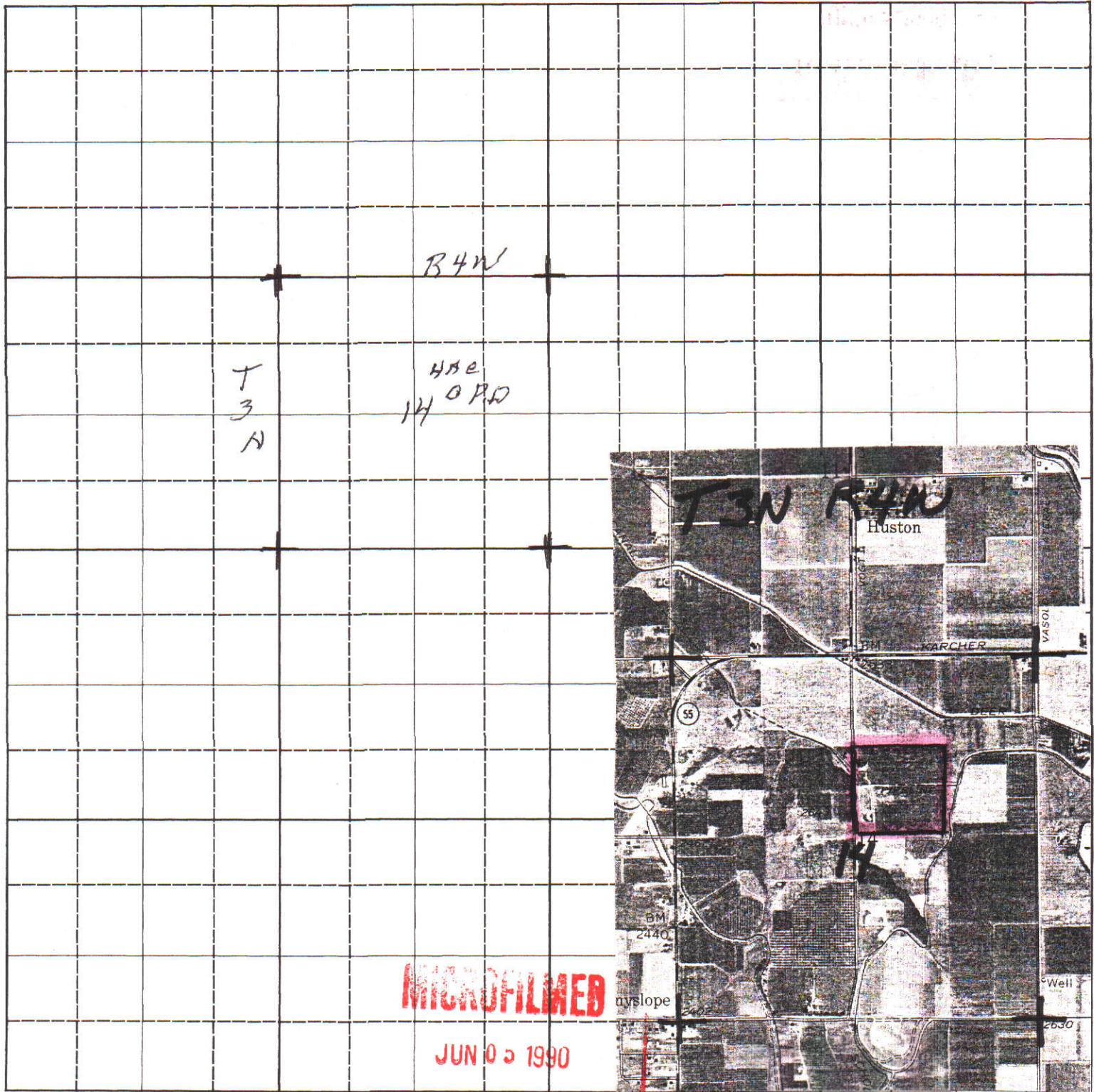


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Robert D. Wheeler

(Applicant)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11099

Proposed Priority: January 16, 1990 Maximum Diversion Rate: 0.12 CFS

This is to certify, that JANET L. WHELAN
PATRICK D. WHELAN
P.O. BOX 94
HUSTON, ID 83630

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	03/15 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSWNE Sec. 14, Township 03N, Range 04W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 04W 14	SWNE 4			4
Total number of acres irrigated:				4

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 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 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.

