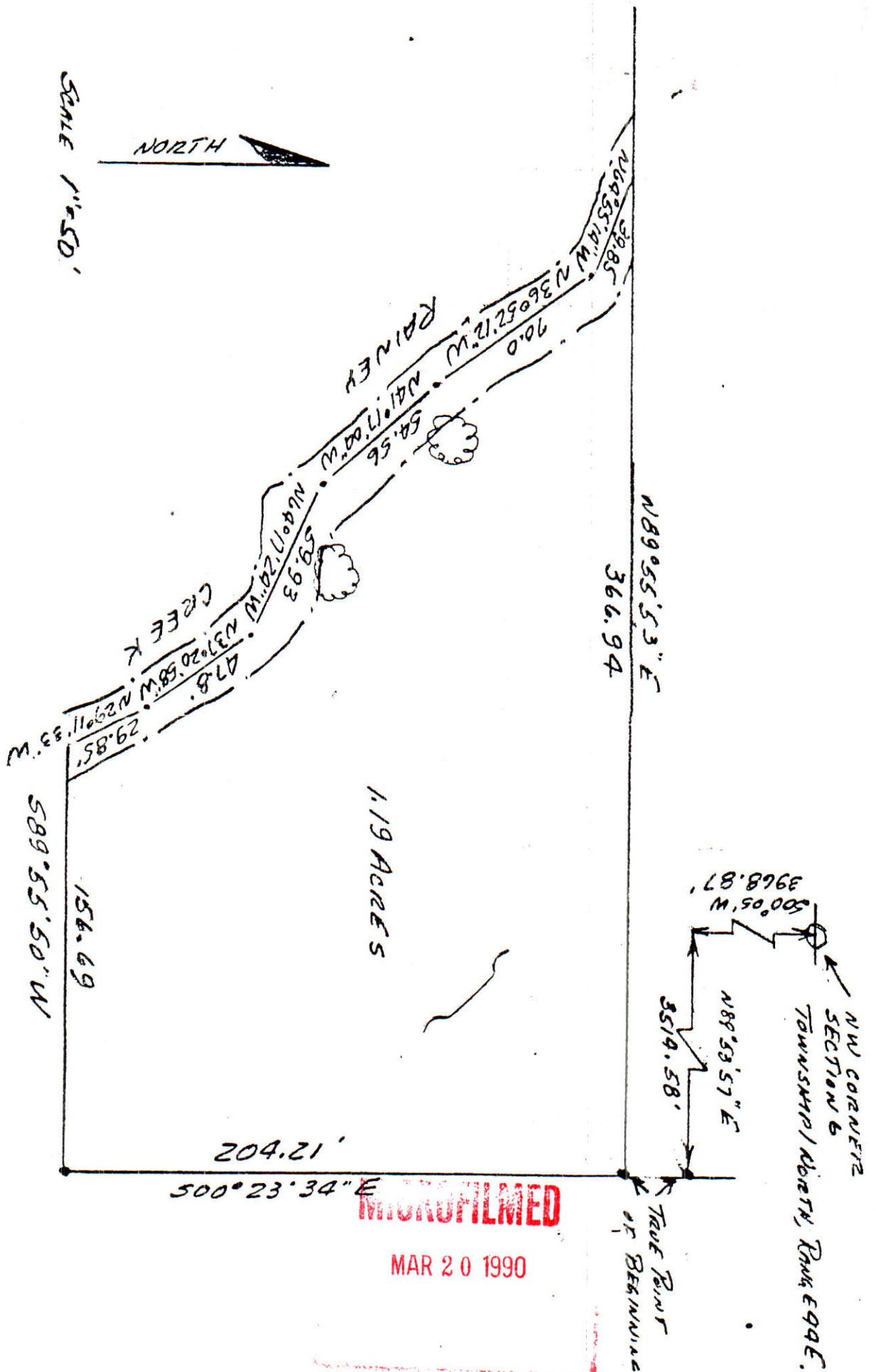
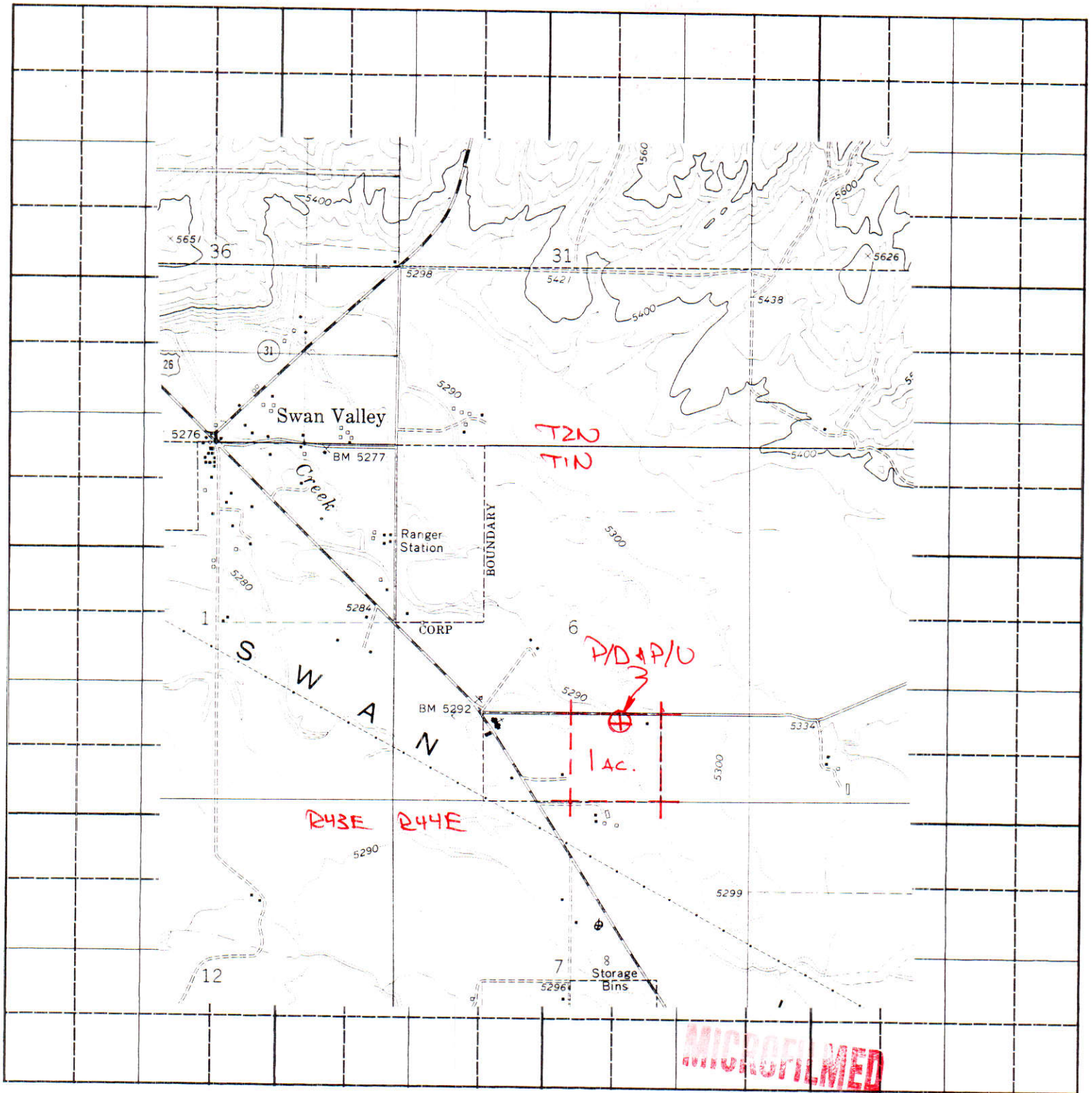




