

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 45-07636

Priority: January 30, 1989

Maximum Diversion Rate:

0.31 CFS

Maximum Diversion Volume:

64.0 AF

This is to certify, that PHILLIP C CHAMBERLAIN

HC 66 BOX 3C

DECLO ID 83323

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 30, 1989; and has submitted Proof of Beneficial Use on May 2, 1994. An examination indicates that the works have a diversion capacity of 0.310 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            | 04/01 to 10/31       | 0.31 CFS                 | 64.0 AF              |

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 29, Township 10S, Range 25E  
CASSIA 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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 10S        | 25E        | 29         | NENE 1       | SWNE 1       | SENE 14      | 16           |

Total number of acres irrigated: 16

## 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 that 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. This right when combined with all other rights shall provide more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

NOT RECORDED  
AUG 06 1998

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 45-07636

## CONDITIONS OF APPROVAL AND REMARKS

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 29<sup>TH</sup>  
day of JUNE, 1998.

Acting for  KARL J. DREHER, Director

MICROFILMED  
AUG 06 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| IN THE MATTER OF PERMIT   | ) |                                    |
| NO. 45-07636 IN THE NAME  | ) | <b>PRELIMINARY ORDER VOIDING</b>   |
| OF PHILLIP C. CHAMBERLAIN | ) | <b>APPLICATION TO AMEND PERMIT</b> |
| _____                     | ) |                                    |

This matter having come before the Department of Water Resources (Department) as a result of an application to amend a permit, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Phillip C. Chamberlain (permit holder) is the holder of Permit 45-07636 (permit), which was issued by the Department on April 29, 1991, for the appropriation of 0.70 cubic feet per second of ground water within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 29, Township 10 South, Range 25 East, B.M., for the irrigation of 35 acres.
2. On June 28, 1993, the permit holder submitted an Application for Amendment of a Permit (application) to the Department to change the point of diversion to the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 29, Township 10 South, Range 25 East, B.M.
3. The application was advertised in the South Idaho Press on July 23 and July 30, 1993. The application was protested by Allen Schrenk and by L. S. Skaggs, d/b/a Six S Ranch.
4. On May 2, 1994, the Department received Proof of Beneficial Use for the permit.
5. On August 26, 1997, Department staff conducted a field examination to verify the water use developed under the permit. The examiner reported that water has been diverted from the original point of diversion to irrigate 16 acres.
6. On January 29, 1998, Department staff sent the permit holder a letter asking him if he still wishes to proceed with the application. The permit holder did not respond to the Department's letter.
7. On April 6, 1998, Department staff sent the permit holder a letter by certified mail asking him if he still wishes to proceed with the application. On April 13, 1998, the Department received the return receipt signed by the permit holder. The permit holder has not otherwise responded to the Department's letter.

CONCLUSIONS OF LAW

1. Section 42-204, *Idaho Code*, provides that the failure of an applicant to supply requested information within 30 days is cause for the Department to void an application.

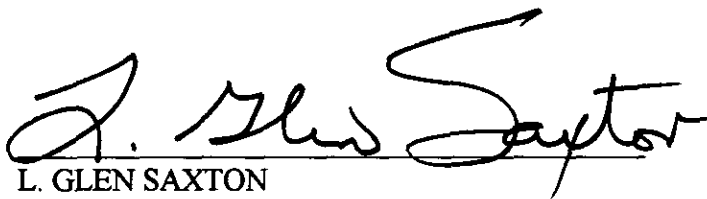
MICROFILMED  
AUG 06 1998

2. The Department should void the application as provided in Section 42-204, *Idaho Code*.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the application is **VOIDED** as provided in Section 42-204, *Idaho Code*.

Dated this 2<sup>nd</sup> day of June, 1998.



L. GLEN SAXTON  
Chief, Water Allocations Bureau

MICROFILMED  
AUG 06 1998

RECEIVED  
MAY 02 1994

OFFICE USE ONLY  
Amt. of Fee \$ 100.00  
Date 5/2/94  
Receipt No. C030188  
Receipt by dw

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 45-07636 Telephone No. 654-2335
2. Name(s) of Permit Holder(s): Phillip C. Chamberlain
3. Mailing Address: RT1 Box 64 Declo, Id. 83323
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Sherman Couch Date Drilled: 1-3-94

OPTIONAL:

Pump horsepower: 20 Pressure (psi): 50 Dynamic pumping level (ft.): 100

5. Extent of Use (as authorized by the permit):

Domestic \_\_\_\_\_ (No. of households) Stockwater \_\_\_\_\_ (No. and type of stock)

Irrigation 35 (No. of acres) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted 0.70 cfs OR \_\_\_\_\_ acre/feet

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

Measuring device: Required? \_\_\_\_ Yes NO Installed? \_\_\_\_ Yes \_\_\_\_ No

OR

Flow Measurement Port: Required? \_\_\_\_ Yes NO Installed? \_\_\_\_ Yes \_\_\_\_ No

8. Fee Enclosed: \$ 100.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Phillip Chamberlain 6542335  
Name Telephone No.

RT.1 Box 64 Declo, Id 83323  
Address

10. 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.

4-30-94  
Date

Phillip C. Chamberlain  
Signature (and title, if on behalf of a company or organization)

JUL 26 1994

RECEIVED

MAR 9 1993

For Office Use Only  
\$15 Fee Received by per  
Date 3-9-93  
Receipt No. C 026938

STATE OF IDAHO Department of Water Resources  
DEPARTMENT OF WATER RESOURCES

**REQUEST FOR EXTENSION OF TIME**  
**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 water right under the provisions of Section 42-204, Idaho Code.

Permit No. 45-07636

Name(s) of Permit Holder: Phillip C. Chamberlain

Mailing Address: RT. 1 Box 64 Declo, Id. 83323

Date Proof is Due May 3, 1993 Telephone No. 654-2335

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".)

The well has been drilled \$3660.00

20 HP sub Pump (\$3800.00) and Electrical hook up (\$2500.00) will be in as  
soon as snow melts. Before proof date. Costing \$           

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

I'm only going to get about 10 acres in wheat this year.  
I need this summer to clear more ground and test well.

Permit holder(s) request an extension to 3-9-5/1, 1993-94 per telcon  
3/10/93

FEE: \$15.00

Phillip C. Chamberlain  
(Signature)\*

\*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 APPROVED  
and the time within which to submit proof of beneficial use is  
extended to May 1, 1994.

APR 13 1993

Signed this 12<sup>th</sup> day March, 19 93

J. Glen Saylor  
Chief, Water Allocation Bureau

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 45-07636

Proposed Priority: January 30, 1989 Maximum Diversion Rate: 0.70 CFS

This is to certify, that PHILLIP C. CHAMBERLAIN

P.O. BOX 305

KIMBERLY, ID 83341

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       | 0.70 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: SWNE Sec. 29, Township 10S, Range 25E  
CASSIA 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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 10S        | 25E        | 29         | NENE 3       | SWNE 6       | SENE 26      | 35           |

Total number of acres irrigated: 35

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 3, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

**MICROFILMED**

MAY 08 1991

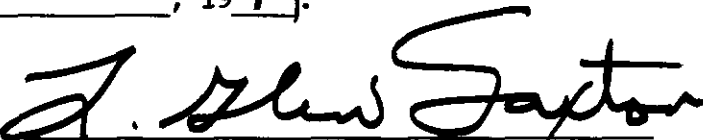
State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 45-07636

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

29<sup>th</sup> day of April, 1991.

*for*   
R. Keith Higginson, Director

MICROFILMED

MAY 08 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
*AMENDED* APPLICATION FOR PERMIT *AMENDED*

To appropriate the public waters of the State of Idaho

1. Name of applicant Phillip C. Chamberlain Phone 423-4593  
Post office address Box 305 (235 Monroe St. W.) Kimberly, Id 83341
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is ~~NE~~ ¼ of ~~SE~~ SW ¼ of NE ¼, Govt. Lot \_\_\_\_\_  
Sec. 29 Township 10 S Range 25 E B.M. Cassia County; additional  
points of diversion if any: \_\_\_\_\_  
*POD changed per map & trust water questionnaire rec'd 2/27/91 Tjake 2-28-91*
4. Water will be used for the following purposes:  
Amount .70 for Irrigation purposes from Mar. 15 to Nov. 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) 0.70 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Well and pump, Pipeline to  
Sprinkler system.
- 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 10 inches; proposed depth of well is 150 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 for proposed beneficial use is  
2 years (minimum 1 year).

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MAY 08 1991

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. \_\_\_\_\_
- 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 |        |
| 10S | 25E   | 29   | 3   |     | 6   | 26  |     |     |     |     |     |     |     |     |     |     |     |     | 35     |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 35

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

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

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

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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MAY 08 1991

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1601 UV-Visible Spectrophotometer. The concentration of chlorophyll was expressed in  $\mu\text{g mL}^{-1}$ .



**MICROFILMED**

May 08 1991

Phillip C. Chamberlain  
(Applicant)

Received by TB Date 1/30/89 Time 3:00 Preliminary check by JF Stanton  
Fee \$ 45.00 Receipted by TB # 5006179 Date 1/30/89  
Publication prepared by B. M. Date 3-13-91 Published in South Idaho Review  
Publication approved TJL Date 4-5-91

### 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:

NOT RECORDED

MAY 08 1991

# SOUTH IDAHO PRESS

BURLEY, IDAHO

## AFFIDAVIT OF PUBLICATION

RECEIVED

APR 05 1991

Department of Water Resources

County of Cassia, }  
STATE OF IDAHO } ss.

MONIQUE SOWES being first  
duly sworn, deposes and says that SHE  
is the CLERK of the South  
Idaho Press, a daily newspaper published  
at Burley, Idaho, in the county aforesaid  
and that the paper is of general circulation  
therein. Deponent further states that the  
printed notice attached hereto was duly  
published according to law in the regular  
editions of The South Idaho Press for two  
consecutive weeks, commencing with the  
issue dated MARCH 22 19 91, and  
ending with the issue dated MARCH 29,  
19 91. Monique Sowes

STATE OF IDAHO

COUNTY OF CASSIA }

On this 4 day of April in the year of 1991, before me,  
a Notary Public, personally appeared Monique Sowes,  
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 executed  
the same.