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

24 day of May, 1990

for *R. Keith Higginson*
R. Keith Higginson, Director

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JUN 05 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

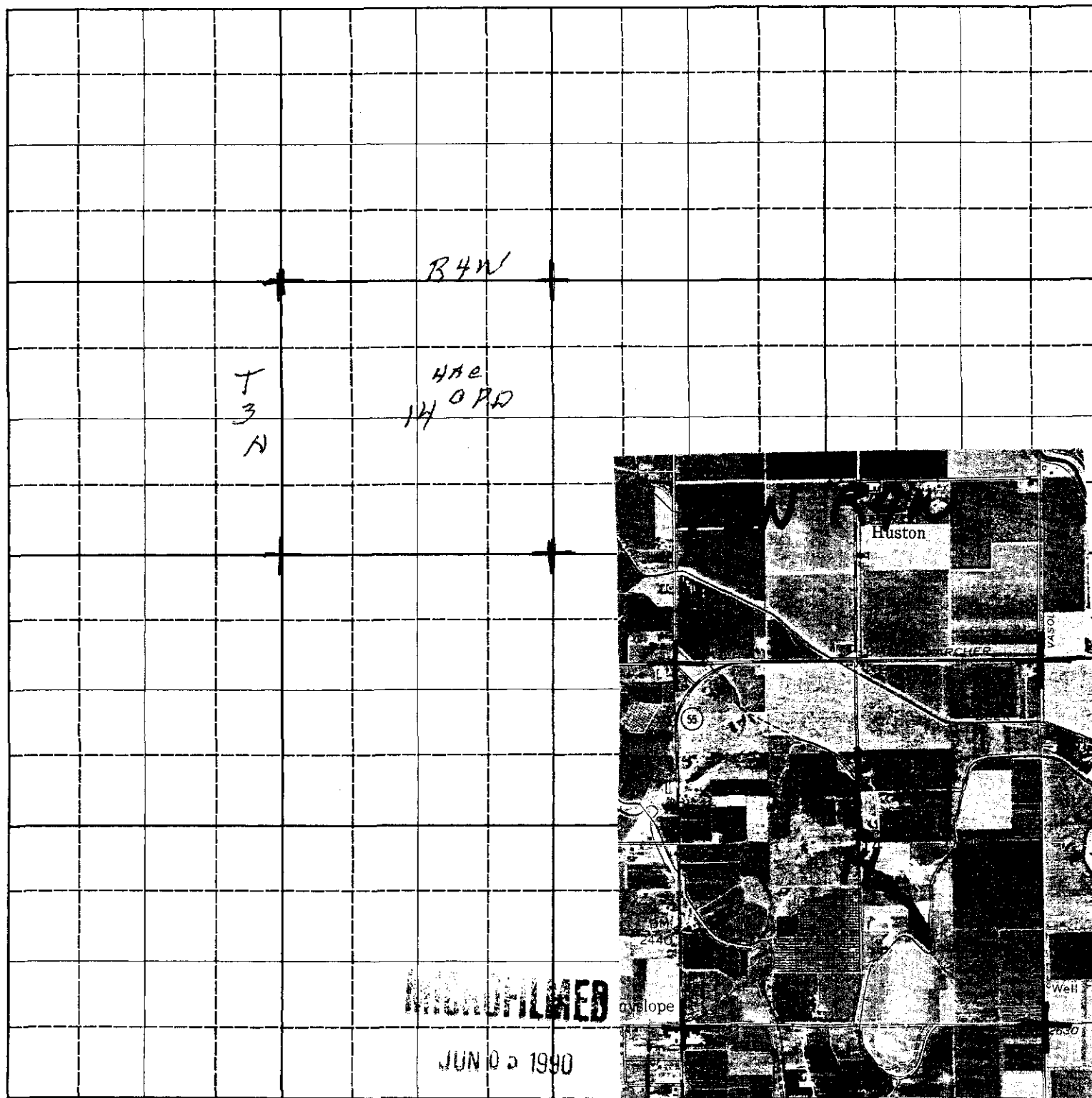
1. Name of applicant PATRICK D & Janet L. ^{Whelem} Phone 454-3787
Post office address Box 94 Huston, Idaho 83630
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 14 Township 3N Range 4W B.M. Canyon County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .12 for irrigation purposes from 3/15 to 11/15 (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) .12 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 8 inch casing, 125 ft
deep, 7 1/2 HP submersible pump (existing)
Domestic use was filed under present adjudication
6/1/1974 priority date.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 8 inches; proposed depth of well is 125 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).