13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

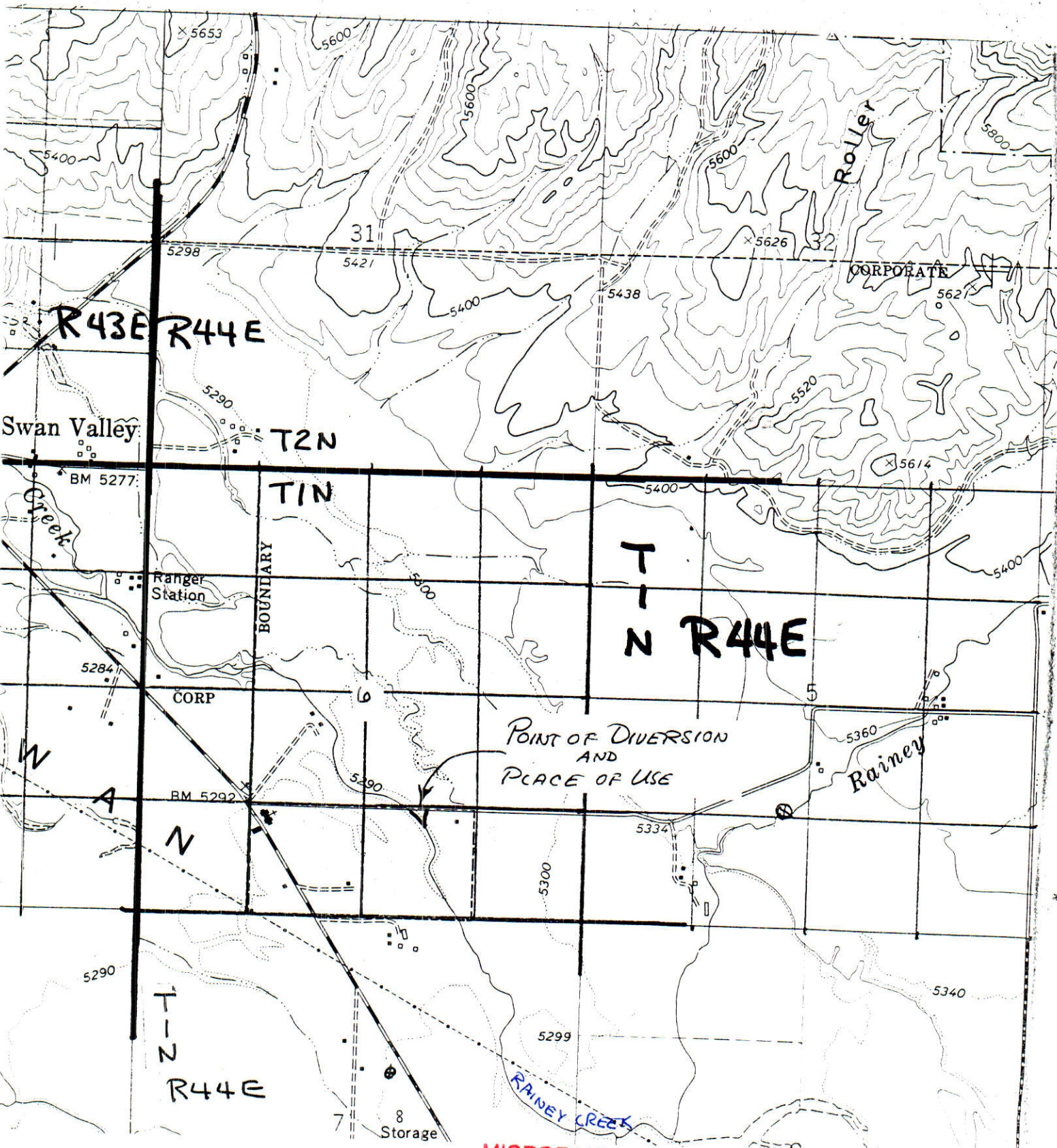


Scale: 2 inches equal 1 mile.

MAR 20 1990

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.

