

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07984

Priority: April 23, 1990

Maximum Diversion Rate: 0.03 CFS

It is hereby certified that FERNANDO B GONZALES And IRENE H GONZALES
2002 BIG SKY RD
POCATELLO ID 83204 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 23, 1990; and have
submitted Proof of Beneficial Use on October 19, 1990. An examination indicates that the works have a
diversion capacity of 0.14 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, Twp 06S, Rge 33E, B.M., POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	33E	17		8.0															8.0

Total Acres: 8

CONDITIONS OF APPROVAL

1. Rights 29-07238 and 29-07984 when combined shall not exceed a total diversion rate of 0.14 cfs, a total annual maximum diversion volume of 32.0 af at the field headgate, and the irrigation of 8 acres.
2. 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.
3. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 30th day of August, 2001.

MICROFILMED
OCT 02 2001

Acting for

KARL J. DREHER
Director

RECEIVED
OCT 19 1990STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 29-07984 Telephone No. 208-234-2329Name(s) of Permit Holder(s): FERNANDO B. & IRENE H. GONZALESPost Office Address: Star Route, Box 67A, Pocatello, Idaho 83202Source of Water: Ground WaterIf ground water, well driller's name: Cushman Well Drilling Date drilled: 1973

Extent of Use:

Domestic 1 (No. of households)Irrigation 8 (No. of acres)Stockwater 20 (No. and type of stock)
(horses & cows)

Other _____

Total rate and/or volume for which proof is submitted .12 cfs 16 acre/feetShow date water was first diverted and beneficially used under this permit: 1973

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

Measuring device: Required? Yes XNo Installed? Yes XNo

OR

Flow Measurement Port: Required? Yes XNo Installed? Yes XNoFee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

FERNANDO OR IRENE GONZALES208-234-2329

Name

Telephone No.

Star Route, Box 67A Pocatello, Idaho 83202

Address

MICROFILMED

DEC 17 1990

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.

Oct 18, 1990
DateFernando B. Gonzales
Signature (and title if on behalf of a company or organization)Irene H. Gonzales



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 31, 2001

FERNANDO B GONZALES
IRENE H GONZALES
2002 BIG SKY RD
POCATELLO ID 83204

RE: License No. 29-7984 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

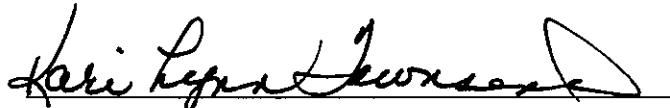
MICROFILMED
OCT 02 2001

CERTIFICATE OF MAILING

I hereby certify that on August 31, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 29-7984

**FERNANDO B GONZALES
IRENE H GONZALES
2002 BIG SKY RD
POCATELLO ID 83204**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 02 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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OCT 02 2001

LICENSE REVIEW CHECKLIST

Permit No. 29-7984 Date: 8/28/01 Reviewer: Kay Walker

Change/OK

Name/Address

change address per exam

Source

Point of Diversion:

OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed 29-7238 *Profile reports printed*

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.12 cfs

Fee Limit 0.20 cfs

Measured 0.14 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 0.03

Water Uses

OK Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 0.03 cfs _____ af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 0.03 cfs _____ af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.03 cfs x 1.9835 x 214 days = 12.7 af (vs) 8 acres x 4.0 (FHR) = 32.0 af

Remarks:

W35

Additional Conditions

☐ Watermaster Control

☐ GW Measurement/Measuring Device

☐ Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? ☒ yes

☒ no

If yes, explain why below.

SRBA Claim?

