

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08237

Priority: April 17, 2000

Maximum Diversion Rate:

0.17 CFS

This is to certify, that **STAN DREW**

PO BOX 5566

POCATELLO ID 83202

has applied for a permit to appropriate water from: **GROUND WATER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.17 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 27, Township 05S, Range 34E
BANNOCK County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 34E 27

NENE

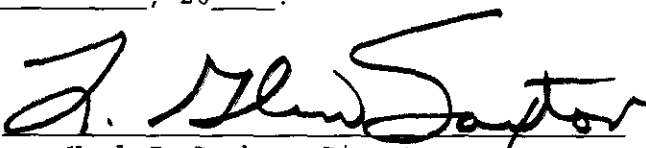
SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2002**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. Domestic use is for 5 homes and does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

30th day of June, 2000.


for Karl J. Dreher, Director

MICROFILMED

JUN 14 2000

RECEIVED

JUN 20 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Stan Drew Phone (208) 238-1673
Mailing address P.O. Box 5566 Pocatello, Idaho 83202
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 5S Range 34E Sec. 27, in the NE 1/4, NE 1/4, _____ 1/4, Govt. Lot _____, B.M., Barnack County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .17 for Domestic purposes from 1 Jan to 31 Dec (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)
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) .17 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source well & pump to a distribution system for five (5) homes.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 8" inches; proposed depth of well is 150' feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? NO; Drilling firm _____; Drilling Permit No. _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
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. five households

MICROFILMED

JUL 13 2000

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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	34E	27	D			D													

Total number of acres to be irrigated _____

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

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: The lots also have irrigation from Fort Hall Irrigation. The lots are sprinkler irrigated.

lots 5, 6, 7, 8, 9

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Stan Drew
Signature of Applicant (and title, if applicable)

Received by AMD Date 17 April 2000 Time 10:29 AM Preliminary check by _____

Fee \$ 50.00 Received by AMD # ED 25754 Date 17 April 2000
Publication prepared by SC Date 5/4 8/5/11/00 Published in Idaho State Journal
Publication approved SC Date 5/5/00

MICROFILMED
APR 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 2000

STAN DREW
PO BOX 5566
POCATELLO ID 83202

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08237

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

MICROFILMED

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

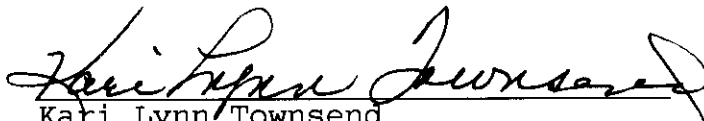
JUL 1 4 2000

CERTIFICATE OF MAILING

I hereby certify that on the **30th** day of **June, 2000**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 29-08237

STAN DREW
PO BOX 5566
POCATELLO ID 83202


Kari Lynn Townsend
Secretary

MICROFILMED
JUL 13 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

MAY 30 2000

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Stan Drew Phone (208) 238-1673
Mailing address P.O. Box 5566 Pocatello, Idaho 83202
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 5S Range 34E Sec. 27, in the NE 1/4, NE 1/4, _____ 1/4, Govt. Lot _____, B.M., Bannock County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>.17</u> for <u>Domestic</u> purposes from <u>1 Jan</u> to <u>31 Dec</u> (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)
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 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
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 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? NO; Drilling firm _____; Drilling Permit No. _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
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. five households

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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	34E	27	D			D													

Total number of acres to be irrigated _____

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

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

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12. Remarks: The lots also have irrigation from Fort Hall Irrigation. The lots are sprinkler irrigated.

lots 5, 6, 7, 8, 9

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Stan Drew
Signature of Applicant (and title, if applicable)

Received by DMD Date 17 April 2000 Time 10:29 AM Preliminary check by _____

Fee \$ 50.00 Received by DMD # EO 25754 Date 17 April 2000

Publication prepared by SC Date 5/4 & 5/11/00 Published in Idaho State Journal

Publication approved SC Date 5/15/00

UNION PACIFIC RAILROAD

DIL
PROPERTY

DIXON
PROPERTY

YOST
PROPERTY

EXIST IRRIGATION DITCH
(NO LONGER UTILIZED)

MY WAY

DITCH

Point of
Diversion

LOT 6

LOT 5

LOT 8

LOT 7

LOT 9

2.06 ACRES

4462

4463

4465

S90°04'W 308.38'

