

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
ORIGINAL APPLICATION	29-07951	LECOMPTE, DAVID B.	0.12
FULL ASSIGNMENT	29-07951	JENKINS, SHARON	0.12

2/21/97

MICROFILMED
MAR 10 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 29-07951

Priority: February 1, 1993

Maximum Diversion Rate:

0.07 CFS

Maximum Diversion Volume:

10.1 AF

This is to certify, that SHARON JENKINS

3032 GARDEN RD

AMERICAN FALLS ID 83211

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 2, 1990; and has submitted Proof of Beneficial Use on February 1, 1993. An examination indicates that the works have a diversion capacity of 0.070 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	0.07 CFS	10.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
	Totals	0.07 CFS	10.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 1, Township 08S, Range 31E
POWER 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>
08S	31E	1	SWNW	2.5		2.5

Total number of acres irrigated: 2.5

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 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.

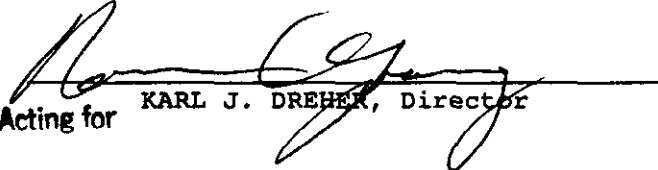
WATER RIGHT NO. 29-07951

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. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Place of use known as Lot 10, Block 2, Garden Grove Estates.

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 26TH day of FEBRUARY, 1997.

Acting for


KARL J. DREHER, Director

NOT RECORDED

MAR 10 1997

RECEIVED

FEB 21 1997

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07951

APPROVED

Date of Priority: February 1, 1993 Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 10.1 AF

Comes now DAVID B LE COMPTE
3032 GARDEN RD
AMERICAN FALLS ID 83211

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. 29-07951, 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	0.07 CFS	10.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
	Totals	0.07 CFS	10.1 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 1, Township 08S, Range 31E
POWER 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>
08S	31E	1	SWNW	2.5		2.5

Total number of acres irrigated: 2.5

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 3032 Garden Rd.
American Falls, Id, this 17 day of Feb., 1997.
Power County

MICROFILMED

MAR 10 1997

Sharon Jenkins
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07951

FOR DEPARTMENT USE ONLY

Preliminary check by Ket Fee = \$50.00 Receipted by Ket # C038093 Date 2-21-97

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. 29-07951 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 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.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Place of use known as Lot 10, Block 2, Garden Grove Estates.

Witness my hand this 26TH day of FEBRUARY, 1997.

RECORDED

Acting for

KARL J. DREHER, Director

MAR 10 1997

For Office Use Only
 \$25 Filing Fee
 Receipt # 2038093
 Date 2-21-97

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

RECEIVED

FEB 21 1997

I, David LeCompte, hereby assign to Sharon Jenkins Department of Water Resources
 of, 3032 Garden Rd American Falls ID 83211 226-7358
 (Full Address) (Phone)

All my right, title, and interest in and to Permit No. 29-07951 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 2nd day of APRIL, 1996.

[Signature]
 Permit Holder

State of Idaho WA)
 County of King) ss

On this 2nd day of April, 1996, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

North Bend OR

Notary Public residing at

Garnette M. Proctor



expires: JAN 7, 2000

MICROFILMED

MAR 10 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-07951	)	
	)	
IN THE NAME OF DAVID B LECOMPTE	)	ORDER OF
	)	REINSTATEMENT
	)	

This matter having come before the Idaho Department of Water Resources (Department), the Department finds as follows:

FINDINGS OF FACT

1. On July 31, 1990, the Director of the Department of Water Resources issued Permit No. 29-07951 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before August 1, 1991.

2. On May 31, 1991, the Department sent a proof due notice to the permit holder.

3. On November 25, 1991, the Department sent a lapse notice to the permit holder.

4. On February 1, 1993, the permit holder submitted Proof of Beneficial Use to the Department.

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

6. The permit holder has submitted evidence to confirm that water has been put to beneficial use prior to the proof due date. Evidence includes two separate affidavits from neighbors attesting to the fact that the well was used to irrigate their land and garden. Also submitted is a receipt from the pump company dated July 3, 1990.

7. The permit holder states, in correspondence to the Department, that he was working out of town. By the time the permit holder was able to gather all the information and necessary fee, the permit had lapsed.

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CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

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

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 29-07951 is REINSTATED.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to February 1, 1993.

Dated this 10th day of March, 1993.

L. Glen Saxton
L. GLEN SAXTON
Chief, Water Allocation Bureau

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APR 07 1993

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FEB 1 1993

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 29-07951 Telephone No. 226-73582. Name(s) of Permit Holder(s): DAVID B. Lecompte3. Post Office Address: 3032 GARDEN RD AMER FLS, ID 832114. Source of Water: GROUND WATERa. If ground water, well driller's name: KEN VOLLMER Date drilled: START 4-15-83 FINISH 4-22-83b. Pump horsepower: 3 1/2 Pressure (psi): — Dynamic pumping level (ft.): 75

5. Extent of Use:

Domestic + NA (No. of households)Irrigation 4 (No. of acres)Stockwater 3 (No. and type of stock)Other —CATTLE NA 2/8/93 Klg6. Total rate and/or volume for which proof is submitted 0.12 cfs — acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes XNo Installed? Yes —No

OR

Flow Measurement Port: Required? Yes XNo Installed? Yes —No8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

SHARON Lecompte
Name226-7358
Telephone No.3032 GARDEN RD AMER FLS, ID. 83211
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.

1-29-93
DateDavid B. Lecompte
Signature (and title if on behalf of a company or organization)

RECEIVED

APR 07 1993

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07951

Proposed Priority: April 2, 1990 Maximum Diversion Rate: 0.12 CFS
This is to certify, that **DAVID B. LE COMTE**
3032 GARDEN RD.
AMERICAN FALLS, ID 83211
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	04/01 to 11/01	0.12 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		SNW Sec. 1, Township 08S, Range 31E POWER County

PLACE OF USE: IRRIGATION

<u>TWP</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	31E	1	SNW 4			4
Total number of acres irrigated:						4

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 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 0.03 cubic feet per second for each acre of land.
7. Stockwater use is for 3 cattle.

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

31st day of July, 1990.

