

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 29-08011

Priority: April 6, 1990

Maximum Diversion Rate: 0.20 CFS  
Maximum Diversion Volume: 85.1 AF

This is to certify, that RANDY LEWIS  
7070 BANNOCK HWY  
POCATELLO ID 83204

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 6, 1990; and has submitted Proof of Beneficial Use on October 9, 1990. An examination indicates that the works have a diversion capacity of 0.320 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       | 0.20 CFS                 | 84.7 AF              |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 | 0.4 AF               |
|                       | Totals               | 0.20 CFS                 | 85.1 AF              |

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 7, Township 07S, Range 35E  
BANNOCK County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------|--------------|--------------|
| 07S 35E 7          | SWNE 2       | NESE 13      | NWSE 7       |              |
|                    | SESE 3       |              |              | 25           |

Total number of acres irrigated: 25

PLACE OF USE:

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

RECORDED  
FEB 10 1993

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

WATER RIGHT NO. 29-08011

**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 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 30<sup>TH</sup>  
day of JANUARY, 1978.

  
Acting for KARL J. DREHER, Director

RECEIVED  
FEB 10 1978

RECEIVED

JAN 26 1998

State of Idaho  
Department of Water Resources

Department of Water Resources

**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 29-08011**

Date of Priority: April 6, 1990

Maximum Diversion Rate: 0.20 CFS

Maximum Diversion Volume: 85.1 AF

Comes now RANDY LEWIS  
7070 BANNOCK HWY  
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. 29-08011, 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       | 0.20 CFS                 | 84.7 AF              |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 | 0.4 AF               |
|                       | Totals               | 0.20 CFS                 | 85.1 AF              |

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 7, 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        | 7          | SWNE 2       | NESE 13      | NWSE 7       |              |
|            |            |            | SESE 3       |              |              | 25           |

Total number of acres irrigated: 25

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

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 \_\_\_\_\_, this 22nd day of Jan, 1998.

Randy Lewis  
(Signature)

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 29-08011**

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**FOR DEPARTMENT USE ONLY**

Preliminary check by SK Fee = 5000 Received by LS # 0011273 Date 1/26/98

**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. 29-08011 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 shall 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 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 30<sup>TH</sup> day of JANUARY, 1998.

  
Acting for KARL J. DREHER, Director

FEB 10 1998

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.

Permit No. 29-08011 Telephone No. 233-0578

Name(s) of Permit Holder(s): Randy Lewis

Post Office Address: 7070 Bannock Hwy 83204

Source of Water: GROUND WATER

If ground water, well driller's name: UNKNOWN Date drilled: APPROX 1967

Extent of Use:  
Domestic 1 ? this is not in yet. (No. of households) Irrigation 25 (No. of acres)  
Stockwater 15 (No. and type of stock) Horses & CATTLE Other \_\_\_\_\_

Total rate and/or volume for which proof is submitted 0.20 cfs \_\_\_\_\_ acre/feet

Show date water was first diverted and beneficially used under this permit: Sept 1 1990

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule) (I sent in an earlier

Person to contact to accompany the Department representative during the field examination: Randy Lewis 208-233-0578 Ok., but this is app. for exam. fee. app. fee.  
Name Telephone No.

7070 Bannock Hwy.  
Address

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.

10/6/90 Date  
Randy Lewis Signature (and title if on behalf of a company or organization)  
**RECEIVED**  
**JAN 28 1991**

State of Idaho  
Department of Water Resources

**NO. 29-08011**

Proposed Priority: April 6, 1990 Maximum Diversion Rate: 0.20 CFS  
This is to certify, that **RANDY LEWIS**

7070 BANNOCK HWY.  
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       | 0.20 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |
|                       | Totals               | 0.20 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: SWNE Sec. 7, 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        | 7          | NESE | 15           |  | NWSE         | 10 |              | 25           |
| Total number of acres irrigated: |            |            |      |              |  |              |    | 25           |              |

**PLACE OF USE:** STOCKWATER, 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 **October 1, 1991.**
2. Subject to all prior water rights.
3. 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.
4. 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.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. Stockwater use is for 15 head.

**REPRODUCED FROM THE ORIGINAL FILMED**

JAN 28 1991

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 29-08011

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

27 <sup>~~28~~</sup> day of September, 1990.