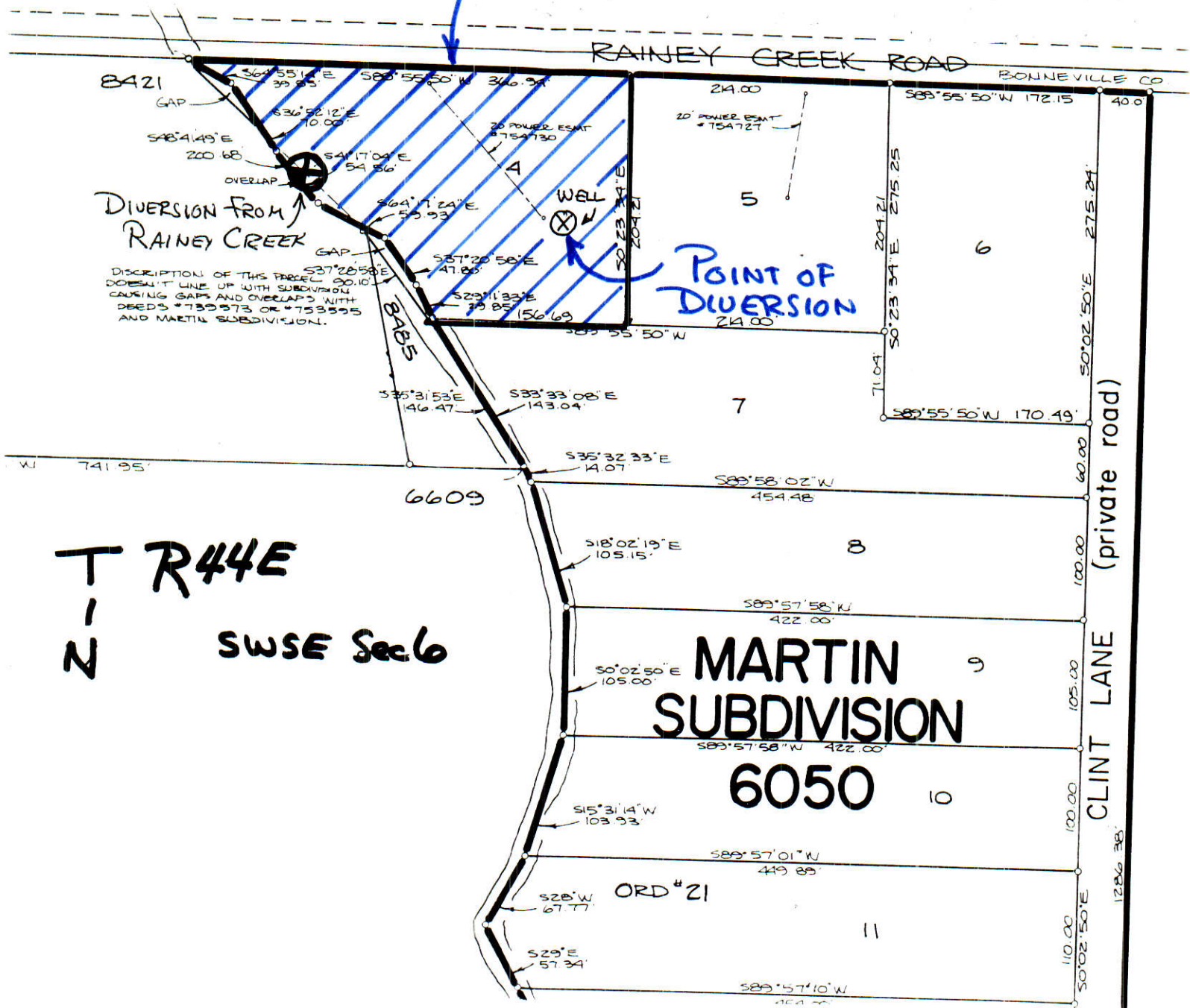
John Dean Van der Werf
(Applicant)



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APR 13 1999

23-07133

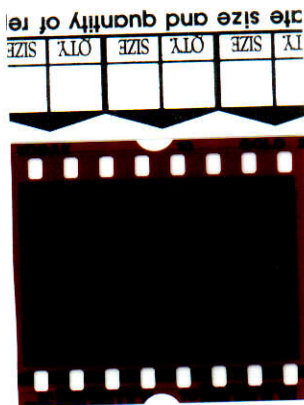
PLACE OF USE



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APR 13 1999

23-07133



POINT OF DIVERSION

23-07133

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APR 13 1999

State of Idaho
Department of Water Resources

Water Right License
WATER RIGHT NO. 23-07133

Priority: July 24, 1989

Maximum Diversion Rate:

0.04 CFS

This is to certify, that JOHN DEAN VAN WINKLE
JOLANE P VAN WINKLE

PO BOX 47

SWAN VALLEY ID 83449

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 24, 1989; and has submitted Proof of Beneficial Use on May 14, 1990. An examination indicates that the works have a diversion capacity of 0.040 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>
IRRIGATION	04/15 to 10/15	0.03 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 6, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	44E	6	SWSE	1		1

Total number of acres irrigated: 1

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right and shall only divert groundwater under this right for irrigation purposes when water from the appurtenant surface water rights cannot be delivered to the right holder.

APR 13 1999

State of Idaho
Department of Water Resources

Water Right License

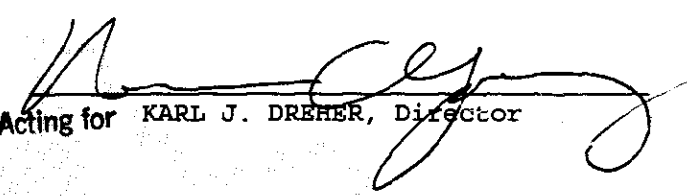
WATER RIGHT NO. 23-07133

CONDITIONS OF APPROVAL AND REMARKS

5. This right shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 3.5 af at the field headgate for irrigation of the lands above.
7. Domestic use under this right is limited to a total annual maximum diversion volume of 0.6 af.
8. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
9. Point of diversion and place of use are located within Lot 4, Martin Subdivision.

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 9th day of

APRIL, 1979


Acting for KARL J. DREHER, Director

MICROFILMED

APR 13 1980

RECEIVED
MAY 14 1990

For Office Use Only
Amt. of Fee \$ 80.00
Date 5-14-90
Receipt No. 0014827
Received by [Signature]

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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. 23-07133 Telephone No. 801-731-4360

Name(s) of Permit Holder(s): John Dean & Tolane P. Van Winkle

Post Office Address: 2057 W 4250 S Roy Utah 84067

Source of Water: Groundwater

If ground water, well driller's name: Denning Well Drilling Inc. Date drilled: 8/15/1988

Extent of Use:
Domestic 0.04 cfs (No. of households) (1) Irrigation 0.03 cfs (No. of acres) (1)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 0.07 cfs 5.20 acre/feet

Show date water was first diverted and beneficially used under this permit: 8/15/1988

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: \$ 50.00 (See License Examination Fee Schedule)

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

John Dean Van Winkle 801-731-4360
Name Telephone No.

2057 W 4250 S Roy Utah 84067
Address

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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.

5-9-90 John Dean Van Winkle
Date Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 23-07133

Proposed Priority: July 24, 1989

Maximum Diversion Rate:

0.07 CFS

This is to certify, that **JOHN DEAN VAN WINKLE**
JOLANE P. VAN WINKLE
2057 W. 4250 S.
ROY, UT 84067

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>
IRRIGATION	04/01 to 11/01	0.03 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.07 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSE Sec. 6, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	44E	6	SWSE	1		1
Total number of acres irrigated:						1

PLACE OF USE: DOMESTIC, same as IRRIGATION 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. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
7. Domestic use is for 1 home.

