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted .04 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: 1978

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

Measuring device: Required? Yes XNo Installed? Yes No

OR

Flow Measurement Port: Required? Yes XNo 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

FILED

DEC 1 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.

Date

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

Nellie A. Brown

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Nellie A. BROWN Phone 538-775-9
Post office address Box 458 R. R. 1 Id. - 83443

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

3. Location of point of diversion is _____ 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____
Sec. 35 Township 1N Range 44E B.M. BONNIEVILLE County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for STOCK purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.03 for IRRIGATION purposes from 04/01 to 11/01 (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) 0.07 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

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.

Exists c. Proposed well diameter is 4" inches; proposed depth of well is 65 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 for proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

JUN 12 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. 3 HORSES
- Municipal; show name of municipality. _____
- Domestic; show number of households. 1
- 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	
1N	44E	35	1																1

Total number of acres to be irrigated 1

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

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

12. Remarks: P/D + P/U IN LOT 2, BLOCK 1, PARK LANE
WELL HAS BEEN IN USE SINCE MICROTHER 1978
FOR APPLIED PURPOSES.

JUN 18 1983

-
- 4806 5765 5800 5846 6054 5920 6200 7200
- 4805 5800 5920 5800 5524 5600 5600 6200 6000 6200
- PALISADES BENCH
- Palisades
- Swan Valley
- Irwin
- Palisades 2 MI. ALPINE, WYO. (U.S. 89) 20 MI.
- 43°22'30" 111°15' 480 1750 000 FEET R. 44 E. 483 12
- Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography by photogrammetric methods from aerial
photographs taken 1965. Field checked 1966
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system
- 260 RIDGE
3770 IV SE
- GN
- 0°08' 17°
/302 MILS

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.

Nelle A. Brown
(Applicant)

~~Proposed Priority~~ 2/9/89

Received by TO Date 2/9/89 Time 11:00 AM Preliminary check by CM
Fee \$ 30⁰⁰ Receipted by TO # E 005726 Date 2/9/89
3-23-9-89
Publication prepared by RB Date 2-24-89 Published in Last Register
Publication approved OW Date 3-20-89

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. 35-8699, 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 June 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: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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.

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.

Witness my hand this 9th day of May, 1989.

J. Glen Saxton

MICROFILMED

JUN 12 1989

Proof of Publication The Post-Register

RECORDED

MAR 10 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.

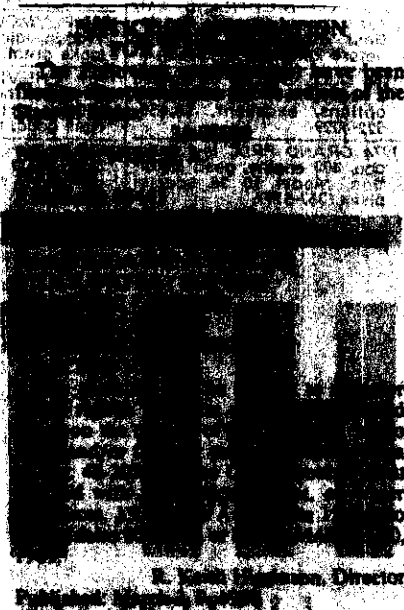
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 2nd day of March, 1989, last publication having been made on the 9th day of March, 1989, and that the said notice 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 13th day of March, 1989.

Ted Delezene
Clark R. Napier
Notary Public

My commission expires September 30, 1994.

B10



MICROFILMED

JUN 12 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

April 2, 1996

NELLIE A BROWN
PO BOX 63
IRWIN ID 834280063

RE: WATER RIGHT NO. 23-07167

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

APR 29 1996

MEMORANDUM

TO: FILE NO. 23-07167

FROM: PAM SKAGGS/²⁸STATE OFFICE

SUBJECT: RIGHT RENUMBERED

DATE: March 26, 1996

=====

This right was originally numbered 35-08699. Review of this right found that the diversion actually is located within basin 23. Right No. 35-08699 has been **renumbered** to 23-07167.