*R. Keith Higginson*  
for R. Keith Higginson, Director

**MICROFILMED**

JAN 28 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 Randy Lewis Phone 233-0578  
Post office address 7070 Bannock Hwy., Pocatello, ID 83204

2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is \_\_\_\_\_ ¼ of SW ¼ of NE ¼, Govt. Lot \_\_\_\_\_  
Sec. 7 Township 7S Range 35E B.M. Bannock County; additional  
points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.20 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 0.02 for Stock 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) 0.20 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well & pump to sprinklers

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.

Exists c. Proposed well diameter is 6 inches; proposed depth of well is 100 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).

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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. up to 15 head
- 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 |        |
| 7S  | 35E   | 7    |     |     |     |     |     |     |     |     |     |     |     |     | 15  | 10  | 15  |     | 25     |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 25

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

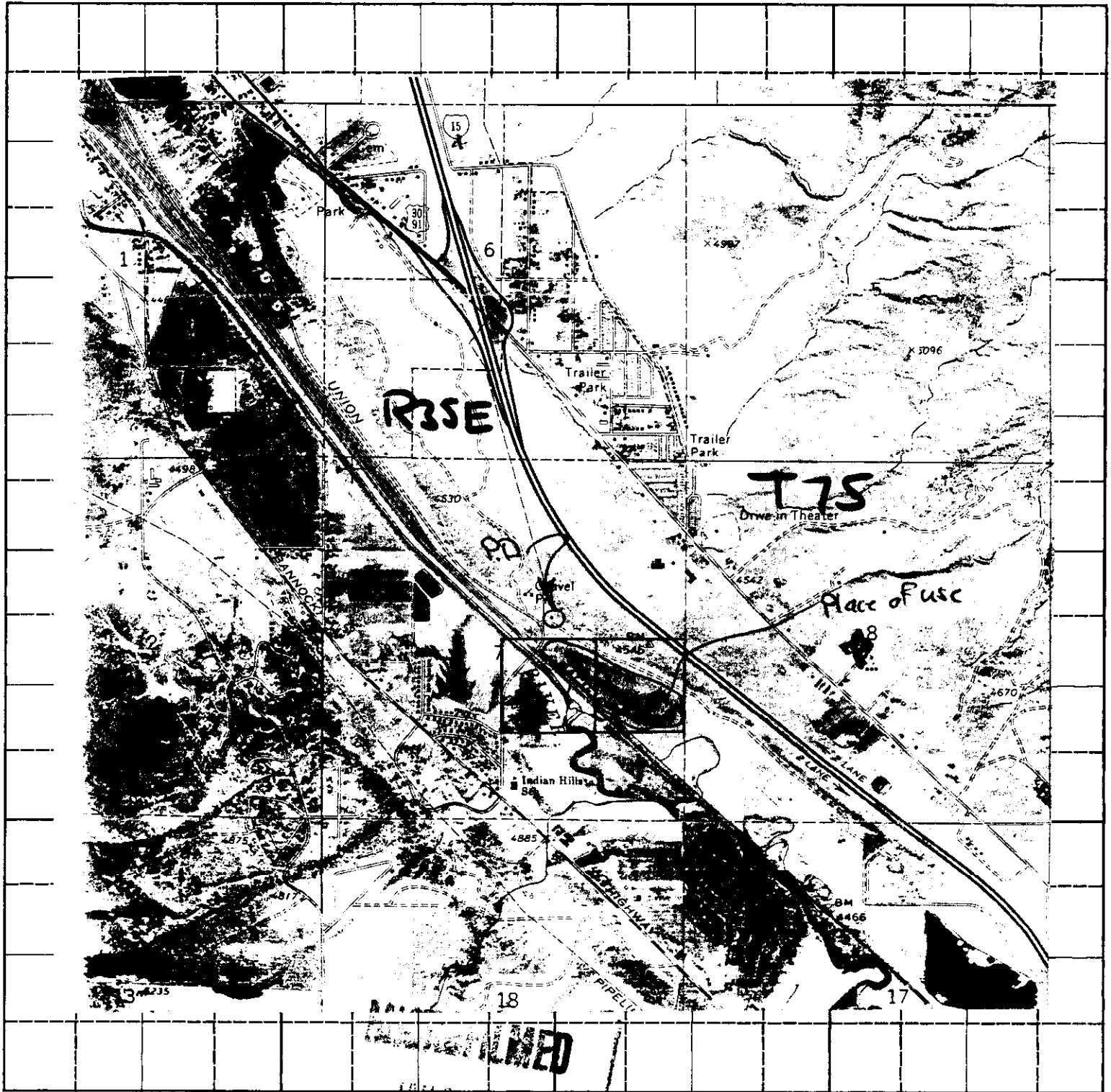
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: Well has been in existence at least 20 years.