[Signature]
for R. Keith Higginson, Director

Form 202
6-78

29-7951

Idaho No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- 1 Name of applicant John J. DeLomato Phone (208) 226-2905
Post office address 2220 London Road, American Falls, Idaho 83201
- 2 Source of water supply groundwater which is a tributary of _____
- 3 Location of point of diversion is _____ 1/4 of _____ 1/4 of _____ 1/4 of _____ Govt. Lot _____
Sec _____ Township _____ Range _____ "B.M. 10687 County, additional
points of diversion if any _____
- 4 Water will be used for the following purposes:
Amount 1.12 cfs for irrigation purposes from Jan. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-foot per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-foot per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-foot per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-foot per annum)
- 5 Total quantity to be appropriated is (a) 1.12 cfs and/or (b) _____
cubic feet per second acre-foot per annum
- 6 Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, and sprinkler system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
Exists c. Proposed well diameter is 4 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
EXISTING years (minimum 1 year).
ONE

- 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 _____

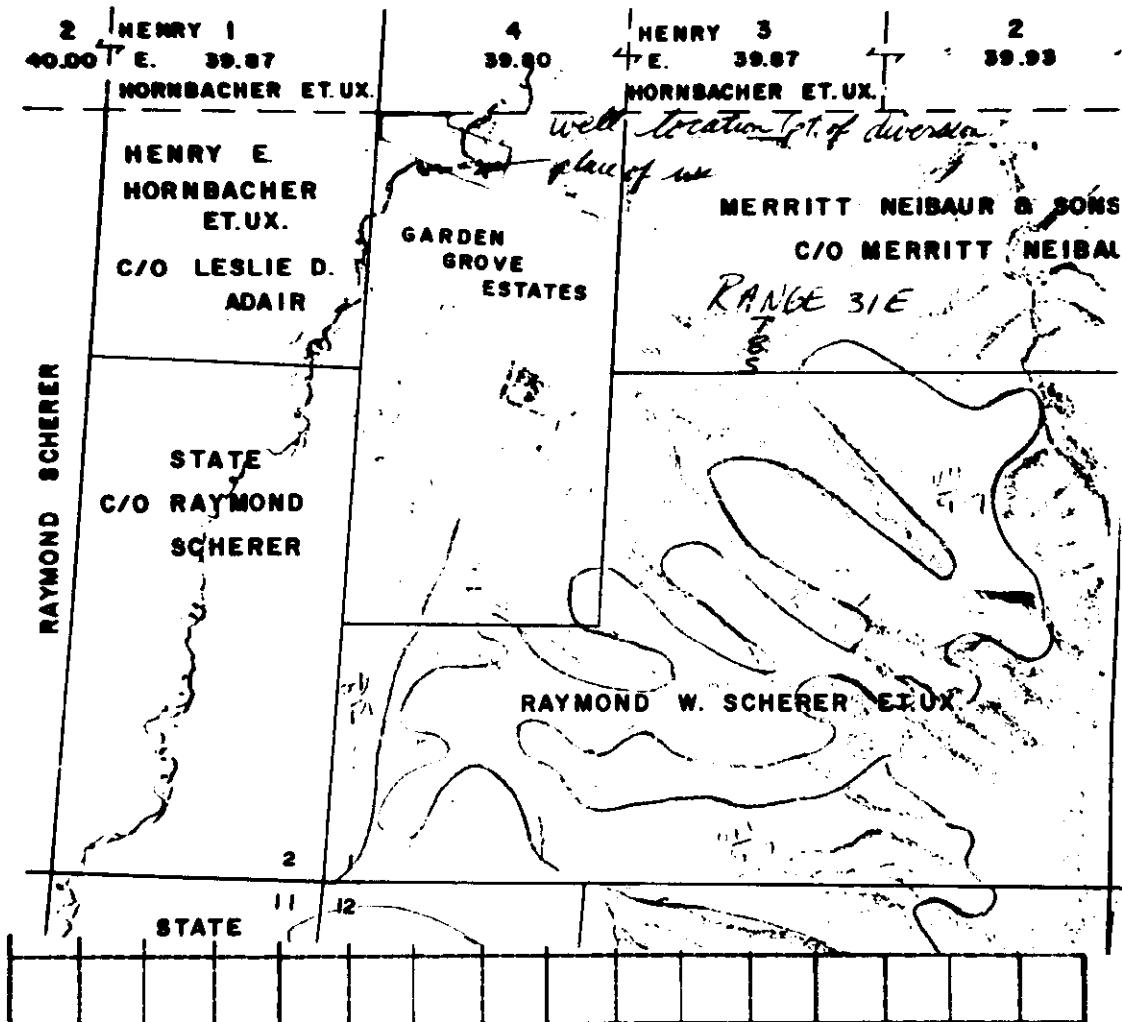
- a If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- b If water is used for other purposes, place a symbol of the use (example *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols

[illegible]

10 Describe any other water rights used for the same purposes as described above. none

12. Remarks: Well with slowly application for lot 10, block 2 of Garden Grove Estates. System was developed in 1983. Has been in continuous use since. \$ 30.00 enclosed.

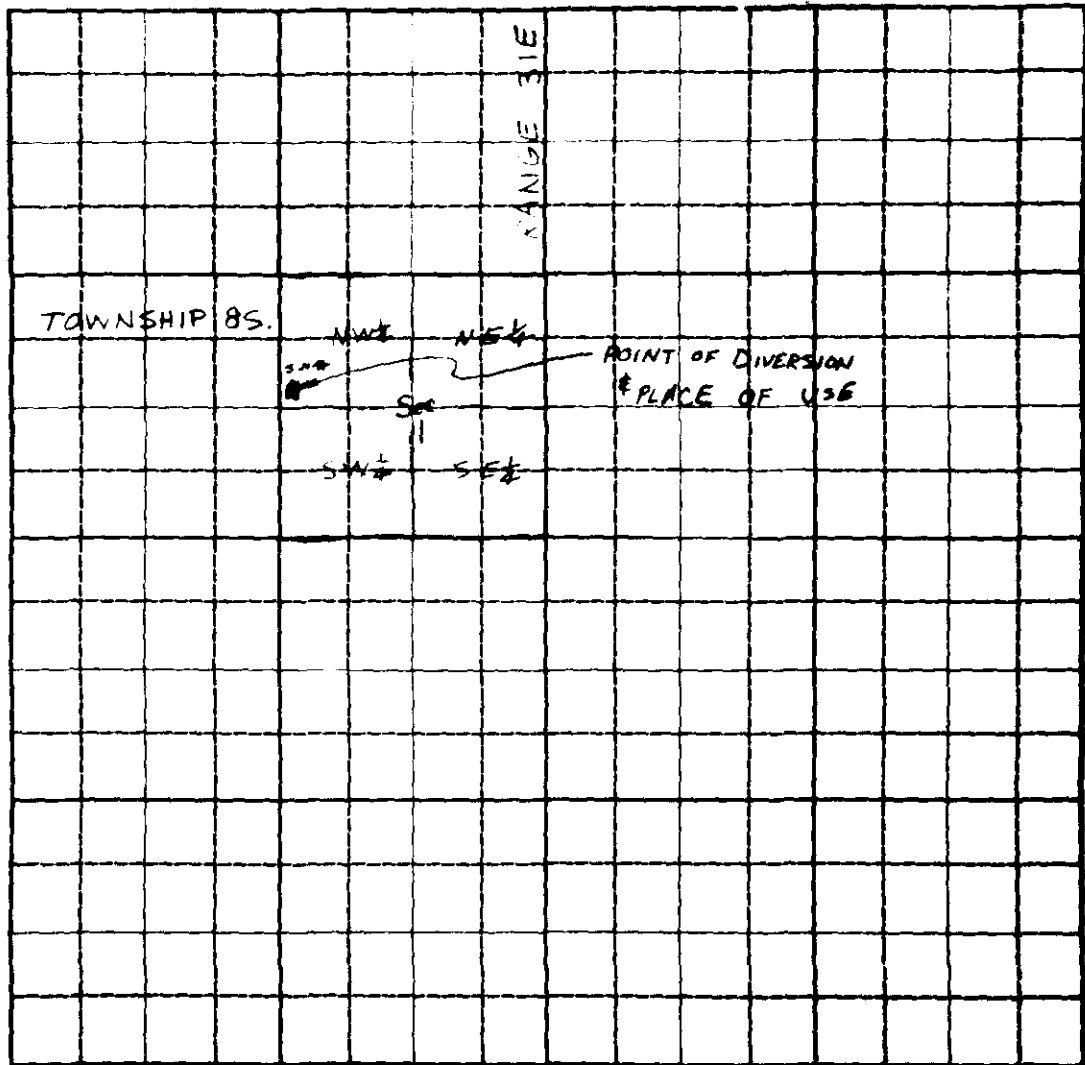
13. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

David B. LeGrande 3/27/20
(Applicant)



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.