RECEIVED
APR 29 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 22 1996

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Nellie A Brown 253 Park Lane 23-07167
Current Address: PO Box 63 Twin Id 83428
2. Accompanied by: Herb Borden EXAM. DATE: 06/21/91
Address: Same Phone No. 483-4491
Relationship to Permit Holder: Friend
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

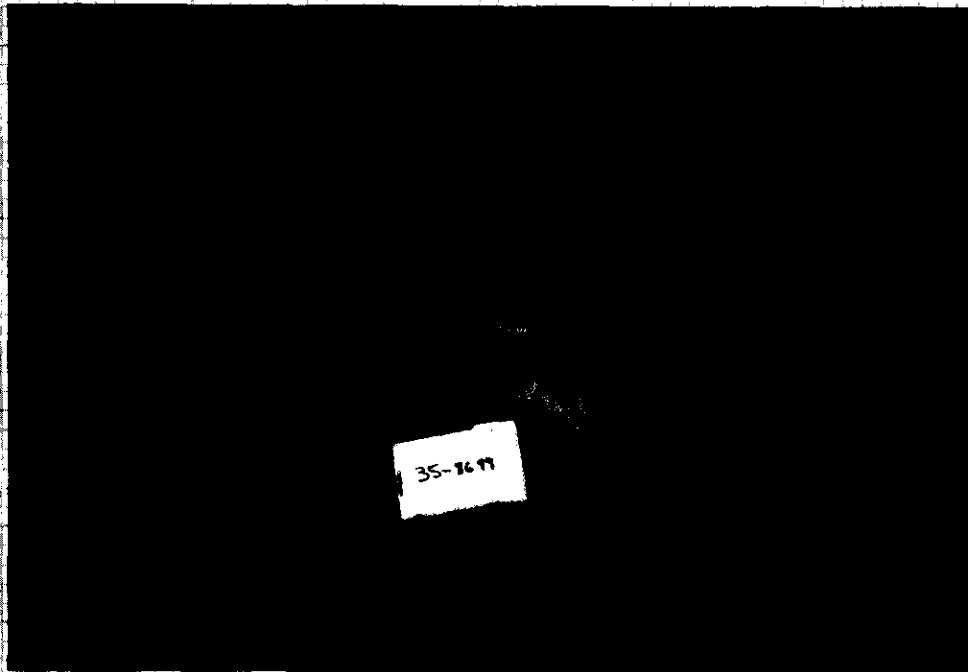
1. Other water rights with same place of use: NA

☐ 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" = _____

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

APR 29 1996

System Description (continued)

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

well, pump, 1 home, and 1/2 acre of irrigated ground, no stock being watered
make of pump unknown

Denning - drilled well 1978 (Denning)
water level - 65 ft (according to permit holder)
12 ft

☐ 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
		3/4			

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

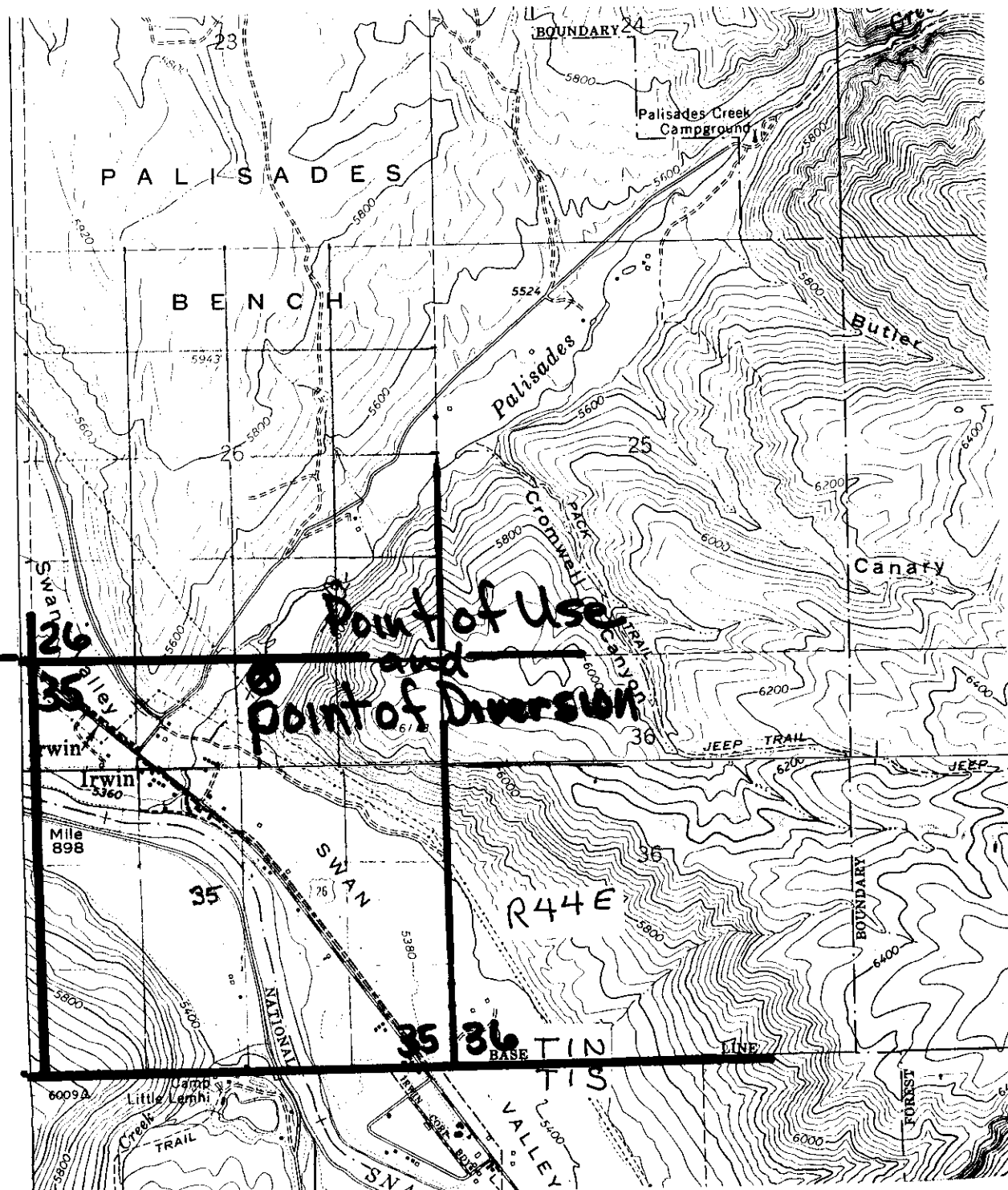
5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					35	1N	44E	Bonneville	USGS Quad and onsite inspection

