

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-08048

Priority: June 13, 1994

Maximum Diversion Rate: 0.09 CFS
Maximum Diversion Volume: 16.7 AF

This is to certify, that RICHARD THOMAS SUTTON
RUTH ANN SUTTON

7586 W PORTNEUF RD
POCATELLO ID 83204

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 10, 1990; and has submitted Proof of Beneficial Use on June 13, 1994. An examination indicates that the works have a diversion capacity of 0.090 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	0.09 CFS	16.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.09 CFS	16.7 AF

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 21, Township 07S, Range 35E
BANNOCK County

<u>PLACE OF USE:</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
IRRIGATION				
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 35E 21	NESW 4			4
Total number of acres irrigated:				4

PLACE OF USE:
STOCKWATER, same as IRRIGATION use

PLACE OF USE:
DOMESTIC, same as IRRIGATION use

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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Microfilm
APR 29 1996

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 29-08048

CONDITIONS OF APPROVAL AND REMARKS

5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Domestic use is for 1 home.
9. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

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 24TH day of APRIL, 1996.

Acting for


KARL J. DREHER, Director

APR 29 1996

RECEIVED

APR 24 1996

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 29-08048

Date of Priority: June 13, 1994

Maximum Diversion Rate:

0.09 CFS

Maximum Diversion Volume:

16.7 AF

Comes now

RICHARD THOMAS SUTTON

RUTH ANN SUTTON

7586 W PORTNEUF RD

POCATELLO ID 83204

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. 29-08048, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.09 CFS	16.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.09 CFS	16.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 21, Township 07S, Range 35E
BANNOCK 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>
07S	35E	21	NESW	4		4

Total number of acres irrigated: 4

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

RECEIVED

APR 29 1996

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

Signed at 7586 W Portneuf Rd., this 22 day of April, 1996.

8:35 P.M.

Richard Thomas Sutton
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-08048

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by JW # C035391 Date 4-24-96

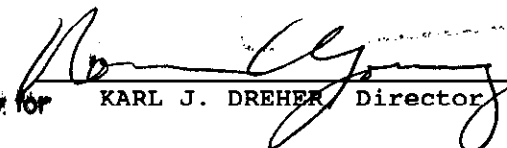
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-08048 with the following;

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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Domestic use is for 1 home.
9. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

Witness my hand this 24TH day of April, 1996.


Acting for KARL J. DREHER, Director

APR 29 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-08048	)	
	)	ORDER OF
IN THE NAME OF RICHARD THOMAS & RUTH ANN	)	REINSTATEMENT
SUTTON	)	
	)	

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On March 28, 1991, the Department issued Permit No. 29-08048 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1992.

2. On January 31, 1992, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On April 6, 1992, the Department sent a lapse notice to the permit holder.

4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

5. On June 13, 1994, the permit holder submitted an acceptable proof along with power records that show the pump to be in use during the authorized development period. The permit holder also explained that the original proof due notice was misplaced and proof was never filed.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

APPROVED

JUL 21 1994

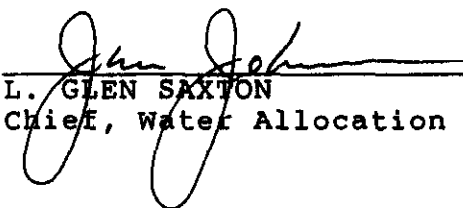
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 29-08048 is REINSTATED and the priority is advanced to June 13, 1994.

Dated this 29TH day of June, 1994.

for 

L. GLEN SAXTON
Chief, Water Allocation Bureau


JUL 21 1994

RECEIVED
JUN 13 1994
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 29-08048 Telephone No. 208-232-3227

2. Name(s) of Permit Holder(s): Richard Thomas ; Ruth Ann Sutton

3. Post Office Address: 7586 W. Portneuf Rd. Pocatello, Id. 83204

4. Source of Water: groundwater

a. If ground water, well driller's name: _____ Date drilled: 1984

b. Pump horsepower: 1 1/2 Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use: flow is 30 gal. per minute -

Domestic 1 (No. of households)

Irrigation 4 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted .18 cfs _____ 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: \$ 50.00 (See License Examination Fee Schedule)

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

Ruth Sutton 208-232-3227
Name Telephone No.

7586 W Portneuf Rd Pocatello, Ida. 83204
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.

6-2-94
Date

Ruth A. Sutton
Signature (and title if on behalf of a company or organization)

JUL 21 1994

State of Idaho
Department of Water Resources

NO 29-08948

Proposed Priority: April 20, 1990 Maximum Diversion Rate: 0.18 CFS
This is to certify, that RICHARD THOMAS
RUTH ANN SUTTON
7586 W. PORTNEUF RD.
POCATELLO, ID 83204
has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.12 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.18 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSE Sec. 21, Township 07S, Range 35E
BANNOCK County

PLACE OF USE: IRRIGATION		ACRES	ACRES	ACRES	TOTAL
TWN	RGE	SEC			
07S	35E	21	NWSE	4	4
Total number of acres irrigated:					4

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08048

CONDITIONS/REMARKS:

- 7. Stockwater use is for 1 horse and 3 range cattle.
- 8. Domestic use is for 1 home.

