

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 29-08037

Priority: November 13, 1990

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

4.6 AF

This is to certify, that AEI CORP  
1297 E COUNTY RD  
POCATELLO ID 83202

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 13, 1990; and has submitted Proof of Beneficial Use on January 31, 1992. An examination indicates that the works have a diversion capacity of 0.060 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> |
|-----------------------|----------------------|--------------------------|----------------------|
| INDUSTRIAL            | 01/01 to 12/31       | 0.04 CFS                 | 4.0 AF               |
| DOMESTIC              | 01/01 to 12/31       | 0.02 CFS                 | 0.6 AF               |
|                       | Totals               | 0.06 CFS                 | 4.6 AF               |

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 12, Township 06S, Range 33E  
BANNOCK County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

06S 33E 12

SWSW

PLACE OF USE:

DOMESTIC, same as INDUSTRIAL 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 which 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.

MICROFILMED

FEB 25 1997

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

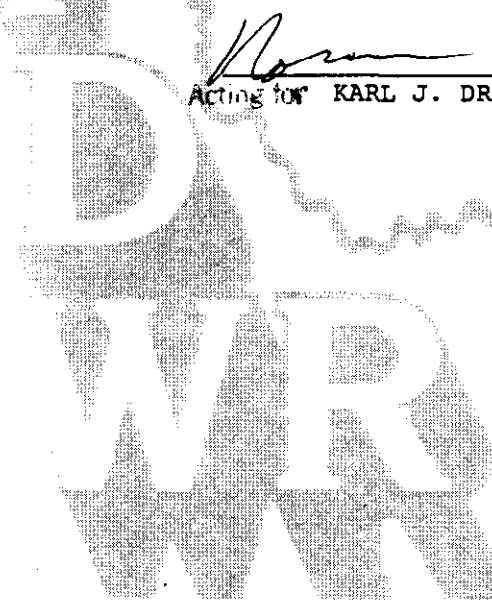
WATER RIGHT NO. 29-08037

## CONDITIONS OF APPROVAL AND REMARKS

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. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
8. Industrial use is for phosphate ore processing plant.
9. Domestic use is for restroom facilities.

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 8<sup>TH</sup> day of FEBRUARY, 1977.

  
Acting for KARL J. DREHER, Director



MICROFILMED

FEB 25 1987

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 29-08037

Proposed Priority: November 13, 1990 Maximum Diversion Rate: 0.06 CFS  
This is to certify, that AEI CORP.

1297 E. COUNTY RD.  
POCATELLO, ID 83202

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> |
|-----------------------|----------------------|--------------------------|
| INDUSTRIAL            | 01/01 to 12/31       | 0.04 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.02 CFS                 |
|                       | Totals               | 0.06 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: SWSW Sec. 12, Township 06S, Range 33E  
BANNOCK County

PLACE OF USE: INDUSTRIAL  
TWN RGE SEC

06S 33E 12 SWSW

PLACE OF USE: DOMESTIC, same as INDUSTRIAL use

CONDITIONS/REMARKS:

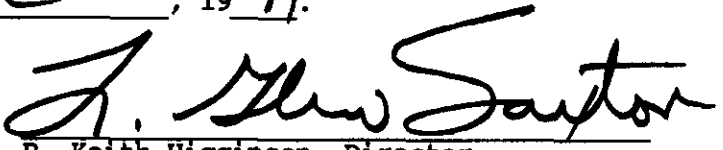
1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 2, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired 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. Industrial use is for phosphate ore processing plant.
7. Domestic use is for restroom facilities.

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

7<sup>th</sup> day of March, 1991.

MICROFILMED

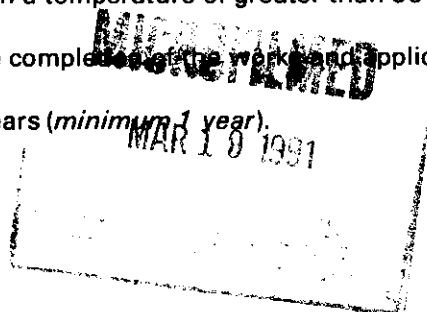
MAR 19 1991

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 AEL CORPORATION Phone 208-234-7171  
Post office address 1297 E. COUNTY RD. POCAHELLO, ID. 83202
2. Source of water supply GROUNDWATER which is a tributary of \_\_\_\_\_
3. Location of point of diversion is \_\_\_\_\_ 1/4 of SW 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_  
Sec. 12 Township 6S Range 33E B.M. BAWOCK County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.04 for INDUSTRIAL purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.02 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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.06 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. 150' X 8" WELL w/ A  
2 HP SUBMERSIBLE PUMP. PIPIED INTO OFFICE RESTROOMS  
PROCESSING  
AND ORE MILLING PLANT.  
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~~ <sup>EXISTING</sup> well diameter is 8 inches; ~~proposed~~ <sup>EXISTING</sup> depth of well is 150 feet.  
d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the work 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):
- 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. RESTROOM, WASHROOM FACILITIES FOR 3 to 30 EMPLOYEES.
  - Other; describe fully. INDUSTRIAL- PHOSPHATE ORE PROCESSING PLANT.  
(5000 gallons / day usage)