6. Place(s) of Use:

Indicate Method of Determination

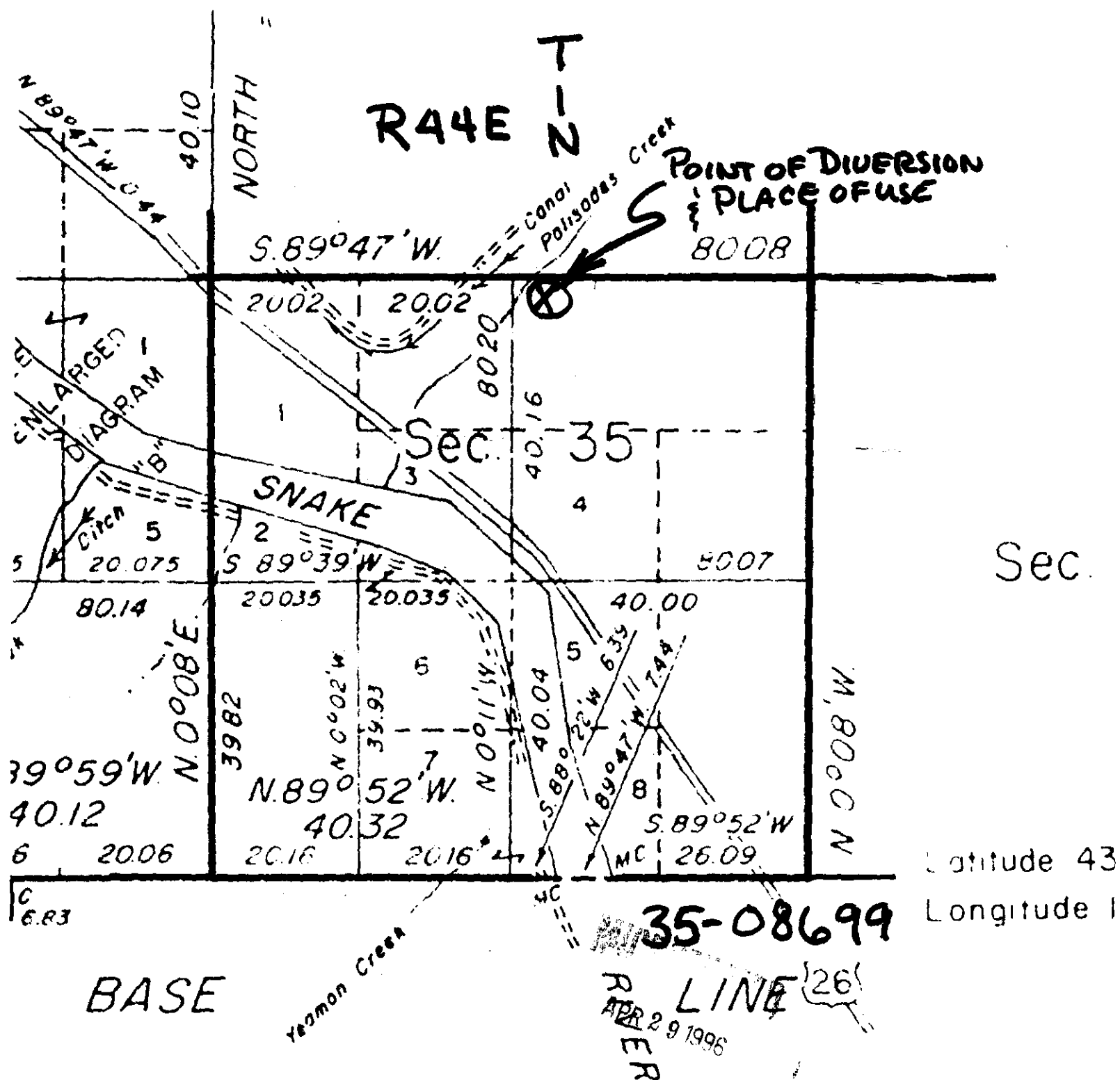
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	44E	35			DA 1/2														



