

State of Idaho
Department of Water Resources

NO. 29-08043

Proposed Priority: March 20, 1990 **Maximum Diversion Rate:** 0.10 CFS

This is to certify, that **BRUCE H. WHEATLEY**
DARLENE WHEATLEY
2584 W. ARIMO RD.
ARIMO, ID 83214

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
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IRRIGATION	03/15 to 11/15	0.10 CFS
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LOCATION OF POINT(S) OF DIVERSION: SESW Sec. 5, Township 10S, Range 36E
BANNOCK County

PLACE OF USE: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
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10S 36E 5 SESW 5 5

Total number of acres irrigated: 5

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1993**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. 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.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

MAR 18 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08043

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

7th day of March, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

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MAR 13 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Bruce H Wheatley or Darlene Wheatley Phone 254-3357
Post office address 2584 W. Arimo Road, Arimo Id. 83214
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 5 Township 10S Range 36E B.M. Bonwick County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 10 for Irrigation purposes from 15 March to 15 Nov (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) 10 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well and pump to a sprinkler system
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
Existing (1984) Existing (1984)
c. ~~Proposed~~ well diameter is 8" inches; ~~proposed~~ depth of well is 120' 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
2 years (minimum 1 year).

RECORDED

MAR 19 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	36E	5											5						5

Total number of acres to be irrigated 5

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

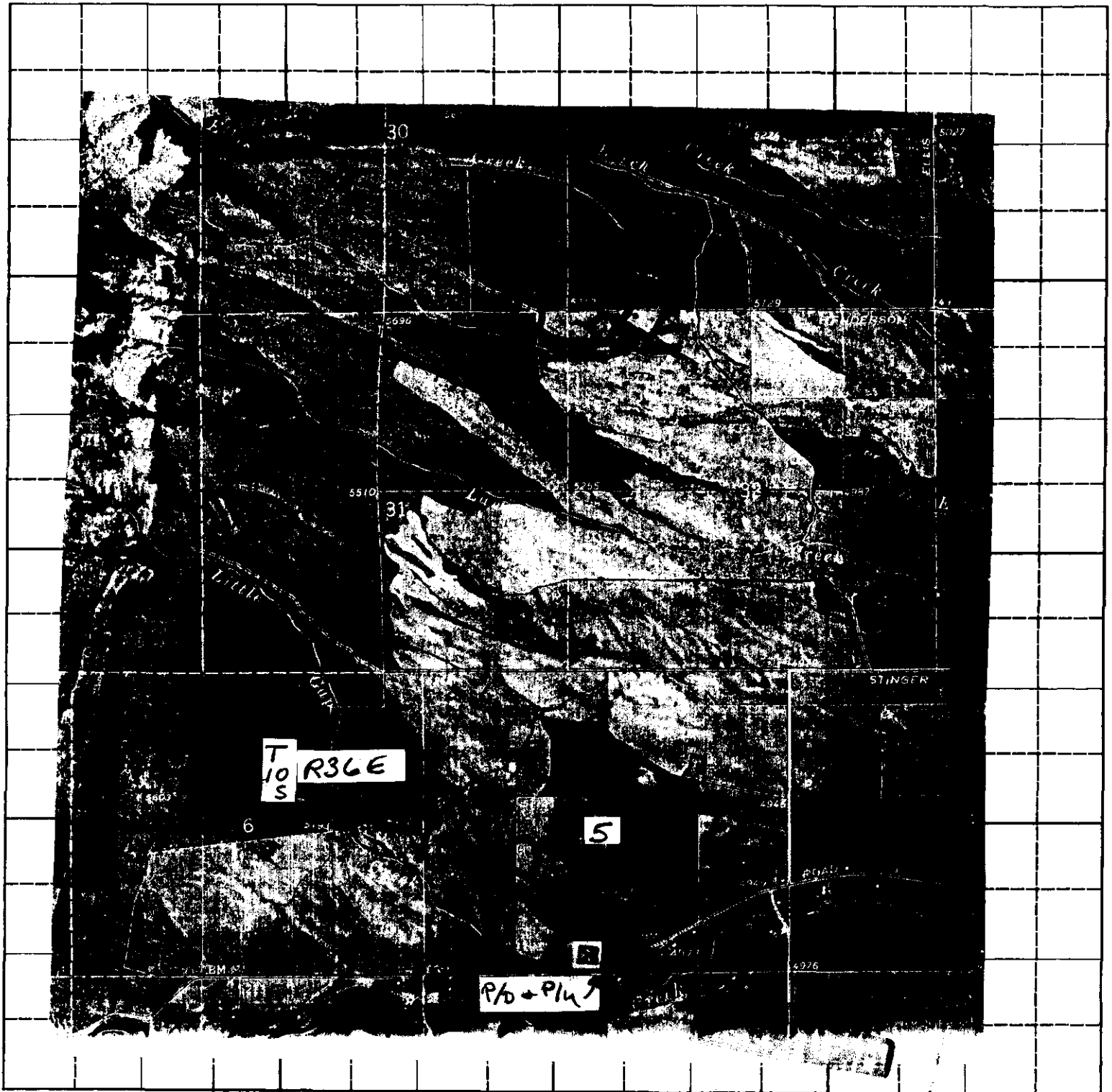
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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MAR 19 1991

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.