S00°04'W 160.45'

S00°04'W 149.90'

S00°04'W 496.70'

S00°04'W 1418.97'

S00°04'W 324.56'

N21°21'W 128.01'

N26°59'W 315.66'

N85°34'W 303.81'

4462

4463

1.5 ACRES

N80°00'W 367.25'

1.52 ACRES

N80°00'W 280.01'

S00°04'W 202.15'

S00°00'W 192.64'

S00°04'W 194.75'

S00°04'W 200.0'

N80°00'W 284.34'

1.52 ACRES

10' UTILITY EASEMENT

10' UTILITY EASEMENT

10' UTILITY EASEMENT

N89°58'E 158.50'

N89°58'E 151.90'

DE



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 8, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**US BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318**

RE: Withdrawal of protest on Application for Permit No.: 29-08237 and 35-09086

Dear Protestants:

This Department has received your withdrawal of protest against the above applications. We will continue to process these applications.

If you have any questions, please call our office.

Sincerely,

**Harold W Jones
Water Rights Supervisor**

HWJ/sc

MICROFILMED

JUL 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 8, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

STAN DREW
PO BOX 5566
POCATELLO ID 83202

RE: Withdrawal of protest on Application for Permit No. 29-08237

Dear Sir:

This Department has received a withdrawal of protest from United States Department of the Interior, Bureau of Reclamation.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

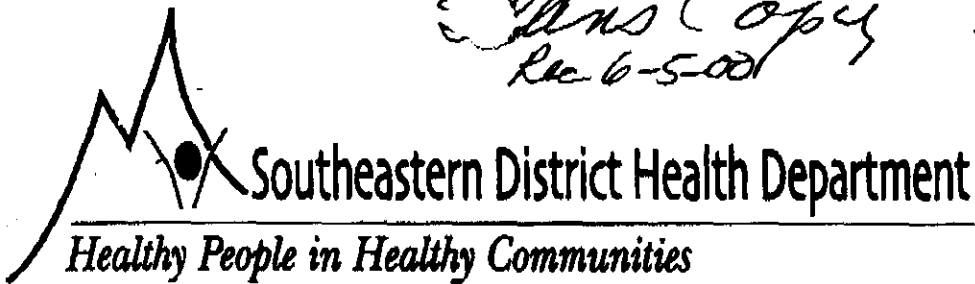
Harold W Jones
Water Rights Supervisor

HWJ/sc

MICROFILMED

JUL 13 2000

Handwritten: Stan's Copy
Rec 6-5-00



00-12

June 2, 2000

Stan Drew
P.O. Box 5566
Pocatello, ID 83202

Post-It® Fax Note	7671	Date	6-21-00	# of pages	1
To	Drew's Draw		From	STAN DREW	
Co./Dept.			Co.		
Phone	525-7161		Phone	238 1673	
Fax	525-7177		Fax	238 0124	

Dear Mr. Drew:

Attached is a letter from Barbara Jones of the Division of Environmental Quality (DEQ) regarding evaluation of the wells serving Drew Subdivision for "public health significance". Based on the information provided to them, DEQ will not require the well plans to be submitted to them for review and approval.

She does, however, recommend that the wells be tested for some specific parameters. This agency would make the same recommendations, therefore, I have included a listed of certified laboratories which may be able to do the testing for you.

Should you have any questions or comments, please feel free to contact me at 239-5272.

Sincerely,

Steven J. Pew, EHS
Environmental Health Specialist, Supervisor

Cc: Ed Marugg, EHS
Environmental Health Director

Gabe Faulk, EHS

Bannock County Planning and Development

MICROFILMED

Handwritten: called 6-5-00
10:00 AM
talked to Steven Pew
do not need to do
anything until we
are further along
with project



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

RECEIVED

JUN 02 2000

Department of Water Resources
Eastern Region

June 1, 2000

WTR-4.10
SRA-6434

Ron Carlson, Water Master District 1
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402-1718

Subject: Notice of Protest Water Right Application Nos. 29-08237 and 35-09086

Dear Ron:

On May 22, 2000, the Bureau of Reclamation (Reclamation) filed Notice of Protests to the subject water rights. Based on the Analytic Element Modeling (AEM) method and an AEM groundwater flow model (MFLOW) developed by the Department of Interior, consumptive use at the proposed points of diversion would impact recharge to American Falls Reservoir. Since filing the protests, we have spoken with Mr. Stan Drew (application 29-08237), Dennis Done, and yourself.