MIC

APR 29 1996

35-8699



Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 35-8699

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 1N, Rge 44E, Sec. 35, NW 1/4 NE 1/4 or Lot _____.

2. Owner: Nellie A. Brown
Address PO Box 63 253 Park Lane, city Irwin, st ID 83428

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

4. Access Port: Yes ☒ No ☐ Static Water Level: 65'
Pressure Gauge: Yes ☐ No ☒ Casing Diameter: 6"
Flowing: Yes ☐ No ☒ Temperature: N/A

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ☐ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

APR 29 1996

$$Q = \frac{(.75 \text{ HP})(8.814)(.7)}{(12 \text{ ft}) + (53 \text{ psi})(2.308)}$$

$$= 0.0524 \text{ cfs}$$

$$= 0.05 \text{ cfs}$$

~~Handwritten~~

APR 29 1996

35-8699

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
pressure gage		Ashcroft			0-60 psi	

2. Measurements:

static water level - ¹²~~65~~ ft (according to permit holder)
 she called company that installed the pump
 water pressure - 33 psi

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

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:

$V = 1.2 \text{ afa}$
 DOM

RECORDED
 APR 29 1996

H. REMARKS AND OVERLAP REVIEW ANALYSIS

P.D. & P.O.U. is in Lot 2 Block 1, Park Lane subdivision.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1-1	12-31	0.04	1.2 afa
Totals:			0.04 cfs	1.2 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 Should be Basin 23

J. AUTHENTICATION

Field Examiner's Name ALAN W PARIS

Signature Alan W Paris

Certification Date _____

Field Report Preparation Date _____

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

APR 29 1996

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

3041
Date 10/15/90
Code 193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY
TO

NELLIE A. BROWN
BOX 63
IRWIN, ID 83428

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	05 10 199	1238	8831		REFUNDS PER RITA FLECK WR #35-8699 10/ 2/90 15.00	15.00	
TOTAL						15.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

RECEIVED
DEC 17 1990

RECEIVED
JUN 28 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

For Office Use Only
\$15 FEE Received by 15.00
Date 6/28/90
Receipt # 0017470

RECEIVED
SEP 28 1990

Department of Water Resources

To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35-08699

Name(s) of Permit Holder: Nellie A. BROWN

Post Office Address: Box 63 TRWIN, Ida 83428

Telephone No. _____

Date Proof is Due: June 1, 1990

Describe what work has been completed toward the development of this water right: _____
(This must be filled out! If no work has been completed, show "none".)

existing well, completed for sprinkler
irrigation on 1/2 acre.
Off diversion for domestic
Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I no longer need water for livestock but
use well to sprinkle home site on 1/2 acre.

Permit holder(s) request an extension to Dec. 1990. Nellie Brown
(1 yr. minimum) (Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

MICROFILMED

DEC 17 1990

Signed this 26 day of June, 19 90.

Nellie Brown

October 3, 1990

Nellie A. Brown
Box 63
Irwin, ID 83428

Dear Ms. Brown:

Re: Permit No. 35-8699

The department will accept the proof of beneficial use form submitted for the above referenced permit. I've indicated the rate of diversion as 0.04 cfs which requires no fee. Also, the permit has been reinstated with the enclosed order since the documentation was received after the proof due date.

Returned is the request for extension of time form. The \$15 filing fee will be returned to you in several weeks. It takes some time for the refund process to take place.