Drene Sanchez  
Notary Public for Idaho

Residing at Burley ID

My commission expires: 10-23-96

Cost of Publication: 23.76

Notary Fee: .50

Total Cost: 24.26

MICROFILMED  
MAY 08 1991

# SOUTH IDAHO PRESS

BURLEY, IDAHO

## AFFIDAVIT OF PUBLICATION

RECEIVED  
APR 05 1991

Department of Water Resources

91-112

### NOTICE OF APPLICATION FOR TRUST WATER RIGHT

45-07636

CHAMBERLAIN, PHILLIP C.

P.O. BOX 305

KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: SWNE Sec 29 T 10S R 25E

Use: IRRIGATION (.700 CFS)

Total Diversion: (.700 CFS)

Date Filed: 1/30/1989

In: T10S R25E S29 NENE SWNE SENE

35.0 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, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 8, 1991.

R. Keith Higginson, Director

Published in the South Idaho Press on March 22 and 23, 1991.

County of Cassia, }  
STATE OF IDAHO } ss.

McMURRAY, James being first  
duly sworn, deposes and says that SAE  
is the CLERK of the South  
Idaho Press, a daily newspaper published  
at Burley, Idaho, in the county aforesaid  
and that the paper is of general circulation  
therein. Deponent further states that the  
printed notice attached hereto was duly  
published according to law in the regular  
editions of The South Idaho Press for two  
consecutive weeks, commencing with the  
issue dated MARCH 22, 19 91, and  
ending with the issue dated MARCH 23,  
19 91. McMURRAY, James

STATE OF IDAHO

COUNTY OF CASSIA

On this 4 day of April in the year of 1991, before me,  
a Notary Public, personally appeared McMURRAY, James,  
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 executed  
the same.

Notary Public for Idaho

Residing at \_\_\_\_\_

My commission expires: \_\_\_\_\_

Cost of Publication: 23.76

Notary Fee: 50

Total Cost: 24.26



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

June 30, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

PHILLIP C CHAMBERLAIN  
HC 66 BOX 3C  
DECLO ID 83323

RE: WATER RIGHT NO. 45-07636

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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 the 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 the 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.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

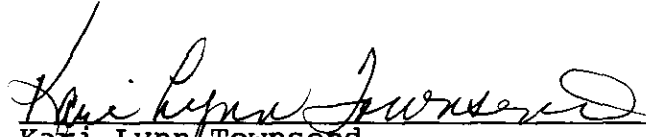
RECORDED  
AUG 06 1998

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 45-07636

PHILLIP C CHAMBERLAIN  
HC 66 BOX 3C  
DECLO ID 83323

  
Kari Lynn Townsend  
Secretary

MICROFILMED

JUN 26 1998

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

PHILLIP C CHAMBERLAIN

HC 66 BOX 3C

DECLO ID 83323

4a. Article Number

P 326 991 629

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



Print your name, address and ZIP Code here

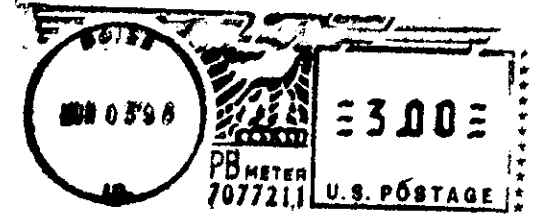
45-07636 . . . KLT

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1. North Orchard Street  
Boise, Idaho 83706-2237

CERTIFIED

P 326 991 629

MAIL



NOT  
X  
MOVED, LEFT NO ADDRESS  
DELIVERABLE ADDRESS  
IF TO LOCAL  
MOVED - NO RETURN  
ADDRESS  
RICH STREET - NO  
NOT RETURNED TO  
POSTAL SERVICE  
NOT CROSSED NO ORDER

6-4-98  
RECEIVED  
JUN 23 1998  
Department of Water Resources  
MICROFILMED  
JUN 06 1998

83



## 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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 3, 1998

PHILLIP C CHAMBERLAIN  
HC 66 BOX 3C  
DECLO ID 83323

RE: Water Right 45-07636

Dear Water Right Holder(s):

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243 Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

#### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this 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 Director. The Director retains the right to review the preliminary order on his own motion.

### ORAL ARGUMENT

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

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

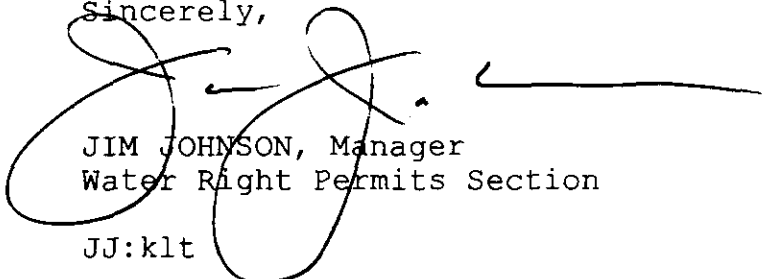
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to

district court by filing a petition in the district court of the county in which:

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

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

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosure

CERTIFICATE OF MAILING

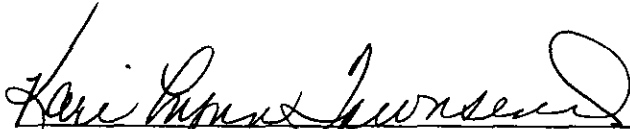
I hereby certify that on the 3rd day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER to the person(s) listed below:

Water Right 45-07636

PHILLIP C CHAMBERLAIN  
HC 66 BOX 3C  
DECLO ID 83323

ALLEN SCHRENK  
HC 66 BOX 2  
DECLO ID 83323

L S SKAGGS  
C/O JOHN RSHOLT  
RSHOLT ROBERTSON & TUCKER  
PO BOX 1906  
TWIN FALLS ID 83303-1906

  
Kari Lynn Townsend  
Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| IN THE MATTER OF PERMIT   | ) |                                    |
| NO. 45-07636 IN THE NAME  | ) |                                    |
| OF PHILLIP C. CHAMBERLAIN | ) | <b>PRELIMINARY ORDER VOIDING</b>   |
| _____                     | ) | <b>APPLICATION TO AMEND PERMIT</b> |

This matter having come before the Department of Water Resources (Department) as a result of an application to amend a permit, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Phillip C. Chamberlain (permit holder) is the holder of Permit 45-07636 (permit), which was issued by the Department on April 29, 1991, for the appropriation of 0.70 cubic feet per second of ground water within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 29, Township 10 South, Range 25 East, B.M., for the irrigation of 35 acres.
2. On June 28, 1993, the permit holder submitted an Application for Amendment of a Permit (application) to the Department to change the point of diversion to the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 29, Township 10 South, Range 25 East, B.M.
3. The application was advertised in the South Idaho Press on July 23 and July 30, 1993. The application was protested by Allen Schrenk and by L. S. Skaggs, d/b/a Six S Ranch.
4. On May 2, 1994, the Department received Proof of Beneficial Use for the permit.
5. On August 26, 1997, Department staff conducted a field examination to verify the water use developed under the permit. The examiner reported that water has been diverted from the original point of diversion to irrigate 16 acres.
6. On January 29, 1998, Department staff sent the permit holder a letter asking him if he still wishes to proceed with the application. The permit holder did not respond to the Department's letter.
7. On April 6, 1998, Department staff sent the permit holder a letter by certified mail asking him if he still wishes to proceed with the application. On April 13, 1998, the Department received the return receipt signed by the permit holder. The permit holder has not otherwise responded to the Department's letter.

CONCLUSIONS OF LAW

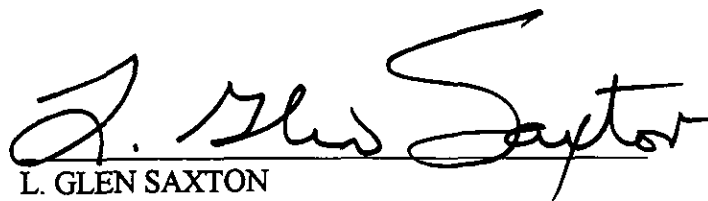
1. Section 42-204, *Idaho Code*, provides that the failure of an applicant to supply requested information within 30 days is cause for the Department to void an application.

2. The Department should void the application as provided in Section 42-204, *Idaho Code*.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the application is **VOIDED** as provided in Section 42-204, *Idaho Code*.

Dated this 2<sup>nd</sup> day of June, 1998.

  
L. GLEN SAXTON  
Chief, Water Allocations Bureau

P 326 991 629

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

|                                                             |    |
|-------------------------------------------------------------|----|
| Sent to                                                     |    |
| PHILLIP C CHAMBERLAIN                                       |    |
| Street & Number                                             |    |
| HC 66 BOX 3C                                                |    |
| Post Office, State, & ZIP Code                              |    |
| DECLO ID 83323                                              |    |
| Postage                                                     | \$ |
| Certified Fee                                               | \$ |
| Special Delivery Fee                                        | \$ |
| Restricted Delivery Fee                                     | \$ |
| Return Receipt Showing to Whom & Date Delivered             | \$ |
| Return Receipt Showing to Whom, Date, & Addressee's Address | \$ |
| TOTAL Postage & Fees                                        | \$ |
| Postmark or Date                                            |    |
| 6-3-98                                                      |    |

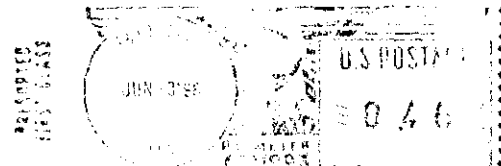
PS Form 3800, April 1995

MICROFILMED  
AUG 06 1998

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

1. North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

45-07636



Return Service Requested



RECEIVED

JUN 05 1998

Department of Water Resources

- ☐ MOVED, LEFT NO ADDRESS
- ☐ NOT DELIVERABLE AS ADDRESSED
- ☐ UNABLE TO FORWARD
- ☐ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET - NUMBER
- ☐ DO NOT REMAIN IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEPTACLE
- ☐ BOX CLOSED NO ORDER