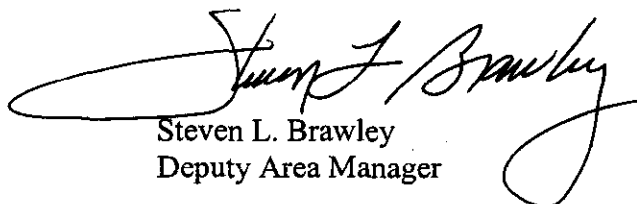
We understand, from our communications with you, the purpose of use is domestic and considered non-consumptive by Idaho Department of Water Resources (IDWR), as stated by Mr. Done and yourself as you interpret a domestic use under Idaho Statute § 42-111(1)(a) and is limited to 13,000 gallons per day per home, including up to ½-acre of irrigation. Mr. Stan Drew has also stated the source of irrigation water for the five, 2-acre lots on his application will come from the Fort Hall Irrigation District and is willing to so state in writing. We would expect if the Fort Hall source was not available for any reason, these land owners would not begin irrigation diversions from their domestic source. In addition, you stated IDWR prefers one well be drilled, versus several wells, in a localized area to help prevent contamination with septic and other water delivery systems.

Based on the facts presented above and your statement that American Falls Reservoir has failed to fill only once in the past 70 years, we withdraw our protests. We understand these domestic rights will be non-consumptive and limited to 13,000 gallons per day. We would also take this opportunity to say we believe the cumulative impact of small consumptive rights does and will continue to have an impact on springs flowing into American Falls Reservoir. We realize American Falls Reservoir has filled in all but the worst of water years and prolonged drought. Our concern is with future development, impacts, and regulation of water rights. We are finding with the development and refinement of available tools, these impacts will become more easily identified and quantified. We will continue to protest applications we believe impact our senior water rights and, hopefully, work with you to resolve those protests.

MICROFILMED
JUL 13 2000

We hereby withdraw Notice of Protest Nos. 29-08237 and 35-09086. If in the future we believe these particular water rights impact American Falls Reservoir, we will seek relief as provided under Idaho Statutes.

Sincerely,



Steven L. Brawley
Deputy Area Manager

cc: Mr. Stan Drew, P. O. Box 5566, Pocatello, ID 83202
Luke's Island Inc., P. O. Box 61, Springfield, ID 83277
Field Solicitor, Boise, ID
Regional Director, Boise, ID, Attn: PN-3100

MICROFILMED
JUL 13 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 23 2000

Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested 29-08237
2. Name of protestant U.S. Bureau of Reclamation
3. Protestant's representative for service (if different than protestant)
Dala Walton
4. Service mailing address 1359 Hansen Avenue, Burley ID 83318
5. Service telephone number (208) 678-0461 Ext. 23
6. Basis of protest (including statement of facts and law upon which the protest is based) The Analytic Element Modeling method and an AEM groundwater flow model (MFLOW) developed by the Department of Interior indicates at steady state pumpage approximately 61 percent of total pumpage from the well is expected to be groundwater that would otherwise recharge the American Falls reservoir, mainly via springs located on the northeast corner of the reservoir. This model assumes all pumpage from the well is consumptively used. Therefore, the quantity of water available will be reduced to the Bureau of Reclamation's American Falls Reservoir and injury will thereby occur to a senior water right as prohibited by Idaho Statute 42-203A. (See attached report).
7. What would resolve your protest? Regulation of the right to protect senior water rights.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22nd day of May, 2000.U. S. Bureau of Reclamation

PROTESTANT

MICROFILMED

Dala WaltonDala Walton, Water Rights Specialist

JUL 13 2000

PROTESTANT'S REPRESENTATIVE

E025848

NOTE:

a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is sign by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.

b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

\$25.00 fee Receipted by _____ # _____ Date _____

MICROFILMED
JUL 13 2000

**Hydrologic Impact of Sustained Pumping from Proposed Wells Located in
T04S R32E Section 15 SENE, and in T05S R34 E Section 27 NENE.**

RD Schmidt, PN 6400, May 2, 2000

As with previous water rights modeling, this analysis is conducted using the Analytic Element Modeling (AEM) method and an AEM groundwater flow model (MFLOW) developed by the Dept. of Interior. The model used in this analysis is an enhancement of the earlier American Falls sub-model, incorporating additional hydrologic features which provide a more accurate representation of groundwater conditions in the vicinity of the reservoir.