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

28th day of March, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard Thomas or Ruth Ann Sutton Phone (208) 232-3227
Post office address 7506 W. Portneuf Rd., Pocatello, ID 83204
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NW 1/4 of SE 1/4 Govt. Lot _____
Sec. 21 Township 7S Range 35E B.M. Bannock County; additional
points of diversion if any _____
4. Water will be used for the following purposes:
Amount .12 for irrigation purposes from 03-15 to 11-15 (both dates inclusive)
(cfs or acre feet per annum)
Amount .02 for stock purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre feet per annum)
Amount .04 for domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
5. Total quantity to be appropriated is (a) .18 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well - 6"x97', 3 hp pump. Irrigates
up to 6 sprinkler pipe. Pumps at 30 gpm. Irrigation from Mink creek
tributary. (See map.)
 - b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total
reservoir capacity n/a acre-feet; period of year when water will be diverted to storage:
n/a to n/a inclusive.
 - c. Proposed well diameter is 6" inches; proposed depth of well is 97' feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? no
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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 ONE horse 3 feeder calves
- c Municipal, show name of municipality _____
- d Domestic, show number of households 1 household
- 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	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	
7S	35E	21																	4

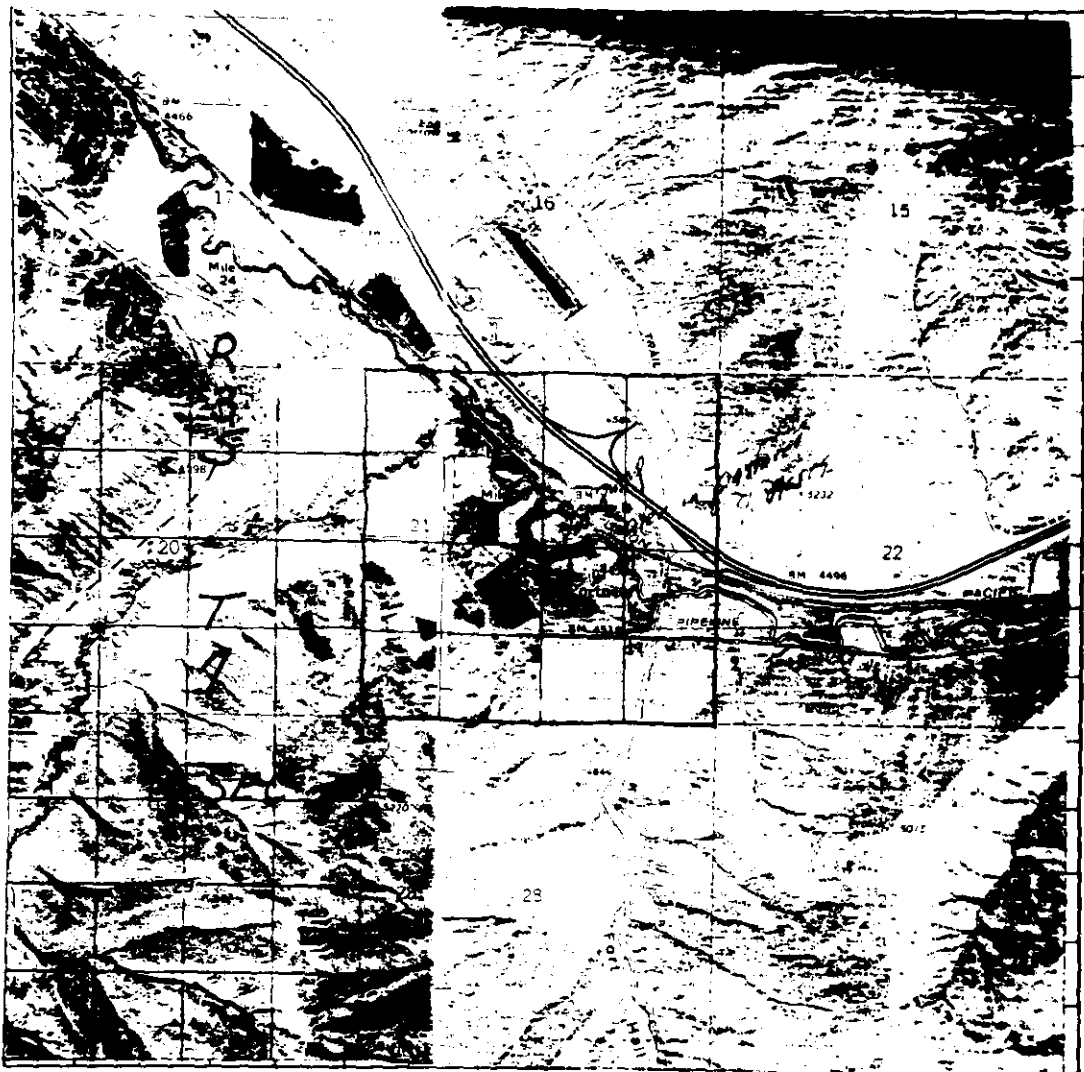
Total number of acres to be irrigated 4

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

- 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:

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



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

X *Richard Thomas Sutton*
(Applicant)

Received by CB 1-20-91 1:05
CW Date 4-20-90 Time 11:56 Preliminary check by AKW
Fee \$ 30.00 Received by HJ # E013459 Date 4-20-90
Publication prepared by RB Date 2-7-91 Published in Idaho State Journal
Publication approved AKW Date 2-16-91

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:

Form 202
6-66

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant Edward Thomas - Fish Ave. Office Phone 208-232-3227
Post office address 7286 10th Street, Ed. To state Idaho 83201
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is SE of SE of SE 1/4, Govt. Lot _____
Sec. 2 Township 72 Range 35 E B.M. Barnack County: additional
points of diversion if any none
4. Water will be used for the following purposes:
Amount 2.54 for Domestic purposes purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.00 for Irrigation purposes from 4-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.4 for Stock water purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.94 and/or (b) _____
(cfs or acre-feet per annum) (cfs or acre-feet per annum)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. add in: Pump 27 ft 3 horse
pump irrigation up to 6" sprinkler pipe Pumps at
30 gals per minute, rock irrigation from Wind rock tributary
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 _____ inches; proposed depth of well is 97 feet.
d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 year years (minimum 1 year).

- 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 1 to school
- e Other, describe fully Irrigation of 10 acres pasture land
and 2000 sq ft land

- 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.

