

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-07942)
IN THE NAME OF DALE B. KIRKHAM AND DALE B.) ORDER OF
KIRKHAM JR.) REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before July 1, 1992; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

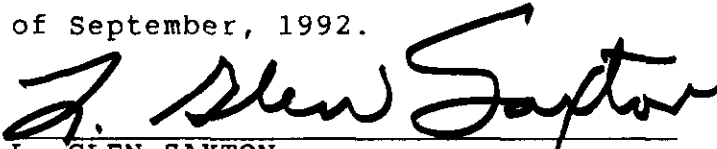
WHEREAS, on July 1, 1992, the permit lapsed for failure to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on July 6, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-07942 be REINSTATED with an advance in priority to March 31, 1990.

Dated this 3rd day of September, 1992.


L. GLEN SAXTON
Chief, Water Allocation Bureau

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SEP 09 1992

State of Idaho
Department of Water Resources

NO. 29-07942

Proposed Priority: March 26, 1990 Maximum Diversion Rate: 0.09 CFS
This is to certify, that DALE B. KIRKHAM

DALE B. KIRKHAM, JR.
P.O. BOX 4026
POCATELLO, ID 83201

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

PERIOD OF USE

RATE OF DIVERSION

03/15 to 11/15

0.09 CFS

NESW Sec. 8, Township 07S, Range 35E
BANNOCK County

NESW Sec. 8, Township 07S, Range 35E
BANNOCK County

PLACE OF USE: IRRIGATION

ACRES

ACRES

ACRES

TOTAL

NESW 3

3

3

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1992**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

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JUL 20 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07942

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

28th day of June, 1990.

for R. Keith Higginson, Director

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JUL 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Dale B. Kirkham or Dale B. Kirkham Phone 208-232-6886
Post office address Box 4026 Pocatello, Idaho 83201
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 8 Township 7S Range 35E B.M. Bannock County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.09 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) 0.09 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well pump flexible hose
for sprinkler irrigation
 - 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 150 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to beneficial use is
2 years (minimum 1 year).