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MAR 20 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 23-07133

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

28th day of December, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

MAR 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant VAN WINKLE, JOHN DEAN OR JOLAN R. (801) Phone 731-4360
Post office address 2057 W. 4250 S., BOY, UTAH 84067
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 6 Township 1N Range 44E B.M. BOONEVILLE County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.03 for IRRIGATION purposes from 04/01 to 11/01 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for DOMESTIC 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) 0.07 and/or (b) _____
EXISTING cubic feet per second acre feet per annum
6. ~~Proposed~~ diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP & PIPELINES
FOR DOMESTIC HOME AND SPRINKLER IRRIGATION
- 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 6 inches; proposed depth of well is 150 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).

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MAR 20 1990

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. D/ONE HOME
- e. Other; describe fully. _____

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	
1N	44E	6															D		-
1N	44E	6															1ac		1

Total number of acres to be irrigated 1

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

APPLICATION FOR PERMIT FOR IRRIGATION FROM SAGEY CREEK

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. _____

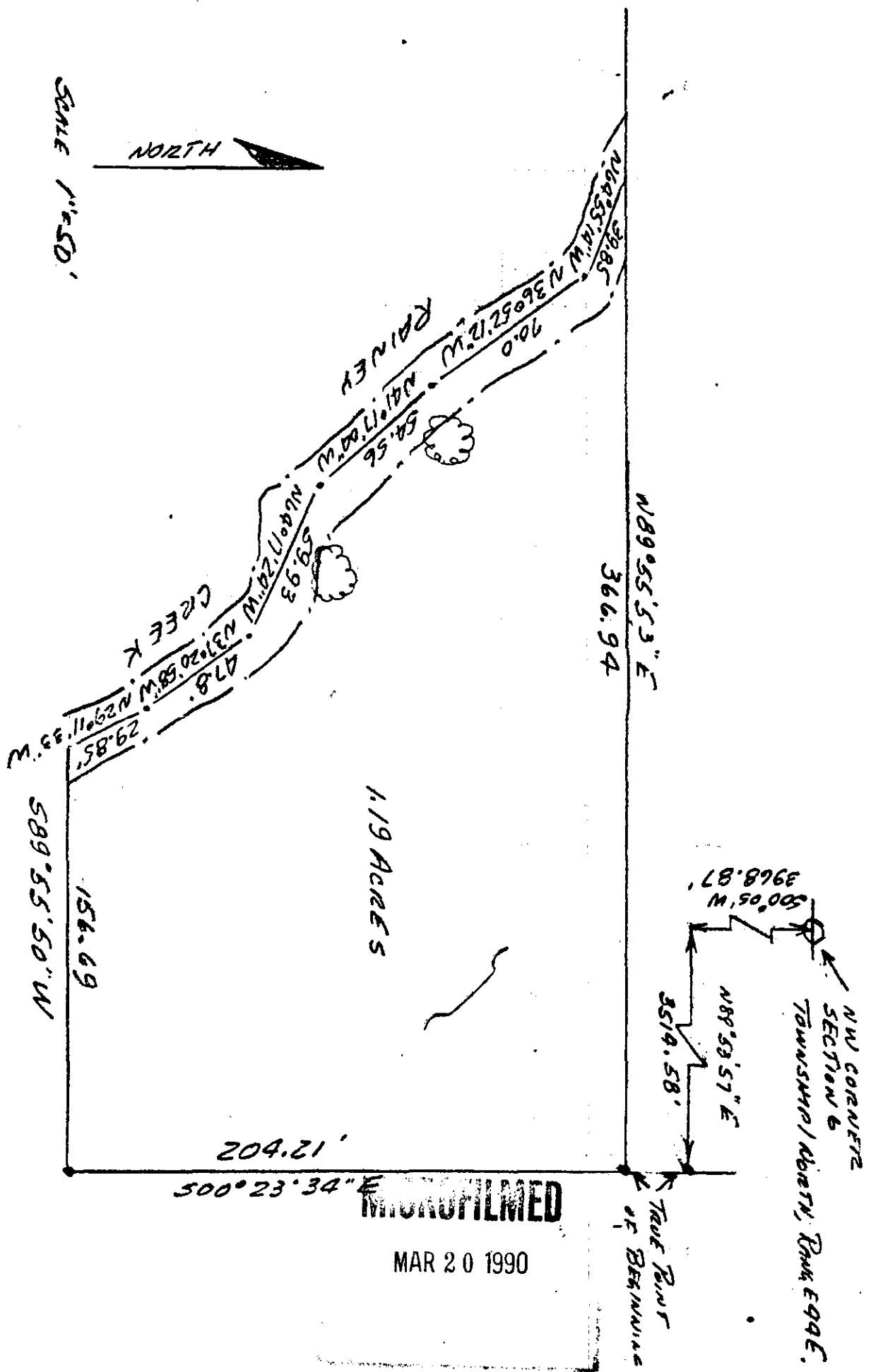
12. Remarks: _____

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MAR 20 1990

SCALE 1"=50'

NORTH



This is a topographic map of a region in California, centered on Swan Valley. The map features a grid system with section numbers 36, 31, 1, 6, 12, and 3. Key geographical features include Swan Valley Creek, a Ranger Station, and a 'BOUNDARY' line. A proposed road, indicated by a dashed line, runs from the top left towards the bottom right, passing through or near several landmarks. Handwritten annotations include 'T2N TIN' in the upper right, 'P/D P/U' with an arrow pointing to a specific location, and '1 ac.' near a circled point. Elevation contours are marked at 5280, 5290, 5300, 5400, and 5600 feet. Benchmarks (BM) are labeled with numbers 5276, 5277, 5284, 5292, and 5334. A 'Storage Bins' area is marked with the number 8. The map is overlaid with a grid that includes section numbers and township/range coordinates (R43E, R44E; T2N, T1N). A large, stylized 'UNCLASSIFIED' stamp is visible in the bottom right corner.

MAR 20 1990

John Dean Van der Valk
(Applicant)

Received by DDM Date 7-24-89 Time 11:05 Preliminary check by DDM
Fee \$ 30.00 Receipted by DDM # EC09566 Date 7-24-89
Publication prepared by RB Date 11-25-89 Published in Last Register
Publication approved RB Date 11-20-89

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. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

MAR 20 1990

Proof of Publication The Post-Register

RECEIVED

NOV 16 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 November, 1989, last publication having been made on the 9th day of November, 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 November, 1989

Ted Delezene
Deon R. Napier
Notary Public

My commission expires September 30, 1994.