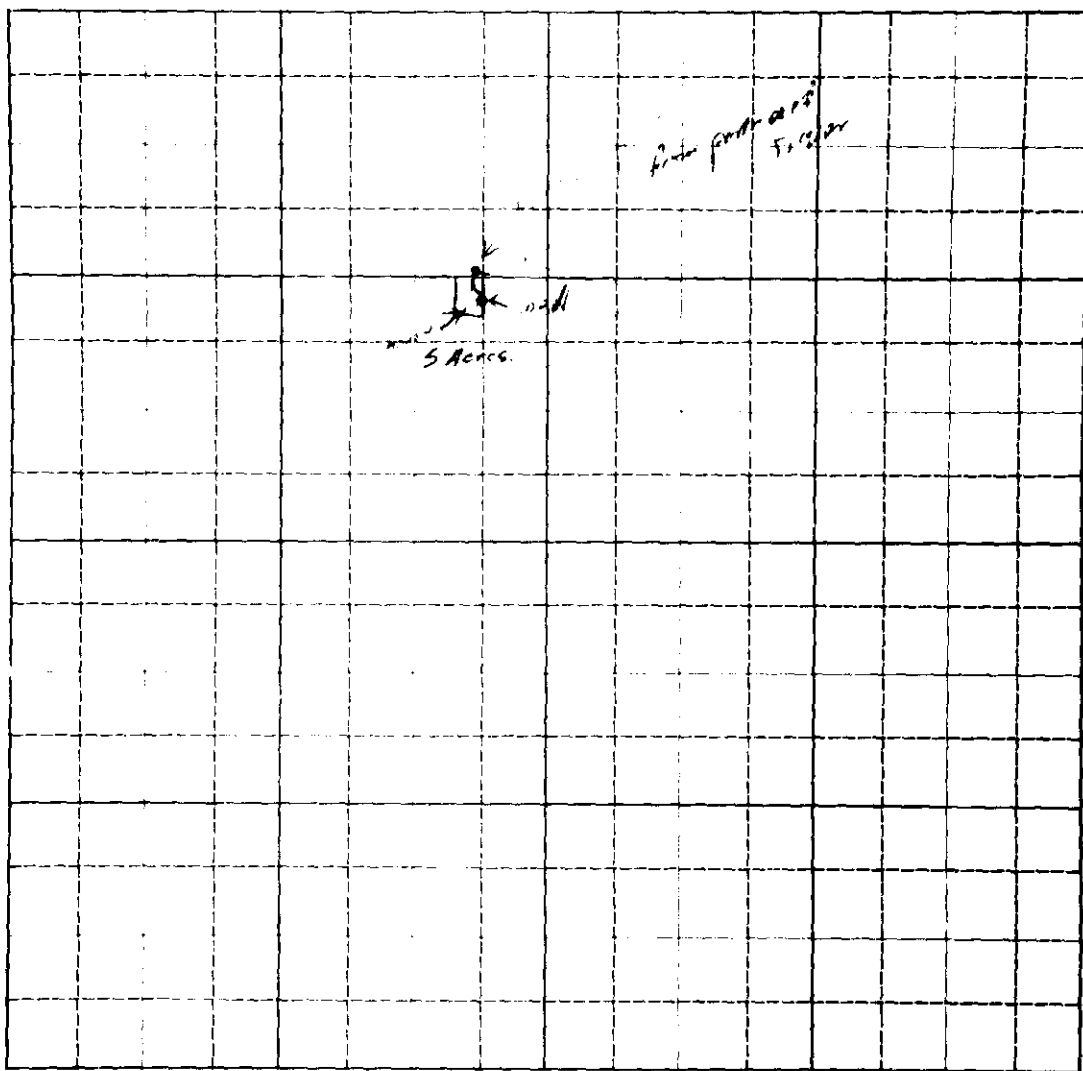
[illegible]

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

- 11 a Who owns the property at the point of diversion? Self
b Who owns the land to be irrigated or place of use? Self
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

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



Scale 2 inches equal 1 mile

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

Richard Thomas Seltzer
(Applicant)

Received by OW Date 4-20-90 Time 11:56 Preliminary check by _____
Fee \$ 5.00 Received by ALT # E013459 Date 4-20-90
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:

PROOF OF PUBLICATION

RECEIVED

FEB-20-1991

STATE OF IDAHO }
County of Bannock } ss.

Department of Water Resources
Eastern District Office

Sandra K. Wann

29-08049
BUTTON, RUTH ANN
THOMAS, RICHARD
POCATELLO, ID 83204
Source: GROUNDWATER
Diverter Pt:
NWSE Sec 21 T 07S R 35E
Use: IRRIGATION (.120 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Total Diverter: (.180 CFS)
Date Filed: 4-20-1990
In: T07S R35E S21 NWSE
4.0 ACRES TOTAL

29-08049
DAVIS, BURKE R.
DAVIS, TERRI
270 E. HAWKINS RD.
ARMO, ID 83214
Source: GROUNDWATER
Diverter Pt:
SESW Sec 35 T 10S R 36E
Use: IRRIGATION (.150 CFS)
Total Diverter: (.150 CFS)
Date Filed: 1-7-1991
In: T10S R36E S35 SESW
5.0 ACRES TOTAL

29-08051
ALLEN, BYRON K.
1381 E. DIXON RD.
MC CAMMON, ID 83250
Source: POND
Tributary: SINKS
Diverter Pt:
SWSW Sec 13 T 09S R 36E
SESW Sec 13 T 09S R 36E
Use: IRRIGATION (1.720 CFS)
Total Diverter: (1.720 CFS)
Date Filed: 4-28-1990
In: T09S R36E S13 SWSW SESW
334 NENW NWSE
95.7 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before FEBRUARY 25, 1991.
R. Keith Higginson, Director
February 7, 14, 1991
Ln172

being first duly sworn on oath deposes and says: That she was at all times here in 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:

7 February	19 91	19
14 February	19 91	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.

Sandra K. Wann

STATE OF IDAHO

COUNTY OF Bannock

On this 14th day of February in the year of 1991, before me, a Notary Public, personally appeared Sandra K. Wann known or identified to me to be the person whose name subscribed to the within instrument, and being by us first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]
Notary Public for Idaho
Residing at Pocatello
My commission expires: Feb. 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 25, 1996

RICHARD THOMAS SUTTON
RUTH ANN SUTTON
7586 W PORTNEUF RD
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08048

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 19, 1996

RICHARD THOMAS SUTTON
RUTH ANN SUTTON
7586 W PORTNEUF RD
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08048

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed.