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	8									3								3

Total number of acres to be irrigated 3

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

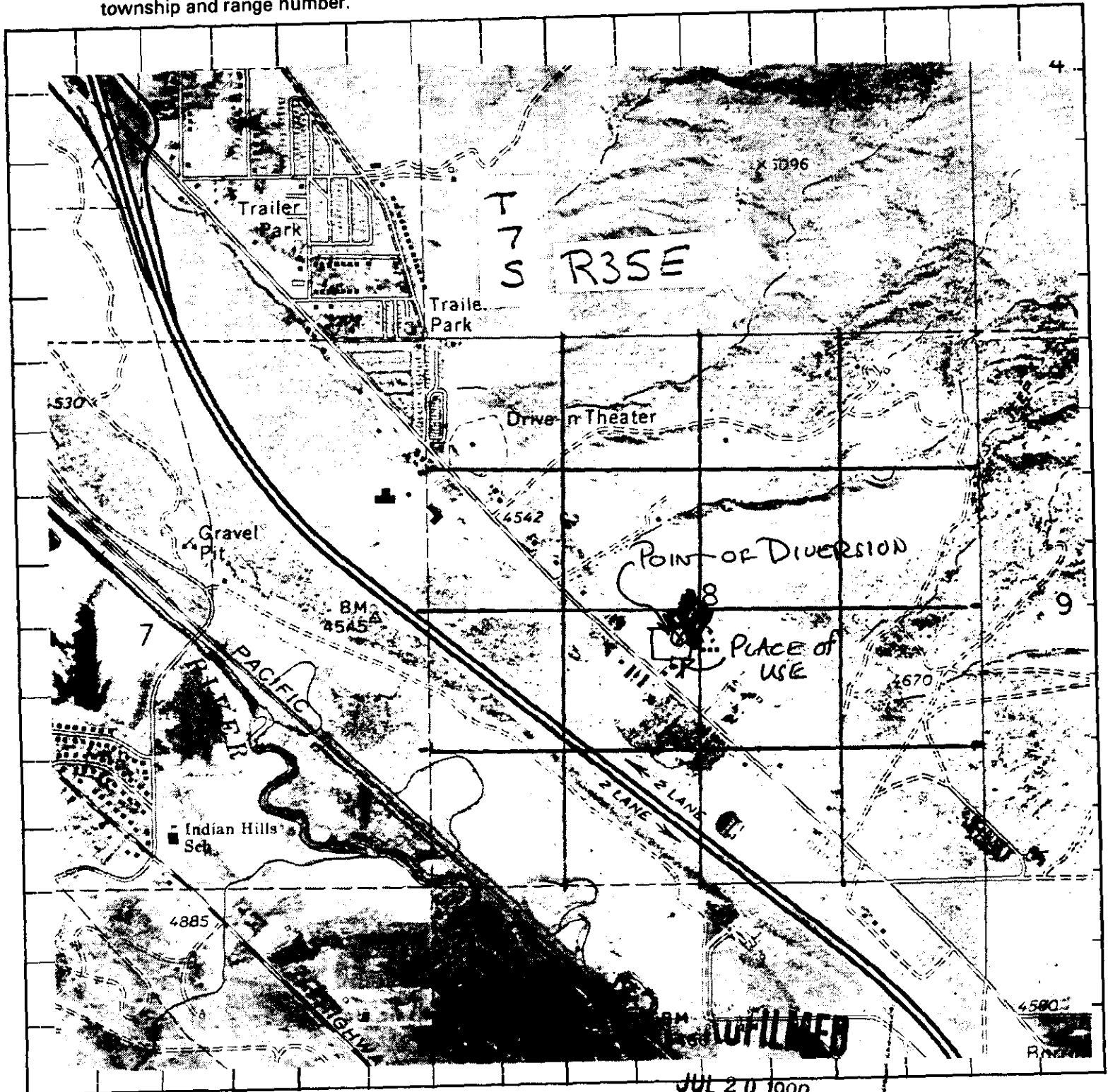
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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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.

JUL 20 1990

Dale B. [Signature]
(Applicant)

Assisted By Kew.

Received by _____ Date 3/26/90 Time 1:00 hrs Preliminary check by _____

Fee \$ 30⁰⁰ Received by Kew # E012536 Date 26 Mar 1990

Publication prepared by RB Date 5-17-90 Published in ID State Journal

Publication approved RB Date 6-5-90

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:

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POCATELLO, ID 83201
Source: SPRING
Tributary: SINKS
Diversion Pt:
NENSW Sec 8 T 07S R 35E
Use: IRRIGATION (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 3-26-1990
In: T07S R35E S08 SENW NESW
NWSE
12.0 ACRES TOTAL
29-07940

DAVIS, GLADE H.
21128 S. MARSH CREEK RD.
DOWNEY, ID 83234
Source: GROUNDWATER
Diversion Pt:
NWSE Sec 23 T 11S R 36E
Use: IRRIGATION (2.400 CFS)
Total Diversion: (2.400 CFS)
Date Filed: 3-19-1990
In: T11S R36E S23 SWNE NESW
NWSE
120.0 ACRES TOTAL
29-07941

KIRKHAM, DALE B.
KIRKHAM, JR., DALE B.
P.O. BOX 4026
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt:
NWSW Sec 22 T 06S R 34E
Use: COMMERCIAL (.080 CFS)
Total Diversion: (.080 CFS)
Date Filed: 3-26-1990
In: T06S R34E S22 NWSW
29-07942

KIRKHAM, DALE B.
KIRKHAM, DALE B.
P.O. BOX 4026
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt:
NESW Sec 8 T 07S R 35E
Use: IRRIGATION (.090 CFS)
Total Diversion: (.090 CFS)
Date Filed: 3-26-1990
In: T07S R35E S08 NESW
3.0 ACRES TOTAL
29-07943