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JUN 03 1990

~~CONFIDENTIAL~~

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.

Patrick S. Wheeler

(Applicant)

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JUN 0-1990

e. Other:

permit.

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.

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.

19

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by Yes Date 1/16/90 Time 2:38 pm Preliminary check by [Signature]
Received by [Signature] # 0007611 Date 1-16-90
Fee \$ 30.00
Publication prepared by GC Date 1/31/90 Published in Press-Irrigume
Publication approved [Signature] Date 3-13-90

NOTICE OF APPLICATION FOR WATER RIGHT

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

JESENKO, PAUL
JESENKO, WANDA
HC 79 BOX 46
MELBA, ID 83641

Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

SENE Sec 23 T 01S R 02W

(1.200 CFS)

Total Diversion: (1.200 CFS)

Date Filed: 1/15/1990
In: T01S R02W S23

SWNE

SENE

NESE

NWSE

100.0 ACRES TOTAL

63-11099

WHELAN, JANET L.
WHELAN, PATRICK D.
P.O. BOX 94
HUSTON, ID 83630

Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

SWSWNE Sec 14 T 03N R 04W

(.120 CFS)

Total Diversion: (.120 CFS)

Date Filed: 1/16/1990
In: T03N R04W S14 SWNE

4.0 ACRES TOTAL

63-11100

WELLS, LEWIS E.
454 HILL RD. S.
MELBA, ID 83641

Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

NWSE Sec 3 T 01S R 02W

(.090 CFS)

Total Diversion: (.090 CFS)

Date Filed: 1/08/1990
In: T01S R02W S03 NWSE

3.0 ACRES TOTAL

63-11101

CROOKHAM CO.
P.O. BOX 520
CALDWELL, ID 83605

Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

SWNE Sec 11 T 03N R 04W

(2.080 CFS)

Total Diversion: (2.080 CFS)

Date Filed: 1/12/1990
In: T03N R04W S11 NENE NWNE SWNE SENE

104.0 ACRES TOTAL

63-11103

WILLIAMSON, JOHN A.
14252 SUNNYSLOPE RD.
CALDWELL, ID 83605

Source: GROUNDWATER
Diversion Pt: LOT 4 (SENNWN) Sec 4 T 03N R 04W

LOT 1 (NWNENE) Sec 4 T 03N R 04W

LOT 3 (NENENW) Sec 5 T 03N R 04W

LOT 1 (NENENE) Sec 6 T 03N R 04W

Use: IRRIGATION
Total Diversion: (2.400 CFS)

Date Filed: 11/22/1989
In: T03N R04W S04 Lot 3 (NENW) Lot 4 (NWNW)

300.0 ACRES TOTAL

63-11107

BISH WELL
C/O ALTHA M. BISH
3805 BRIAN
CALDWELL, ID 83605

Source: GROUNDWATER
Diversion Pt:
Use: DOMESTIC

SWNWSW Sec 34 T 04N R 03W

(.150 CFS)

Total Diversion: (.150 CFS)

Date Filed: 1/09/1990
In: T04N R03W S34 SWSW

63-11113

PAXTON, ROBERT L.
17369 HWY. 95
WILDER, ID 83676

Source: SPRING
Diversion Pt:
Use: IRRIGATION

Tributary: SNAKE RIVER
NWNESE Sec 3 T 03N R 05W

(.200 CFS)

Total Diversion: (.200 CFS)

Date Filed: 1/19/1990
In: T03N R05W S03 NESE NWSE

10.0 ACRES TOTAL

63-11115

BROWN, OMER
BROWN, JAY DEAN
2098 S. BLVD. S.
MELBA, ID 83641

Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

NENE Sec 13 T 01S R 02W

(1.580 CFS)

STOCKWATER (.070 CFS)

DOMESTIC (.040 CFS)

Total Diversion: (1.690 CFS)

Date Filed: 1/24/1990
In: T01S R02W S13 NENE NWNE

79.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before FEBRUARY 26, 1990.