As of this date, I have not received the amendment. If I do not receive it within fourteen (14) days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced. Please note that the filing fee for this amendment is \$50.00.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

MICROFILMED

APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 1, 1996

RICHARD THOMAS SUTTON
RUTH ANN SUTTON
7586 W PORTNEUF RD
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08048

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

APR 19 1996

MEMORANDUM

DATE: March 18, 1996
TO: File No. 29-08048⁹
FROM: Cindy Zimmerman
SUBJECT: B/U Report Review

=====

Per telecon today with Paul Meyer, the examiner of this permit, he did not look for nor did he see evidence of irrigation using water from the Portneuf River as claimed under A29-11604. Paul believed it might be possible for the Suttons to irrigate using Portneuf River water because their land has river frontage, but using river water might not be practical due to the irrigation system. The SRBA beneficial use claim is unverified. Paul recommended this use of groundwater as the primary source for the irrigation of 4 acres.

RECORDED

APR 29 1996

B/U FIELD EXAM REVIEW
Cindy Zimmerman

01/96

Permit #: 29-8048 Name: Sutton Date: 3/12/96 ✓ Lots ✓

NAME Chng Same ✓ Or Address Change? TYPO Richard Thomas Sutton

SOURCE — ✓ Clarify source —
Prelim. Order to Void - Source change.

P/D ✓ — Amendment Needed? SE NESW P39
Overlap(s) none

P/U ✓ — Amendment Needed? NESW P41
Overlap(s) A29-11604
(Gov't special #'s) — *P/D & P/U Amend? P37

RATE — ✓ Permit/fee limits: 0.18 / 0.18
— ✓ Measured Q = none cfs/Theoretical Q = 0.09 cfs
4.0 ac x 0.03 cfs/ac = 0.12 cfs x 0.09) + (stock = 0.01) + (dom = 0.02) = 0.09
(HP) 8.8 x 0.75 x 1.5 = 9.9
40 + (2.31 x 30) = 109.3 = 0.09 cfs
— ✓ Recommended capacity 0.09 cfs
— ✓ Recommended rate 0.09 cfs

VOLUME — ✓ Season: (C / 4.0) 4/1 - 10/31 = 214 days
Calculations: (R = 4.0 ac x 4.0 AF/ac = 16.0) + (Stock = 0.1) +
(dom = 0.6) = 16.7
Flow limit: (irr) 0.09 x 214 x 1.9835 = 38.2
Flow limit: 0.03 x 365 x 1.9835 = 21.7 AF
— ✓ Recommended volume 16.7 AF

USES — ✓ Same Nature of Use? — P46
— — Amendment Needed? —

REMARKS — ✓ Multiple p/d's in 1 1/2? W32
— ✓ ① W02/1113RC ② W85/1

CONDITIONS — — Measuring (R01)/Locking (R02) Devices
— — Watermaster Control (R04) - WD # —
— PSI Irrigation rate/volume overlap
— — GW irrigation replaces surface water (050)
— — GW irrigation supplements surface water (065)
— ✓ Water Quality/Other 048, 049

PRIORITY App Rcd 4/26/90 Due 4/1/92 Rc'd 6/13/94
Receipt# 6030519 Fee OK? Yes/No
Order to Reinstate Needed? Yes/No Done? 6/29/94
If Yes Advanced? Yes/No to: 6/13/94
Priority 6/13/94 Examined 8/7/95

COMMENTS: rate limited by capacity

USE	CFS	DIV VOL	SRBA Overlap <u>A29-11604</u> (copy attached)
<u>Irr</u>	<u>0.09</u>	<u>16.0</u>	<u>Adjustment Memo</u> <u>✓</u>
<u>Stock</u>	<u>0.01</u>	<u>0.1</u>	<u>LICENSE LTR: P49</u>
<u>Dom</u>	<u>0.02</u>	<u>0.6</u>	<u>#1 AMEND LTR: P37/P38</u>
<u>TOTAL</u>	<u>0.09</u>	<u>16.7</u>	<u>#2 AMEND LTR: P42/P47</u>

MEMORANDUM

DATE: March 12, 1996
TO: File No. 29-08048
FROM: Cindy Zimmerman *cmj*.
SUBJECT: Review of Beneficial Use Field Report

=====

The following adjustments were made on the field report:

1. Annual Volume.
 - a. Irrigation = acres x acre feet per acre
= 4.0 x 4.0
= 16.0 AF.
 - b. Stock, 4 head livestock = 0.1 AF.
 - c. Domestic, 1 home, in-house use = 0.6 AF.
 - d. Maximum annual volume = a + b + c
= 16.0 + 0.1 + 0.6
= 16.7 AF.

RECEIVED

APR 29 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 11 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-08048

1. Owner: RICHARD THOMAS SUTTON AND RUTH ANN SUTTON Phone No. (208) 232-3227

Current Address: 7586 W. FOREST RD., BOCAE LLO, ID 83204

2. Accompanied by: RUTH SUTTON EXAM DATE: 8-7-95

Address: SAME Phone No. _____

Relationship to Permit Holder: 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:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	SW	21	7S	3SE	BANNOCK	USGS On-site