YES

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

same well, same acres

- remainder of well capacity on same lands

- allow 4.0 AF for this license - 28.0 AF under 29-7238

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	RENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	27 2035	US DEPT OF INTERIOR	BLACKFOOT RIVER	06S33E17																	0
Claim	29 12898	LAMOND J BAILEY, LILLIAN P BAILEY,	GROUND WATER	06S33E17					42	42											84
Claim	29 7050	LAMOND J BAILEY,	GROUND WATER	06S33E17							16				19						35
Claim	29 7063	MARK R SWANSON	GROUND WATER	06S33E17												35	19				54
Claim	29 7118	CITY OF POCA TELLO,	GROUND WATER	06S33E17				32												30	94
Claim	29 7238	FERNANDO B GONZALES, IRENE H GONZALES,	GROUND WATER	06S33E17		8															8
Claim	29 7575	MICHELLE SCHROEDER, NATHAN SCHROEDER,	GROUND WATER	06S33E17	40	24															64
Claim	29 7613	LAMOND J BAILEY,	GROUND WATER	06S33E17					40	39											79
Claim	29 7984	FERNANDO B GONZALES, IRENE H GONZALES,	GROUND WATER	06S33E17		8															8
Permit	29 7984	IRENE GONZALES, FERNANDO B GONZALES,	GROUND WATER	06S33E17	8	8															8
Right	29 4204	LAMOND J BAILEY,	GROUND WATER	06S33E17					40	40											80
Right	29 4205	LAMOND J BAILEY,	GROUND WATER	06S33E17							1										1
Right	29 7050	LAMOND J BAILEY,	GROUND WATER	06S33E17							16				19						35
Right	29 7063	JOHN EVANS,	GROUND WATER	06S33E17												36	24				60
Right	29 7118	CITY OF POCA TELLO,	GROUND WATER	06S33E17				32												30	94
Right	29 7238	IRENE H GONZALES, FERNANDO B GONZALES,	GROUND WATER	06S33E17		8															8
Right	29 7575	LU VERN T CLARK TRUST,	GROUND WATER	06S33E17	40	24															64
Right	29 7613	LAMOND J BAILEY,	GROUND WATER	06S33E17					40	39											79
Right	29 7984	FERNANDO B GONZALES, IRENE H GONZALES,	GROUND WATER	06S33E17		8															8



MEMORANDUM

TO: FILE **29-07984**

January 26, 2001

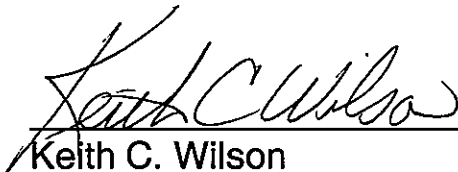
FROM: Keith C. Wilson

RE: Field Examination

Original exam was completed on August 8, 1995. Review of the exam could not be determine if this permit was for additional acres, amount, or both.

Re-Exam on June 6, 1998, revealed no additional acres. A re-measurement of the diversion rate recorded $Q = 45.46 \text{ gpm} = 0.10 \text{ cfs}$ using a sonic meter.

Recommend using original measurement of $Q = 64.2 \text{ gpm} = 0.14 \text{ cfs}$, and a total irrigated acres = 8.0 acres.



Keith C. Wilson
Senior Resource Agent

29-07984

MICROFILMED

OCT 02 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07984

Proposed Priority: April 23, 1990 Maximum Diversion Rate: 0.12 CFS
This is to certify, that **FERNANDO B. GONZALES**

IRENE GONZALES
STAR RT. BOX 67A
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>
IRRIGATION	03/15 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNE Sec. 17, Township 06S, Range 33E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 33E 17	NWNE 8			8

Total number of acres irrigated: 8

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.

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

21st day of September, 1990

MICROFILMED

OCT 16 1990


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 Fernando B. Gonzales & Irene Gonzales Phone (208) 234-2329
Post office address Star Route Box 67A Pocatello, Idaho 83202

2. Source of water supply Ground Water which is a tributary of N/A

3. Location of point of diversion is _____ ¼ of NW ¼ of NE ¼, Govt. Lot _____
Sec. 17 Township 6 South Range 33 E.B.M. Power County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .12 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .12 and/or (b) 16 N/A
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 80' deep, 8" wide well with
5 h.p. pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 8 inches; proposed depth of well is 80 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

ALREADY COMPLETED
1 years (minimum 1 year).