ALLEN SCHRENK

HC 66 BOX 3C

DECLO ID 82228

1230 E. HWY 8 BOISE  
DECLO, ID 83323-5662

Copy of 6.3.98  
letter to P.C. Chamberley  
re sent to A. Schrenk at

MICROFILMED

AUG 0 8 1998



**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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 3, 1998

PHILLIP C CHAMBERLAIN  
HC 66 BOX 3C  
DECLO ID 83323

RE: Water Right 45-07636

Dear Water Right Holder(s):

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MICROFILMED

AUG 06 1998

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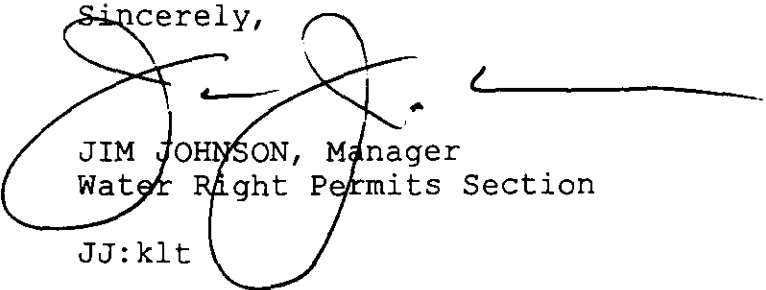
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- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
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Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosure

**CERTIFICATE OF MAILING**

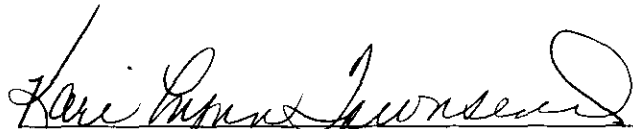
I hereby certify that on the **3rd** day of **June, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

**Water Right 45-07636**

**PHILLIP C CHAMBERLAIN  
HC 66 BOX 3C  
DECLO ID 83323**

**ALLEN SCHRENK  
HC 66 BOX 2  
DECLO ID 83323**

**L S SKAGGS  
C/O JOHN ROSHOLT  
ROSHOLT ROBERTSON & TUCKER  
PO BOX 1906  
TWIN FALLS ID 83303-1906**

  
Kari Lynn Townsend  
Secretary

**MICROFILMED**

**AUG 06 1998**

# STATE OF IDAHO

## APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Phillip C. Chamberlain Phone 654-2335  
of (address) Rt. 1 Box 69, Declo, ID 83323, and represents to the  
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho  
No. 45-07636, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 NE 1/4, Section 29, Township 10S Range 25E, B.M.,  
County of Cassia. Other points of diversion: NE/NE S. 29 T. 10S R. 25E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) No Change  
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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: No Change

| 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 |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated = \_\_\_\_\_

4. a. Who owns the property at the point of diversion? Applicant  
b. Who owns the land to be irrigated or the place of use? "  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the  
applicant to make this filing: \_\_\_\_\_

MICROFILMED

APR 06 1998

Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile.

Signed at Twin Falls, this 28 day of June, 1993.

(Signature)

**FOR DEPARTMENT USE ONLY**

Preliminary check by MTS Fee = \$20.00

Received by

Date \_\_\_\_\_

5015714

Publication prepared by MB Date 11/3/93

Date \_\_\_\_\_

113/93

Published in:

Publication dates

$$\frac{7}{23} + \frac{7}{30} = \frac{7}{93}$$

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

\_\_\_\_\_, of the Department of Water Resources hereby

Witness my hand this \_\_\_\_\_ day of

61

8661 9 0 6 1998  
MICROFILMED

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
  2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to: JS/45-07636

PHILLIP C CHAMBERLAIN  
HC 66 BOX 3C  
DECLO ID 83323

4a. Article Number

1780

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

4-10-98

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requester and fee is paid)

MICROFILMED

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300

APR 13 1998

Department of  
Southern Region

MICROFILMED

AUG 06 1998

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES  
1341 FILLMORE STREET, SUITE 200  
TWIN FALLS, ID 83301-3380



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380**

**Phone: (208) 736-3033 FAX: (208) 736-3037**

**PHILIP E. BATT  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

April 6, 1998

Phillip C Chamberlain  
HC 66 Box 3C  
Declo, ID  
83323

Certified # 1780

RE: Water Permit 45-07636, My Letter Dated 1-29-1998

Dear Mr. Chamberlain;

As you have not responded to my previous letter, a copy of which is attached, I am again contacting you. We would like to issue your water license, but need to resolve the conflicting application for amendment. Your license is proposed to be issued for the maximum rate of 1 inch of water per acre for the 14.9 acres that you are presently irrigating, so waiting until a larger pump can be installed will not increase your licensed flow rate. Please respond at your earliest convenience.

Regards,

*James E. Stanton*

James E. Stanton  
Sr. Water Resource Agent

MICROFILMED

AUG 06 1998

## MEMORANDUM

DATE: January 30, 1998

TO: Water Right File 45-07636

FROM: Shelley W. Keen *SWK*

RE: Application for Amendment of Permit

---

Southern Region still has an application for amendment of this permit. I am reluctant to issue the license with the amendment still pending, so I asked Jim Stanton to see if he can get it withdrawn. This file should be held until there is some final disposition to the amendment.

2/27/98

Jim Stanton told me today that he has had no response to his letter asking the permit holder to withdraw the application for amendment. He is going to discuss the next step with Allen Merritt.

*S.W. Keen*

4/6/98

Jim Stanton told me today that he will send a letter to the permit holder via certified mail.

*S.W. Keen*

MICROFILMED

AUG 06 1998



**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**

January 29, 1998

Phillip C Chamberlain  
HC 66 Box 3C  
Declo, ID  
83323

RE: Water Permit 45-07636

Dear Mr. Chamberlain;

The above-referenced water permit covers the irrigation well that you use to irrigate your hay field. As you may recall, I conducted a licensing examination on this system last summer. The examination is in our Boise office, and they are getting ready to issue your water license. The license is being held up pending resolution of the protests against an application for amendment of your permit that you filed in 1993. The amendment sought to add another well to your irrigation system, but received two protests. The easiest way to resolve this problem is for you to withdraw the amendment; if this is acceptable, please sign the enclosed form before returning it to me for processing. If you still wish to pursue the amendment, let me know so that we can institute formal procedures to deal with the protests. I found the well location to be as it is described in the present permit, but this location is not covered on your proposed amendment.

Regards,

James E. Stanton  
Sr. Water Resource Agent

MICROFILMED

AUG 06 1998

## MEMORANDUM

**TO: File 45-07636**

**FROM: Sharla**

**DATE: January 27, 1998**

**RE: Recommendation Adjustment(s)**

The final license recommendations for Permit No. 45-07636 are based on the following:

### C. DIVERSION AND DELIVERY SYSTEM

#### 2. Place(s) of Use:

T10S, R25E, S29 - NENE (1 acre), SWNE (1 acre), SENE (14 acres)

### H. RECOMMENDATIONS

|            |             |          |          |
|------------|-------------|----------|----------|
| Irrigation | 4/1 - 10/31 | 0.31 cfs | 64.0 afa |
|------------|-------------|----------|----------|

For rights with > 5.0 acres, the number of acres per  $\frac{1}{4}$  is rounded to the nearest whole number; the rate and volume have been adjusted accordingly.

Examiner: Jim Stanton

Exam Date: August 26, 1997

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AUG 06 1998

SEP 02 1997

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED  
SEP 02 1997  
Department of Water Resources

Department of Water Resources

## A. GENERAL INFORMATION

Permit No. 45-07636

1. Owner: Phillip C. Chamberlain Phone No. 654-2510 / leave message

Current Address: HC 66 Box 3C, Declo, ID 83323

2. Accompanied by: owner EXAM DATE: 8-26-97

**Address:** \_\_\_\_\_ **Phone No.** \_\_\_\_\_

Relationship to Permit Holder:

3. Source: Groundwater tributary to

## B. OVERLAP REVIEW

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

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

### C. DIVERSION AND DELIVERY SYSTEM

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

[illegible]

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

**Indicate Method of Determination**

[illegible]

AUG 06 1998

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

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
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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 |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       | ?          | 20 | ?                | ?         | ?                                 |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

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

#### D. FLOW MEASUREMENTS

1.

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

2. Measurements: See Remarks

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#### E. NARRATIVE/REMARKS/COMMENTS

Well, submersible motor & pump, surface mainline to sprinklers. Runs 50 sprinkler heads ( $1/8 \times 9/64$ " diameter) total. Can run up to 43 heads at once at 36 psi. A  $1/8$ " nozzle at 36 psi = 2,14 gpm. A  $9/64$ " nozzle = 3,47 gpm. So system would use ~~188~~ 149 gpm. With 152' of lift (from well log), Theoretical capacity is 235 gpm. Driller's test was 165 gpm. At 0.02 cfs/acre, 133 gpm could be allowed. Average of  $118 + 149$  gpm = 133 gpm. Allow 0.02 cfs/acre. I tried to measure the flow at 3 different locations on the mainline. At about 8' below the well head, I got a steady R on the Polysonic meter, but signal strength was only 0.80. A reading of 137-139 gpm was recorded. Readings were not possible at the other locations, as a steady R never came up. The 137-139 gpm measured, although questionable, is very close to the average system requirement. Owner plans to upgrade the system with a turbine pump when he can afford it, but this won't change the licensing recommendation. All of the farmable land is already being irrigated. This property is outside the Eastern Snake Plain Aquifer.