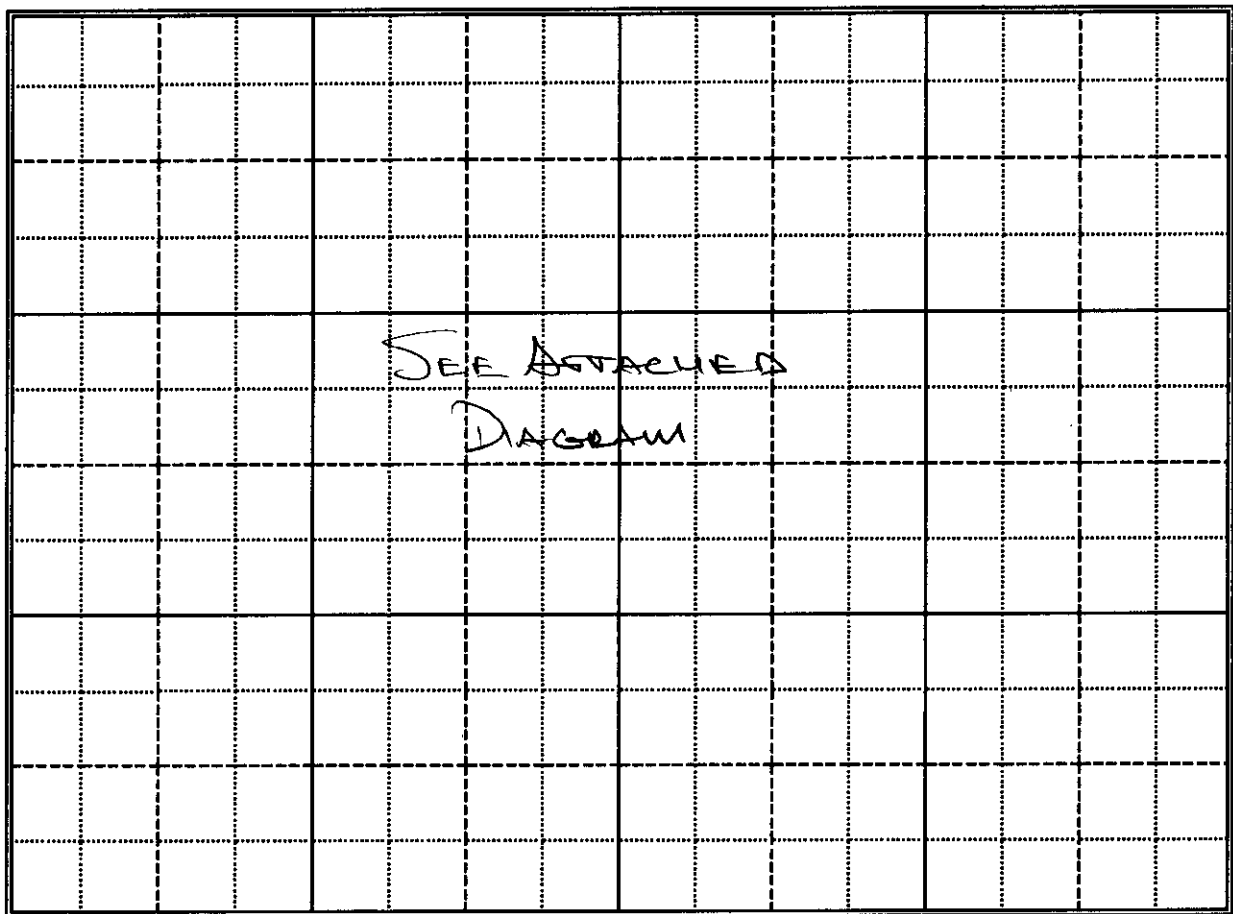
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	3SE	21									D/S								
											4ac								4ac

APR 29 1996

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



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Unknown	1½	Unknown		

*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: _____

APR 29 1998

E. NARRATIVE/REMARKS/COMMENTS

WELL WITH SUBMERSIBLE PUMP TO SINGLE FAMILY HOME WITH
1 ACRE LAWN AND GARDEN AREA. WATER SUPPLIED TO STOCK WATER
FACILITY CAPABLE OF UP TO 5 TO 10 HORSES AND CATTLE. ALSO
INCLUDES 3 ACRES OF PASTURE IRRIGATION (4 AC TOTAL IRR-
IGATION).

* NOTE: CORRECTION OF NAME - HOLDERS ARE RUTH ANN SUTTON
AND RICHARD THOMAS SUTTON. PLEASE MAKE APPROPRIATE COR-
RECTIONS TO IDWR RECORDS.

* LOCATION OF HOME AND WELL IS 7586 W BERNIER RD.

~~Amended PD 10/10/96 to Sutton!!~~

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

MICROFILMED

APR 29 1996

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: * From surrounding well logs, assume H_2O at 40'

$$Q_{THEORE} = \frac{4P(8.814)EFF}{LIFT + (2.308 \times PSI)} = \frac{1.5(8.814)0.75}{40 + (2.308 \times 30)} = 0.09 \text{ cfs}$$

Assume 30 PSI, 40' LIFT, 75% EFF

Q LIMITED BY CAPACITY TO 0.09 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.0 \times 3.5 = 14 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.09(214)1.9835 = 38.53$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 14 \text{ AFA}$$

2. Volume Calculations for Other Uses:

IDWR STD FOR SINGLE HOME (LAWN UNDER IRRIGATION COMPONENT) = 0.6 AFA

IDWR STD FOR 10 CATTLE/HORSES = 0.1 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1-1	12-31	0.02	0.6
Stockwater	1-1	12-31	0.01	0.1
Irrigation	4-1	10-31	0.09	14.0 *
Totals:			0.09	14.7 *