NOTICE OF APPLICATION FOR WATER RIGHT

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

23-07129
O'MALEY, CHARLES
O'MALEY, DONNA
P.O. BOX 644
PALISADES, ID 83437
Source: GROUNDWATER
Diversions Pt: SWNE Sec 35 T 01N R 44E
Use: IRRIGATION (.040 CFS)
COMMERCIAL (.120 CFS)
DOMESTIC (.040 CFS)
Date Filed: 10/04/1989
In: T01N R44E S35 SWNE
1.5 ACRES TOTAL
23-07131
SANDERSON, DENNIS L.
SANDERSON, KORAL S.
P.O. BOX 159
AFTON, WY 83110
Source: SPRING; TRIBUTARY: SINKS
Diversions Pt: LOT 5 (SWNWSE) Sec 22 T 03S R 46E
Use: STOCKWATER (.020 CFS)
DOMESTIC (.020 CFS)
Date Filed: 9/15/1989
In: T03S R46E S22 Lot 5 (NWSE)
23-07132
JEM-K, INC.
P.O. BOX 585
PALISADES, ID 83437
Source: GROUNDWATER
Diversions Pt: SWSNE Sec 35 T 01N R

44E
NWNESE Sec 35 T 01N R 44E
Use: COMMERCIAL (.220 CFS)
Date Filed: 9/31/1989
In: T01N R44E S35 SENE NESE
23-07133
VAN WINKLE, JOHN DEAN
VAN WINKLE, JOLANE P.
2057 W. 4250 S.
ROY, UT 84067
Source: GROUNDWATER
Diversions Pt: SWSE Sec 35 T 01N R 44E
Use: IRRIGATION (.030 CFS)
DOMESTIC (.040 CFS)
Date Filed: 7/24/1989
In: T01N R44E S06 SWSE
1.0 ACRES TOTAL
25-07531
HOOPER, LLOYD C.
P.O. BOX 434
UCON, ID 83454
Source: GROUNDWATER
Diversions Pt: SWSWSE Sec 10 T 03N R 38E
Use: COMMERCIAL (.040 CFS)
Date Filed: 9/29/1989
In: T03N R38E S10 SWSE
25-07532
C/O RON MITCHELL
BURDETTE, INC.
1735 ROSS AVE.
IDAHO FALLS, ID 83406
Source: GROUNDWATER
Diversions Pt: SWSW Sec 9 T 02N R 38E
Use: COMMERCIAL (.040 CFS)
Date Filed: 9/20/1989

In: T02N R38E S09 SWSW
25-07533
JOHNSON, BURTON
8461 N. 55TH E.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversions Pt: NESESE Sec 24 T 03N R 38E
Use: STOCKWATER (.260 CFS)
DOMESTIC (.080 CFS)
Date Filed: 7/05/1989
In: T03N R38E S24 SESE
25-07536
QUINTON, RAY E.
QUINTON, BERNADENE L.
10822 N. 5TH E.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversions Pt: SENENE Sec 28 T 03N R 38E
Use: COMMERCIAL (.040 CFS)
Date Filed: 9/15/1989
In: T03N R38E S28 NENE
25-07537
DEMOTT, WILLIAM J.
GROVER, LAVAR
RIGBY, WILLIAM F.
2105 INDUSTRIAL BLVD
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversions Pt: SWNE Sec 9 T 02N R 38E
Use: COMMERCIAL (.080 CFS)
Date Filed: 9/13/1989
In: T02N R38E S09 SWNE
25-07538
DANIEL, MELVIN R.

P.O. BOX 2473
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversions Pt: NENE Sec 24 T 03N R 38E
Use: COMMERCIAL (.040 CFS)
Date Filed: 9/19/1989
In: T02N R38E S07 NESE
25-07539
QUALITY INSULATION
STRUCTION INC.
P.O. BOX 3806
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversions Pt: NWNW Sec 24 T 03N R 38E
Use: COMMERCIAL (.040 CFS)
Date Filed: 8/18/1989
In: T02N R38E S08 NWSE
25-07540
HOBBS, LAURA LEE
611 AMY LANE
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversions Pt: SENE Sec 24 T 03N R 38E
Use: DOMESTIC (.100 CFS)
Date Filed: 8/18/1989
In: T02N R38E S22 SESE
25-07541
STANGER, MARILYN
2927 E. IONA RD.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversions Pt: NWNW Sec 24 T 03N R 38E
Use: COMMERCIAL (.040 CFS)
Date Filed: 7/12/1989
In: T02N R38E S03 NWSE



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

April 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN DEAN VAN WINKLE
JOLANE P VAN WINKLE
PO BOX 47
SWAN VALLEY ID 83449

RE: WATER RIGHTS 23-07133/23-07135

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

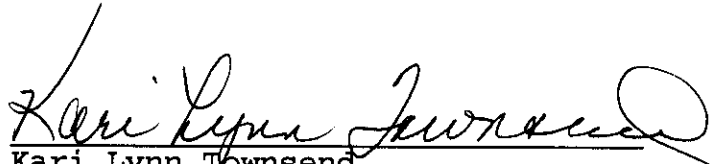
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Licenses)** to the person(s) listed below:

Water Rights 23-07133/23-07135

JOHN DEAN VAN WINKLE
JOLANE P VAN WINKLE
PO BOX 47
SWAN VALLEY ID 83449


Kari Lynn Townsend
Secretary

MICROFILMED
APR 13 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

APR 13 1999

MEMORANDUM

TO: File 23-07133

FROM: Sharla

DATE: April 6, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 23-07133 are as follows:

H. RECOMMENDATIONS

Irrigation	4/15 – 10/15	0.03 cfs	3.5 afa
Domestic	1/1 – 12/31	0.04 cfs	0.6 afa

The lawn/garden irrigation is included in the irrigation component, thus the domestic volume is for in-house use only at 0.6 af.

The standard irrigation season for this area is 4/15 – 10/15.

Exam Date: May 18, 1998

Examiner: Keith Wilson

MICROFILMED
APR 13 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 23-07133

DATE 4/6/99

REVIEWER: SHARLA

NAME Change/OK
Address chg to Idaho addrs.

SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd. desc)

Lot 4, Martin Subd.

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43

W60 (subd. desc)

W27 (ppu acre limit)

Lot 4, Martin Subd.