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 |        |
| 6S  | 33E   | 12   |     |     |     |     |     |     |     |     |     |     | I/D |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

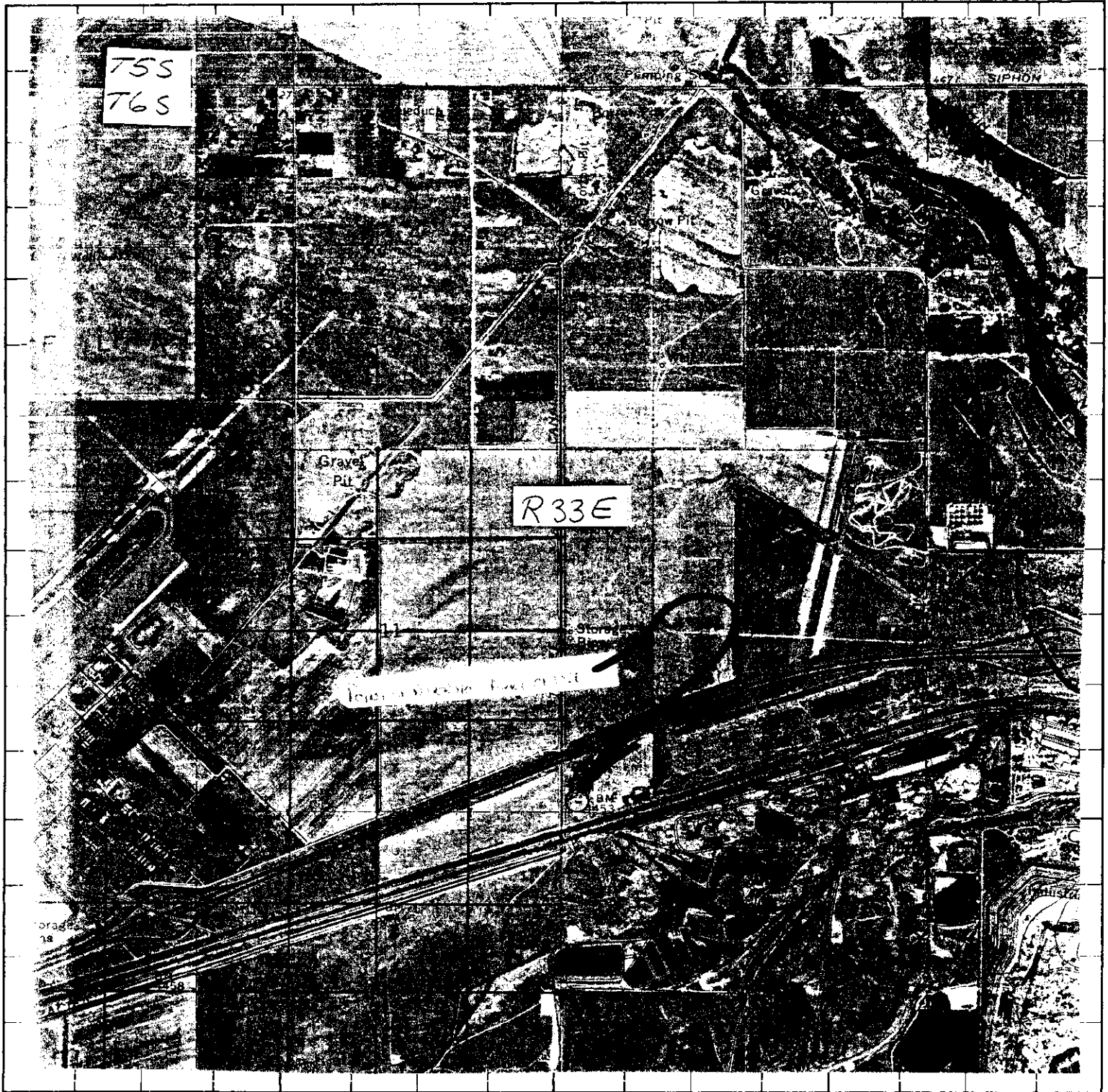
Total number of acres to be irrigated \_\_\_\_\_

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: HAS BEEN IN PLACE SINCE 1978.