**RECEIVED**

JAN 28 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.

*Randy L. Lusk*  
(Applicant)

Received by QW Date 4-6-90 Time 12:15 Preliminary check by \_\_\_\_\_  
Fee \$ 50.00 Receipted by HWS # E 012921 Date 4-6-90  
Publication prepared by LB Date 8-16-23-90 Published in Idaho State Journal  
Publication approved QW Date 9-11-90

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### 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

AUG 2 - 1990

STATE OF IDAHO  
County of Bannock

SS.

Department of Water Resources  
Eastern District Office

Sandra K. Wann

## NOTICE OF APPLICATION FOR WATER RIGHT

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

29-08010

KATSILOMETES, GEORGE W.  
BOX 28

LAVA HOT SPRINGS, ID 83246

Source: GROUNDWATER

Diversion Pt: LOT 2

(NWSWSE) Sec 21 T 09S R 38E

Use: COMMERCIAL (.500 CFS)

Total Diversion: (.500 CFS)

Date Filed: 4-16-1990

In: T09S R38E S21SWSE

29-08011

LEWIS, RANDY

7070 BANNOCK HWY

POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt:

SWNE Sec 7 T 07S R 35E

Use: IRRIGATION (.200 CFS)

STOCKWATER (.020 CFS)

Total Diversion: (.200 CFS)

Date Filed: 4-6-1990

In: T07S R35E S07 NESE NWSE

25.0 ACRES TOTAL

29-08012

SEPT, RICHARD

SEPT, SANDRA E.

7371 N. CRESTVIEW RD.

POCATELLO, ID 83201

Source: GROUNDWATER

Diversion Pt:

NWSW Sec 26 T 06S R 35E

Use: IRRIGATION (.060 CFS)

STOCKWATER (.020 CFS)

DOMESTIC (.040 CFS)

Total Diversion: (.120 CFS)

Date Filed: 4-10-1990

In: T06S R35E S26 NWSW

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 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 SEPTEMBER 3, 1990.  
S/R. Keith Higginson, Director  
August 16, 23, 1990  
No. 681

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:

|           |      |  |
|-----------|------|--|
| 16 August | 1990 |  |
| 23 August | 1990 |  |
|           | 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 23rd day of August in the year of 1990, 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.

*Keith Higginson*  
Notary Public for Idaho  
Residing at Pocatello  
My commission expires: July, 1991

JAN 28 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 2, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RANDY LEWIS  
7070 BANNOCK HWY  
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08011

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

SA 22-1000

FEB 16 1998

### 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:

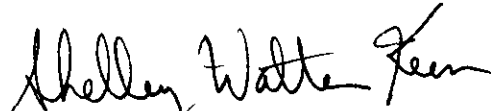
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen  
Water Rights Supervisor

SK:klt

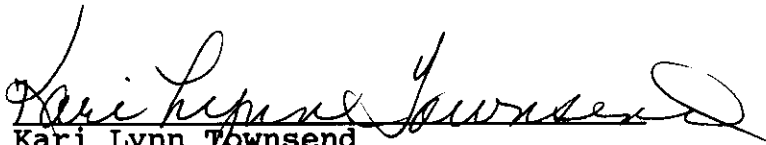
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of February, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-08011

RANDY LEWIS  
7070 BANNOCK HWY  
POCATELLO ID 83204

  
Kari Lynn Townsend  
Secretary

29-08011



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

January 26, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RANDY LEWIS  
7070 BANNOCK HWY  
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08011

Dear Permit 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 actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. 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:klt

Enclosure

208 327 7900



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

January 2, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RANDY LEWIS  
7070 BANNOCK HWY  
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08011

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

208 327 7946

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

RECEIVED

NOV 10 1997

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 29-08011

1. Owner: RANDY LEWIS Phone No. (208) 233-0578

Current Address: 7070 Bannock Hwy, Pocatello ID 83204

2. Accompanied by: RANDY LEWIS EXAM DATE: 7-14-1995

Address: \_\_\_\_\_ 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 | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|-----------|-----------|---|----|----|------|------|------|---------|---------------------------------|
|           |           |   | SW | NE | 7    | 7S   | 35E  | Bannock | USGS, Onsite, NDCS              |
|           |           |   |    |    |      |      |      |         |                                 |
|           |           |   |    |    |      |      |      |         |                                 |
|           |           |   |    |    |      |      |      |         |                                 |