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

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**F. FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{14.9 \times 4 = 59.6}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{127.3}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{59.6}$$

## 2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use    | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|---------------|--------------|------------------------------|--------------------------|
|                   | From          | To           |                              |                          |
| <u>Irrigation</u> | <u>4-1</u>    | <u>10-31</u> | <u>0.30 cfs</u>              | <u>59.2</u><br>6         |
| _____             | _____         | _____        | _____                        | _____                    |
| _____             | _____         | _____        | _____                        | _____                    |
| _____             | _____         | _____        | _____                        | _____                    |
| _____             | _____         | _____        | _____                        | _____                    |
| Totals:           |               |              | <u>0.30</u>                  | <u>59.2</u><br>6         |

## 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

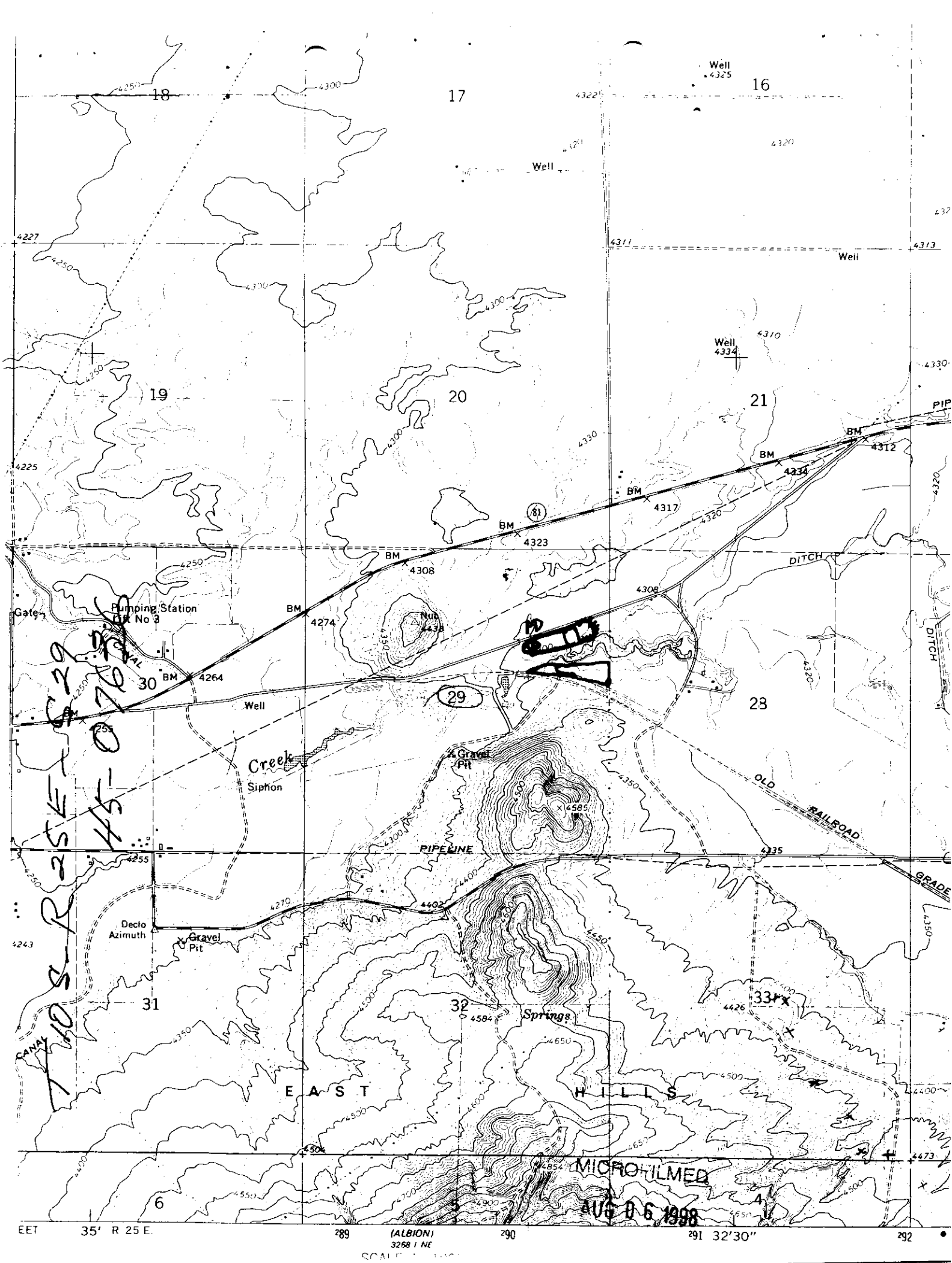
**I. AUTHENTICATION**Field Examiner's Name J.F. Stanton Date 8-27-97

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

MICROFILMED

AUG 06 1998



TWO S-R 25E x S 29  
45-076

MICROFILMED  
AUG 06 1998



1996  
slide

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TYPE OF SENSOR  
? SMALL

DATA CHANGE  
? NO

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+137.633E 0GPM

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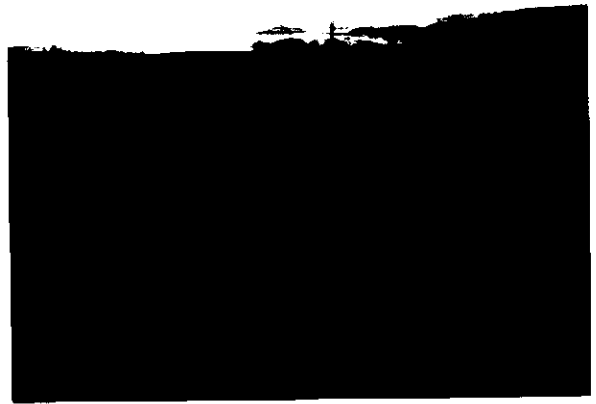
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AUG 06 1998



Orionster, Wagon



PMA

45-07636  
8-26-97  
JES



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 29, 1997

Phillip C. Chamberlain  
HC 66 Box 3C  
Declo, ID  
83323

RE: Water Permit 45-07636

Dear Mr. Chamberlain;

I have completed the licensing examination for the above-referenced permit. The 1996 ASCS aerial photo showed 14.9 acres irrigated, and this is what I am recommending for licensing. I am also recommending a flow rate of 0.02 cfs per acre (133 gallons per minute total), which appears to be the pumping capacity of your present system. This is also the maximum flow rate that is normally allowed under the permit system, so this will not change even if you upgrade your system later. My findings will be sent to our main office in Boise, and they will contact you prior to issuing your license. It will take a while for them to respond, as there is always a backlog of permits to be licensed. Feel free to contact me if you have questions.

Regards,

*James E. Stanton*

James E. Stanton  
Sr. Water Resource Agent

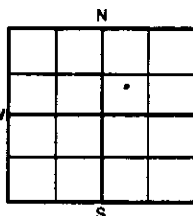
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AUG 06 1998

IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORTUse Typewriter  
or  
Ball Point Pen1. DRILLING PERMIT NO. 45-94-S-0001-000  
Other IDWR No. 45-07636

## 2. OWNER:

Name Philip Chamberlin  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

## 3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.Twp. 10S North ☐ or South ☒  
Rge. 25E East ☒ or West ☐  
Sec. 29 1/4 SW 1/4 NE 1/4  
Gov't Lot \_\_\_\_\_ County BlaineAddress of Well Site 3 1/2 mi straight East  
City of Richland Id.

(Give at least name of road + Distance to Road or Landmark)

Lt. \_\_\_\_\_ Bk. \_\_\_\_\_ Sub. Name \_\_\_\_\_

## 4. PROPOSED USE:

- ☐
- Domestic
- ☐
- Municipal
- ☐
- Monitor
- ☒
- Irrigation
- 
- ☐
- Thermal
- ☐
- Injection
- ☐
- Other \_\_\_\_\_

## 5. TYPE OF WORK

- ☒
- New Well
- ☐
- Modify or Repair
- ☐
- Replacement
- ☐
- Abandonment

## 6. DRILL METHOD

- ☐
- Mud Rotary
- ☐
- Air Rotary
- ☒
- Cable
- ☐
- Other \_\_\_\_\_

## 7. SEALING PROCEDURES

| SEA/FILTER PACK |      |    | AMOUNT          |  | METHOD |
|-----------------|------|----|-----------------|--|--------|
| Material        | From | To | Sacks or Pounds |  |        |
| COMBAT          | 0    | 18 | 12 Sacks        |  | mixed  |
|                 |      |    |                 |  |        |
|                 |      |    |                 |  |        |

Was drive shoe used? Y ☐ N ☒Was drive shoe seal tested? Y ☐ N ☐ How? \_\_\_\_\_

## 8. CASING/LINER:

| Diameter | From | To  | Gauge | Material | Casing                              | Liner                               | Welded                              | Threaded                 |
|----------|------|-----|-------|----------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 280      | 1.5  | 395 | 250   | Steel    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 225      | 395  | 386 | 250   | Steel    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 63/8     | 386  | 386 | 250   | Steel    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe \_\_\_\_\_ Length of Tailpipe Set Liner in

## 9. PERFORATIONS/SCREENS

- ☒
- Perforations Method
- Torch
- 
- ☐
- Screens Screen Type \_\_\_\_\_

| From | To  | Slot Size | Number | Diameter | Material | Casing                   | Liner                               |
|------|-----|-----------|--------|----------|----------|--------------------------|-------------------------------------|
| 372  | 367 | 1/8       | 104    | 6 9/8    | Steel    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 375  | 385 | 1/16      | 80     | 6 5/8    | Steel    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## 10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

151 ft. below ground Artesian pressure \_\_\_\_\_ lb.  
Depth flow encountered \_\_\_\_\_ ft. Describe access port or control devices: \_\_\_\_\_

## 11. WELL TESTS:

- ☒
- Pump
- ☐
- Bailor
- ☐
- Air
- ☐
- Flowing Artesian

| Yield gal./min. | Drawdown | Pumping Level | Time |
|-----------------|----------|---------------|------|
| 16.5            | 80       |               |      |
|                 |          |               |      |
|                 |          |               |      |