SNOOK, DONALD W.
SNOOK, MARILYN F.
RT. 1, BOX 86C
POCATELLO, ID 83401
Source: GROUNDWATER
Diversion Pt:
NWNENE Sec 36 T 05S R 33E
Use: IRRIGATION (.090 CFS)
Total Diversion: (.090 CFS)
Date Filed: 3-23-1990
In: T05S R33E S36 NENE
3.0 ACRES TOTAL
29-07944

DAVIS GLADE H.
DOWNEY, ID 83234
Source: GROUNDWATER
Diversion Pt:
NENE Sec 26 T 11S R 36E
Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)
Date Filed: 3-19-1990
In: T11S R36E S26 NENE NWNE
80.0 ACRES TOTAL
35-08887

ANTHONY, JAY N.
ANTHONY, GOLDIE O.
P.O. BOX 210
INKOM, ID 83245
Source: SPRING
Diversion Pt:
NENSW Sec 9 T 10S R 38E
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 3-15-1990
In: T10S R38E S09 SWNE
35-08888

ANTHONY, JAY N.
ANTHONY, GOLDIE O.
P.O. BOX 210
INKOM, ID 83245
Source: SPRING
Tributary: SINKS
Diversion Pt:
NESW Sec 20 T 10S R 38E
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 3-15-1990
In: T10S R38E S20 SWSE
The permit(s) will be subject to all
prior water rights. Protests may be
submitted based on the criteria of
Sec. 42-203A, Idaho Code and/or the
new public interest criteria of Sec.
42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on
or before JUNE 4, 1990.
S/R. Keith Higginson,
Director
May 17, 24, 1990
No. 383

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JUL 20 1990

September 4, 1992

DALE B. KIRKHAM
DALE B. KIRKHAM, JR.
P.O. BOX 4026
POCATELLO ID 83201

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07942

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

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RECEIVED

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Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 7-6-92

Receipt No. 8024815

Receipt by [Signature]

JUL 6 1992

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 29-07942 Telephone No. 208-232-6886
2. Name(s) of Permit Holder(s): Dale B. Kirkham on Dale B. Kirkham Tr.
3. Mailing Address: Box 4026 Pocatello 83201
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

Drilled prior to 1987

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

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 3 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.09 cfs OR _____ acre/feet

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

Measuring device: Required? _____ Yes ☒ No _____ Installed? _____ Yes ☒ No _____

Flow Measurement Port: Required? _____ Yes ☒ No _____ Installed? _____ Yes ☒ No _____

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Name Kirk Kirkham Telephone No. 233-1463

Address Box 4026 Pocatello, Idaho

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

Date June 15, 92

Signature (and title, if on behalf of a company or organization) Dale B. Kirkham

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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

September 1, 1992

Dale B. Kirkham
Dale B. Kirkham Jr.
Box 4026
Pocatello, ID 83201

Re: Permit No.'s 29-07941 and 29-07941

Dear Permit Holder:

As you are aware, I have returned your proofs of beneficial use, submitted in connection with the above referenced permits, for failure to properly complete them.

Since your permits lapsed on July 1, 1992, they are of no further force nor effect. Until the properly completed forms are returned, they cannot be reinstated and continue to remain lapsed.

I understand that you have been out of state and have subsequently held the permits pending your return. However, we can no longer continue to hold the files without action.

Please return the original properly completed forms no later than September 10, 1992.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

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JUL 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
 GOVERNOR

R. KEITH HIGGINSON
 DIRECTOR

August 10, 1992

Dale B. Kirkham
 Dale B. Kirkham Jr.
 Box 4026
 Pocatello, ID 83201

Re: Permit No.'s 29-07941 and 29-07942

Dear Permit Holder:

On July 8, 1992, I returned the Proof of Beneficial Use forms you submitted in connection with the above referenced permits. They were incomplete as submitted, and required further information concerning the well drilling. I also requested that you return the correctly completed form within 30 days.