David B. McCarty 7/27/20
(Applicant)

Received by RCW Date 4-12-90 Time 12:10p Preliminary check by KCW
Fee \$ 300 Received by HWT # E012227 Date 4-3-90
Publication prepared by EB Date 4-21-90 Published in Paper City Press
Publication approved EB Date 6-26-90

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:

WATER RIGHTS
Pocatello, Blaine County, Idaho
June 4, 1993

NOTICE OF APPLICATION FOR
WATER RIGHTS
The following applications have
been filed to determine the public
interest of the State of Idaho:

20-0701
WILSON, RAY
200 S. GARDEN RD.
POCATELLO, ID 83201

Source: GROUNDWATER
Diversion Pt: NW1/4 Sec 2 T 66 N
R 36E
Use: DOMESTIC (1.25 CFS)
Total Diversion: (1.25 CFS)
Date Filed: 3/25/1993
In: THIS CASE SEE NW1/4
4.0 ACRES TOTAL

20-0703
JOHN, RITA GAY
200 S. GARDEN RD.
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt: SEE Sec 22 T 66 N
R 36E
Use: DOMESTIC (1.25 CFS)
DOMESTIC (1.25 CFS)
Total Diversion: (1.25 CFS)
Date Filed: 4/1/1993
In: THIS CASE SEE SEE
10.0 ACRES TOTAL

20-0707
TIRRELL WATER USERS INC.
200 S. GARDEN RD.
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt: NW1/4 Sec 2 T 66 N
R 36E
Use: DOMESTIC (1.10 CFS)
IRRIGATION (1.10 CFS)
STOCKWATER (1.10 CFS)
Total Diversion: (1.10 CFS)
Date Filed: 4/1/1993
In: THIS CASE SEE NW1/4
5.5 ACRES TOTAL

20-0711
LE COMPTON, DAVID R.
200 S. GARDEN RD.
AMERICAN FALLS, ID 83211
Source: GROUNDWATER
Diversion Pt: NW1/4 Sec 1 T 66 N
R 36E
Use: IRRIGATION (1.25 CFS)
Total Diversion: (1.25 CFS)
Date Filed: 4/1/1993
In: THIS CASE SEE NW1/4
4.0 ACRES TOTAL

20-0715
THOMSON, LARRY L.
170 S. GARDEN RD.
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt: NW1/4 Sec 2 T 66 N
R 36E
Use: IRRIGATION (1.10 CFS)
Total Diversion: (1.10 CFS)
Date Filed: 4/1/1993
In: THIS CASE SEE NW1/4
4.0 ACRES TOTAL

20-0719
THOMSON, LARRY L.
170 S. GARDEN RD.
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt: NW1/4 Sec 2 T 66 N
R 36E
Use: IRRIGATION (1.10 CFS)
Total Diversion: (1.10 CFS)
Date Filed: 4/1/1993
In: THIS CASE SEE NW1/4
4.0 ACRES TOTAL

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 of advertisement.

That the annexed notice of advertisement was published as per clipping
attached in the regular and entire edition of said newspaper and not in any
supplement thereof for 3 successive weekly issues thereof, the
date of the first publication being the 16 day of
June 1990 and the date of last publication being the
23 day of June 1990.

(Signed)
Brett Crompton

State of Idaho

County of Power

On this 15 day of June 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 statement 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 27, 1997

SHARON JENKINS
3032 GARDEN RD
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 29-07951

Dear Sharon:

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.

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

c: Eastern Region

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 27th 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. 29-07951

**SHARON JENKINS
3032 GARDEN RD
AMERICAN FALLS ID 83211**



Sharla Curtis
Water Resource Agent

RECEIVED

MAR 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 6, 1997

DAVID B LE COMPTE
3032 GARDEN RD
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 29-07951

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the actual use of water found by a representative of our department at the time of the field examination. The enclosed Application for Amendment contains this information. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur or have any questions with this information, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED

MAR 16 1997

MEMORANDUM

TO: File 29-07951

FROM: Sharla

DATE: February 5, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 29-07951 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T8S, R31E, S1 - SWNW (2.5 acres)

The area identified on the aerial photo equals 2 acres; the area identified on the subdivision plat map equals 2.5 acres. The license will be issued for the irrigation of a maximum of 2.5 acres; the volume has been calculated accordingly.

Examiner: Steven Mueller
Exam Date: August 17, 1995

FILED
FEB 18 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 06 1996
Department of Water Resources

Permit Holder:

A. GENERAL INFORMATION

DAVID B LE COMPTÉ

Permit No. 29-7951

1. Owner: Dennis Jenkins / Sharon Jenkins

Phone No. (208) 226-7358

Current Address: 3032 Garden Rd., American Falls, ID 83211

2. Accompanied by: Dennis Jenkins

EXAM DATE: 8-17-95

Address: 3032 Garden Rd. American Falls, ID 83211 Phone No. (208) 226-7358

Relationship to Permit Holder: Current land owner

3. Source: Groundwater

tributary to —

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Yes Community well for home 29-07482

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NW	1	8S	3/E	Power	ASCS / USGS / on-site