Water Temp. \_\_\_\_\_ Bottom hole temp. \_\_\_\_\_

Water Quality test or comments: \_\_\_\_\_

## 12. LITHOLOGIC LOG: (Describe repairs or abandonment)

| Bore Dia. | From | To  | Remarks: Lithology, Water Quality & Temperature | Y | N |
|-----------|------|-----|-------------------------------------------------|---|---|
| 12        | 0    | 8   | evenhanded                                      |   |   |
|           | 8    | 11  | BROKEN LAVA                                     |   |   |
|           | 11   | 18  | gray LAVA HAND                                  |   |   |
| 10        | 18   | 42  | gray Broken LAVA                                |   |   |
|           | 42   | 85  | BLACK LAVA HAND                                 |   |   |
|           | 85   | 95  | Red & black LAVA                                |   |   |
|           | 95   | 105 | Brown Clay + Boulder                            |   |   |
|           | 105  | 111 | Broken LAVA                                     |   |   |
| 8         | 111  | 135 | Brown Clay                                      |   |   |
|           | 135  | 160 | SANDY GRAVEL                                    |   |   |
|           | 160  | 185 | SANDY CLAY                                      |   |   |
|           | 185  | 201 | Broken Clay                                     |   |   |
|           | 201  | 253 | SANDY CLAY                                      |   |   |
|           | 253  | 273 | CLAY & SAND GRAVEL                              |   |   |
|           | 273  | 295 | SANDY CLAY & GRAVEL                             |   |   |
|           | 295  | 308 | White CLAY & GRAVEL                             |   |   |
|           | 308  | 313 | White CLAY & FINE GRAVEL                        |   |   |
|           | 313  | 343 | QUARTZ ROCK                                     |   |   |
|           | 343  | 348 | Yellow CLAY                                     |   |   |
|           | 348  | 350 | QUARTZ ROCK                                     |   |   |
|           | 350  | 367 | GRAVEL & CLAY                                   |   | X |
|           | 367  | 375 | CLAY & SANDSTONE                                |   |   |
|           | 375  | 385 | GRAVEL & SANDSTONE                              |   | X |
|           | 385  | 386 | Yellow CLAY                                     |   |   |

RECEIVED  
AUG 15 1994  
Department of Water Resources  
Southern Region Office

Completed Depth 386 (Measurable)  
Date Started MICROMETER 30-94

## 13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Sherman Couchwell Drilling Firm No. 161Firm Official Sherman Couchwell Date 6-25-94and Ray Graham  
Supervisor or Operator Scott Couchwell Date 6-25-94

(Sign once if Firm Official &amp; Operator)

FORWARD WHITE COPY TO WATER RESOURCES



**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

June 7, 1995

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Phillip Chamberlain  
RT 1 BOX 64  
DELCO ID 83323

RE: Application for amendment of permit no. 45-07636

Dear Mr. Chamberlain;

You may recall that you filed an application, in June 1993, for amendment of the above referenced permit to add a point of diversion. I noted on your proof of beneficial use form that you had drilled a new well in 1994 in addition to the well already drilled in 1992. I am wondering if the well you had drilled in 1994 satisfies the plan to add a point of diversion as identified on your application for amendment of permit, which has been protested. If you no longer need the application for amendment I suggest that you withdraw the application. Enclosed for your convenience is an withdrawal form.

If you have any questions please let me know.

Sincerely,

Jim Johnson, Manager  
Water Permits Section

MICROFILMED  
AUG 06 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

February 28, 1996 RECEIVED

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

MAR 13 1996

ALLEN SCHRENK  
HC 66 BOX 2  
DECLO ID 83323

Department of Water Resources  
Southern Region

RE: APPLICATION FOR AMENDMENT OF PERMIT NO. 45-07636  
(Chamberlain)

Dear Mr. Schrenk:

The Department has recently reviewed a number of applications which are pending in Department files to determine what further action is appropriate in connection with the applications.

It has been noted that you filed a protest against the above referenced application.

The purpose of this letter is to inquire if you are still interested in pursuing the protest or if you wish to withdraw your protest. Please notify this office in writing of your decision.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.  
Southern Region Manager

AM:mb

3-11-96

*Yes, I still strongly protest  
this !!!*

*Allen Schrenk*

MICROFILME  
AUG 06 1998



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

February 29, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

ALLEN SCHRENK  
HC 66 BOX 2  
DECLO ID 83323

RE: APPLICATION FOR AMENDMENT OF PERMIT NO. 45-07636  
(Chamberlain)

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The purpose of this letter is to inquire if you are still interested in pursuing the protest or if you wish to withdraw your protest. Please notify this office in writing of your decision.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.  
Southern Region Manager

AM:mb

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AUG 06 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

February 29, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

JOHN A ROSHOLT ESQUIRE  
PO BOX 1906  
TWIN FALLS ID 83303-1906

RE: APPLICATION FOR AMENDMENT OF PERMIT NO. 45-07636  
(Chamberlain)

Dear Mr. Rosholt:

The Department has recently reviewed a number of applications which are pending in Department files to determine what further action is appropriate in connection with the applications.

It has been noted that a protest was filed, on behalf of L.S. Skaggs, against the above referenced application.

The purpose of this letter is to inquire if you are still interested in pursuing the protest or if you wish to withdraw your protest. Please notify this office in writing of your decision.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.  
Southern Region Manager

AM:mb

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AUG 06 1998



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

28-Sep-1993

R. KEITH HIGGINSON  
Director

PHILLIP C CHAMBERLAIN  
RT 1 BOX 64  
DECLO ID 83323

RE: APPLICATION FOR AMENDMENT OF PERMIT NO. 45-07636

Dear Mr. Chamberlain:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestants directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Manager

LH:MB  
Enclosure(s)

MICROFILMED  
AUG 06 1998

## CONFERENCE AND HEARING PROCEDURE

### APPLICATION FOR AMENDMENT ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for Amendment:

- 1) Will the change result in the diversion and use of more water than originally permitted?
- 2) Will the rights of others be adversely affected by the change?

#### PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

#### CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

#### HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

#### EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

#### EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

#### AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

MICROFILM

AUG 06 1998



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

28-Sep-1993

R. KEITH HIGGINSON  
Director

ALLEN SCHRENK  
HC 66 BOX 2  
DECLO ID 83323

RE: APPLICATION FOR AMENDMENT OF PERMIT NO. 45-07636  
(Chamberlain)

Dear Mr. Schrenk:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Manager

LH:MB  
Enclosure(s)

MICROFILMED  
AUG 06 1998



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

28-Sep-1993

R. KEITH HIGGINSON  
Director

JOHN A ROSHOLT ESQUIRE  
PO BOX 1906  
TWIN FALLS ID 83303-1906

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(Chamberlain)

Dear Mr. Rosholt:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Manager

LH:MB  
Enclosure(s)

MICROFILMED

AUG 06 1998

1 John A. Rosholt  
2 ROSHOLT, ROBERTSON & TUCKER  
3 P. O. Box 1906  
4 Twin Falls, Idaho 83303-1906  
5 Telephone: (208) 734-0700  
6 08099301JAR/le

RECEIVED

AUG 09 1993  
Department of Water Resources  
Southern Region Office

7 BEFORE THE DEPARTMENT OF WATER RESOURCES  
8  
9 OF THE STATE OF IDAHO

10 IN THE MATTER OF )  
11 PERMIT NO. 45-07636 )  
12 Applicant: PHILLIP C. )  
13 CHAMBERLAIN )

NOTICE OF PROTEST

14 L.S. SKAGGS, d/b/a Six S Ranch, (hereinafter the Protestant), by and  
15 through its attorneys, Rosholt, Robertson & Tucker, files its Notice of Protest to the  
16 approval of Amendment to Water Permit Number 45-07636 filed in the name of  
17 Phillip C. Chamberlain. The basis for the Protestant's protest is as follows:  
18

19 1. The proposed diversion and use of the waters described in the  
20 aforesaid Amendment violate all, or a portion of, the criteria set forth in Idaho Code  
21 Section 42-203(A)(5); and

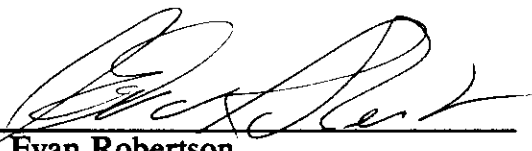
22 2. For such other and further reasons as may be set forth at the hearing  
23 on this matter.  
24  
25  
26  
27  
28

MICROFILM

NOTICE OF PROTEST - 1 AUG 06 1998

1 DATED this 9th day of August, 1993.

2  
3 ROSHOLT, ROBERTSON & TUCKER

4  
5 By:   
6 J. Evan Robertson

7  
8 CERTIFICATE OF MAILING

9 I hereby certify that on this 9th day of August, 1993, I served a copy of the  
10 foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage  
11 prepaid, in an envelope, addressed to the following:  
12

13 Idaho Department of Water Resources  
14 1301 North Orchard  
15 Statehouse Mail  
16 Boise, Idaho 83720

17 Phillip C. Chamberlain  
18 Route 1, Box 64  
19 Declo, ID 83323

20  
21  
22  
23  
24  
25  
26  
27  
28   
J. EVAN ROBERTSON

I, Allen Schrenk, do hereby protest Application for Amendment of Permit 45-07636 in the name of Phillip Chamberlain. The new proposed well will be very close to my domestic well, which I believe will be harmed if this amendment is approved. There is a ~~114~~ clay layer about 130 deep in this area, with limited water above the clay. I do not think that Mr. Chamberlain can find enough water to irrigate without going very deep below the clay layer, a very expensive project for only a few acres of land. If he drills another shallow well, my domestic supply will definitely be reduced.

Sincerely,

Allen Schrenk  
HC 66 Box 2  
Declo, ID  
83323



RECEIVED

JUL 28 1993

Department of Water Resources  
Southern Region Office

MICROFILMED

AUG 06 1998

)  
) **ss**  
)

Kay Wilson

*Kelly Solomon*  
Notary Public for Idaho  
Residing at *Burley, ID*  
My commission expires: *May 23, 1997*

\$ 41.08  
 . 50  
 Total Cost \$ 41.58

OK  
NB  
8/4/93

MICROFILMED  
AUG 06 1998

NOTICE OF AMENDMENT TO A WATER  
PERMIT  
NO. 45-07636

Notice is hereby given that PHILLIP C. CHAMBERLAIN, of Declo, ID is the holder of Approved Permit No. 45-07636 with a priority date of 01/30/1989 authorizing the diversion of 0.70 cubic feet per second of water from groundwater in the SW1/4NE1/4, S29, T10S, R25E; County of Cassia, to be used for irrigation of 35 acres within NE1/4, S29, T10S, R25E.