As of this date, I have not received the corrected forms. You should be aware that your permits lapsed on July 1, 1992, and are of no further force nor effect. Your priority date for each permit is being penalized by one day for every day that they are not returned. Furthermore, if they are not returned on or before September 1, 1992, it may not be possible for the Department to reinstate the permits.

I would ask once again that you complete the well drilling info and return the correctly completed form as soon as possible. If I have not received them by September 1, 1992, I will assume you no longer wish to pursue these permits.

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

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
 Secretary/Records Manager

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JUL 20 1992

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*P.S. - 92
 Obviously we want the permits
 or we would not have filed
 initially. Mr. Kirkham will be out of
 the office until 8-31-92 and he will
 call you on that date.
 Dale's Auto Supply
 Fax 208-232-6571*



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

August 10, 1992

Dale B. Kirkham
Dale B. Kirkham Jr.
Box 4026
Pocatello, ID 83201

Re: Permit No.'s 29-07941 and 29-07942

Dear Permit Holder:

On July 8, 1992, I returned the Proof of Beneficial Use forms you submitted in connection with the above referenced permits. They were incomplete as submitted, and required further information concerning the well drilling. I also requested that you return the correctly completed form within 30 days.

As of this date, I have not received the corrected forms. You should be aware that your permits lapsed on July 1, 1992, and are of no further force nor effect. Your priority date for each permit is being penalized by one day for every day that they are not returned. Furthermore, if they are not returned on or before September 1, 1992, it may not be possible for the Department to reinstate the permits.

I would ask once again that you complete the well drilling info and return the correctly completed form as soon as possible. If I have not received them by September 1, 1992, I will assume you no longer wish to pursue these permits.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

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SEP 09 1992
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JUL 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 8, 1992

Dale B Kirkham and Dale B Kirkham Jr
P.O. Box 4026
Pocatello, ID 83201

RE: Permit No. 29-07942 and 29-079041

Dear Permit Holder:

Returned is your Proof of Beneficial Use Form. Before we can complete processing, additional information is required.

A drilling permit is required for all wells drilled, deepened or enlarged after July 1, 1987 (Section 42-235, Idaho Code). You have indicated neither the well driller or the date the well was drilled. If the well was drilled prior to July 1, 1987, simply indicate this on the form and return it to me.

If your well was drilled after July 1, 1987, please submit a copy of the drilling permit. The well log should have been submitted by the driller within 30 days of the completion of the well. If you have a copy of the well log, please submit that as well. If you do not, please contact your driller and ask that he submit a copy.

Please return the completed document to me within 30 days of the date of this mailing. At that time, I will continue to process your proof of beneficial use. Please address all correspondence directly to me.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

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SEP 09 1992
JUL 20 1992

April 30, 1992

DALE B. KIRKHAM
DALE B. KIRKHAM, JR.
P.O. BOX 4026
POCATELLO ID 83201

PROOF DUE NOTICE

RE: PERMIT NO. 29-07942

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 July 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



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SEP 09 1992

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JUL 20 1992

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 29, 1990

DALE B. KIRKHAM
DALE B. KIRKHAM, JR.
P.O. BOX 4026
POCATELLO, ID 83201

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P29-07942

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you

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JUL 20 1990

commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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JUL 20 1990

10-May-1990

Dale B. Kirkham
Pocatello, ID 83201

RE: Application for Permit No. 27-7510, 29-7939, 29-7941,
29-7942

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 Morning News on MAY 17 & 24, 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

MICROFILMED
JUL 20 1990

29-07942

KIRKHAM, DALE B.
KIRKHAM, DALE B.
BOX 4026
POCATELLO, ID 83201

Source: GROUNDWATER

Diversion Pt: NESW Sec 8 T 07S R 35E

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Use: IRRIGATION          ( .090 CFS)
      Total Diversion: ( .090 CFS)

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Date Filed: 3/26/ 1990

In: T07S R35E S08 NESW

3.0 ACRES TOTAL

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JUN 24 1982

JUL 20 1990

~~SECRET~~