**FILED**

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.

*[Handwritten Signature]*  
PRESIDENT  
(Applicant)

82) ASSISTED 11-2-90

Received by lw Date 11-13-90 Time 1:20 p. Preliminary check by \_\_\_\_\_  
Fee \$ 50<sup>00</sup> Receipted by HWTJ # EO15442 Date 11-13-90  
Publication prepared by LB Date 1-31-91 Published in 10 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:

**MICROFILMED**

MAR 19 1991

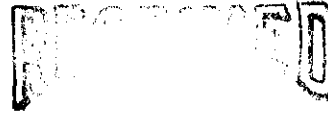


State of Idaho  
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR



DEC 17 1990

Department of Water Resources  
Eastern District Office

December 10, 1990

Allan Elias, President  
AEI CORPORATION  
1297 East County Road  
Pocatello, Idaho 83202

RE: Application for Permit for Industrial and Domestic Uses.

Dear Mr. Elias,

This letter is in reference to the Application for Permit that you submitted to this office November 13, 1990.

Before we can process your application, a list of the officers of the AEI Corporation needs to be submitted to this office.

Please be sure to mark the envelope "Attn. Paul Meyer", so I can be sure to route the list properly.

Please respond within thirty (30) days to avoid return of your application and fees.

If you have any questions, feel free to give me a call here at this office.

Sincerely,

Paul R. Meyer  
WR Agent, Senior

TO: PAUL MEYER  
FROM: ALLAN ELIAS  
DATE: 13 DECEMBER 1990  
RE: CORPORATE OFFICERS OF AEI CORP

ALLAN ELIAS, PRES.

MIDGE ELIAS, SECRETARY



MAR 18 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

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.

*Jeri L. Hansen*  
Notary Public for Idaho  
Residing at Pocatello  
My commission expires: July, 1991

JAN 18 1991

29-07975  
ELECTRIC CONSTRUCTION  
& SALES INC.  
P.O. BOX 4054  
POCATELLO, ID 832054054  
Source: GROUNDWATER  
Diversions Pt:  
SWNWNW Sec 22 T 06S R 34E  
Use: COMMERCIAL (.040 CFS)  
IRRIGATION (.030 CFS)  
Total Diversions: (.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  
Diversions Pt:  
SWSW Sec 12 T 06S R 33E  
Use: INDUSTRIAL (.040 CFS)  
DOMESTIC (.020 CFS)  
Total Diversions: (.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  
Diversions Pt:  
NWNW Sec 35 T 10S R 36E  
Use: IRRIGATION (2,000 CFS)  
Total Diversions: (2,000 CFS)  
Date Filed: 11-15-1990  
In: T10S R36E S26 NESW NWSW  
SWSW  
S35 NWNW 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  
Diversions Pt:  
SWSWNE Sec 6 T 10S R 38E  
Use: DOMESTIC (.040 CFS)  
Total Diversions: (.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  
Diversions Pt:  
SWNWSW Sec 21 T 07S R 35E  
Use: IRRIGATION (.200 CFS)  
Total Diversions: (.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  
Diversions Pt:  
NWNWNE Sec 10 T 09S R 36E  
Use: STOCKWATER (.050 CFS)  
Total Diversions: (.050 CFS)  
Date Filed: 3-23-1990  
In: T09S R36E S10 NWNW  
29-08043  
WHEATLEY, BRUCE H.  
WHEATLEY, DARLENE  
2584 W. ARIMO RD.  
ARIMO, ID 83214  
Source: GROUNDWATER  
Diversions Pt:  
SESW Sec 5 T 10S R 36E  
Use: IRRIGATION (.100 CFS)  
Total Diversions: (.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  
Diversions Pt:  
NESWNW Sec 2 T 06S R 34E  
Use: IRRIGATION (.060 CFS)  
Total Diversions: (.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-

State of Idaho  
Department of Water Resources

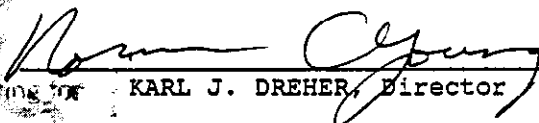
# WATER RIGHT LICENSE

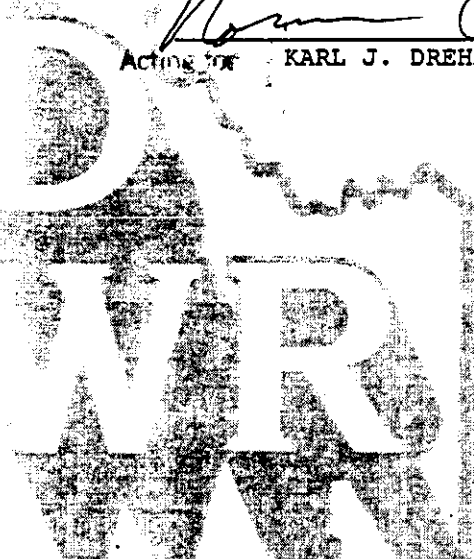
WATER RIGHT NO. 29-08037

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9. Domestic use is for restroom facilities.