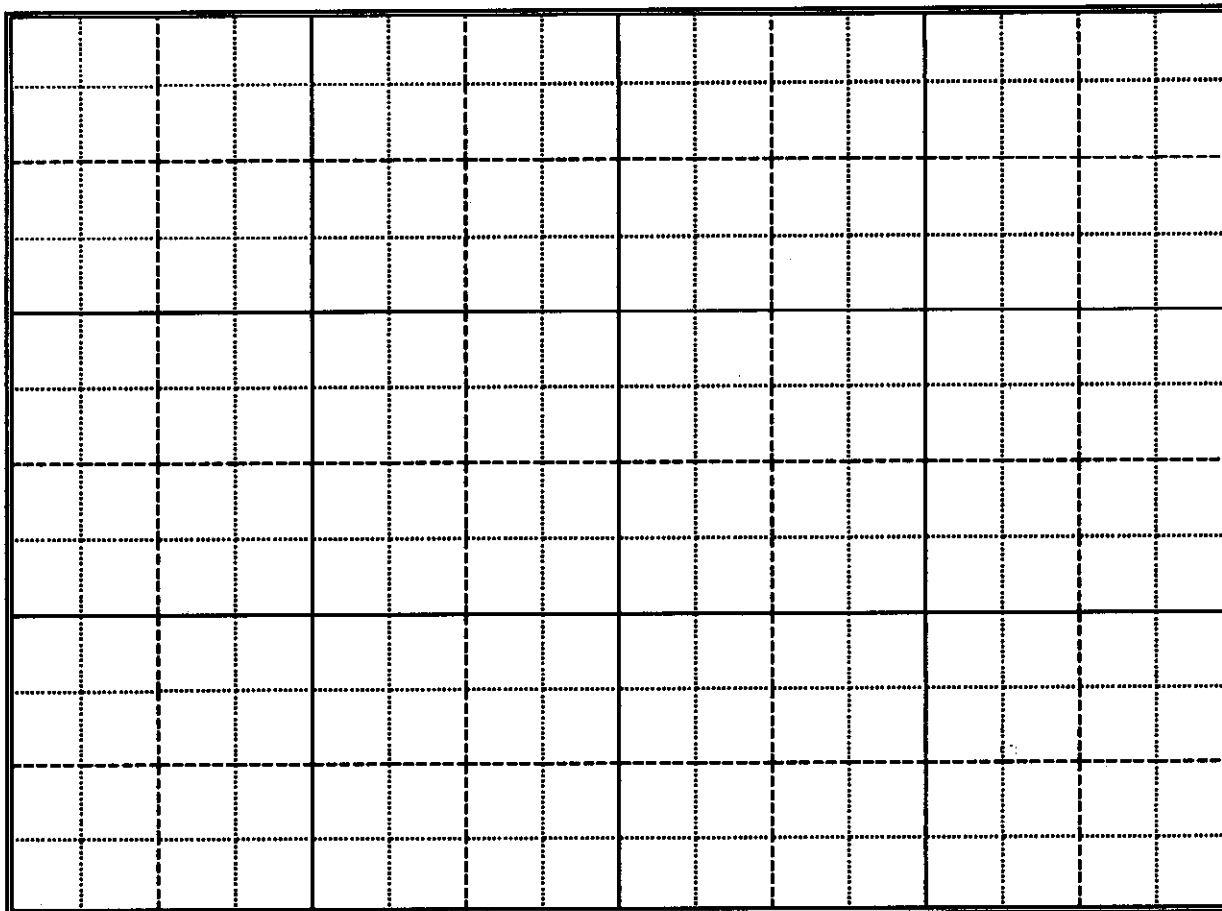
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	3/E	1							3.5										3.5

MICROFILMED
MAR 10 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well 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
Submersible	Sta-Rite	3	J82V		

*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
PSI Gauge		Rain Bird			0-160	

2. Measurements: 5 gallon bucket 4 gallons in 8 seconds MICROFILMED

MAR 10 1997

E. NARRATIVE/REMARKS/COMMENTS

House is on a culinary well shared by neighboring homes

3 horses water from sunbeam creek.

Well irrigates 2 acres around home. Additional $1\frac{1}{2}$ acres across sunbeam creek has been developed. → See Subdivision plat

Well was done by Ken Vollmer

Original owner of well was Dewey Linda Denver.

Pressure of well was 102 PSI

The Jenkins would like to be able to use the well for stockwater of 3 horses on the license.

Mrs. Jenkins has paper work that states her ex husband, David LeCompte gave up all water rights after their divorce. She has agreed to send that information to IDWR Idaho Falls. If her papers aren't sufficient, she and Dennis Jenkins are aware that an assignment form will need to be obtained from David LeCompte. → The paper was received and believed adequate to make the assignment to the Jenkins.

I obtained a subdivision Plat No 0130 from the Jenkins so acreage & locations can be clarified.

Jenkins don't use the community well for watering their yard.

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

MICROFILMED
MAR 10 1997

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

4 Gallons in 8 seconds

$$\left(\frac{4}{8 \text{ sec}} \times \frac{30}{60 \text{ sec}} \right) \times \frac{30 \text{ Gpm}}{60 \text{ sec}} = \frac{448.8 \text{ Gpm}}{60 \text{ sec}} = .0668 \text{ cfs or } 0.07 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3.5 \times 4 = 14$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.07(214)1.9835 = 29.7$$

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

2. Volume Calculations for Other Uses:

3 horse/cows = 0.1 AF from chart

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	0.07 cfs	14
* STOCK WATER	01/01	12/31	0.01 cfs	0.1
↑ SEE LINE 7 ON CONDITION/REMARKS OF PERMIT				
Totals:			0.07 cfs	14.1

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 ADD STOCK WATER

I. AUTHENTICATION

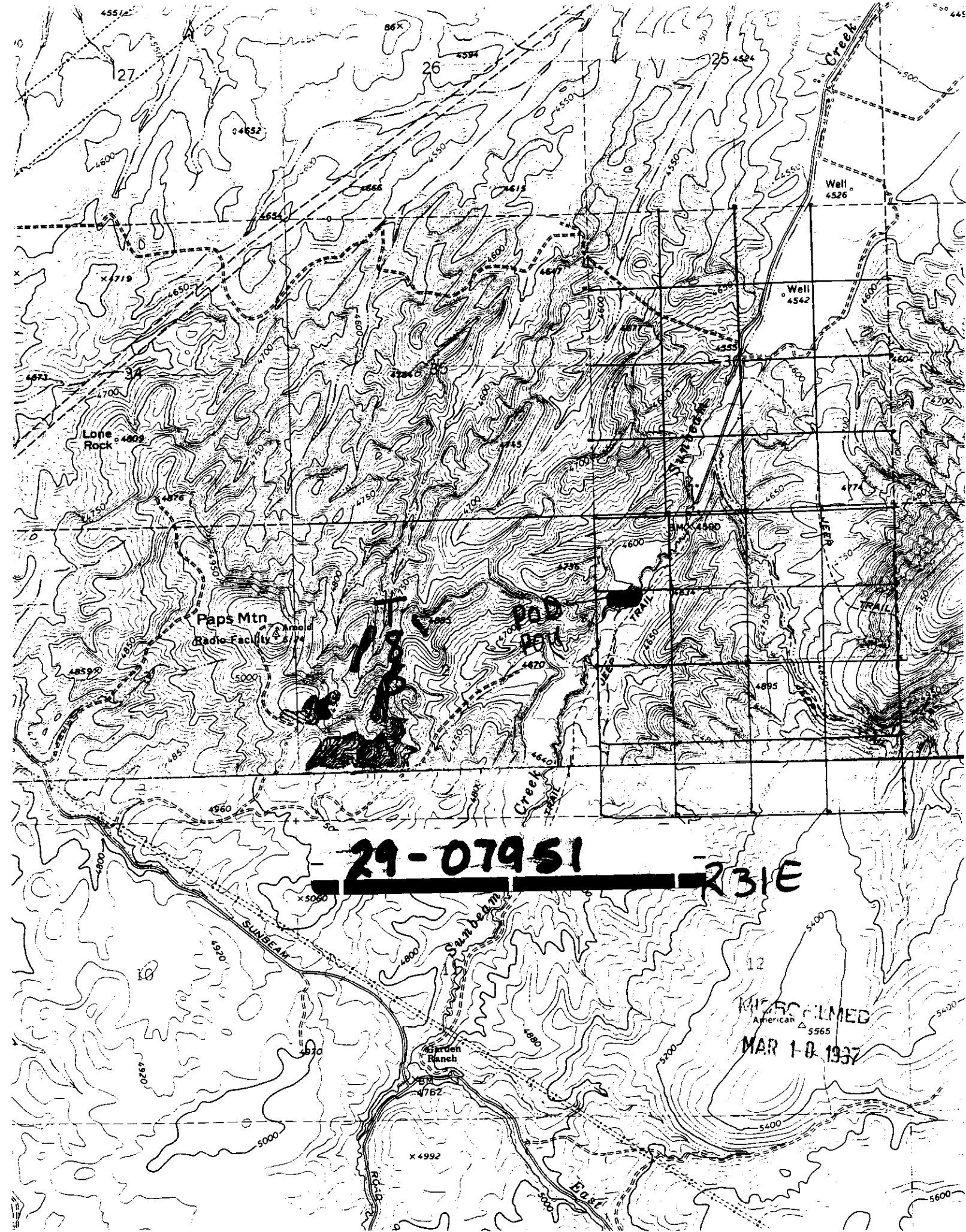
Field Examiner's Name Steve Mueller Date 8-17-95