Bruce Wheatly
(Applicant)

Received by SMS Date 20 March 90 Time 11:54 Preliminary check by KW
Fee \$ 30⁰⁰ Receipted by SMS # E012447 Date 20 March 1990
Publication prepared by RB Date 1-3-90-91 Published in Idaho State Journal
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:

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MAR 19 1991

PROOF OF PUBLICATION RECEIVED

STATE OF IDAHO
County of Bannock

ss.

JAN 11 1991

Department of Water Resources
Eastern District Office

Sandra K. Wann

29-07975
ELECTRIC CONSTRUCTION
& SALES INC.
P.O. BOX 4054
POCATELLO, ID 832054054
Source: GROUNDWATER
Diversión Pt:
SWNWNW Sec 22 T 06S R 34E
Use: COMMERCIAL (.040 CFS)
IRRIGATION (.030 CFS)
Total Diversión: (.070 CFS)
Date Filed: 3-26-1990
In: T06S R34E S22 NWNW
1.0 ACRES TOTAL

29-08037
AEI CORPORATION
1297 E. COUNTY RD.
POCATELLO, ID 83202
Source: GROUNDWATER
Diversión Pt:
SWSW Sec 12 T 06S R 33E
Use: INDUSTRIAL (.040 CFS)
DOMESTIC (.020 CFS)
Total Diversión: (.060 CFS)
Date Filed: 11-13-1990
In: T06S R33E S12 SWSW
29-08039

BURMESTER, FRED
17471 S. JENKINS RD.
ARIMO, ID 83214
Source: GROUNDWATER
Diversión Pt:
NWNW Sec 35 T 10S R 36E
Use: IRRIGATION (2.000 CFS)
Total Diversión: (2.000 CFS)
Date Filed: 11-15-1990
In: T10S R36E S26 NESW NWSW
SWSW
S35 NWNE SWNE NENW NWNW
SWNW
264.0 ACRES TOTAL

29-08040
LIDDELL, WILLIAM DAVID
LIDDELL, SHARON OHLHORST
5080 W. 3400 S.
WELLSVILLE, UT 84339
Source: SPRING
Tributary: SINKS
Diversión Pt:
SWSWNE Sec 6 T 10S R 38E
Use: DOMESTIC (.040 CFS)
Total Diversión: (.040 CFS)
Date Filed: 4-20-1990
In: T10S R38E S06 SWNE
29-08041

COOK, H. MARY
COOK, DARRYL B.
2126 PINTO
POCATELLO, ID 83201
Source: GROUNDWATER
Diversión Pt:
SWNWSE Sec 21 T 07S R 35E
Use: IRRIGATION (.200 CFS)
Total Diversión: (.200 CFS)
Date Filed: 3-19-1990
In: T07S R35E S21 NESW NWSE
10.0 ACRES TOTAL

29-08042
HARRIS, KATHLEEN M.
HARRIS, JEFFERY F.
P.O. BOX 252
MC CAMMON, ID 83250
Source: SPRING
Tributary: SINKS
Diversión Pt:
NWNWNE Sec 10 T 09S R 36E
Use: STOCKWATER (.050 CFS)
Total Diversión: (.050 CFS)
Date Filed: 3-23-1990
In: T09S R36E S10 NWNE
29-08043

WHEATLEY, BRUCE H.
WHEATLEY, DARLENE
2584 W. ARIMO RD.
ARIMO, ID 83214
Source: GROUNDWATER
Diversión Pt:
SESW Sec 5 T 10S R 36E
Use: IRRIGATION (.100 CFS)
Total Diversión: (.100 CFS)
Date Filed: 3-20-1990
In: T10S R36E S05 SESW
5.0 ACRES TOTAL

29-08044
GOODLIFFE, ARNOLD J.
GOODLIFFE, BECKY B.
11540 N. BUFFALO RD.
POCATELLO, ID 83202
Source: GROUNDWATER
Diversión Pt:
NESWNW Sec 2 T 06S R 34E
Use: IRRIGATION (.060 CFS)
Total Diversión: (.060 CFS)
Date Filed: 4-2-1990
In: T06S R34E S02 SWNW
2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public inter-

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:

3 January	1991	19
10 January	1991	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 10th day of January 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 me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Jerri L. Loran
Notary Public for Idaho
Residing at Pocatello
My commission expires: July, 1991