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate .07 cfs

Fee limit .20 cfs \$50⁰⁰

Measured _____ cfs

Theoretical .04 cfs

Recommended Total Div Rate .04 cfs

WATER USES

Dom

Dom

TOTALS

OK Change (P46)

.03 cfs

.04 cfs

_____ cfs

_____ cfs

.04 cfs

_____ cfs

123.5 af

12.6 af

_____ af

_____ af

4.1 af

_____ af

Irrig -

Domestic

Power

Fish (042)

Fire (077)

Wtr Quality (081/R07)

overlap (R58-R61, R62-R65, R66-R69)

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1acre (W31)

(W01/WB5/070/071/075)

(W42 or W43/025/027/R22 or R23)

Flow rate .03 cfs X 214 days X 1.98 = 12.7 af

REMARKS

ADD'L CONDITIONS ☐ Watermaster Control WD# _____

☐ GW Measurement/Measuring Device

☐ Others Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority ☐ yes ☒ no SRBA Claim _____

Adjust Memo dom vol.
Amend letters _____

for season
4/15 10/15

RECEIVED
6/82

MAR 22 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 23-07133

1. Owner: John Dean or Tolane P. Van Winkle Phone No. 483-2454

Current Address: P.O. Box 47, Swan Valley, Id 83449

2. Accompanied by: Mr Van Winkle EXAM DATE: 18 May 98

Address: — Phone No. —

Relationship to Permit Holder: —

3. Source: Ground Water tributary to —

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 23-07135

2. Other water rights with the same point of diversion: NONE

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
			SW	SE	6	1N	44E	Bonneville	On site / USGS Quad / Plat Map

2. Place(s) of Use:

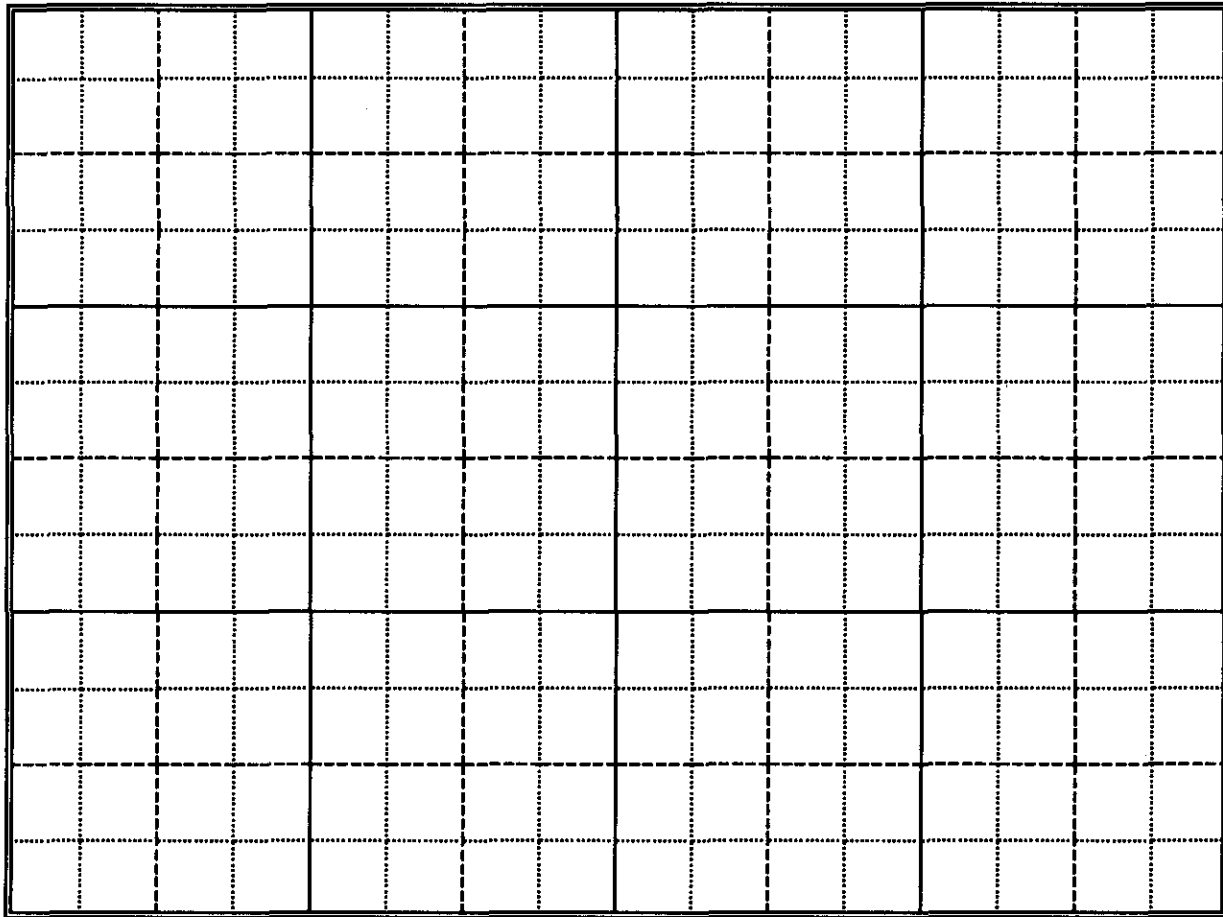
Indicate Method of Determination Plat Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	44E	6															D		
																	loc		1

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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
Submersible Pump	STA RITE	3/4	UNIC		

*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
PLANIMETER		LASICO	42P	B-90849		
				STATE ID 149697		

2. Measurements: 30-40 psi

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E. NARRATIVE/REMARKS/COMMENTS

Well outside of building

STREET ADDRESS

Well pump mainline to single domestic home (410 Rainey Creek Rd)
and Sprinkler system.