Reviewer DAVE CARLSON Date 12/4/96

SEAL

MICROFILMED

AR 10 1997



35

3

2 1

LTA

See Map
O-13a

See Map
O-13a

T
8
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E

29-07951

12

OWNER'S

This is to certify described as the of the Boise Me the herein descr Places and Ease

SECRETARY

ACKNOWLEDGE

STATE OF IDAHO COUNTY OF POWE

On this 27th known to be the Pre before me, the un me that they exec and affixed my of

NOTAR, PUBLIC

My Commission expir

COUNTY COM

This plat was duly of Power, Idaho, o hereon was accepted day of

CLERK

COUNTY SUR

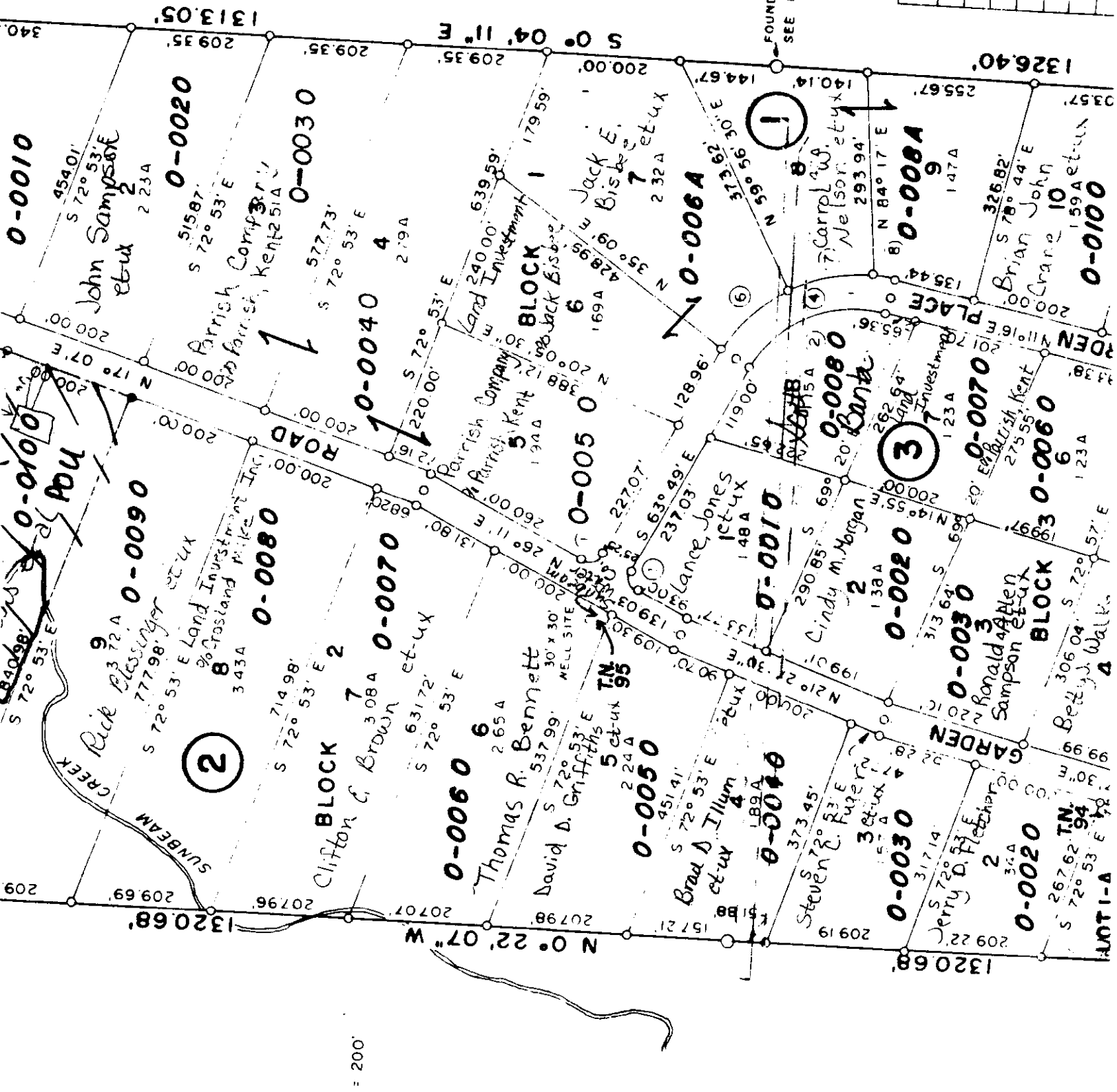
I, CARL J. FL plat and I am satisf local ordinances

11 11 11

NOTES

- 1. Marked stones set by F Moench, County Surveyor, Sept 5, 1913 Field notes in Book 15, page 107 County Surveyor books.
- 2. 6' Utility ensemments along and adjacent to all lot lines
- 3. Sanitary restrictions in force under Title 50, Chapter 13, Idaho code.

CURVE DATA				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
1	90° 00' 00"	20 00'	31 42'	20 00'
2	75° 05' 00"	175 00'	229 32'	134 48'
3	92° 01' 30"	175 00'	281 07'	181 30'
4	75° 05' 00"	200 00'	262 09'	153 70'
5	92° 01' 30"	200 00'	321 23'	207 20'
6	75° 05' 00"	200 00'	262 09'	153 70'



SUBDIVISION **NO. 0130**

GA
A SUBDIV
OF SECTI

Section
Corners

NOTES

1. Marked stones set by F. Moench, County Surveyor, Sept 5, 1913. Field notes in Book 15, page 107 County Surveyor books.
2. 6' Utility easements along and adjacent to all lot lines.
3. Sanitary restrictions in force under Title 50, Chapter 13, Idaho code.

OWNER'S
This is to certify
described as the
of the Boise Me
the herein descr
Places and Ease