MICROFILMED

OCT 16 1990

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	33E	17		8															8
6S	33E	17		S															
6S	33E	17		D															

Total number of acres to be irrigated 8

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

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. N/A

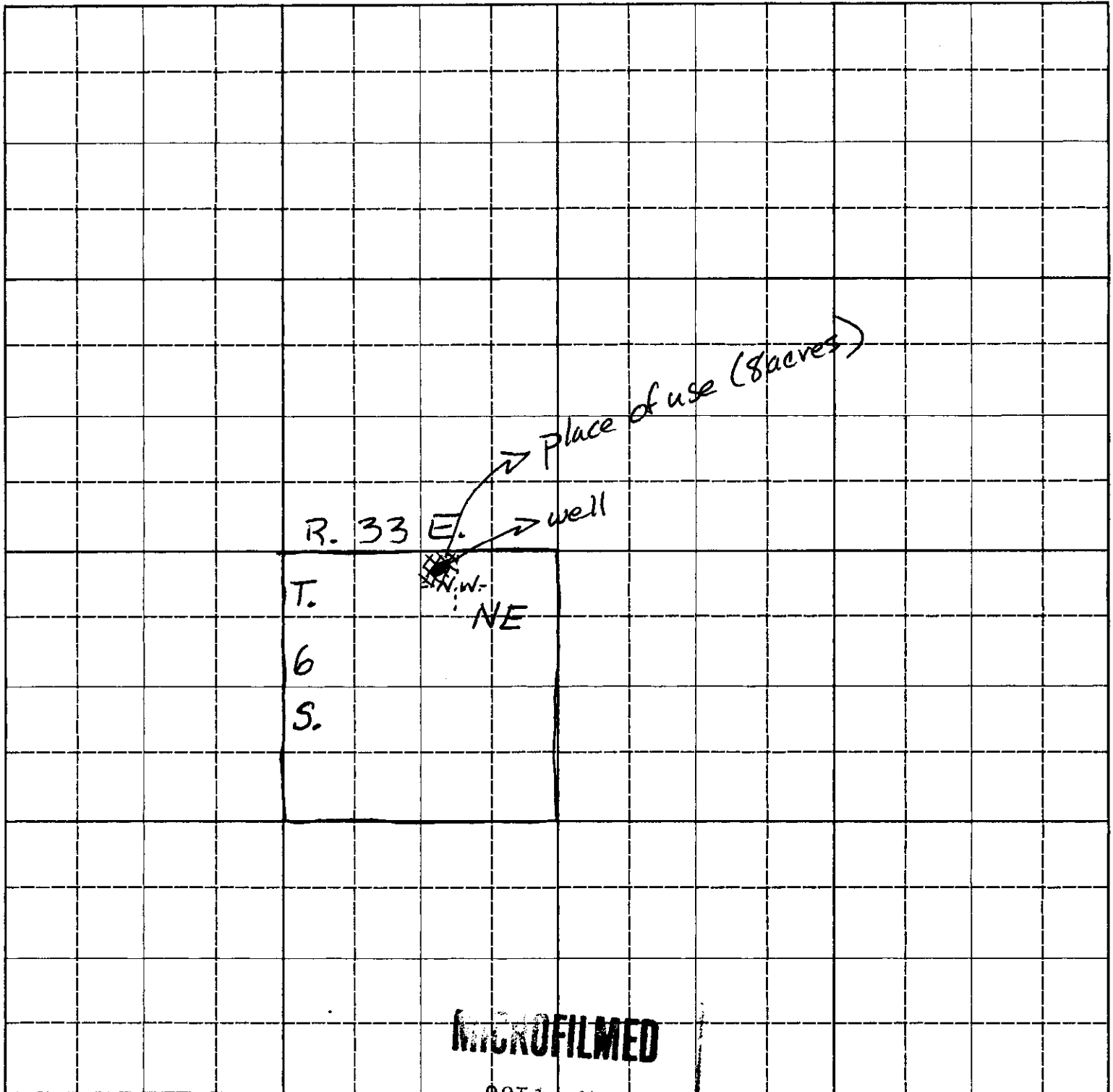
12. Remarks: _____

MICROFILMED

OCT 16 1990

Gonzales

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.