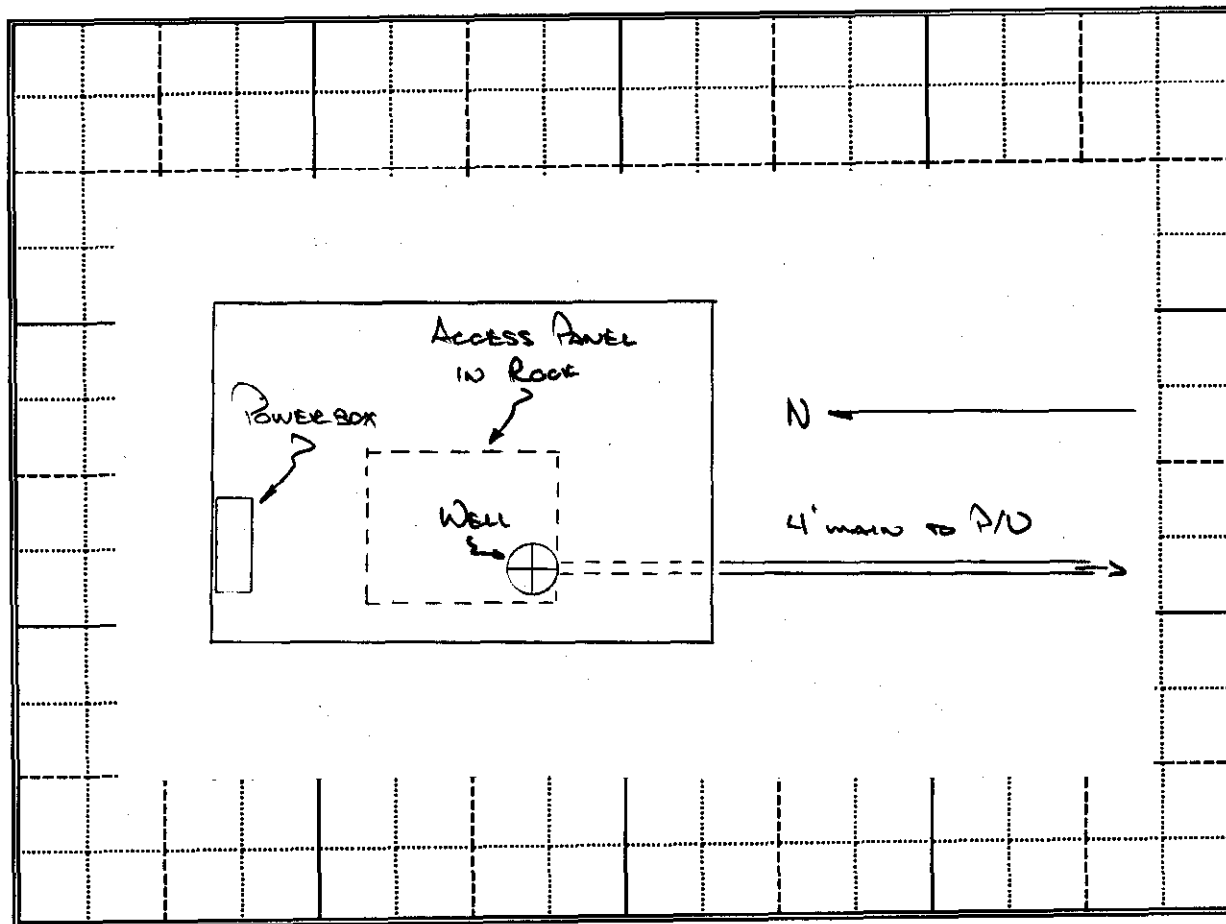
**2. Place(s) of Use:**

Indicate Method of Determination Same

| 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  | 35E | 7   |    |    | 2  |    |    |    |    |    |    |    |    |    | 13 | 7  |    | 3  | 25     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

FEB 10 1998

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 |
|---------------------------------------|------------|------|------------------|-----------|-----------------------------------|
|                                       | Hitachi    | 10HP | 689875E          |           |                                   |
|                                       |            |      |                  |           |                                   |
|                                       |            |      |                  |           |                                   |

\*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 |
|-----------------------|------|------|-----------|------------|------|-------------|
| Blissville Flowmeter  |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:  $Q = 142.1 \text{ GPM}$   $\frac{142.1}{448.8} = 0.32 \text{ cfs}$   
 Estimated PSI = 50

INTRODUCTION

FEB 10 1983

# E. NARRATIVE/REMARKS/COMMENTS

\* WELL WITH SUBMERSIBLE PUMP TO SPRINKLER SYSTEM FOR IRRIGATION OF CROPLAND AND PASTURE. WELL ALSO PROVIDES STOCKWATER FOR UP TO 15 MIXED HORSES AND CATTLE.