The American Falls sub-model is intended to be used as a screening tool for evaluation of hydrologic impacts of proposed new groundwater developments in the area of the reservoir. Major hydrologic features within about 10 miles of the reservoir are represented in the sub-model.

Figure 1 shows the main hydrologic features of the revised American Falls sub-model. The model includes the American Falls reservoir and the Fort Hall bottoms located northeast of the reservoir. To the southeast, a portion of the Portneuf river and the Ross Fork are represented in the model, as is a portion of the Eastern Snake Plain aquifer boundary. Below American Falls Dam is a portion of the Snake river, and northwest of the reservoir are portions of the Aberdeen-Springfield, High-Line and Low-Line canal systems. Ten USGS monitor wells shown in figure 1 are used in calibration of the model. Also included in the model, but not shown in figure 1, are aquifer inhomogeneities, tributary underflow, and other more distant aquifer sources and sinks.

The sub-model also contains two proposed wells, located in T04S R32E Section 15 SENE, and in T05S R34 E Section 27 NENE. Due to the close proximity of the wells to the reservoir and to springs in the Fort Hall bottoms, sustained groundwater pumping may cause a decrease in aquifer head beneath the reservoir and the springs, which in turn may reduce reservoir gains from groundwater.

Analytic element solutions are used to represent, mathematically, the hydrologic influence of each of these features. The individual solutions are then superimposed in the American Falls sub-model. To save time, hydrologic features that are more distant from the American Falls reservoir are represented with less precision than features that are close by. A far field boundary condition, representing interactions with the rest of the ESPA is also part of the sub-model.

In the revised sub-model, the American Falls reservoir is represented by six area source/sink elements (instead of three previously). The reservoir elevation is the same in all six areas (i.e. 4354 feet msl), however reservoir conductance varies from area to area. Conductance is generally lower in the downstream areas of the reservoir due to sediment accumulation. The increased number of elements allows for a more accurate representation of reservoir interactions with the aquifer.