OCT 15 1990

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:

Fernando B. Gonzales
(Applicant)
Ismael H. Gonzales

Received by (a) (u) Date 4-23-90 Time 11:55A Preliminary check by DMD
Fee \$ 50.00 Received by WLT # E010494 Date 4-23-90
Publication prepared by RB Date 6-21-28-90 Published in Lower Cnty Press
Publication approved (u) Date 8-01-90

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:

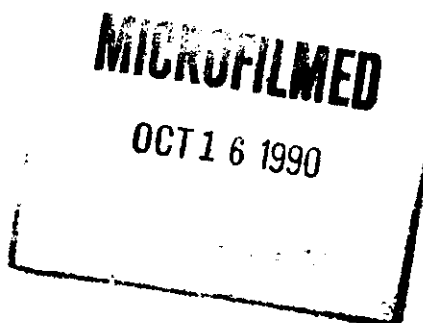
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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:



Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 18 day of July 1990 and the date of last publication being the 25 day of July 1990

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 25 day of July in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 18 day of July 1990 and the date of last publication being the 25 day of July 1990

(Signed)

State of Idaho

County of Power

On this 25 day of July in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

Brett Crompton
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: June 8, 1993



Application for water right

Published in The Power County Press, July 18, 25, 1990.

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

29-07584
GONZALES, FERNANDO B.
GONZALES, IRINE
STAR RT. BOX 67A
POCATELLO, ID 83202

Source: GROUNDWATER
Diversion Pt: NWNE Sec 17 T 06S R 33E

Use: IRRIGATION (.120 CFS)
Total Diversion: (.120 CFS)

Date Filed: 4/23/1990

In: T06S R33E S17 NWNE
8.0 ACRES TOTAL

29-08006
BROWER, DENNY
1805 GOVERNMENT RD.
POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt: NWSE Sec 2 T 06S R 33E

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

Date Filed: 5/22/1990

In: T06S R33E S17 NWNE
16.0 ACRES TOTAL
BETHEL, LARRY E.
RT. 1, BOX 167
AMERICAN FALLS, ID. 83211

Source: GROUNDWATER

Diversion Pt: NENE Sec 20 T 07S R 33E

29E
NWNW Sec 21 T 07S R 21

Use: IRRIGATION (2.4)
Total Diversion: (2.46)

Date Filed: 2/8/1984

In: T07S R29E S20 NE1
SENE
S21 NENE NWNE NENE
SWNW SENW NESW N
333.0 ACRES TOTAL

35-08679
SIMMS, LARRY K.
3151 W. WHITMAN RD.
AMERICAN FALLS, ID

Source: GROUNDWATER

Diversion Pt: SESESW Sec 20E

Use: IRRIGATION (1.000)
STOCK WATER (1.000)
Total Diversion: (2.000)

Date Filed: 3/21/1990

In: T07S R30E S26 SE1
1.0 ACRES TOTAL

35-08900
BETHEL, LARRY E.
2745 BREEDING RD.
AMERICAN FALLS, ID

Source: GROUNDWATER

Diversion Pt: SWNE Sec 20E

SWNW Sec 23 T 07S R 33E

Use: IRRIGATION (3.0)
Total Diversion: (3.0)

Date Filed: 4/26/1990

In: T07S R29E S25 N
NENE NWNW
160.0 ACRES TOTAL

Affidavit of Publication



The

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 18 day of July 1990 and the date of last publication being the 22 day of July 1990.