This Application for Amendment proposes to change the point of diversion and to add a diversion point.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 0.70 cfs

Period of Use: 03/15 to 11/15

Point of Diversion:  
SE1/4NE1/4, NE1/4NE1/4, S29,  
T10S, R25E.

Place of Use: No change.

Any protest against approval of the amending of Permit No. 45-07636 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before August 9, 1993.

R. Keith Higginson, Director

Published in the South Idaho  
Press on 7/23 & 7/30/93.

MICROFILMED

AUG 06 1998



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

14-Jul-1993

R. KEITH HIGGINSON  
Director

SOUTH IDAHO PRESS  
PO BOX 190  
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin  
Secretary/Office Coordinator

Enclosure

MICROFILMED

AUG 06 1998

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 45-07636

Notice is hereby given that PHILLIP C. CHAMBERLAIN, of Declo, ID is the holder of Approved Permit No. 45-07636 with a priority date of 01/30/1989 authorizing the diversion of 0.70 cubic feet per second of water from groundwater in the SW1/4NE1/4, S29, T10S, R25E; County of Cassia, to be used for irrigation of 35 acres within NE1/4, S29, T10S, R25E.

This Application for Amendment proposes to change the point of diversion and to add a diversion point.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 0.70 cfs

Period of Use: 03/15 to 11/15

Point of Diversion: SE1/4NE1/4, NE1/4NE1/4, S29, T10S, R25E.

Place of Use: No change.

Any protest against approval of the amending of Permit No. 45-07636 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before August 9, 1993.

R. Keith Higginson, Director

Published in the South Idaho Press on 7/23 & 7/30/93.

MICROFILMED

7 30 6 1998



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

13-Jul-1993

R. KEITH HIGGINSON  
Director

PHILLIP C CHAMBERLAIN  
RT 1 BOX 64  
DECLO ID 83323

Re: Application for Amendment, 45-07636

Dear Mr. Chamberlain:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit.

This office has scheduled advertising the application in the South Idaho Press on 7/23 & 7/30/93. 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. 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.

Very truly yours,

Mel Schulte  
Water Right Agent

MS:MB

MICRO FILMED

AUG 06 1998

May 5, 1994

PHILLIP C. CHAMBERLAIN  
RT 1 BOX 64  
DECLO ID 83323

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 45-07636

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 SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

c: IDWR - Region

RECEIVED  
JUL 26 1994

February 28, 1994

PHILLIP C. CHAMBERLAIN  
RT 1 BOX 64  
DECLO ID 83323

PROOF DUE NOTICE

RE: PERMIT NO. 45-07636

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 May 1, 1994.

(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.

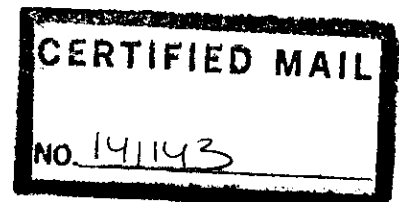
SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

RECEIVED

JUL 26 1994





State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

28-Sep-1993

R. KEITH HIGGINSON  
Director

PHILLIP C CHAMBERLAIN  
RT 1 BOX 64  
DECLO ID 83323

RE: APPLICATION FOR AMENDMENT OF PERMIT NO. 45-07636

Dear Mr. Chamberlain:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestants directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Manager

LH:MB  
Enclosure(s)

RECEIVED  
JUL 26 1994

## CONFERENCE AND HEARING PROCEDURE

### APPLICATION FOR AMENDMENT ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for Amendment:

- 1) Will the change result in the diversion and use of more water than originally permitted?
- 2) Will the rights of others be adversely affected by the change?

#### PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

#### CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

#### HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

#### EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

#### EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

#### AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

JUL 26 1994



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

28-Sep-1993

R. KEITH HIGGINSON  
Director

JOHN A ROSHOLT ESQUIRE  
PO BOX 1906  
TWIN FALLS ID 83303-1906

RE: APPLICATION FOR AMENDMENT OF PERMIT NO. 45-07636  
(Chamberlain)

Dear Mr. Rosholt:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Manager

LH:MB  
Enclosure(s)

RECEIVED  
JUL 26 1994



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

28-Sep-1993

R. KEITH HIGGINSON  
Director

ALLEN SCHRENK  
HC 66 BOX 2  
DECLO ID 83323

RE: APPLICATION FOR AMENDMENT OF PERMIT NO. 45-07636  
(Chamberlain)

Dear Mr. Schrenk:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Manager

LH:MB  
Enclosure(s)

JUL 26 1994

I, Allen Schrenk, do hereby protest Application for Amendment of Permit 45-07636 in the name of Phillip Chamberlain. The new proposed well will be very close to my domestic well, which I believe will be harmed if this amendment is approved. There is a ~~clay~~ clay layer about 130 deep in this area, with limited water above the clay. I do not think that Mr. Chamberlain can find enough water to irrigate without going very deep below the clay layer, a very expensive project for only a few acres of land. If he drills another shallow well, my domestic supply will definitely be reduced.

Sincerely,

Allen Schrenk  
HC 66 Box 2  
Declo, ID  
83323

*Allen Schrenk*

RECEIVED

JUL 2<sup>9</sup> 1993

Department of Water Resources  
Southern Region Office

JUL 26 1994

1 John A. Rosholt  
2 ROSHOLT, ROBERTSON & TUCKER  
3 P. O. Box 1906  
4 Twin Falls, Idaho 83303-1906  
5 Telephone: (208) 734-0700  
6 08099301JAR/le

RECEIVED

AUG 09 1993

Department of Water Resources  
Southern Region Office

7 BEFORE THE DEPARTMENT OF WATER RESOURCES  
8  
9 OF THE STATE OF IDAHO

10 IN THE MATTER OF )  
11 PERMIT NO. 45-07636 )  
12 Applicant: PHILLIP C. )  
13 CHAMBERLAIN )  
14 \_\_\_\_\_)

**NOTICE OF PROTEST**

15 L.S. SKAGGS, d/b/a Six S Ranch, (hereinafter the Protestant), by and  
16 through its attorneys, Rosholt, Robertson & Tucker, files its Notice of Protest to the  
17 approval of Amendment to Water Permit Number 45-07636 filed in the name of  
18 Phillip C. Chamberlain. The basis for the Protestant's protest is as follows:

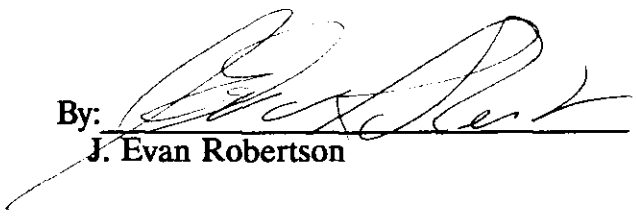
19 1. The proposed diversion and use of the waters described in the  
20 aforesaid Amendment violate all, or a portion of, the criteria set forth in Idaho Code  
21 Section 42-203(A)(5); and

22 2. For such other and further reasons as may be set forth at the hearing  
23 on this matter.  
24  
25  
26  
27  
28

JUL 26 1994

1 DATED this 9th day of August, 1993.

2  
3 ROSHOLT, ROBERTSON & TUCKER

4  
5 By:   
6 J. Evan Robertson

7  
8 CERTIFICATE OF MAILING

9 I hereby certify that on this 9th day of August, 1993, I served a copy of the  
10 foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage  
11 prepaid, in an envelope, addressed to the following:

12  
13 Idaho Department of Water Resources  
14 1301 North Orchard  
15 Statehouse Mail  
16 Boise, Idaho 83720

17 Phillip C. Chamberlain  
18 Route 1, Box 64  
19 Declo, ID 83323

20  
21  
22  
23  
24  
25  
26  
27  
28  
  
J. EVAN ROBERTSON

NOTICE OF PROTEST - 2

RECEIVED  
JUL 26 1994

# STATE OF IDAHO

## APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Phillip C. Chamberlain Phone 654-2335  
of (address) Rt. 1 Box 64, Declo, ID 83223, and represents to the  
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho  
No. 45-07636, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW <sup>E</sup> 1/4 NE 1/4, Section 29, Township 10S, Range 25E, B.M.,  
County of Cassia. Other points of diversion: NE/NE S. 29 T. 10S R. 25E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) No Change

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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: No Change