Max
SECRETARY

ACKNOWLEDGE
STATE OF IDAHO
COUNTY OF POWE

On this 22
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and affixed my o

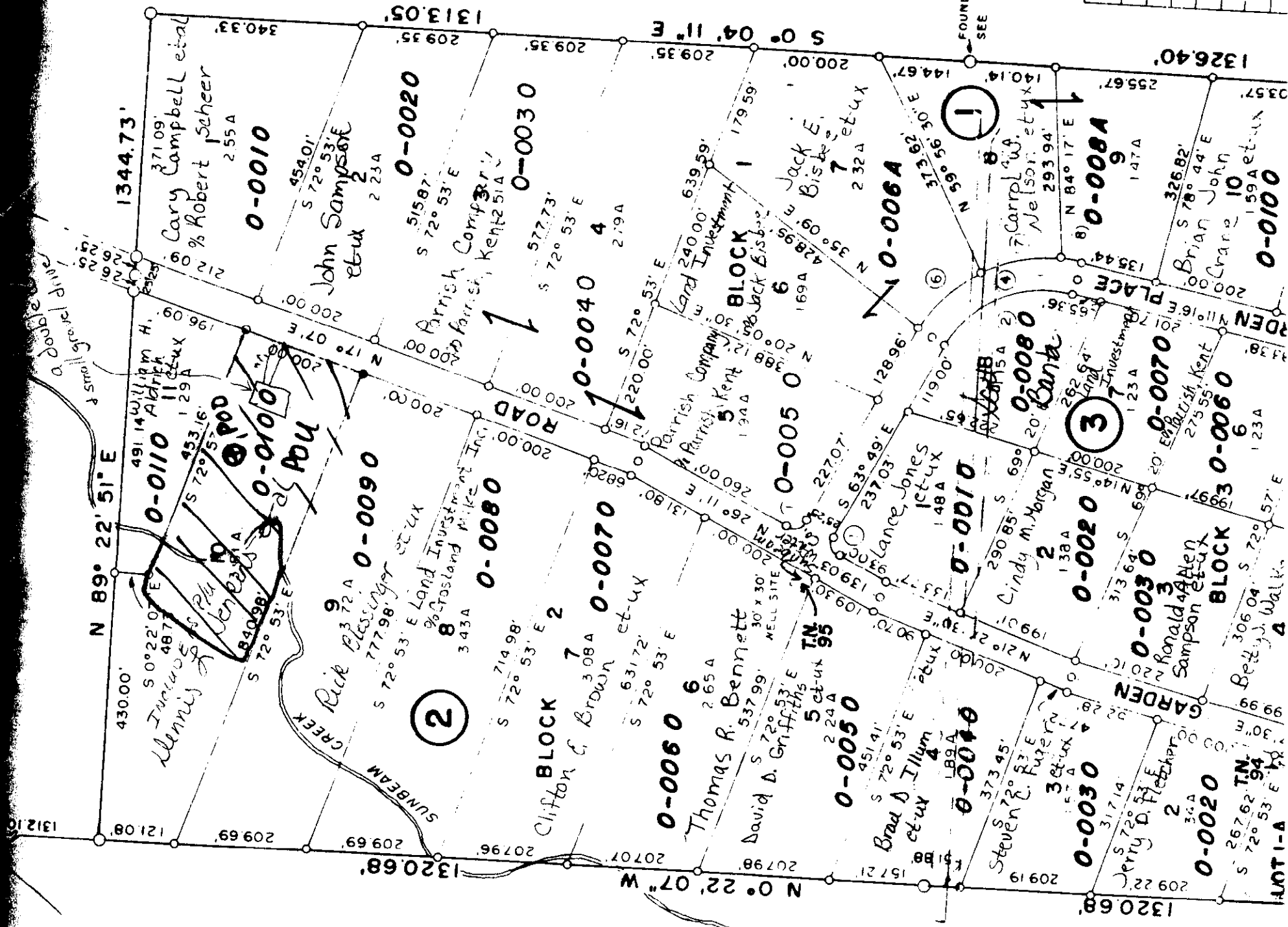
Lucy St
NOTAR, PUBLIC
My Commission exp

COUNTY COM
This plat was duly
of Power, Idaho, a
hereon was accepte
day of

CLERK

COUNTY SUR
I, CARL J. F
plat and I am satis
local ordinances

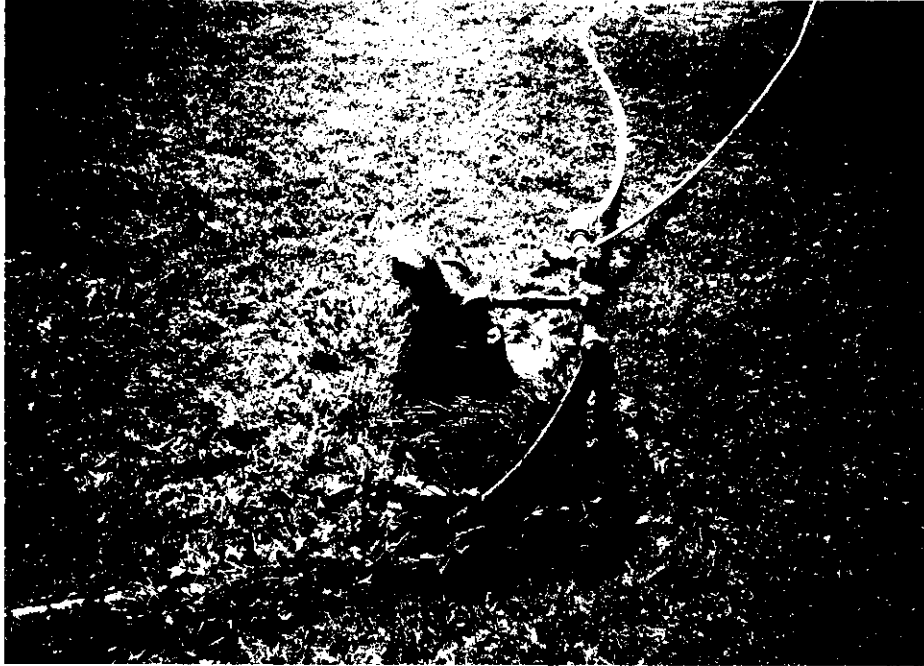
CURVE DATA				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
1	90° 00' 00"	20.00'	31.42'	20.00'
2	75° 05' 00"	175.00'	229.32'	134.48'
3	92° 01' 30"	175.00'	281.07'	181.30'
4	75° 05' 00"	200.00'	262.09'	153.70'
5	92° 01' 30"	200.00'	321.23'	207.20'



SCALE
1" = 200'

LEGEND
1/2" IRON PIN
5/8" IRON PIN

Point of diversion



29-7951

STEVE Mueller / Keith Wilson

I'm sending you a copy of this contract that David B LeCompte signed saying that all water & water rights, ditches and ditch rights shall be included in the Sale.

At this time I don't have an address for David LeCompte as he is somewhere in Washington State. Please let me know if this is all you need or if I have to try & locate him.

Thank you,

Sharon Jenkins
3032 Garden Rd
Am. Falls, Id. 83211
208-226-7358

Permit No. 29-07951

RECEIVED

AUG 23 1995

Department of Water Resources
Eastern District Office

MICROFILMED

MAR 10 1997

RECEIVED

REAL ESTATE PURCHASE AND SALE AGREEMENT
(with Earnest Money Provision)

THIS CONTRACT CONTAINS THE ENTIRE AGREEMENT OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING: IF ANY QUESTIONS, CONSULT YOUR ATTORNEY.

Department of Water Resources Dennis Jenkins and Sharon LeCompte

(hereinafter called "Buyer") agrees to purchase, and the undersigned agrees to sell the following described real estate hereinafter referred to as "premises" located in American Falls (Rural) County of Power State of Idaho, commonly known as 3032 Garden Road

legally described as: Lot 10, Block 2, Garden Grove Estates and a 14' x 70' Concord mobile home. Serial #2744.

A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete).