\* NOTE AMENDMENT:

\* FROM DOMESTIC WELL LOG AT SAME LOCATION: STATIC  $H_2O$  AT 65', ESTIMATE 10' DRAWDOWN TO 75'

\* IDWR STD FOR 15 HD OF STOCK = 0.01 cfs & 0.2 AFD

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

REC'D  
FEB 10 1988

## F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q_{MEAS} = 0.32 \text{ cfs}$$

$$Q_{LIMITED} \text{ BY PERMIT TO } 0.20 \text{ cfs}$$

$$Q_{THEOR} = \frac{10 \text{ HP} (8.814) \cdot 7 \text{ EFF}}{75' \text{ LIFT} + (50 \text{ PSI} + 2.308)} = 0.32 \text{ cfs}$$

## G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 25 \text{ ac} \times 4.0 = 100 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.20 \times 1.9835 \times 214 = 84.9 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 84.9 \text{ AFA}$$

2. Volume Calculations for Other Uses:

$$\text{IDWR STD FOR } 15 \text{ HP} = 0.2 \text{ AFA}$$

## H. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| IRRIGATION     | 4-1           | 10-31 | 0.20                         | 84.9                     |
| Stock          | 1-1           | 12-31 | 0.01                         | 0.2                      |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 0.20                         | 85.1                     |