The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Eastern Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: E. Region
Fiscal Sec.

RECEIVED

DEC 17 1990

MEMORANDUM

DATE: October 2, 1990

TO: FISCAL SECTION

FROM: Nina Shields or Rita Fleck 

RE: REFUND - Permit No. 35-8699

Please prepare a refund of \$15.00 (receipt No. C017470). Attached is a copy of a letter which explains why the refund is necessary.

Also, please reference the identification number on any papers returned to me for the file. Thanks.

Attachments: letter
receipt

MICROFILMED

DEC 17 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 22, 1990

Nellie A. Brown
Box 458
Ririe, ID 83443

RECEIVED
SEP 28 1990

Dear Ms. Brown:

Department of Water Resources

Re: Permit No. 37-8480

On June 28, 1990, the department received the proof of beneficial use form and the request for extension of time along with the \$15 fee.

From the information on the request for extension of time, it appears that the project is complete and that no additional time is needed to develop the domestic and irrigation uses. Enclosed is the request form.

The proof of beneficial use form needs more information before it can be processed. The permit proposed the diversion of 0.02 cfs (9 gpm) for domestic and 0.03 (13.5 gpm) cfs for irrigation for a total rate of diversion of 0.05 cfs. The license exam fee for this rate of diversion is \$50. However, if the rate of diversion is 0.04 cfs (18 gpm) or less, there is no license exam fee.

Please determine the rate of diversion and advise me within 15 days. If a \$50 license exam fee is required, you can submit the additional \$35 fee. If, however, no fee is required, a refund will be made.

If I can be of assistance, contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

DEC 17 1990

note
Address change
Box 63
Irwin Ida
83428

August 22, 1990

Nellie A. Brown
Box 458
Ririe, ID 83443

Dear Ms. Brown:

Re: Permit No. ³⁵⁻⁸⁶⁹⁹
~~37-8480~~

On June 28, 1990, the department received the proof of beneficial use form and the request for extension of time along with the \$15 fee.

From the information on the request for extension of time, it appears that the project is complete and that no additional time is needed to develop the domestic and irrigation uses. Enclosed is the request form.

The proof of beneficial use form needs more information before it can be processed. The permit proposed the diversion of 0.02 cfs (9 gpm) for domestic and 0.03 (13.5 gpm) cfs for irrigation for a total rate of diversion of 0.05 cfs. The license exam fee for this rate of diversion is \$50. However, if the rate of diversion is 0.04 cfs (18 gpm) or less, there is no license exam fee.

Please determine the rate of diversion and advise me within 15 days. If a \$50 license exam fee is required, you can submit the additional \$35 fee. If, however, no fee is required, a refund will be made.

If I can be of assistance, contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

DEC 17 1990

N. Brown
Box 63
Irwin, Idaho
83428



State of Idaho
1301 North Orchard St.
Statehouse Mail
Boise, Idaho
83720

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

June 13, 1990

NELLIE A. BROWN
P.O. BOX 458
RIRIE, ID 83443

LAPSE NOTICE

RE: PERMIT NO. 35-08699

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

MICROFILMED

DEC 17 1990

CERTIFICATION OF MAILING

I hereby certify that on 6-15-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138451

March 31, 1990

NELLIE A. BROWN
P.O. BOX 458
RIRIE, ID 83443

PROOF DUE NOTICE

RE: PERMIT NO. 35-08699

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1990.

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

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

DEC 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
May 10, 1989

NELLIE A. BROWN
BOX 458
RIRIE, ID 83443

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

RE: PERMIT NO. 35-08699

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

MICROFILMED

JUN 12 1989

└──────────┘

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

RECORDED

JUN 12 1989

February 27, 1989

Nellie A. Brown
Box 458
Ririe, ID 83443

Application for Permit No. 35-08699

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. 35-08699. Please refer to this number in all further correspondence.

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

MICROFILMED

JUN 12 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 24, 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 MARCH 20, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

JUN 12 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

FILED

JUN 12 1989

35-08699

BROWN, NELLIE A.
BOX 458
RIRIE, ID 83443

Source: GROUNDWATER

Diversion Pt: NWNE Sec 35 T 01N R 44E

Use: IRRIGATION	(.030 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.020 CFS)

Date Filed: 2/09/1989

In: T01N R44E S35 NWNE

1.0 ACRES TOTAL

MICROFILMED
JUN 12 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42- 3A, 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 MARCH 20, 1989.

R. Keith Higginson, Director

Published 3/02/1989 & 3/09/1989

MICROFILMED

JUN 12 1989