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 8<sup>TH</sup> day of FEBRUARY, 1977.

  
Acting for KARL J. DREHER, Director



State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 29-08037

Priority: November 13, 1990

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0.06 CFS

Maximum Diversion Volume:

4.6 AF

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1297 E COUNTY RD  
POCATELLO ID 83202

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| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
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LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 12, Township 06S, Range 33E  
BANNOCK County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

06S 33E 12

SWSW

PLACE OF USE:

DOMESTIC, same as INDUSTRIAL 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 which 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.



## 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

February 11, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

AEI CORP.  
1297 E COUNTY RD  
POCATELLO ID 83202

RE: WATER RIGHT NO. 29-08037

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

#### PETITION FOR RECONSIDERATION

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

#### EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

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

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

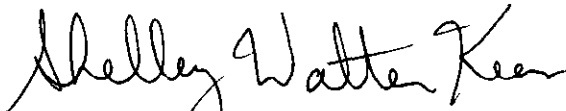
- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen  
Water Rights Supervisor

SWK:pah

c: Eastern Region

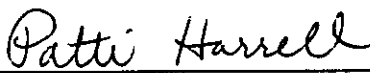
Enclosures

**CERTIFICATE OF MAILING**

I hereby certify that on the 11th day of February, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

**Water Right No. 29-08037**

**AEI CORP  
1297 E COUNTY RD  
POCATELLO ID 83202**

  
\_\_\_\_\_  
Patti Harrell  
Secretary

**ATTENTION WATER RIGHT OWNERS!!!**

**PLEASE NOTE** that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the Department of Water Resources. If you have acquired a water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to notify the Department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify 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 to obtain the proper reporting form.

NORTHERN REGION: (208) 769-1450

SOUTHERN REGION: (208) 736-3033

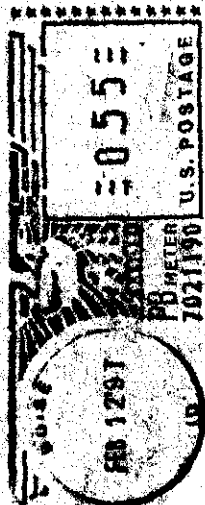
WESTERN REGION: (208) 334-2190

EASTERN REGION: (208) 525-7161

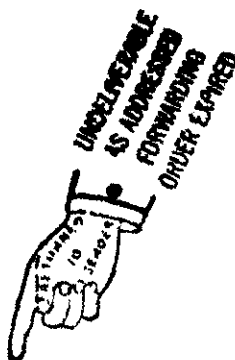
STATE OFFICE, BOISE: (208) 327-7941

On Feb 24th  
 I attempted to locate  
 this Corporation  
 through the phonebook  
 and the County  
 Assessors in Bannock  
 and Bingham Counties  
 I could not locate

Vanessa R. Roby



RECEIVED  
 FEB 24 1997



ANK INS. APP. FOR  
 NSN  
 RT. #/INT. DATE  
 2/14/97

236-7260

RECEIVED  
 FEB 24 1997

COPIES OF ALL SOURCES  
 101 NORTH HAYWARD STREET  
 BOISE, IDAHO 83703-2287



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

February 11, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

AEI CORP.  
1297 E COUNTY RD  
POCATELLO ID 83202

RE: WATER RIGHT NO. 29-08037

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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FEB 25 1997

### ORAL ARGUMENT

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

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,

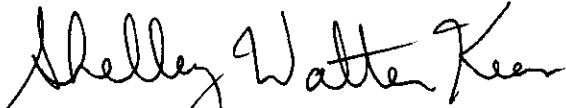
MICROFILMED  
FEB 25 1987

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

If you have questions, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen  
Water Rights Supervisor

SWK:pah

c: Eastern Region

Enclosures

**CERTIFICATE OF MAILING**

I hereby certify that on the 11th day of **February, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

**Water Right No. 29-08037**

**AEI CORP  
1297 E COUNTY RD  
POCATELLO ID 83202**

Patti Harrell  
Patti Harrell  
Secretary

RECORDED  
FEB 23 1997

93/90  
**RECEIVED**  
JAN 3 1 1992

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

Department of Water Resources

**PROOF OF BENEFICIAL USE**

For Office Use Only  
Amt. of Fee \$ 50.00  
Date 1-31-92  
Receipt No. CO 23493  
Received by WLB