(Signed)

State of Idaho

County of Power

On this 25 day of July in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

Published in The Power County Press, July 18, 25, 1990.

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-07984
GONZALES, FERNANDO B.
GONZALES, IRENE
STAR RT. BOX 67A
POCATELLO, ID 83202

Source: GROUNDWATER
Diversion Pt: NWNE Sec 17 T 06S R 33E

Use: IRRIGATION (.120 CFS)
Total Diversion: (.120 CFS)

Date Filed: 4/23/1990

In: T06S R33E S17 NWNE
8.0 ACRES TOTAL

29-08006
BROWER, DENNY
1805 GOVERNMENT RD.
POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt: NWSE Sec 2 T 06S R 33E

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

Date Filed: 5/23/1990

In: T06S R33E S02 NWSE
10.0 ACRES TOTAL

35-08345
WEISENBURGER, CECIL
RT. 1, BOX 167
AMERICAN FALLS, ID. 83211

Source: GROUNDWATER

Diversion Pt: NENW Sec 21 T 07S R

Application for water right

29E
NWNW Sec 21 T 07S R 29E

Use: IRRIGATION (2.4)
Total Diversion: (2.46)

Date Filed: 2/8/1984

In: T07S R29E S20 NE
SENE
S21 NENE NWNE NENW
SWNW SENW NESW NW
333.0 ACRES TOTAL

35-08879
SIMMS, LARRY K.
3151 W. WHITNAH RD.
AMERICAN FALLS, ID.

Source: GROUNDWATER

Diversion Pt: SESESW Sec 30E

Use: IRRIGATION (.09)
DOMESTIC (.040 CFS)
STOCKWATER (.020)
Total Diversion: (.1)

Date Filed: 3/21/1990

In: T07S R30E S26 SESE
3.0 ACRES TOTAL

35-08900
BETHKE, LARRY S.
2745 BREDDING RD.
AMERICAN FALLS, ID.

Source: GROUNDWATER

Diversion Pt: SWNE Sec 29E
SWNW Sec 23 T 07S R

Use: IRRIGATION (3.0)
Total Diversion: (3.0)

Date filed: 4/26/1990

In: T07S R29E S23 NE
NENW NWNW
160.0 ACRES TOTAL

December 7, 1990

FERNANDO B. GONZALES
IRENE GONZALES
STAR RT. BOX 67A
POCATELLO, ID 83202

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07984

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

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DEC 17 1990

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OCT 19 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Amt. of Fee \$ 50.00
Date 10/22/90
Receipt No. 201846
Received by J. L. Laram

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. 29-07984Telephone No. 208-234-2329Name(s) of Permit Holder(s): FERNANDO B. & IRENE H. GONZALESPost Office Address: Star Route, Box 67A, Pocatello, Idaho 83202Source of Water: Ground WaterIf ground water, well driller's name: Cushman Well Drilling Date drilled: 1973

Extent of Use:

Domestic 1 (No. of households)Irrigation 8 (No. of acres)Stockwater 20 (No. and type of stock)
(horses & cows)

Other _____

Total rate and/or volume for which proof is submitted .12 cfs 16 acre/feetShow date water was first diverted and beneficially used under this permit: 1973

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

Measuring device: Required? Yes XNo Installed? Yes XNo

OR

Flow Measurement Port: Required? Yes XNo Installed? Yes XNoFee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

FERNANDO OR IRENE GONZALES
Name208-234-2329
Telephone No.Star Route, Box 67A Pocatello, Idaho 83202
Address

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DEC 17 1990

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.