JUL 13 2000

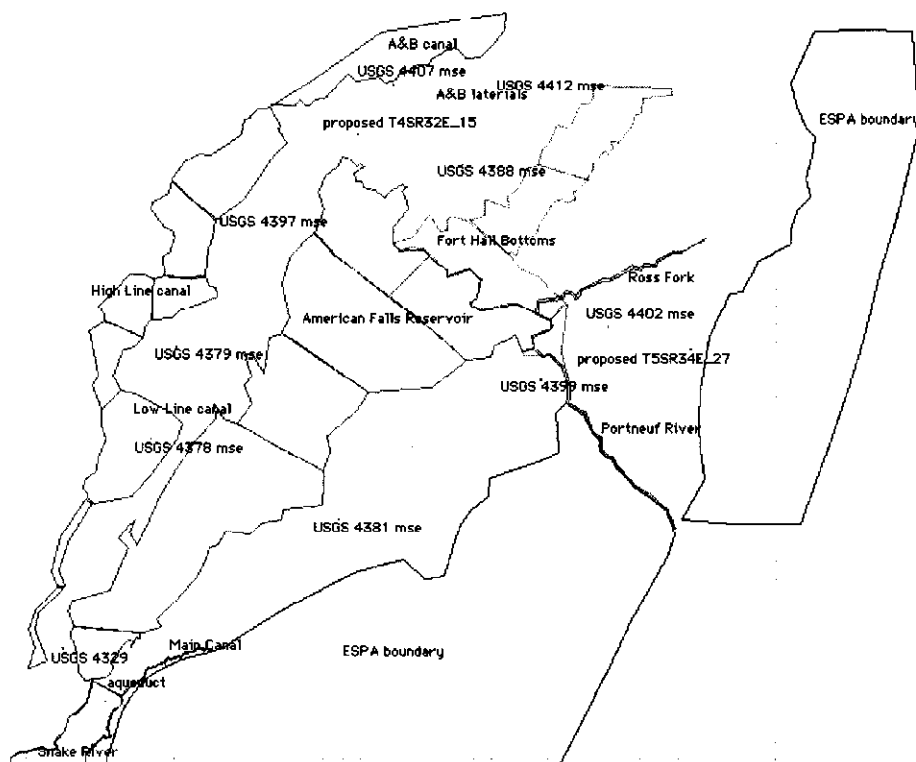


Figure 1. Analytic element model representation of the American Falls area

On the north end of the reservoir, the Fort Hall Bottoms are represented by four area sink elements which approximate groundwater discharge occurring via springs. Area sink elements are also used to represent groundwater discharged to the Portneuf River and to Ross Fork. To the west of the reservoir, irrigation, canal leakage, and groundwater pumping are represented by eleven area source and sink elements.

As before, the American Falls sub-model is used to provide general answers to three questions regarding the hydrologic impacts of the proposed wells.

1. What is the maximum effect of pumping from the proposed wells on groundwater levels surrounding the reservoir?
2. What is the general source of groundwater that is pumped from the wells?
3. What impact will groundwater pumping have on reservoir gains that occur in the Fort Hall bottoms and on the northern boundary of the reservoir.

Initially, a baseline AEM model is developed to show hydrologic conditions in the area of the American Falls reservoir without the effects of proposed well pumping. Figure 2 shows the steady-state groundwater elevations that result from the calibrated baseline model. All groundwater elevations are in feet above mean sea level. The baseline model

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The baseline model is calibrated using estimates of average gains and losses from the reservoir, and the average groundwater levels at ten USGS monitor wells surrounding the reservoir. Estimates of groundwater level and flow in the baseline model closely match the USGS measurements. On average, simulated groundwater levels are within 1.27 feet of USGS monitor well measurements. Simulated groundwater gains, including springs on the upstream end of the reservoir, are 2502 cfs, whereas the USGS estimate of reservoir gains from groundwater is 2690 cfs, on average. Simulated losses at the downstream end of the reservoir are 57 cfs, whereas the USGS estimate of losses from the reservoir is 50 cfs, on average.

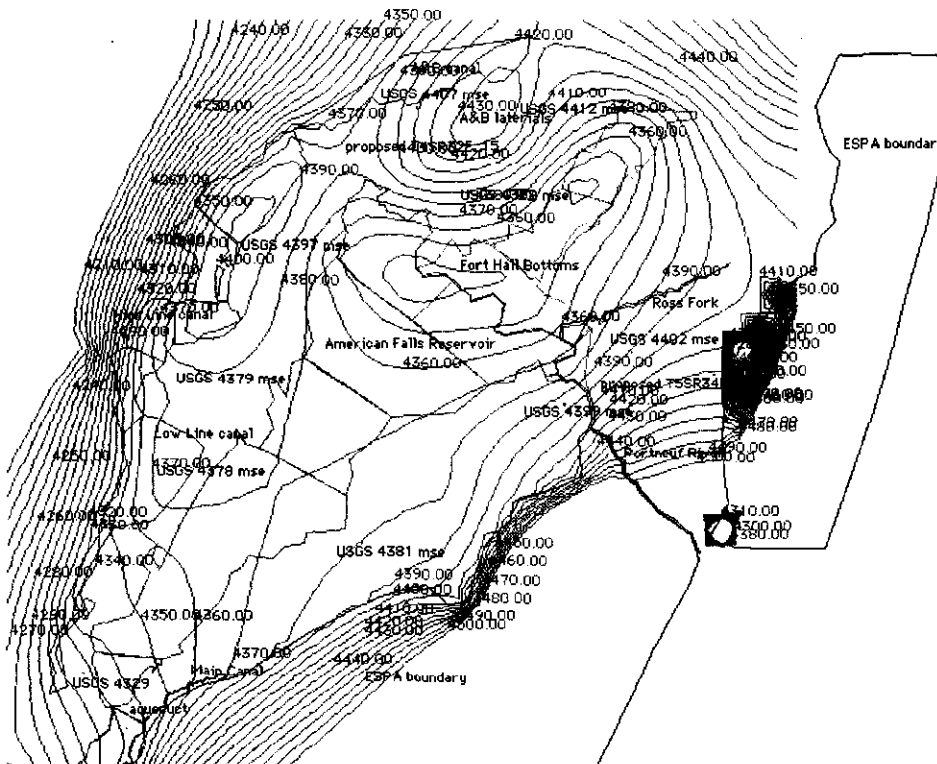


Figure 2. Simulated groundwater elevations in the vicinity of American Falls Reservoir

Results of Modeling Proposed Groundwater Diversions

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Hydrologic impacts due to proposed increase in groundwater diversions are determined by simulating long term well pumping at the maximum allowable rates of .17 cfs at location (T05S R34 E Section 27 NENE) and .32 cfs at location (T04S R32E Section 15 SENE) until steady state hydrologic conditions have developed. The model assumes that all pumpage from the two proposed wells is consumptively used.