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. 29-08037 Telephone No. (208) 234-7171

2. Name(s) of Permit Holder(s): AEI CORP

3. Post Office Address: 1797 E COUNTY RD POCA TELLO ID 83202

4. Source of Water: DOMESTIC WELL

a. If ground water, well driller's name: UNKNOWN Date drilled: 1971

b. Pump horsepower: 2HP Pressure (psi): 40 Dynamic pumping level (ft.):         

## 5. Extent of Use:

Domestic          (No. of households) Irrigation          (No. of acres)

Stockwater          (No. and type of stock) Other COMMERCIAL #

INDUSTRIAL USE

6. Total rate and/or volume for which proof is submitted .06 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? X Yes      No Installed? X 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:

ALLAN ELIAS  
Name

(208) 234-7171  
Telephone No.

1797 E COUNTY RD POCA TELLO ID 83202  
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.

01.30.92

Date

Allan Elias. PRESIDENT  
Signature (and title if on behalf of a company or organization)

**RECEIVED**  
FEB 07 1992

## MEMORANDUM

**TO: File 29-08037**

**FROM: Sharla**

**DATE: January 28, 1997**

**RE: Recommendation Adjustment(s)**

The final license recommendations for Right 29-08037 are based on the following:

### H. RECOMMENDATIONS

|            |             |          |         |
|------------|-------------|----------|---------|
| Industrial | 1/1 - 12/31 | 0.04 cfs | 4.0 afa |
| Domestic   | 1/1 - 12/31 | 0.02 cfs | 0.6 afa |

The volume for industrial use has been based on 5,000 gpd use listed on the application for permit for 5 days/week, 52 weeks/year.

Examiner: Dennis Dunn  
Exam Date: January 11, 1994

170000 FILMED

FEB 25 1997

# LICENSE REVIEW CHECKLIST

PERMIT NO. 29-08037

DATE 1/28/97

REVIEWER: SHARLA

|              |                 |             |                                                                 |
|--------------|-----------------|-------------|-----------------------------------------------------------------|
| NAME         | Change <u>—</u> | OK <u>✓</u> | Address Change <u>NO</u>                                        |
| SOURCE       | <u>—</u>        | <u>✓</u>    | Is change clarification of originally intended source? <u>—</u> |
| POINT OF DIV | <u>—</u>        | <u>✓</u>    | If not, prepare Notice of Intent to Void <u>—</u>               |
| PLACE OF USE | <u>—</u>        | <u>✓</u>    | Amendment required <u>NO</u>                                    |

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

## RATE OF DIV

|                |                       |
|----------------|-----------------------|
| Permitted Rate | <u>.06</u> cfs        |
| Fee limit      | <u>.20</u> cfs \$5000 |
| Measured       | <u>—</u> cfs          |
| Theoretical    | <u>.08</u> cfs        |

NO GOVT LOTS

Recommended Total Div Rate .06 cfs

ANNUAL VOLUME/  
NATURE OF USES —

Use ✓

|             |                            |
|-------------|----------------------------|
| <u>Ind</u>  | Volume Calculation         |
| <u>Dom.</u> | <u>4.0</u> af              |
| <u>—</u>    | <u>.6 (as in house)</u> af |
| <u>—</u>    | <u>—</u> af                |
| <u>—</u>    | <u>—</u> af                |
| SUBTOTAL    | <u>4.6</u> af              |

5,000 gpd per app.  
X 5 days/wk - 52 wks/yr.

Flow rate .04 cfs X 365 days X 1.98 ~~af~~ = 29.0 af  
Total volume recommended 4.6 af  
(SUBTOTAL or Flow Rate, whichever is less)

## REMARKS

1) restroom facilities  
2) phosphate br. proc. plant.

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions

048, 049, R08

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

Adjustment Memo und. volume

1st Amend Letter NA

2nd Amend Letter NA

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

RECEIVED

JAN 02 1997

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 29-08037

1. Owner: AET Corp Phone No. \_\_\_\_\_

Current Address: 1297 E County Road, Pocatello Idaho

2. Accompanied by: N/A EXAM. DATE: 11 Jan 1994

Address: \_\_\_\_\_ Phone No. (208) 234-7171

Relationship to Permit Holder: \_\_\_\_\_

3. Source: groundwater tributary to \_\_\_\_\_

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: NONE

☐ Copies Attached

2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

NA

Scale: 1" = \_\_\_\_\_

2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached  
(required for irrigation of 10 acres or more).