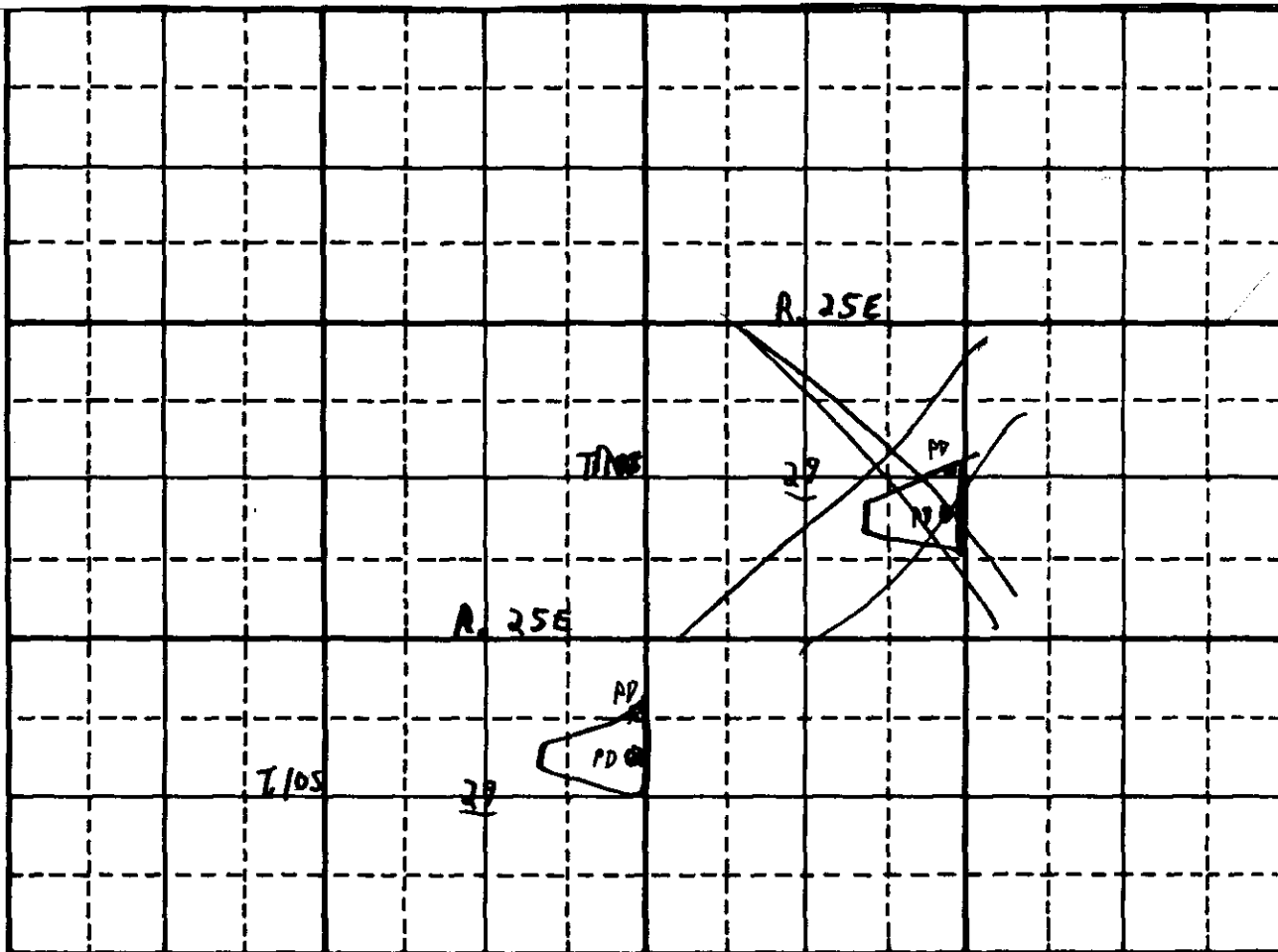
| TWP | RGE | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | 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 |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated = \_\_\_\_\_

4. a. Who owns the property at the point of diversion? Applicant  
b. Who owns the land to be irrigated or the place of use? "  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

**RECORDED**

**JUL 26 1994**



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Twin Falls, this 28 day of June, 1993.

PRR/C. M. M. M.  
(Signature)

#### FOR DEPARTMENT USE ONLY

Preliminary check by MTS Fee = \$20.00

Received by JS Date 6-28-93 5015714

Publication prepared by MB Date 7/13/93

Published in So. W. Press

Publication dates 7/23 + 7/30/93

#### ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, \_\_\_\_\_, of the Department of Water Resources hereby

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

**NOTARIZED**

JUL 26 1994



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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 28, 1993

Phillip C Chamberlain  
Rt 1 Box 64  
Declo, ID 83323

Re: Permit No. 45-07636

Dear Permit Holder:

Returned is the Request for Extension of Time submitted in connection with the above referenced permit. Unfortunately, the Department cannot consider the extension request at this time. Proof of beneficial use is not due until May 1, 1994. The earliest the Department could consider the extension request is six (6) months prior to that date, or December 1, 1993.

Furthermore, since the Department has already granted one extension of time based on due diligence, Section 42-204, Idaho Code does not allow another extension for those same reasons. The Department could, however, consider a request for extension based on governmental agency delay or litigation which has brought title to the water right into question.

I have begun the process to refund the \$15 filing fee submitted in connection with the extension request. The refund process takes between two and four weeks and will arrive under separate cover.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

*Karen L. Gustafson*  
Karen L. Gustafson  
Senior Secretary

Enclosure

C: Fiscal

**RECEIVED**

JUL 26 1994

RECEIVED

RECEIVED

SEP 28 1993

Department of Water Resources

For Office Use Only

\$15 Fee Received by MTS  
Date 9-24-93  
Receipt No. 8016239

SEP 24 1993

STATE OF IDAHO

Department of Water Resources  
Southern Region Office

DEPARTMENT OF WATER RESOURCES

## REQUEST FOR EXTENSION OF TIME

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 water right under the provisions of Section 42-204, Idaho Code.

Permit No. 45-07636Name(s) of Permit Holder: Phillip C. ChamberlainMailing Address: RT. 1 Box 64Date Proof Is Due 5-1-94Telephone No. 654-2335

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".)

Well drilled, pump installed, 6 acres barley irrigated (summer 93),  
12-15 acres will be irrigated (summer 94) from existing system

well \$3660.00  
pump \$3800.00  
elec. 2500.00  
Total \$9960.00  
Costing \$+ piped sprinklers

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

A second well and pump is necessary to make a good system that  
will reach both sides of property. I have applied for an amendment  
and it has been delayed.

Permit holder(s) request an extension to 5-1, 19 95.

FEE: \$15.00

Phillip C. Chamberlain  
(Signature)\*

\*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

JUL 26 1994

Signed this \_\_\_\_\_ day \_\_\_\_\_, 19 \_\_\_\_\_

COPY

RECEIVED  
AUG 10 1993  
Department of Water Resources

1 John A. Rosholt  
2 ROSHOLT, ROBERTSON & TUCKER  
3 P. O. Box 1906  
4 Twin Falls, Idaho 83303-1906  
5 Telephone: (208) 734-0700  
6 08099301JAR/le

7  
8 BEFORE THE DEPARTMENT OF WATER RESOURCES  
9 OF THE STATE OF IDAHO

10 IN THE MATTER OF )  
11 PERMIT NO. 45-07636 ) NOTICE OF PROTEST  
12 Applicant: PHILLIP C. )  
13 CHAMBERLAIN )  
14 \_\_\_\_\_ )

15 L.S. SKAGGS, d/b/a Six S Ranch, (hereinafter the Protestant), by and  
16 through its attorneys, Rosholt, Robertson & Tucker, files its Notice of Protest to the  
17 approval of Amendment to Water Permit Number 45-07636 filed in the name of  
18 Phillip C. Chamberlain. The basis for the Protestant's protest is as follows:

19 1. The proposed diversion and use of the waters described in the  
20 aforesaid Amendment violate all, or a portion of, the criteria set forth in Idaho Code  
21 Section 42-203(A)(5); and

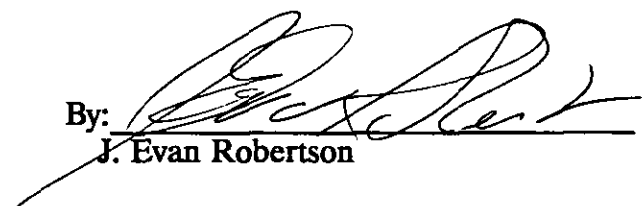
22 2. For such other and further reasons as may be set forth at the hearing  
23 on this matter.  
24

25 **RECEIVED**

26 JUL 26 1994

1 DATED this 9th day of August, 1993.

2  
3 ROSHOLT, ROBERTSON & TUCKER

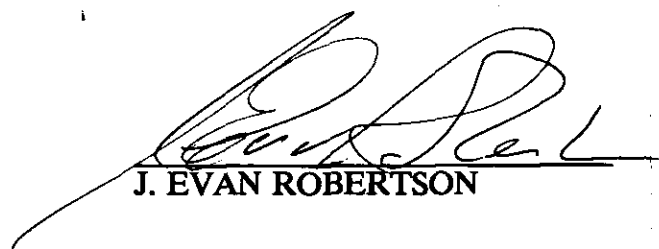
4  
5 By:   
6 J. Evan Robertson

7  
8 CERTIFICATE OF MAILING

9 I hereby certify that on this 9th day of August, 1993, I served a copy of the  
10 foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage  
11 prepaid, in an envelope, addressed to the following:

12  
13 Idaho Department of Water Resources  
14 1301 North Orchard  
15 Statehouse Mail  
16 Boise, Idaho 83720

17 Phillip C. Chamberlain  
18 Route 1, Box 64  
19 Declo, ID 83323

20  
21   
22 J. EVAN ROBERTSON

23  
24  
25  
26  
27  
28

JUL 26 1994



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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

March 12, 1993

Phillip C Chamberlain  
PO Box 305  
Kimberly, ID 83341

Re: Permit No. 45-07636

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1994. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

RECEIVED

APR 13 1993

February 28, 1993

PHILLIP C. CHAMBERLAIN  
P O BOX 64  
DECLO ID 83323

PROOF DUE NOTICE

RE: PERMIT NO. 45-07636

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 May 1, 1993. (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.

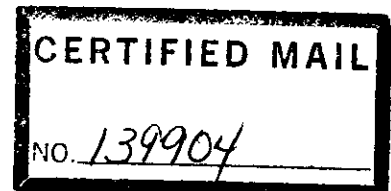
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures



MAILED

APR 13 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**WELL DRILLER'S REPORT**

USE TYPEWRITER OR  
BALLPOINT PEN

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.

1. WELL OWNER

Name Phillip Chamberlain *ok*  
Address RT # 1 Box 64 - Declo, Idaho 83323  
Drilling Permit No. 45-92-50055  
Water Right Permit No. 07367

7. WATER LEVEL

Static water level 88 feet below land surface.  
Flowing? ☐ Yes ☒ No G.P.M. flow \_\_\_\_\_  
Artesian closed-in pressure \_\_\_\_\_ p.s.i.  
Controlled by: ☐ Valve ☐ Cap ☐ Plug  
Temperature \_\_\_\_\_ °F. Quality \_\_\_\_\_  
*Describe artesian or temperature zones below.*

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement  
☐ Well diameter increase ☐ Modification  
☐ Abandoned (describe abandonment or modification procedures  
such as liners, screen, materials, plug depths, etc. in lithologic  
log, section 9.)