ACREAGE MEASURED USING PLANIMETERS

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

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F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{THEORETICAL}} = 0.04 \text{ cfs}$$

$$Q_{\text{IRR}} = 0.03$$

$$Q_{\text{DOM}} = 0.04$$

$$\text{Total} \quad 0.04 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \text{ ac} (3.5) = 3.5$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.03 (183) 1.9835 = 10.9$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 3.5$$

2. Volume Calculations for Other Uses:

$$V_{\text{DOM}} = 1.2 \text{ afa}$$

H. 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
IRRIGATION	4/1	11/1	0.03	3.5
Totals:			0.04	4.7

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name KETH C WILSON Date 18 May 98

Reviewer _____ Date _____

SEAL

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THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

$$Hp = \text{Horsepower} = \underline{\frac{3}{4}}$$

$$Eff = \text{Efficiency} = \underline{70\%} \quad (\text{Usually } 70\%)$$

$$\text{Lift: (Static Level + Assumed Draw down)}$$

$$\text{Static Water Level} = \underline{40} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{10} \text{ ft.}$$

$$\text{Lift} = \underline{50}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{30} \text{ psi}$$

$$Q_{cfs} = \left[\frac{0.75}{Hp} \times 8.814 \times \frac{0.70}{Eff} \right] \div \left[\frac{50}{Lift} + \left(\frac{30}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{4.63} \right] \div \left[\underline{119.2} \right]$$

$$Q_{cfs} = \underline{0.04} \text{ cfs}$$

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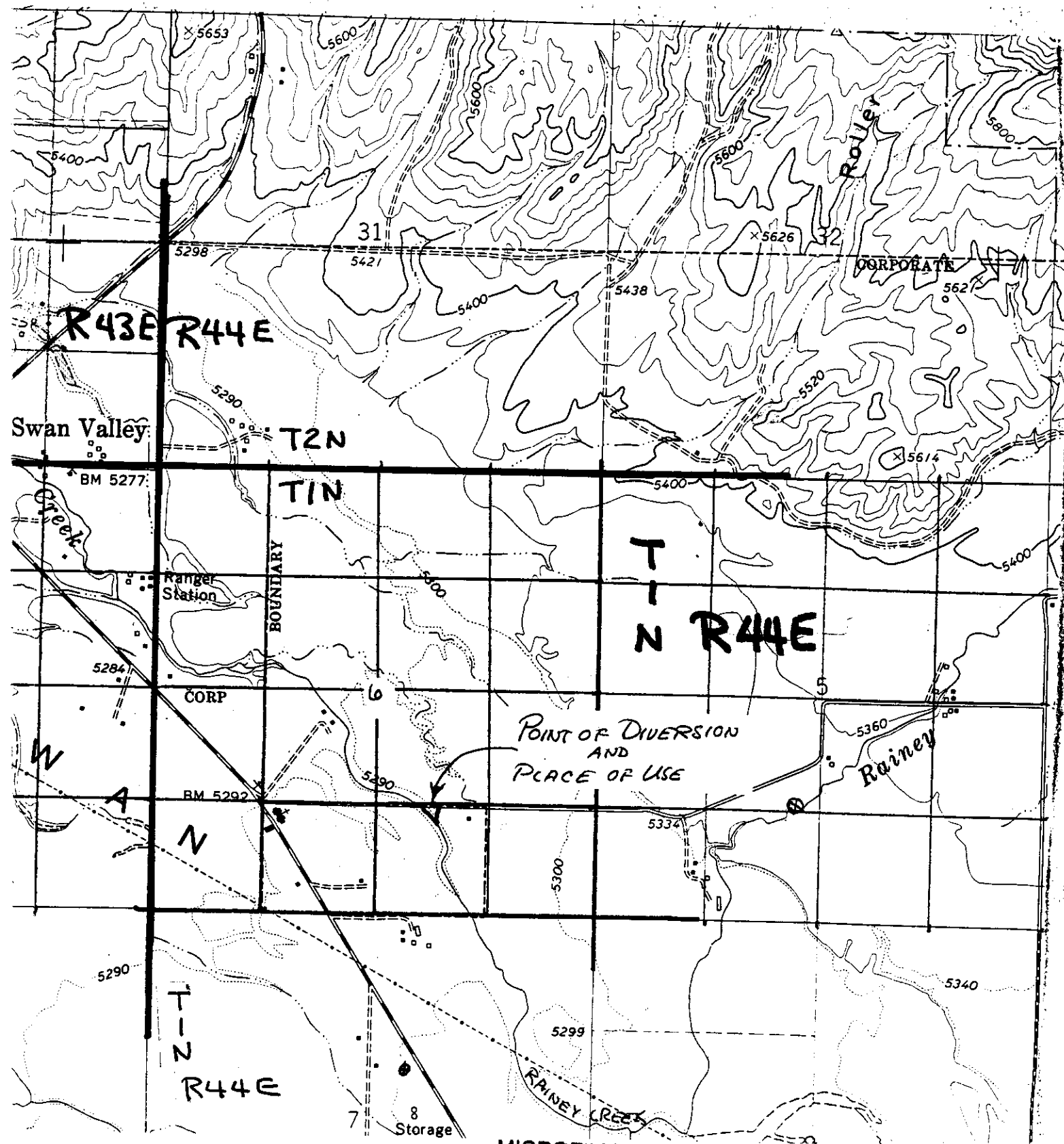
APR 13 1999