RECORDED

MAR 19 1991

January 22, 1993

BRUCE H. WHEATLEY
DARLENE WHEATLEY
2584 W. ARIMO RD.
ARIMO ID 83214

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08043

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

JAN 26 1993

RECEIVED

JAN 19 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 1-13-93

Receipt No. C026497

Receipt by QJ

RECEIVED

JAN 11 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 29-08043 Telephone No. 254-33572. Name(s) of Permit Holder(s): Duane or Duane Wheatley3. Mailing Address: 2584 W. Arimo Rd. Arimo Id. 832144. Source of Water: wellIf **GROUNDWATER**, Well Driller's Name: Dubbe Drilling Date Drilled: Early 80's (83-84)

OPTIONAL:

Pump horsepower: 5 hp. Pressure (psi): 60 lbs Dynamic pumping level (ft.): 30'

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

Domestic NA (No. of households) 1/12/93 Klg Stockwater NA (No. and type of stock) 12 headIrrigation 5 (No. of acres) Other _____6. Total rate and/or volume for which proof is submitted 25 to 100 gals per min. OR 0.10 acre/feet7. Refer to the approval conditions on your permit and respond accordingly: per telecon 1/12/93 KlgMeasuring device: Required? Yes No Installed? Yes NoFlow Measurement Port: Required? Yes No Installed? Yes No8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Name Duane Wheatley Telephone No. 254-3357Address 2584 W. Arimo Rd. Arimo Id. 83214

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.

Date 1-14-93Signature (and title, if on behalf of a company or organization) Duane Wheatley

JAN 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 12, 1993

Bruce or Darlene Wheatley
2584 W Arimo Road
Arimo, ID 83214

Re: Permit No. 29-08043

Dear Permit Holder:

Returned is the Proof of Beneficial Use you submitted to this office in connection with the above referenced permit. Unfortunately the form was not signed.

Please sign the proof on the highlighted line and return to me as soon as possible. In order to be in compliance with all of the required dates, you must return the original signed form on or before March, 1, 1993.

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

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

RECEIVED

JAN 26 1993

December 31, 1992

BRUCE H. WHEATLEY
DARLENE WHEATLEY
2584 W. ARIMO RD.
ARIMO ID 83214

PROOF DUE NOTICE

RE: PERMIT NO. 29-08043

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 March 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

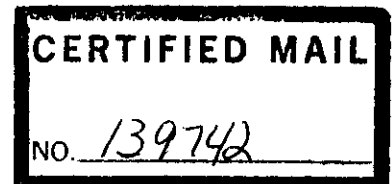
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECEIVED

JAN 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 18, 1991

BRUCE H. WHEATLEY
DARLENE WHEATLEY
2584 W. ARIMO RD.
ARIMO, ID 83214

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08043

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water.

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MAR 19 1991

Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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MAR 19 1991

APPLICATION FOR PERMIT REVIEW

Application #: 29-8043
Date: 2-26-91

Reviewer: Pam Skaggs ²⁸

✓ Existing:

✓ No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

✓ Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
✓ LT. 0.7 cfs - N/A

✓ Drilling Permit:

Approved w/permit - P99
✓ Not included - 046-P23 (All GW, even existing wells)

✓ Location:

Water Districts - WD No. 29H
Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)

✓ Groundwater *Existing* - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - 1 (1 or Blank)

Trust - 051-052-053-P74 (Cons.), 041(DCMI, w/Irr
or Irr & Dom)

✓ Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 11D-P72

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044

Power - Use Power Review

Mining - 06A, 006, 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

✓ Beneficial Use Due Date: - 03-01-1993

Other Conditions Recommended

RECORDED
MAR 19 1991

✓
3-6-91

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

KW

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY KCW Wilson DATE _____ APPLICATION NUMBER 29-8042
Bruce or Darlene WheatleyREQUIRED INFORMATION

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

ADDITIONAL INFORMATION

- _____ Overlapping place of use (Describe source & relationship to present application on the back.)
- _____ Overlapping point of diversion
- _____ Yes ☒ No Field check required
- _____ Field check by _____
- _____ Yes ☒ No Field report attached
- _____ Yes ☒ No Critical groundwater area
- _____ Yes ☒ No Groundwater management area
- _____ Yes ☒ No Send dam safety information
- _____ Yes ☒ No Send power requirement letter
- _____ Yes ☒ No Send fish farm requirement letter
- _____ Yes ☒ No Power residency affidavit
- _____ Yes ☒ No Power efficiency form
- _____ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- _____ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- _____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested FEB 13 1991

RECEIVED

Department of Water Resources

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

29-08043

WHEATLEY, BRUCE H.
WHEATLEY, DARLENE
2584 W. ARIMO RD.
ARIMO, ID 83214

Source: GROUNDWATER

Diversion Pt: SESW Sec 5 T 10S R 36E

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Use: IRRIGATION      ( .100 CFS)
      Total Diversion: ( .100 CFS)

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Date Filed: 3/20/ 1990

In: T10S R36E S05 SESW

5.0 ACRES TOTAL

RECAP FILMED

MAR 19 1964

21-Dec-1990

BRUCE H WHEATLEY
2584 W ARIMO RD
ARIMO ID 83214

RE: Application No. 29-08043

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 3 & 10, 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

RECEIVED

MAR 19 1991