2. Recommended Amendments

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

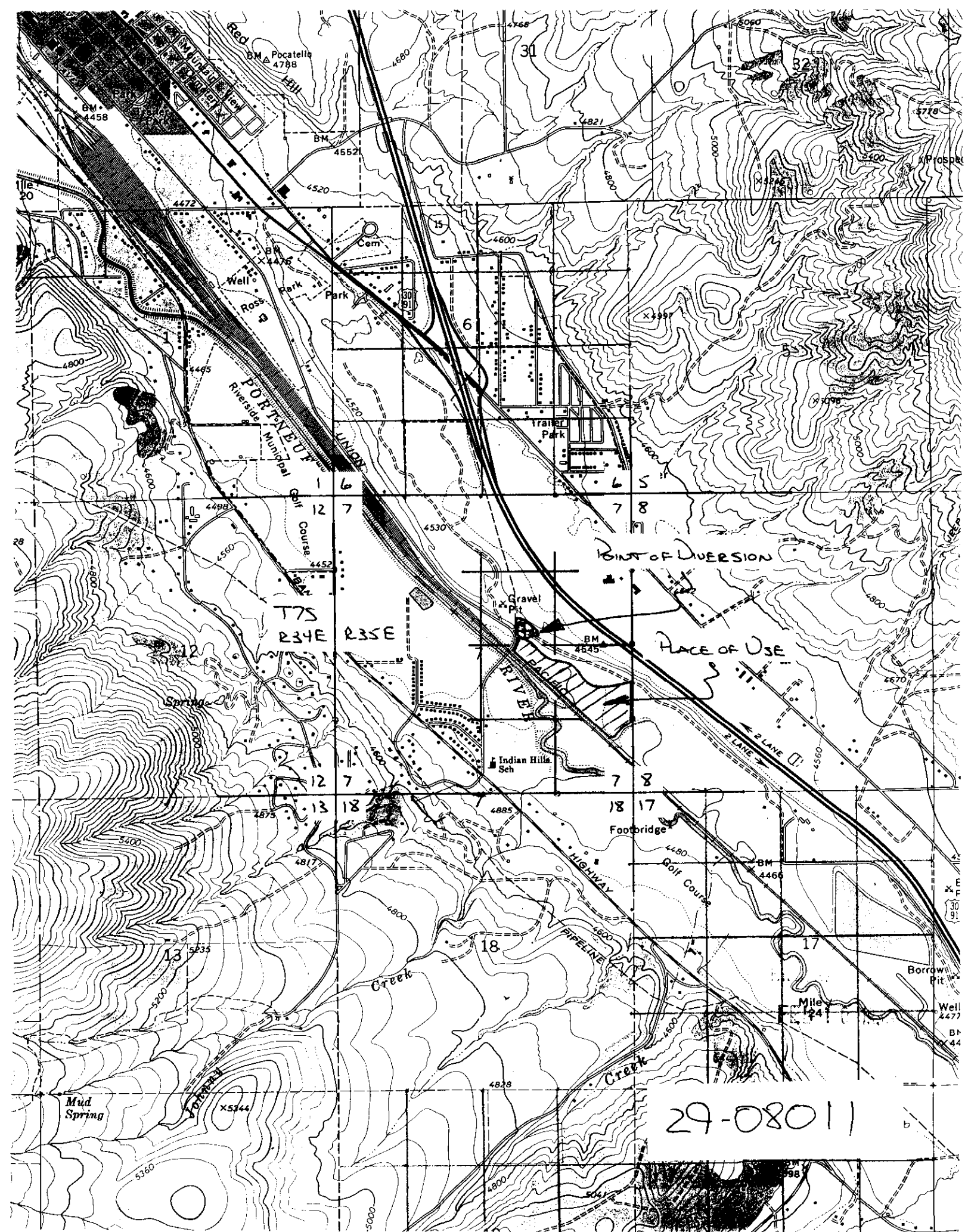
## I. AUTHENTICATION

Field Examiner's Name [Signature] Date 11-3-97

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

SEAL

FEB 10 1998



3 7 4 2 0

6 5

7 8

Point of Diversion

T7S  
R3SE

Howell  
#645

11.9

7 8

18 17

29-08011

00-00 00:2800 \*R  
+003.00 % A12

0155.7 MMSEC  
099.76 % T0

00-00 00:3100 \*R  
+ 1.370E 26PM

00-00 00:3100 \*R  
+ 1.357E 26PM

00-00 00:3100 \*R  
+ 1.421E 26PM

OUTER DIAMETER  
4.5500 IN

PIPE MATERIAL  
? CS,SS

WALL THICKNESS  
0.2331 IN

WALL THICKNESS  
0.2331 IN

INNER LINING  
? NO LING.

SPACING  
2.916 IN U

29-08011  
7-14-95

00-00 00:2800 \*R  
+003.00 % A12

0155.7 MMSEC  
099.76 % T0

00-00 00:3100 \*R  
+ 1.370E 26PM

00-00 00:3100 \*R  
+ 1.357E 26PM

00-00 00:3100 \*R  
+ 1.421E 26PM

OUTER DIAMETER  
4.5500 IN

PIPE MATERIAL  
? CS,SS

WALL THICKNESS  
0.2331 IN

WALL THICKNESS  
0.2331 IN

INNER LINING  
? NO LING.

SPACING  
2.916 IN U

29-08011  
7-14-95

29-08011

December 27, 1990

RANDY LEWIS  
7070 BANNOCK HWY.  
POCATELLO, ID 83204

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08011

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,

Rita Fleck  
Secretary/Records Manager

c: IDWR - Region

RECEIVED

JAN 28 1991

S T A T E   O F   I D A H O  
D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

-----

Statehouse  
Boise, Idaho 83720  
(208) 327-7900  
September 28, 1990

RANDY LEWIS  
7070 BANNOCK HWY.  
POCATELLO, ID 83204

P E R M I T   A P P R O V A L   N O T I C E

RE: PERMIT NO.        29-08011

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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.

We have enclosed 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 for your convenience is a form entitled "Proof of

**MICROFILMED**

JAN 28 1991

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ: SC  
Enclosures

RECEIVED

JAN 28 1961

09-Aug-1990

RANDY LEWIS  
7070 BANNOCK HWY.  
POCATELLO, ID 83204

RE: Application for Permit No. 29-8011

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 the Idaho State Journal on AUGUST 16 & 23, 1990. 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

AUG 18 1991

29-08011

LEWIS, RANDY  
7070 BANNOCK HWY  
POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: SWNE Sec 7 T 07S R 35E

Use: IRRIGATION ( .200 CFS)  
STOCKWATER ( .020 CFS)  
Total Diversion: ( .200 CFS)

Date Filed: 4/ 6/ 1990

In: T07S R35E S07 NESE NWSE

25.0 ACRES TOTAL

RECEIVED

JAN 28 1991