R. KEITH HIGGINSON, Director

February 7, 14, 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

County of Canyon)

RECEIVED
FEB 13 1990

Department of Water Resources
Western Regional Office

Rebecca Stiehl

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 7, 14, 1990

Rebecca Stiehl

STATE OF IDAHO)

)

COUNTY OF CANYON)

On this 14th day of February in the year of 1990, before me, a Notary Public, personally appeared Rebecca Stiehl, known or identified to me to be the person whose name 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/she executed the same.

Janne Lusk

Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

MicroFILMED
JUN 03 1990

June 26, 1990

JANET L. WHELAN
PATRICK D. WHELAN
P.O. BOX 94
HUSTON, ID 83630

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-11099

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 WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

INDEXED

JUN 27 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 63-11099

Date: 6-25-90

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 1975
 2. drilling permit NA
 NA 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:

- ☒ NO Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

JUN 4 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 50.00
Date 6/3/90
Receipt No. 607130
Received by J. Anderson

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. P63-11099 Telephone No. 208-454-3787

Name(s) of Permit Holder(s): Janet L. and Patrick D. Whelan

Post Office Address: Box 94, Huston, Idaho 83630

Source of Water: well

If ground water, well driller's name: ? Date drilled: 1975

Extent of Use:
Domestic 1 (No. of households) Irrigation 4 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 0.12 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 6/75

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

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

OR

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

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

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

Pat Whelan 208-454-3787
Name Telephone No.
Box 94, Huston, Id 83630
Address

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

5/31/90
Date

Patrick D. Whelan
Signature (and title if on behalf of a company or organization)

JUN 27 1990

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
May 24, 1990

JANET L. WHELAN
PATRICK D. WHELAN
P.O. BOX 94
HUSTON, ID 83630

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P63-11099

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

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JUN 05 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

RECEIVED

JUN 10 1990

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: JP

DATE: 1-17-90

APPLICATION: 63-11099

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

Gov't. Lots:

N/A P/D
N/A P/U

ADDITIONAL INFORMATION

YES NO

- ☐ ☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ ☒ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ Diversion within interim protected river area
☐ ☒ Send dam safety information:
☐ ☒ Send power requirement letter:
☐ ☒ Send fish farm requirement letter:
☐ ☒ Power residency affidavit:
☐ ☒ Power efficiency form:
☐ ☒ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ ☒ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side: _____

Department of Water Resources

PROCESSING

APPLICATION NO. 63-11029

YES NO

☒ ☒
☒ ☒
☒ ☒

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☒ ☒
☒ ☒
☒ ☒
☒ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☒
☒ ☒
☒ ☒
☒ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒
☒ ☒

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☒
☒ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest February 26, 1990

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dnr

Measuring device required:

Measuring port required:

Water delivered by water master? District # 63

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority 1/16/1990Recommended by: DnrDate 5/6/1990

STATE OFFICE REVIEW

P05, P23P1646

See below for additional information. By

KWDate 5-21-90

ADDITIONAL INFORMATION

HAS IRRIGATION DISTRICT WATER ON 2 ACRES

63-11099

WHELAN, JANET L.
WHELAN, PATRICK D.
P.O. BOX 94
HUSTON, ID 83630

Source: GROUNDWATER

Diversion Pt: SWSWNE Sec 14 T 03N R 04W

Use: IRRIGATION (.120 CFS)
Total Diversion: (.120 CFS)

Date Filed: 1/16/1990

In: T03N R04W S14 SWNE

4.0 ACRES TOTAL

RECORDED

JUN 05 1990