Groundwater elevations in the immediate vicinity of the two proposed wells are shown in greater detail in figure 3 and 4. The sub-model indicates that no measurable drawdown of the aquifer would be expected as a result of sustained pumping from either of the wells at the maximum allowable rates. Model results also indicate that the well located at T05S R34 E Section 27 NENE would intercept groundwater that is flowing mainly from the southeast along the boundary of the aquifer, (figure 3). The well located at T04S R32E Section 15 SENE would intercept groundwater that is flowing in the aquifer mainly from the northeast (figure 4).

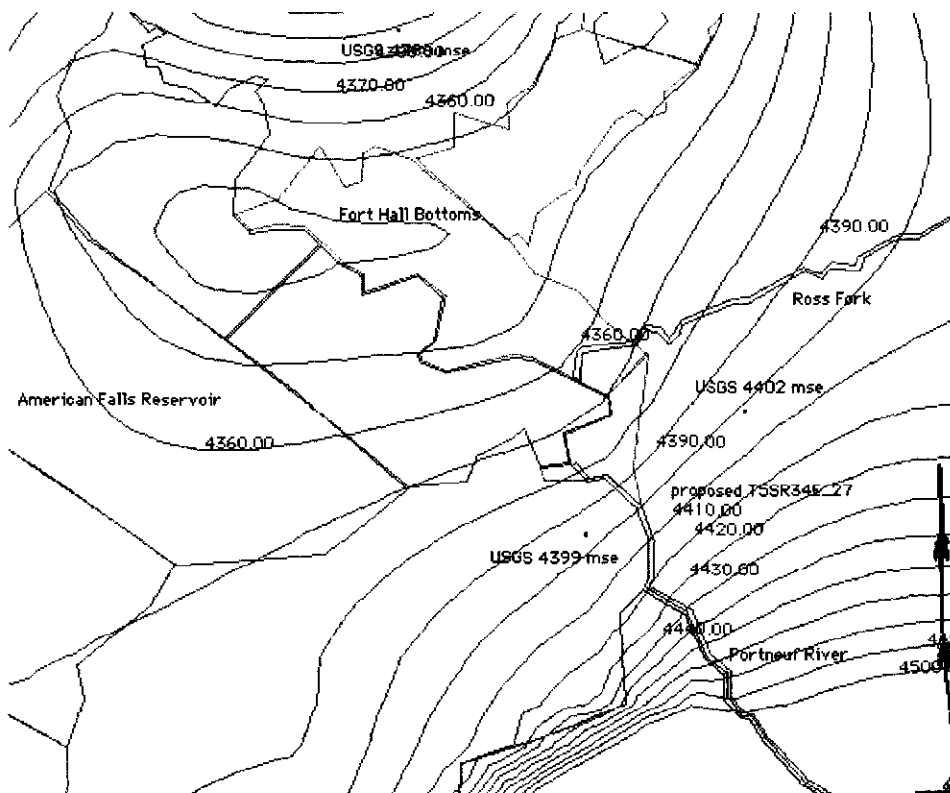


Figure 3. Simulated groundwater elevations and pathlines in the vicinity of proposed well located at T05S R34 E Section 27 NENE.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested 29-08237
2. Name of protestant U.S. Bureau of Reclamation
3. Protestant's representative for service (if different than protestant)
Dale Walton
4. Service mailing address 1359 Hansen Avenue, Burley ID 83318
5. Service telephone number (208) 678-0461 Ext. 23
6. Basis of protest (including statement of facts and law upon which the protest is based) The Analytic Element Modeling method and an AEM groundwater flow model (MELOW) developed by the Department of Interior indicates at steady state pumpage approximately 61 percent of total pumpage from the well is expected to be groundwater that would otherwise recharge the American Falls reservoir, mainly via springs located on the northeast corner of the reservoir. This model assumes all pumpage from the well is consumptively used. Therefore, the quantity of water available will be reduced to the Bureau of Reclamation's American Falls Reservoir and injury will thereby occur to a senior water right as prohibited by Idaho Statute 42-203A. (See attached report).
7. What would resolve your protest? Regulation of the right to protect senior water rights.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22nd day of May, 2000.