☒ 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 [Signature] Date 2-13-96

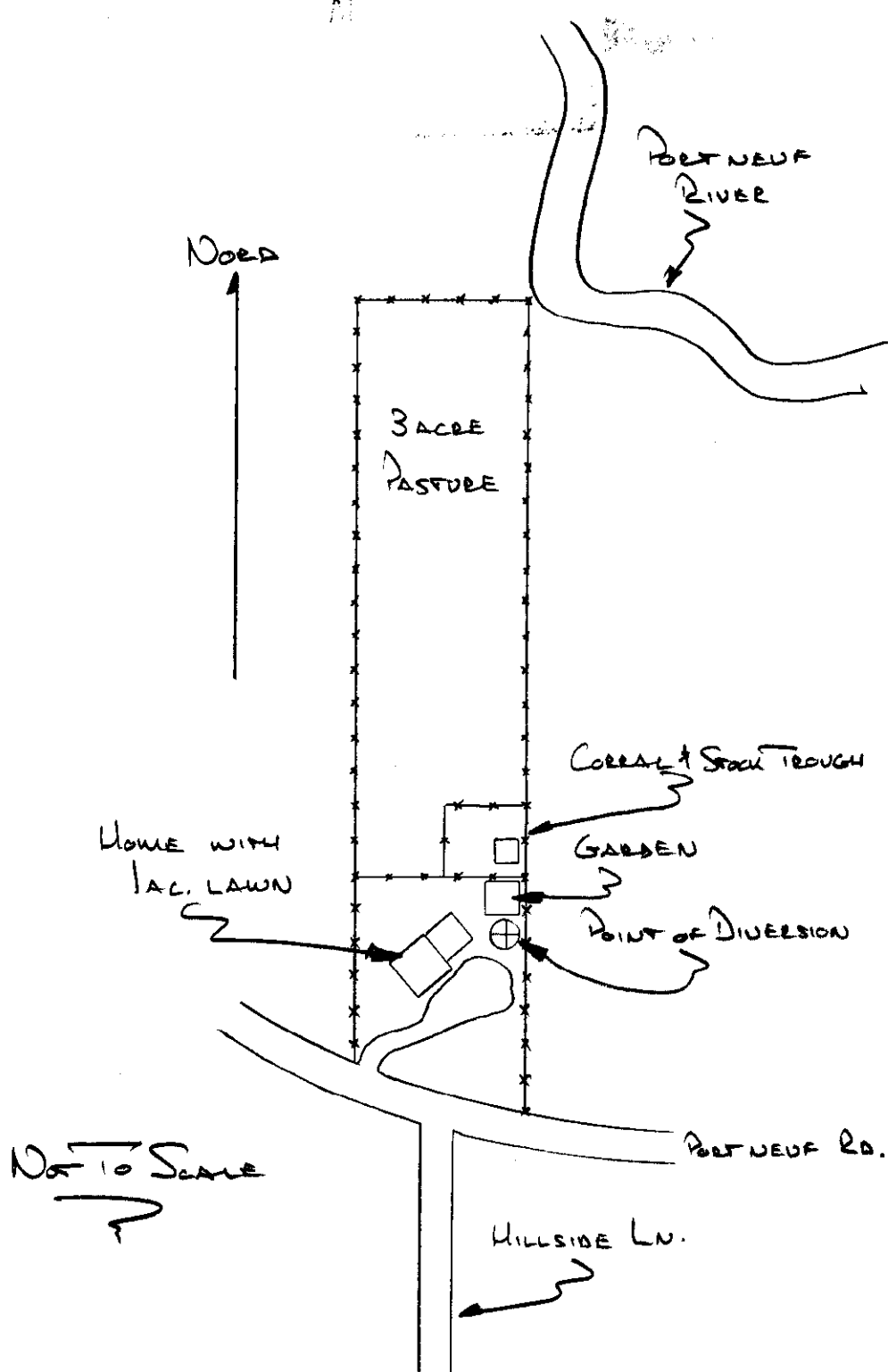
Reviewer _____ Date _____

SEAL

*Adjustments made during the review of this right for license approval.
See memo for additional information. cps 3/2/96