PERMIT NO. 23-07133

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

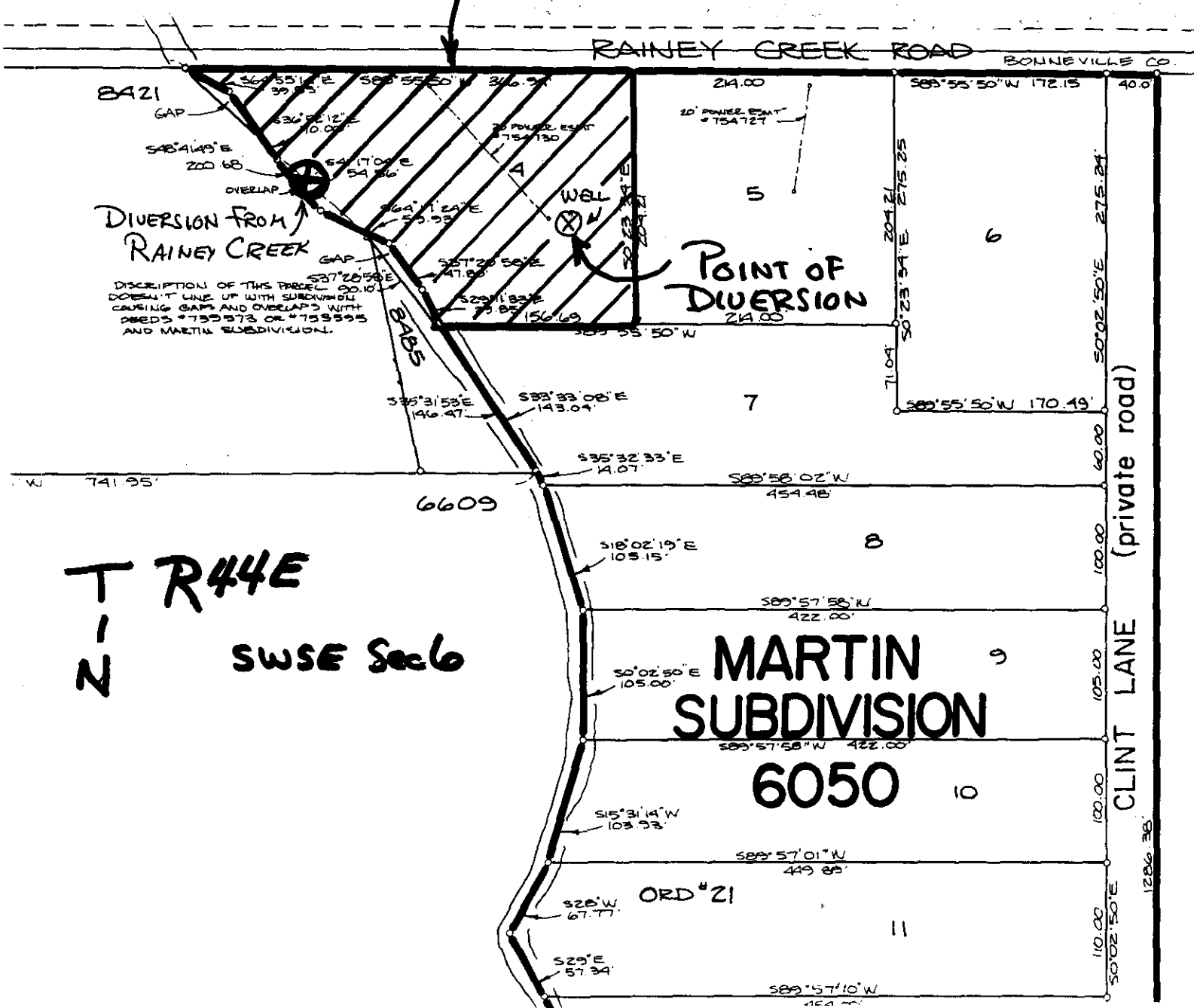


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23-07133

PLACE OF USE



T R44E
N- SWSE Sec 6

MARTIN
SUBDIVISION
6050

MICROFILMED

APR 13 1999

23-07133

Quantity of

TY	SIZE	QTY	SIZE	QTY	SIZE	QTY	SIZE




POINT OF DIVERSION

23-07133

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APR 13 1999

December 17, 1990

JOHN DEAN VAN WINKLE
JOLANE P. VAN WINKLE
2057 W. 4250 S.
ROY, UT 84067

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 23-07133

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

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 23-7133

Date: 7-10-90

General Considerations:

☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

☐ 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:

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

Measuring Device:

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

Remarks:

no w.l. - micro
needs w.l. - + D.P. OK

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<i>NA</i>	
	-
	=
	+
	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

State of Idaho
Department of Water Resources

JUL - 6 1988

DRILLING PERMIT

(Authorizing Construction of a Well)*
Department of Water Resources

1. Applicant Dean Vanwinkle
2. Address 2057 W. 4250 S., Roy, UT 84067
Telephone _____
(X) Well Owner () Well Operator () Other, specify _____
3. Proposed well location SW 1/4 SE 1/4, or Gov't lot No. _____,
Sec. 6, Twp. 1N, Rge. 44E, County Bonneville,
Lot, block and subdivision _____
4. Proposed use of well: (Check all that apply)
(XX) Domestic () Stockwater () Monitoring
() Irrigation () Industrial () Municipal
() Injection () Other, Specify _____
5. Well construction information:
(XX) New well () Deepen () Replace
Proposed surface diameter 6" Maximum depth 60'
Anticipated bottom hole temperature:
(X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)
6. Anticipated construction start date 7/7/88
7. Well Driller (if known) Dennings 010
Address _____
8. Applicant's signature John Dean Vanwinkle
Title owner
Date 7/1/88

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JAN 03 1991

* After other pre-requisite approvals have been obtained.

* Fee is \$10 for single family domestic. Other uses may be \$100, \$50 or \$10.

ACTION OF IDWR

(X) Approved () Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

SPECIFIC CONDITIONS:

Dated this 1st day of July, 1988.

Signed

Title Eastern Regional Manager

Received by dg Fee \$10⁰⁰ Date 7-1-88 **MICROFILMED** JAN 03 1991

Receipt No. E000606 Construction start extension to _____

Extension approved by _____

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 29, 1989

JOHN DEAN VAN WINKLE
JOLANE P. VAN WINKLE
2057 W. 4250 S.
ROY, UT 84067

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

RE: PERMIT NO. P23-07133

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

INDEXED

MAR 20 1990

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

Monofilmed

MAR 20 1990

/ Dist. for staffing 7-26-89 RB

Submitted for advertising 10-19-89 HJS

Vance Winkle, John Dean, Joane D

Form No. 202a
/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

23-7133

INITIAL REVIEW BY James Dunn DATE 19 Oct 89 APPLICATION NUMBER _____

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of 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.) app for permit
_____ Overlapping point of diversion
_____ Yes ☒ No Field check required
_____ Yes ☒ No Field check by _____
_____ Yes ☒ No Field report attached
_____ Yes ☒ No Critical groundwater area
_____ Yes ☒ No Groundwater management area
_____ Yes ☒ No Send dam safety information
_____ Yes ☒ No Send power requirement letter
_____ Yes ☒ No Send fish farm requirement letter
_____ Yes ☒ No Power residency affidavit
_____ Yes ☒ No Power efficiency form
_____ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
_____ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
_____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested NOV 1 1989

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 11-20-89
☐ 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-P05
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 7-24-89
By HWS Date 11-21-89

STATE OFFICE REVIEW P05, P23 P16 46 48 49 57

See below for additional information

By KW Date 12-19-89

ADDITIONAL INFORMATION

App. in NON-TRUST area-

27-Sep-1989

John Dean Van Winkle
2057 W. 4250 S.
Roy, UT 84067

RE: Application for Permit No. 23-7133

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 unopposed 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

MAR 20 1990

23-07133

VAN WINKLE, JOHN DEAN
VAN WINKLE, JOLANE P.
2057 W. 4250 S.
ROY, UT 84067

Source: GROUNDWATER

Diversion Pt: SWSE Sec 6 T 01N R 44E

Use: IRRIGATION (.030 CFS)
DOMESTIC (.040 CFS)

Date Filed: 7/24/1989

In: T01N R44E S06 SWSE

1.0 ACRES TOTAL

RECORDED

MAR 20 1990