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**System Description (continued)**

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

*2 hp pump operating at 40 psi*

*No well log available. Other logs in area indicate depth to water is 65'.*

☐ See Remarks on page 4 for continuation

4.

| Well or Diversion Identification No.* | Motor Make | Hp          | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|-------------|------------------|-----------|-----------------------------------|
|                                       |            | <i>2 hp</i> |                  |           | <i>40 psi</i>                     |
|                                       |            |             |                  |           |                                   |
|                                       |            |             |                  |           |                                   |
|                                       |            |             |                  |           |                                   |

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

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

| Ident. No. | Gov't. Lot | 1/4 | 1/4       | 1/4 | Sec.      | Twp.      | Rge.       | County             | Method of Determination/Remarks |
|------------|------------|-----|-----------|-----|-----------|-----------|------------|--------------------|---------------------------------|
|            |            |     | <i>SW</i> |     | <i>12</i> | <i>6S</i> | <i>33E</i> | <i>Connecticut</i> | <i>USGS Topo Map</i>            |
|            |            |     |           |     |           |           |            |                    |                                 |
|            |            |     |           |     |           |           |            |                    |                                 |
|            |            |     |           |     |           |           |            |                    |                                 |

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

Indicate Method of Determination \_\_\_\_\_

| Twp.      | Rge.       | Sec.      | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |            |        |        | SE 1/4 |        |        |        | Totals |
|-----------|------------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------------|--------|--------|--------|--------|--------|--------|--------|
|           |            |           | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4     | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| <i>6S</i> | <i>33E</i> | <i>12</i> |        |        |        |        |        |        |        |        |        | <i>I/D</i> |        |        |        |        |        |        |        |
|           |            |           |        |        |        |        |        |        |        |        |        |            |        |        |        |        |        |        |        |
|           |            |           |        |        |        |        |        |        |        |        |        |            |        |        |        |        |        |        |        |
|           |            |           |        |        |        |        |        |        |        |        |        |            |        |        |        |        |        |        |        |
|           |            |           |        |        |        |        |        |        |        |        |        |            |        |        |        |        |        |        |        |
|           |            |           |        |        |        |        |        |        |        |        |        |            |        |        |        |        |        |        |        |
|           |            |           |        |        |        |        |        |        |        |        |        |            |        |        |        |        |        |        |        |
|           |            |           |        |        |        |        |        |        |        |        |        |            |        |        |        |        |        |        |        |

Do not use this space

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FEB 25 1987

Do not use this space

#### D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

1. pump = 2 hp

2. Discharge = 40 psi

3. Depth to water = 65'

4. Total head = 157.4'

5. E = .7

#### E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{(2)(3960)(.7)}{157.4} = 35.2 \text{ gpm or } .078 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

#### F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 40 psi x 2.31 = 92.4 ft (1); Dynamic pumping level: 65' ft (2)

Total Head: (1) + (2) = 157.4 (3)

: Flow rate: .078 cfs (4)

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Amps x .001732 = \_\_\_\_\_ (6)

Panel Input HP: (6) x 1.34 = \_\_\_\_\_ (7) Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

#### G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_

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

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

2. Volume Calculations for Other Uses:

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FEB 25 1997

[illegible]

## 1. Recommended Amounts

| Beneficial Use | Period of Use |        | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|--------|------------------------------|--------------------------|
|                | From          | To     |                              |                          |
| Industrial     | 1 Jan         | 31 Dec | .04                          |                          |
| Domestic       | 1 Jan         | 31 Dec | .02                          | 0.6                      |
|                |               |        |                              |                          |
|                |               |        |                              |                          |
|                |               |        | Totals:                      | .06                      |