Oct 18, 1990
DateFernando B. Gonzales
Signature (and title if on behalf of a company or organization)Irene H. Gonzales

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
CARY B. COLAIANNI
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN

*ALSO MEMBER ILLINOIS BAR

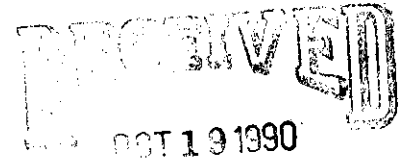
LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

October 18, 1990



Department of Water Resources

Jim Johnson
Water Rights Supervisor
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

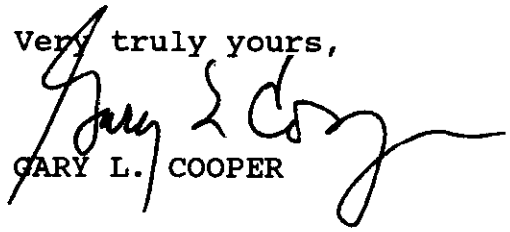
Re: Fernando B. and Irene H. Gonzales
Permit No. 29-07984

Dear Mr. Johnson:

Enclosed, pursuant to your October 17, 1990 letter to Mr. and Mrs. Gonzales, is a Proof of Beneficial Use Form 217. Also enclosed is a check for \$50.00 to cover the License Examination Fee.

Please contact me if you have any questions.

Very truly yours,


GARY L. COOPER

GLC/ks
Enclosures (2)
c: Mr. and Mrs. Gonzales

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DEC 17 1990

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
10/18/90		License Examination Fee Permit # 29-07984 (Gonzales)	50.00		

MICROFILMED**DEC 17 1990**

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 24, 1990

FERNANDO B. GONZALES
IRENE GONZALES
STAR RT. BOX 67A
POCATELLO, ID 83202

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

RE: PERMIT NO. 29-07984

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

OCT 16 1990

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

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OCT 18 1990

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

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 11, 1990

THE POWER COUNTY PRESS
P.O. BOX 547
AMERICAN FALLS, ID 83211

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before AUGUST 26, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

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OCT 16 1990

29-07984

GONZALES, FERNANDO B.
GONZALES, IRENE
STAR RT. BOX 67A
POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt: NWNE Sec 17 T 06S R 33E

Use: IRRIGATION (.120 CFS)
 Total Diversion: (.120 CFS)

Date Filed: 4/23/ 1990

In: T06S R33E S17 NWNE

8.0 ACRES TOTAL

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OCT 18 1990

12-Jun-1990

FERNANDO B. AND IRENE GONZALES

POCATELLO, ID 83202

RE: Application for Permit No. 29-07984

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 POWER COUNTY PRESS on June 21 & 28, 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,

MICROFILMED

HAROLD W. JONES
Water Rights Supervisor

OCT 16 1990

HWJ/rb

29-07984

GONZALES, FERNANDO B.
GONZALES, IRENE
STAR RT. BOX 67A
POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt: NWNE Sec 17 T 06S R 33E

Use: IRRIGATION (.120 CFS)
Total Diversion: (.120 CFS)

Date Filed: 4/23/ 1990

In: T06S R33E S17 NWNE

8.0 ACRES TOTAL

*Was published the 6-21
but not 6-28
Will re-submit
for publication on
July 19th 26
as per conversation
sonja Owens 4-3-90*

RECEIVED

OCT 16 1990

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
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CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101
—
TELEX
208-232-6109

RECEIVED

APR 23 1990

Department of Water Resources
Eastern District Office

April 16, 1990

State of Idaho
Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Attention: Ernest Carlsen

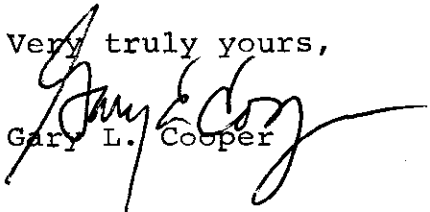
RE: Notices of Claim for Gonzales

Dear Mr. Carlsen:

I am enclosing the original Application for Permit along with our check in the sum of \$30.00 in the above matter.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,


Gary L. Cooper

GLC:tsb
Enclosure

RECEIVED

OCT 16 1990