1. TOTAL PURCHASE PRICE IS Twenty-two thousand eight hundred and no/100's** (Approx.)
DOLLARS (\$ 22,800.00) payable as follows:

- A. Earnest Money.
(a) Buyer hereby deposits and a receipt is hereby acknowledged of N/A Dollars (\$) evidenced by: ☐ Cash, ☐ Personal Check, ☐ Cashiers Check, ☐ Note Due or paid or delivered as earnest money in part payment of the purchase price for the premises.
(b) Earnest Money to be deposited in trust account upon acceptance by all parties.
(c) All Earnest Money shall be held by PIONEER TITLE CO. for the benefit of the parties hereto, and N/A (Broker) shall hold the completely executed broker's copy of this agreement.
B. Balance of purchase price to be paid as follows: Farm Bureau Finance Company and Dennis Jenkins and Sharon LeCompte at time of closing.

Seller is to gross approximately \$10,000.00 with all taxes to be paid current from this amount by Seller. Net will be no less than \$9,500.00 after payment of taxes.

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of 7-30-94. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are:

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that PIONEER Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be PIONEER TITLE COMPANY N/A is the broker responsible for the closing. Where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be on 7-30-94 or before.

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before 7-30-94, and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of 7-30-94, except as follows: Utilities

Buyer shall pay for fuel in fuel tank, the amount to be determined by the supplier at Seller's expense.
8. The parties agree that this agreement contains the following additional terms and conditions: Buyer agrees to assume responsibility for payment of all closing costs (in full) including but not limited to, title insurance policy and preliminary report of commitment.

9. The following items of property now on the premises are specifically excluded from the sale: N/A

The following items of personal property are specifically included in the sale: Stove, refrigerator, wood burning pipe for irrigation and grapes.

10. IMPORTANT: THE RESERVE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.

Buyer Dennis Jenkins 3032 Garden Rd. American Falls, ID
Buyer's Address 83211

Buyer Sharon LeCompte 208-226-7358
Buyer's Phone

On this date, 7-30-94 I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all terms thereof on the part of the Seller. I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties.

Seller Sharon LeCompte 7309 W. Hampden Ave., #4701 Lakewood, CO
Seller's Address 80227

Seller Dennis Jenkins 303-988-3406
Seller's Phone

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this 30 day of July, 19 94.

Buyer Dennis Jenkins Buyer Sharon LeCompte

STATE OF IDAHO)
County of Power) ss

On this 30 day of July, 19 94, before me, the undersigned, a Notary Public in and for said State, personally known to me to be the person(s) who signed the foregoing instrument as Seller and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public for Idaho

Residing at

RECORDED
202 10 1937

11. All attached floor coverings, attached television antenna, attached plumbing, bathroom and lighting fixtures, window screens, screen doors, storm windows, storm doors, shades, venetian blinds, curtain rods, trees, plants, shrubbery, waterheating apparatus and fixtures, attached fireplace equipment, awnings, cooling and heating systems including built-in dishwashers and drop-in ranges, (but excepting all other ranges), fuel tanks and irrigation fixtures and equipment, all water and water rights, and ditches and ditch rights appurtenant thereto that are now on or used in connection with the premises shall be included in the sale unless otherwise provided herein.

12. If financing is required, the Buyer agrees to make a best effort to procure same and further agrees to make application therefor within five (5) days after Seller's acceptance of this agreement. If VA, FHA, or IHA financing is contemplated, additional provisions pertaining thereto may be attached hereto and are thereby incorporated herein by reference. The Buyer and Seller hereby authorize the parties designated in Paragraph 1A(c) hereof to advance such portion of the Earnest Money deposited as may be required to pay credit report fees, appraisal and other initial loan charges attributable to Buyer's financing. The parties agree that the Earnest Money less such loan charges if any may be refunded in the event financing contemplated by the Buyer is not obtainable.

13. Should the premises be materially damaged by fire or other causes, prior to closing the sale, this agreement shall be voidable at the option of the Buyer.

14. If Seller executes this agreement, and title to said premises is marketable and insurable and the Buyer neglects or refuses to comply with the terms or any conditions of sale within five (5) days from the date on which said term or condition is to be complied with, then the Earnest Money shall be forfeited, and considered as liquidated damages to Seller, and Buyer's interest in the premises shall be immediately terminated. The broker shall pay from said Earnest Money the costs of title insurance, escrow fees, attorney fees and any other expenses directly incurred in connection with this transaction and the remainder shall be apportioned one-half to the Seller and one-half to the broker, provided the amount to broker does not exceed the agreed commission. Such forfeiture and acceptance by Seller and broker of the Earnest Money as liquidated damages does not constitute a waiver of other remedies available to Seller and broker.

15. In the event of default by either of the parties in their performance of the terms and conditions of this agreement, the defaulting party agrees to pay all attorney fees and costs incurred by the non-defaulting party.

16. In the event of default in the performance of the terms and conditions of this agreement by either party, the defaulting party agrees to pay the broker the commission which the broker is entitled to receive from the Seller for his/her services in connection with the sale of the premises.

17. The undersigned Buyer hereby acknowledges further that he has not received or relied upon any statements or representations by the undersigned broker or his representative or by the Seller which are not herein expressed. The Buyer has entered into this agreement relying solely upon information and parties and that no warranties, agreements or representations have been made or shall be binding upon either party unless herein set forth.

18. Unless expressly stated otherwise herein, this agreement is the final agreement and shall be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto.

19. Time is of the essence of this agreement.

MICROFILMED
MAR 10 1967

March 12, 1993

DAVID B. LE COMPTE
3032 GARDEN RD
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07951

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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

Enclosure

MICROFILMED

APR 07 1993

Dear Karen,
My husband was
walking out of town
at the time. By time
he received the infor-
mation and was able
to get ahold of the
well drillers name and
informing the time
had lapsed.

Thank You,

Sharon

RECEIVED

MAR 8 1993

Department of Water Resources

APR 07 1993

27-7951

FUNK'S DOMESTIC PUMP SERVICE



**Franklin
Electric**

JUSTIN FUNK
2845 Vollmer Loop
AMERICAN FALLS, IDAHO 83211
(208) 228-5242

JACUZZI

Customer's Order No. _____ Date July 3 1990

Sold To Sharon Le Compte

Address 3032 Barden Rd
Am Falls Id 83211

SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT	MOSE. RET'D	PAID OUT
Justin Funk			☒			
QUAN	DESCRIPTION	PRICE	AMOUNT			
1	3 HP 10 230V Franklin Motor	500.00				
1	1 1/2" check valve	27.75				
1	1 1/2" tee	3.60				
1	Bleeder valve	6.00				
		537.35				
	Acres Tax	26.87				
		564.22				
	Latex	50.00				
		614.22				
	Pd by ck #1636	400.00				
		214.22				

TERMS: Net 15 days. All Past Due Balances subject to 1 1/2 % FINANCE CHARGE.

All claims and returned goods MUST be accompanied by this bill.

Nº 000015 Received by _____

March 1, 1993

To Whom it May Concern

I am witness to the fact that from the summer of 1988 to the present time - Dave and Sharon DeCompte have watered their cows from the creek which runs across their land and used their well system to water their land and garden during the watering season!

We have live next door to them since they purchased their place.

Pamela Aldrich
3028 Garden Rd.
Am. Falls, Id.
83211
(208) 226-2408

1-2-93

3-1-93

Dave + Sharon Le Compte have had
cave drinking from the creek
which runs thru their property
and they also use their
well to water their land
and garden from 1988 to
the present. We are
witnesses to this!

Bill + Pam Aldrich
3028 Garden Rd.
Am Falls, Id. 83211

APR 07 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 8, 1993

David B LeCompte
3032 Garden Road
American Falls, ID 83211

RE: Permit No. 29-07951

Dear Permit Holder:

The Department received your proof of beneficial use statement for the above referenced permit on February 9, 1993. The permit lapsed on August 1, 1991, so the 60-day late period during which the permit can be readily reinstated has passed.