8. WELL TEST DATA

☐ Pump ☐ Bailor ☐ Air ☐ Other \_\_\_\_\_

| Discharge G.P.M. | Pumping Level  | Hours Pumped |
|------------------|----------------|--------------|
|                  | <u>no test</u> |              |
|                  |                |              |
|                  |                |              |

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Monitor  
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection  
☐ Other \_\_\_\_\_ (specify type)

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary  
☒ Cable ☐ Mud ☐ Other \_\_\_\_\_  
(backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other \_\_\_\_\_

| Thickness          | Diameter        | From            | To               |
|--------------------|-----------------|-----------------|------------------|
| <u>1.25</u> inches | <u>8</u> inches | <u>1.5</u> feet | <u>18.5</u> feet |
| _____ inches       | _____ inches    | _____ feet      | _____ feet       |
| _____ inches       | _____ inches    | _____ feet      | _____ feet       |

Was casing drive shoe used? ☐ Yes ☒ No  
Was a packer or seal used? ☐ Yes ☒ No  
Perforated? ☐ Yes ☒ No  
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun  
Size of perforation? \_\_\_\_\_ inches by \_\_\_\_\_ inches

| Number             | From       | To         |
|--------------------|------------|------------|
| _____ perforations | _____ feet | _____ feet |
| _____ perforations | _____ feet | _____ feet |
| _____ perforations | _____ feet | _____ feet |

Well screen installed? ☐ Yes ☐ No  
Manufacturer \_\_\_\_\_ Type \_\_\_\_\_  
Top Packer or Headpipe \_\_\_\_\_  
Bottom of Tailpipe \_\_\_\_\_

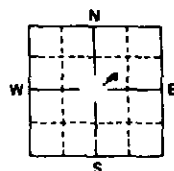
Diameter \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ feet to \_\_\_\_\_ feet  
Diameter \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ feet to \_\_\_\_\_ feet  
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel \_\_\_\_\_  
Placed from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Surface seal depth 8.5 Material used in seal: ☐ Cement grout  
☒ Bentonite ☐ Puddling clay ☐ \_\_\_\_\_  
Sealing procedure used: ☐ Slurry pit  
☒ Temp. surface casing ☒ Overbore to seal depth  
Method of joining casing: ☐ Threaded ☐ Welded  
☐ Solvent Weld ☐ Cemented between strata

Describe access port well cap

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name \_\_\_\_\_

APR 13 1993

Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_

County Cassia

SW 1/4 NE 1/4 Sec. 29, T. 10 S R. 25 W

11. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were  
complied with at the time the rig was removed.

Firm Name Denton Drilling Co. Firm No. 83

Address Declo, Idaho Date 12-4-92

Signed by Drilling Supervisor Robert E. Denton

and

(Operator) \_\_\_\_\_  
(If different than the Drilling Supervisor)

INTER-DEPARTMENT MEMO

TO: File

SUBJECT: Address Change, 45-7636

FROM: Jim Stanton

DATE: 9-25-92

This permit is owned by Phil Chamberlain. Today he advised me that his new address is  
Rt. 1 Box 64, Declo, ID 83323. Please correct the records accordingly. Phone 654-2335

RECEIVED

APR 13 1993

(X) For your information

( ) Response required

  
signature



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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 3, 1991

PHILLIP C. CHAMBERLAIN  
P.O. BOX 305  
KIMBERLY, ID 83341

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 45-07636

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

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.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

FILED

MAY 08 1991

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosures

**MICROFILMED**

MAY 08 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
State Office  
1301 North Orchard St.

---

Statehouse Mail  
Boise, Idaho 83720  
(208) 327-7900

MARCH 11, 1991

South Idaho Press  
Box 190  
Burley, ID 83318

Dear Legal Dept.:

Enclosed you will find legal notices 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 APRIL 8, 1991.

Yours truly,

BRENDA L. MILLER  
Clerical Specialist

Encl.

MAY 08 1991

45-07636

CHAMBERLAIN, PHILLIP C.  
P.O. BOX 305  
KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: SWNE Sec 29 T 10S R 25E

Use: IRRIGATION ( .700 CFS)  
Total Diversion: ( .700 CFS)

Date Filed: 1/30/ 1989

In: T10S R25E S29 NENE SWNE SENE

35.0 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, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 8, 1991.

Published 3/22/1991 & 3/29/1991 R. Keith Higginson, Director

FILMED

MAY 08 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED  
FEB 27 1991

Application No. 45-7636

Department of Water Resources

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes yes No no

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes no No no

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 0

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 35

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Phillip C. Chamberlain

Date 2-25-91

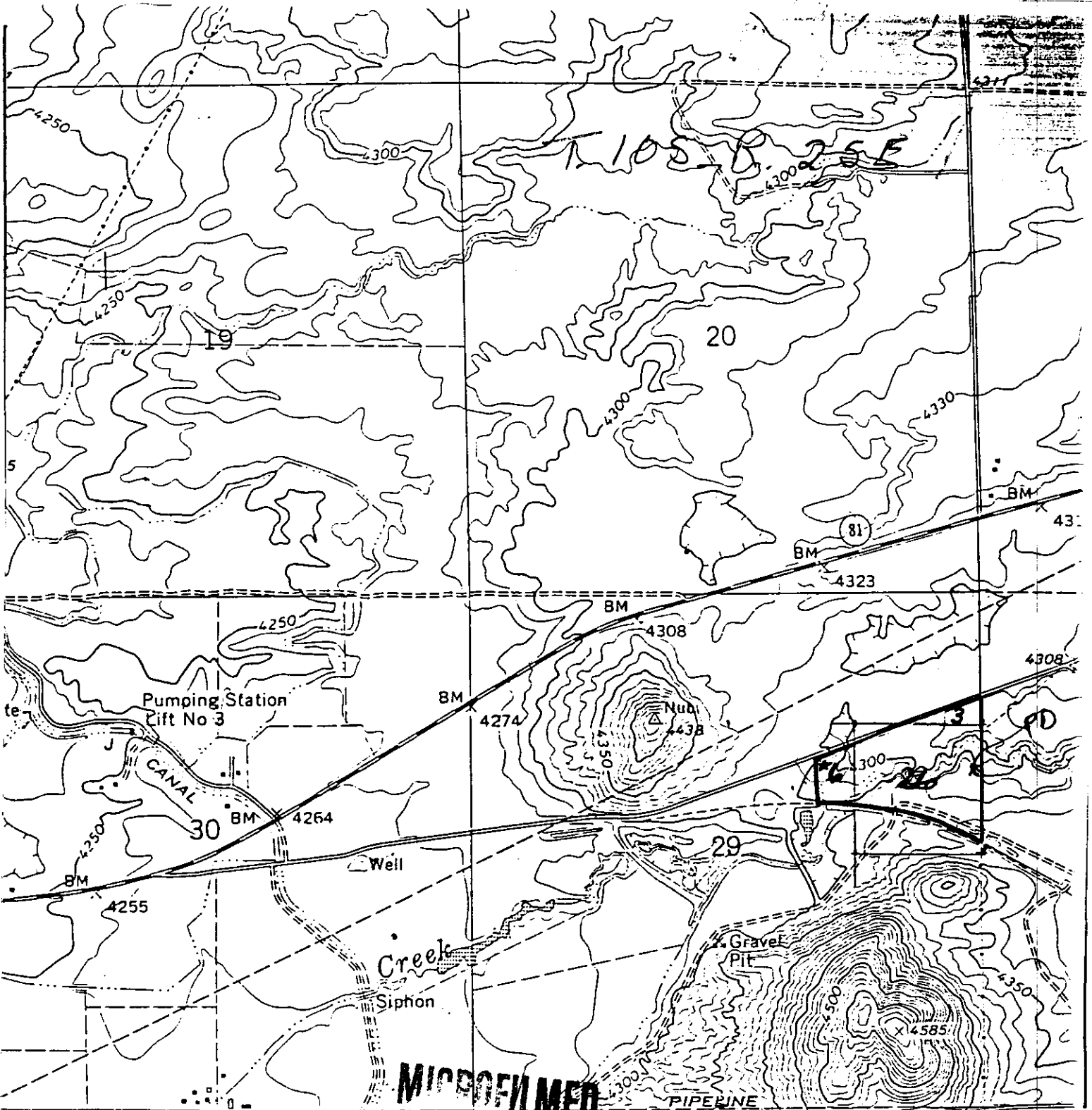
RECEIVED  
MAY 08 1991

Because of a new Power Line along North edge  
of property, I will want to drill well at The North  
west corner of property, I have marked new location  
on map.

MICROFILMED

MAY 08 1991

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



Scale: 2 inches equal 1 mile.

MAY 08 1991

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.

*William C. Chamberlain*  
(Applicant)

Received by TB Date 1/30/89 Time 3:00 Preliminary check by JF Stanton  
Fee \$ 45.00 Receipted by TB # 5006179 Date 1/30/89  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

### 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**  
MAY 08 1991



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

February 26, 1991

RE: APPLICATION FOR PERMIT NO. \_\_\_\_\_

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

**MICROFILMED**

MAY 08 1991

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720-9000  
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE  
Sr. Water Resource Spec.

Enclosures

**MICROFILMED**

MAY 08 1991

11-Apr-1989

Phillip C. Chamberlain  
P.O. Box 305  
Kimberly, ID 83341

Re: Application for permit No. 45-07636

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

James E. Stanton  
Sr. Water Resource Agent

JS:MB

MAILED  
MAY 08 1991

☒ Yes    ☐ No    1 form for advertising  
☐ Yes    ☒ No    Statewide advertising  
☒ Yes    ☐ No    Fee amount, receipt date & No. recorded on application

☐ Idaho Dept. of Health & Welfare      ☐ U.S. BLM, District \_\_\_\_\_  
☐ Idaho Dept. of Fish & Game, Region \_\_\_\_\_ ☐ U.S. Forest Service, Forest \_\_\_\_\_  
☐ Idaho Dept. of Lands      ☐ Water District # \_\_\_\_\_  
☐ Adjudication Bureau Unit      ☐ Other \_\_\_\_\_

☐ 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 \_\_\_\_\_  
☐ 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. \_\_\_\_\_  
☐ Yes ☐ No Special conditions of approval or cover letter below.

☐ See below for additional information

Date of priority recommended \_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_

By \_\_\_\_\_ ☐ See below for additional information  
Date \_\_\_\_\_

### ADDITIONAL INFORMATION