R 29 1996

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



29-08048

WILSON
APR 29 1995

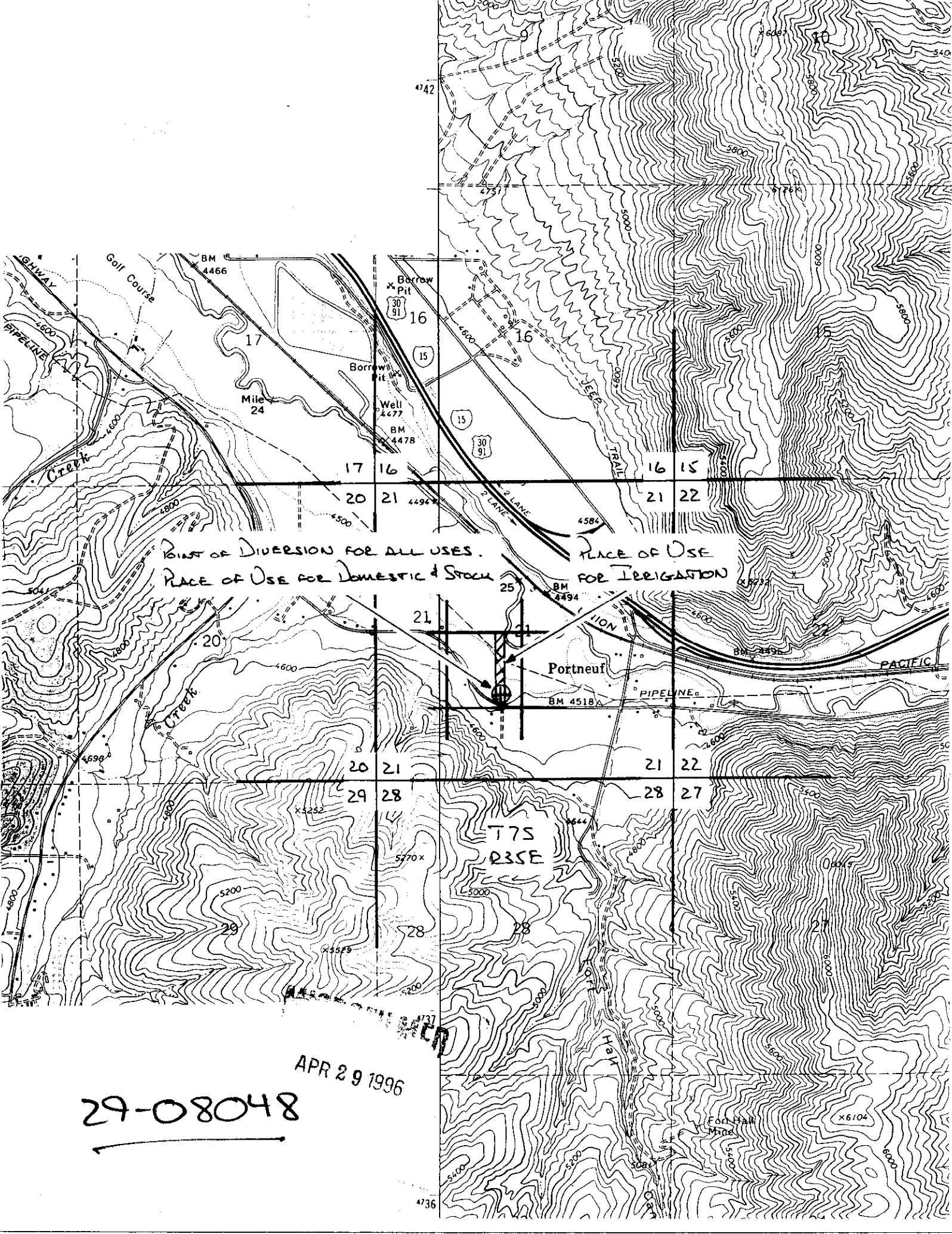




Fig. 1 - Wellhead at point of diversion.



Fig. 2 - Place of use for domestic from wellhead.



Fig. 3 - Irrigated pasture and stocktrough
from point of diversion.



Fig. 4 - Large lawn from road looking northeast.

June 29, 1994

RICHARD THOMAS &
RUTH ANN SUTTON
7586 W PORTNEUF RD
POCATELLO ID 83204

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 29-08048

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating your permit since the Proof of Beneficial Use form was submitted after the proof due date. Please note that the priority date has been advanced to June 13, 1994.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

MAILED

JUL 21 1994

June 2, 1994

RECEIVED

JUN 13 1994

Dear Julie,

I hope these forms are correct. Apparently our permit lapsed due to the application being lost or misplaced. Enclosed is a current update on our pump as it was recently replaced - should you need this information.

Also enclosed are copies of 2 electric bills used to run the pump for domestic use. Dates:
Feb 91 & Nov 91.

Should you need more information, please contact me. Thank you for your assistance.

Ruth Sutton

RECEIVED

JUL 21 1994

**R. TOM SUTTON
OR RUTH A. SUTTON**
7586 W. PORTNEUF 232-3227
POCATELLO, ID 83204

2244

92-6/1241

PAY TO THE ORDER OF Idaho Power \$ 233⁵⁴/₁₀₀

Two Hundred Thirty three and ⁵⁴/₁₀₀ DOLLARS

First Security Bank
First Security Bank of Idaho
100 S. Arthur Street
Pocatello, Idaho 83204

FOR R. Tom Sutton

⑆ 124 100064 ⑆ 004 72662 34 ⑆ 2244 ⑆ 0000023354 ⑆

© HARLAND 1990

**R. TOM SUTTON
OR RUTH A. SUTTON**
7586 W. PORTNEUF 232-3227
POCATELLO, ID 83204

2597

92-6/1241

PAY TO THE ORDER OF Idaho Power \$ 145⁶²/₁₀₀

One hundred forty five and ⁶²/₁₀₀ DOLLARS

First Security Bank
First Security Bank of Idaho
100 S. Arthur Street
Pocatello, Idaho 83204

FOR Ruth A. Sutton

⑆ 124 100064 ⑆ 004 72662 34 ⑆ 2597 ⑆ 0000014562 ⑆

© HARLAND 1990

**R. TOM SUTTON
OR RUTH A. SUTTON**
7586 W. PORTNEUF 232-3227
POCATELLO, ID 83204

3110

92-6/1241

PAY TO THE ORDER OF Idaho Power \$ 121⁷⁴/₁₀₀

One hundred twenty one and ⁷⁴/₁₀₀ DOLLARS

First Security Bank
First Security Bank of Idaho
100 S. Arthur Street
Pocatello, Idaho 83204

FOR 1770-034490-2 Ruth A. Sutton

⑆ 124 100064 ⑆ 004 72662 34 ⑆ 3110 ⑆ 0000012174 ⑆

© HARLAND 1990

NOT RECORDED

JUL 21 1994

GRUNDFOS**5 Year
Performance****PLUS****1/3 through 1 1/2 HP
Submersible Pump
Protection Application**

Dear Grundfos Dealer:

To make certain your customer's Grundfos submersible pump is fully covered under the supplemental *Performance PLUS* protection program, READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY. Please type or print clearly.

Complete this policy application in full. Then sign and date the application.

Your customer should keep the top white copy of the application. Keep the yellow copy for your records and send the two remaining copies (pink and goldenrod) to your Grundfos distributor.

Should the pump fail due to any of the conditions specified under *Performance PLUS* prior to the expiration of the 5-year term of the policy, your customer should contact you. You then pull the pump and determine if the cause of failure is within the terms of the *Performance PLUS* policy. If it is, Grundfos will repair or replace the pump at no charge through your distributor. ***Performance PLUS* does not cover the labor charges involved in pulling and reinstalling the pump.**

The *Performance PLUS* protection policy covers all Grundfos domestic submersible pumps up through 1 1/2 HP. It is limited to the original owner of the pump and is non-transferable.