U. S. Bureau of Reclamation

PROTESTANT

Dale Walton

Dale Walton, Water Rights Specialist

PROTESTANT'S REPRESENTATIVE

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JUL 13 2000

NOTE:

a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is sign by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.

b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

\$25.00 fee Received by _____ # _____ Date _____

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JUL 13 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 25, 2000

STAN DREW
PO BOX 5566
POCATELLO ID 83202

RE: Application for Permit No. 29-08237

Dear Applicant:

Enclosed are copies of a protest filed against the issuance of the above referenced applications. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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JUL 13 2000

Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

HAROLD W. JONES
Water Rights Supervisor

Enclosure

HWJ:sc

cc: IDWR - State Office

MICROFILMED
JUL 13 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318

RE: Application for Permit No. 29-08237

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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JUL 13 2000

Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ: sc

cc: IDWR - State Office

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JUL 13 2000

PROOF OF PUBLICATION

RECEIVED

MAY 15 2000

STATE OF IDAHO }
County of Bannock } ss.

Department of Water Resources
Eastern Region

LN6275

CINDIA COLE

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

MAY 4	19 00	19
MAY 11	19 00	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-08237
DREW, STAN
PO Box 5566
Pocatello, ID 83202
Source: GROUNDWATER
Diversion Pt: NENE Sec 27 T 05S R 34E in BANNOCK County.
Use: DOMESTIC (0.170 CFS)
Total Diversion: (0.170 CFS)
Date Filed: 4/17/2000
In: BANNOCK County
T05S R34E S27 NENE SENE

29-08238
ALLEN, PAUL H
7661 Pocatello Creek Rd
Pocatello, ID 83201
Source: REESE CREEK, SOUTH FORK Tributary: REESE CREEK
Diversion Pt: NWSWNE Sec 32 T 11S R 36E in BANNOCK County.
Use: POWER (0.500 CFS)
Total Diversion: (0.500 CFS)
Date Filed: 4/18/2000
In: BANNOCK County
T11S R36E S32 NWNE

Any protests against the proposed application must be filed
with the Dept. of Water Resources, 900 N. Skyline Dr., Ste A, Idaho Falls
ID 83402, together with a protest fee of \$25.00 on or before MAY 22,
2000 to be considered by the Department in its decision to grant or deny
any part of the proposed application. The protestant must also send a
copy of the protest to the applicant.

Published: 5/4/200 & 5/11/2000

KARL J. DREHER, Director

OF IDAHO

TY OF BANNOCK

11TH day of MAY in the year of 2000,
me, a Notary Public, personally appeared

CINDIA COLE, known or identified to me
the person whose name subscribed to the within instrument, and
by me first duly sworn, declared that the statements therein are
and acknowledged to me that he executed the same.

Lori A. Sekot
Notary Public for Idaho

Residing at POCATELLO

My commission expires: FEBRUARY 2003

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MAY 13 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 25, 2000

Legal Notices Department
IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

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 MAY 22, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.

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JUL 13 2000

NOT. E OF APPLICATION FOR WATER RIGHT

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

29-08237

DREW, STAN
PO BOX 5566
POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt: NENE Sec 27 T 05S R 34E in BANNOCK County.

Use: DOMESTIC (0.170 CFS)
Total Diversion: (0.170 CFS)

Date Filed: 4/17/2000

In: BANNOCK County
T05S R34E S27 NENE SENE

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before MAY 22, 2000. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 5/ 4/2000 & 5/11/2000

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JUL 13 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DIVISION OF ENVIRONMENTAL QUALITY
224 S ARTHUR
POCATELLO ID 83201

RE: Application for Permit # 35-09086 and 29-08237

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is May 22, 2000, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

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JUL 13 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

STAN DREW
PO BOX 5566
POCATELLO ID 83202

RE: Application for Permit #29-08237

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho State Journal on May 4 and 11, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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JUL 13 2000