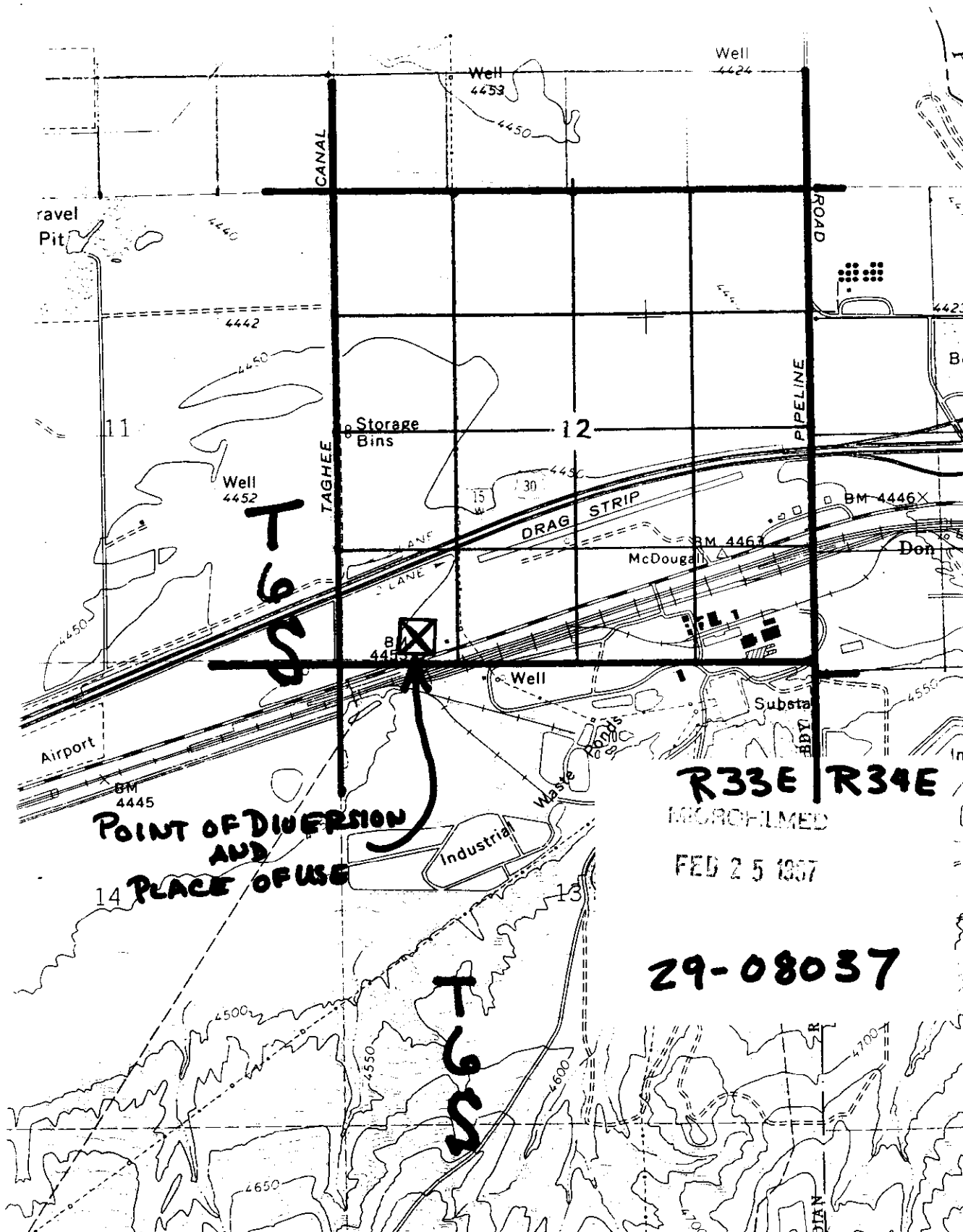
☐ Change P.D. as reflected above      ☐ Add P.D. as reflected above      ☐ None  
☐ Change P.U. as reflected above      ☐ Add P.U. as reflected above      ☐ Other

Field Examiner's Name SPENCER M. SCARW  
Signature SPENCER M. SCARW  
Certification Date \_\_\_\_\_  
Field Report Preparation Date 1-11-94

CONSULTANT SEAL

**K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

MICROFILMED  
FEB 25 1987



**POINT OF DIVERSION  
AND  
PLACE OF USE**

**R33E R34E**  
MICROFILMED  
FEB 25 1987

**29-08037**

February 6, 1992

AEI CORP.  
1297 E. COUNTY RD.  
POCATELLO ID 83202

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08037

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

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FEB 07 1992

**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 29-08037

Reviewed by Klg

Date 2/3/92

**GENERAL CONSIDERATIONS**

**TYPES OF USE**

yes Name same as permit?  
yes Address same as permit?  
yes Proof timely received?  
If not, complete calculation below.

Commercial & industrial  
Correct Uses? yes

**SOURCE OF WATER**

Surface water source  
✓ Ground water source

NA Drilling permit required?

1977 Copy in the file? Drilling Permit No. \_\_\_\_\_

Amount paid for permit \_\_\_\_\_ Correct?

Well log in the file?

**LICENSE EXAMINATION FEE**

yes Required?  
50 Amount Submitted  
yes Correct?

**MEASURING DEVICE**

yes Required?  
yes Installed?  
NA Waiver requested?