Because you failed to file the proof of beneficial use in a timely manner, and pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can be reinstated only if you submit the following:

- a) Two pieces of evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date, and
- b) Reasonable cause why the proof of beneficial use was filed late.

Your proof of beneficial use statement along with any information which may have been submitted with it, will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

You should also be aware, that since the proof was filed late, your priority date has been penalized. Provided you supply the requested information, your priority date of April 2, 1990 will be advanced to February 1, 1993.

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

Sincerely,

Handwritten signature of Karen L. Gustafson in cursive script.
Karen L. Gustafson
Secretary/Records Manager

Enclosure

I certify that file No. 29-07951

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

Brenda Milla
Signature

4-17-92
Date

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

WATERBOP
(88-26)

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/08/92 09:37:44
Page 1

Water Right Number - 29-07951

Prefix Translation: WATER RIGHT

Old (D) Number -

----- Last Name ----- + First Name ----- + Address -----

*** C - CURRENT OWNER ***
LE CORPTE

DAVID B.

1 - 3032 GARDEN RD.

2 -

3 -

City- AMERICAN FALLS
Phone - 208-226-7905

State- ID Zip- 83211

----- Priority Date -----
04/02/1990

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

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

----- Status -----

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

----- Tributary -----

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

00S 31E 1 SW NW (77) POWER

----- Water Use -----
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.120

----- Total Div. Rate ----- + ----- Total Div. Volume ----- + ----- Total Div. Capacity -----
0.120

----- Place of Use -----
Tun Rng Sec Tract Lot Acres Code Description County
00S 31E 1 SW NW 4.0 01 IRRIGATION (77) POWER

Total Acres: 4.0

----- Diversion Means ----- WELL, PUMP

----- Non-Irrigation Use -----

----- Other Rights for Same Use -----

----- Remarks -----
Stockwater use is for 3 cattle.

----- Old Water Right Numbers -----
No Old Water Right Numbers found.

----- Conditions of Approval -----

- 048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
049 - The Director retains jurisdiction of the right and any license

MS800ep
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/08/92 00:37:44
Page 2

Water Right Number: 29-07951 Prefix Translation: WATER RIGHT

* Conditions of Approval
(Condition continued from previous page)
- 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.
046 - Permit holder shall comply with the drilling permit requirements
of Section 42-235, Idaho Code.
057 - The rate of diversion of water for irrigation under this right
and all other water rights on the same land shall not exceed
0.03 cubic feet per second for each acre of land.

* Decree Plaintiff * Decree Defendant * Decree Date *
00/00/0000

* Comments
Date: 11/01/1991 User Id: SKAGGS Subject: PERMIT STATUS
PROOF RECEIVED/CORRESPONDENCE 10-24-91/KAREN PROCESSING
Date: 11/25/1991 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

* Audit Fields: 05/16/90 BODELL 07/26/90 CURTIS 07/30/90 CURTIS 11/01/91 SKAGGS 11/25/91 COMMENTS

* Water Rights Dates and Flags Area
Proof Due Date: 08/01/1991 Field Exam Made: 00/00/0000 Field Exam Fee: -
Approved/Denied: 07/31/1990 Protested Date: 00/00/0000 Swan Falls: -
Proof Made Date: 00/00/0000 Hearing Date: 00/00/0000 Temporary Right: - P
Exam to S.D. Date: 00/00/0000 Verified Date: 00/00/0000 DLE/Carey Act: -
Order Show Cause: 00/00/0000 Receipt Number: - Water District: -
Licensed Date: 00/00/0000 Appl. Received: 04/03/1990 Transfer/Amended: -
Decree Date: 00/00/0000 Presumption Flag: -

November 25, 1991

Mr. David B. LeCompte
3032 Garden Road
American Falls, ID 83211

Dear Permit Holder:

Re: Permit No. 29-07951

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. This office did not receive either an acceptable Proof of Beneficial Use submittal or an acceptable request for an extension of time to our letter of May 31, 1991. No further construction or additional development is authorized under this permit unless it is reinstated.

Your permit cannot be reinstated unless you submit the Proof of Beneficial Use or submit an Extension of Time Request showing reasonable cause for the delay. Either the completed Proof of Beneficial Use Submittal including the examination fee, or a completed field examination report; or the extension request form together with the \$15 fee, must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

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

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7846

CECIL D. ANDERSON
GOVERNOR
R. KEITH WOODRUM
DIRECTOR

October 24, 1991

Mr. David B. LeCompte
3032 Garden Road
American Falls, ID 83211

RE: Permit No. 29 07951

Dear Mr. LeCompte:

Enclosed is your Proof of Beneficial Use Form. Before we can complete processing, additional information and a license fee is required.

A drilling permit is required for all well drilled, deepened or enlarged after July 1, 1987 (Section 42-235, Idaho Code). You have indicated the drilling date as 1987. If your well was drilled after July 1, please submit a copy of the drilling permit. If it was drilled before this date, please indicate this on the form.

I have also enclosed an instruction sheet which will assist you in completing the Proof of Beneficial Use form. Please note the fee schedule on the back of the instructions. You have applied for .12 cfs. The license exam fee is \$50 and will need to be returned with the form as well.

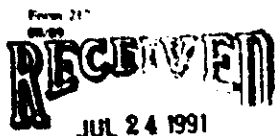
Please provide the appropriate information by November 24, 1991.

If you have any question, feel free to contact this office.

Sincerely,

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

Enclosures - 2



Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

For Office Use Only
Amount of Fee \$
Date
Receipt No.
Received by

Copy

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 user(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. 27-07251 Telephone No. 226-2749

Name(s) of Permit Holder(s) DAVID B. LE COMPTÉ

Post Office Address 3032 GARDEN RD, AMERICAN FALLS, ID 83211

Source of Water GROUND WATER

If ground water, well driller's name KEN VOLLMER Date drilled 1987

Extent of Use
Domestic 1 (No. of households) Irrigation 4 (No. of acres)
Stockwater 3 (No. and type of stock) Other _____
CATTLE

Total rate and/or volume for which proof is submitted 0.12 cfs _____ acre-feet

Show date water was first diverted and beneficially used under this permit April 2, 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: \$ 0 (See License Examination Fee Schedule)

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

Name SHARON LECOMPTÉ Telephone No. 226-2749

Address 3032 GARDEN RD AMER. FALLS, ID 83211

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date 7/13/91 Signature (and title if on behalf of a company or organization) David B. LeCompté

DAVID B. LE COMPTE
3032 GARDEN RD.
AMERICAN FALLS, ID 83211

May 31, 1991

RE: PERMIT NO. 29-07951 PROOF DUE NOTICE

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
August 1, 1990

DAVID B. LE COMPTE
3032 GARDEN RD.
AMERICAN FALLS, ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-07951

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

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,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

23-May-1990

David B. LeCompte
3032 Garden Rd.
American Falls, ID 83211

RE: Application for Permit No. 29-7951

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 7 & 14, 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

29-07951

LE COMPTE, DAVID B.
3032 GARDEN RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWNW Sec 1 T 08S R 31E

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

Date Filed: 4/3/1990

In: T08S R31E S01 SWNW

4.0 ACRES TOTAL