Customer Name Tom & Ruth Sutton
 Address 7586 W Portneuf
 City Poc State ID Zip 83204
 Grundfos Dealer Name Roy Pope Smith
 Address 4435 N Willingboro Ln
 City Poc State ID Zip 83204

Pump Model: <u>25513-9</u>	Serial Number: <u>P-94051217</u> <u>M-2693-24-1285</u>
Phase & Volts: <u>1 230</u>	Horsepower: <u>1 1/2 HP</u>
Date Installed: <u>11-29-94</u>	Application: <u>House</u>
Pumping Water Level: <u>45'</u>	Pump Setting: <u>65'</u>
Well Inside Diameter: <u>6"</u>	Depth: <u>80'</u>
Flow (GPM): <u>30 GPM</u>	Lightning Arrestor Type: <u>Franklin</u>
☒ New Installation or ☐ Replacement:	Brand of Pump Replaced: <u>Fairbanks</u>

I certify that a proper lightning arrestor has been installed with this Grundfos submersible, and that the unit has been installed in accordance with the Grundfos Installation and Operating Instructions.

Dealer Signature [Signature]Date: 4-29-94

JUL 21 1994

Pages below this
sheet were recreated
from microfilm

DO NOT REFILM

I certify that file No. 29-08048

has been reviewed and is ready to be MICROFILMED
and DESTROYED.

Brenda Miller
Signature

8-10-92
Date

The attached proof report is the water right as it appeared in the database
prior to the final status and deletion from the database.

WDR-06

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/01/92 09:00:00
Page 1

Water Right Number - 29-00048

Prefix Translation: WATER RIGHT

Old (S) Number -

----- Last Name -----

----- First Name -----

----- Address -----

*** C - CURRENT OWNER ***
THOMAS

RICHARD

1 - 7506 W. PORTHURF RD.

2 -

3 -

City- POCATELLO

State- ID Zip- 83204

Phone - 208-232-3227

1 -

2 -

3 -

City- POCATELLO

State- ID Zip- 83204

Phone - 208-000-0000

----- Priority Date -----
04/20/1990

----- Region -----
15 EASTERN

----- Stage -----
P - PERMIT

----- Status -----

----- Source -----
GROUNDWATER

----- Tributary -----

----- Point of Diversion -----
Thun Rng Sec Tract Lot RFig County Stream Index (Blank if no Index Code)

07S 35E 21 NW SE (5) BANNOCK

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		0.120	
04 - STOCKWATER		01/01	12/31		0.020	
43 - DOMESTIC		01/01	12/31		0.040	

----- Total Div. Rate -----
0.180

Thun	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	35E	21	NW SE		4.0	01	IRRIGATION	(5) BANNOCK

Total Acres: 4.0

----- Diversion Means - WELL, PLAP

----- Non-Irrigation Use -

----- Other Rights for Same Use -

----- Remarks -----
Stockwater use is for 1 horse and 3 range cattle.
Domestic use is for 1 home.

UNDERS
(20-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READINA REPORT

02/02/92 000000
Page 2

Water right number - 20-00000

Prefix Translation: WATER RIGHT

..... Old Water Right Numbers
..... Old Water Right Numbers
..... No Old Water Right Numbers found.
..... Conditions of Approval
046 - Right holder shall comply with the drilling permit
- requirements of Section 42-225, Idaho Code.
048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
049 - The Director retains jurisdiction of the right and any license
- subsequently issued to incorporate the use into a water district,
- require streamflow augmentation or other action needed to protect
- prior surface water and groundwater rights.
057 - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed
- 0.03 cubic feet per second for each acre of land.
..... Decree Plaintiff
..... Decree Defendant
..... Decree Date
02/02/0000

..... Comments
Dates 01/06/1992 Near Ids WMLT Subject: Lapse Notice Sent
Lapse Notice Sent

..... Audit Fields - 01/11/91 BOBELL 01/23/91 BOBELL 03/20/91 SKAGGS 03/25/91 SKAGGS 04/06/92 COMMENTS
..... Water Rights Dates and Flags Area
.....

Proof Due Date	- 04/01/1992	Field Exam Made	- 02/02/0000	Field Exam Fee	-
Approved/Revised	- 03/28/1991	Protected Date	- 02/02/0000	Exam Fee	- 1
Proof Made Date	- 02/02/0000	Hearing Date	- 02/02/0000	Temporary Right	- P
Exam to S.O. Date	- 02/02/0000	Verified Date	- 02/02/0000	OLE/Barry Act	-
Order Show Cause	- 02/02/0000	Receipt Number	- 0013459	Water District	-
Licensed Date	- 02/02/0000	Appl. Received	- 04/28/1990	Transfer/Amended	-
Decree Date	- 02/02/0000	Presumption Flag	-		

RUTH ANN SUTTON
RICHARD THOMAS
7586 W. PORTNEUF RD.
POCATELLO ID 83204

April 6, 1992

RE: PERMIT NO. 29-08048 LAPSE NOTICE

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated January 31, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 4/6/92
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

llg

RUTH ANN SUTTON
RICHARD THOMAS
7586 W. FORTNEUF RD.
POCATELLO ID 83204

January 31, 1992

RE: PERMIT NO. 29-08048 PROOF DUE NOTICE

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 April 1, 1992. (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





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HOGGINS
DIRECTOR

April 1, 1991

RUTH ANN SUTTON
RICHARD THOMAS
7586 W. PORTNEUF RD.
POCATELLO, ID 83204

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08048

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

04-Jan-1991

RICHARD THOMAS OR
RUTH ANN SUTTON
7586 W PORTNEUF RD
POCATELLO ID 83204

RE: Application No. 29-8048

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Idaho State Journal on JANUARY 17 & 24, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 22, 1991

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 25, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

29-08048

SUTTON, RUTH ANN
THOMAS, RICHARD
POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: NWSE Sec 21 T 07S R 35E

Use: IRRIGATION	(.120 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)
Total Diversion:	(.180 CFS)

Date Filed: 4/20/ 1990

In: T07S R35E S21 NWSE

4.0 ACRES TOTAL

ACTION REQUIRED

13 Dec 1990

FROM: Dennis M. Dunn

TO: Richard or Ruth Ann Sutton

1. on page 2 please indicate the type and number of livestock
2. on the map please indicate where the water is diverted and where it is used. We have highlighted the forty acre tract indicated by the legal description.
3. please sign the application and return it to this office.