**PRIORITY CALCULATION**

Date proof received NA  
Date proof due \_\_\_\_\_ - \_\_\_\_\_  
No. of days late \_\_\_\_\_ = \_\_\_\_\_  
Priority Date \_\_\_\_\_ + \_\_\_\_\_  
New Priority Date \_\_\_\_\_

**DEFICIENCIES OR ACTION ITEMS**

*proof acceptable*

**DATA ENTRY**

New Address \_\_\_\_\_

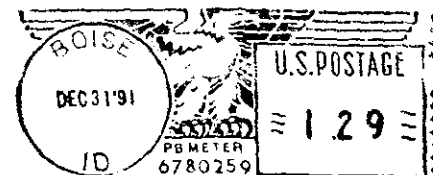
Proof Made 1/31/92  
2/6/92 Klg

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

CERTIFIED MAIL

NO. 138386

  
REASON CHECKED  
Unclaimed ☐ Refused ☐  
Attempted Not known ☐  
Insufficient Address ☐  
No such street ☐ number ☐  
No such office in state ☐  
Do not re-mail in this envelope



RECEIVED  
JAN 21 1992

Department of Water Resources

Mailed in  
direct mail  
on 1/21/92

NAME 1297  
Notice 1-3-92  
Notice 1/8  
Return 1/18

FEB 07 1992

138386  
December 31, 1991

AEI CORP.  
1297 E. COUNTY RD.  
POCATELLO ID 83202

PROOF DUE NOTICE

RE: PERMIT NO. 29-08037

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, 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

RECEIVED

FEB 07 1992



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

AEI CORP.  
1297 E. COUNTY RD.  
POCATELLO, ID 83202

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08037

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.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosures

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MAR 19 1991

# APPLICATION FOR PERMIT REVIEW

Application #: 29-8637  
Date: 2-25-91

Reviewer: Pam Skaggs *PS*

## 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. 29  
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: - 03-02-1992

Other Conditions Recommended \_\_\_\_\_

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MAR 13 1991

*John*  
3-6-91

Dist. for staffing: 12-5-90  
Submitted for advertising: 12-10-90

Form No. 202a  
4/87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATIONS FOR PERMIT ANALYSIS SHEET

29 8037

INITIAL REVIEW BY LDM  
APPLICANT NAME: AEI CORPORATION

DATE 12-10-90

APPLICATION NO. \_\_\_\_\_

REQUIRED 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 08 1991

Department of Water Resources

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM  
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service  
☐ Idaho Dept. of Lands ☐ Water District  
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received  
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application  
☒ Yes ☒ No Protests received  
Final date for protest 1-21-91  
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application  
☐ Yes ☐ No Recommendations, attached  
☐ Yes ☐ No Measuring device required  
☐ Yes ☐ No Access port required  
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. \_\_\_\_\_  
☐ Yes ☐ No Special conditions of approval or cover letter below. \_\_\_\_\_

See below for additional information  
Date of priority recommended 11-13-90  
By HWS Date 2-1-91

STATE OFFICE REVIEW

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

ADDITIONAL INFORMATION

POSSIBLE OVERLAP w/ 29-02284, 02201 - PLEASE USE 29-02255C, E PRINT OF DIV.

## 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

29-08037

AEI CORPORATION  
1297 E. COUNTY RD.  
POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt:                      SWSW      Sec 12 T 06S R 33E

Use: INDUSTRIAL                      ( .040 CFS)  
     DOMESTIC                        ( .020 CFS)  
                    Total Diversion: ( .060 CFS)

Date Filed: 11/13/ 1990

In:    T06S R33E S12                      SWSW

**MICROFILMED**

MAR 19 1991

21-Dec-1990

AEI CORPORATION  
1297 E COUNTY RD  
POCATELLO ID 83202

RE: Application No. 29-08037

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

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MAR 19 1991

**RECEIPT**  
**For Monies Paid**  
**to the**  
**IDAHO DEPARTMENT OF WATER RESOURCES**

**Receipt No:** E015442

**Date:** 11/13/1990  
**Time:** 14:43:47

**Received**

**From:** AEI CORPORATION

| Type of Payment    | Program Acct Class | Amount |
|--------------------|--------------------|--------|
| APPLIC. FOR PERMIT | 530199 1238 6390   | 30.00  |

|       |      |              |                |
|-------|------|--------------|----------------|
| CHECK | 1589 | <b>Total</b> | <u>\$30.00</u> |
|-------|------|--------------|----------------|

**Region:** EASTERN

**Signature:** \_\_\_\_\_

*HC Jones*

**MICROFILMED**

**MAR 19 1991**



TO: ERIC VERNER  
FROM: ALLAN ELIAS  
DATE: 7 NOVEMBER 1990

ENCLOSED IS THE APPLICATION FOR PERMIT AND A CHECK  
IN THE AMOUNT OF \$30.00.

THANK YOU FOR YOUR HELP IN THIS MATTER.

**MICROFILMED**

MAR 19 1991

**RECEIVED**

NOV 13 1990

Department of Water Resources  
Eastern District Office