

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 29-07912

Priority: April 2, 1990

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

2.4 AF

This is to certify, that D & M WATER ASSN

PO BOX 5315

CHUBBUCK ID 83202

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 December 31, 1992. An examination indicates that the works have a diversion capacity of 0.660 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>
DOMESTIC	01/01 to 12/31	0.04 CFS	2.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 26, Township 05S, Range 34E
SWNW , Sec. 26, Township 05S, Range 34E
NENE , Sec. 27, Township 05S, Range 34E
SENE , Sec. 27, Township 05S, Range 34E
BANNOCK County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 34E 26	NWNW	SWNW
27	NENE	SENE

CONDITIONS OF APPROVAL AND REMARKS

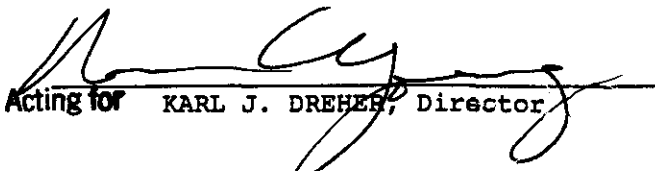
1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. Rights 29-07281, 29-07367, and 29-07912 when combined shall not exceed a total diversion rate of 0.66 cfs.
4. Domestic use under this right is for 2 homes.
5. Rights 29-07281, 29-07367 and 29-07912 combined serve a total of 40 homes located in D & M Country Estates.

MICROFILMED

JAN 08 1999

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 29-07912

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 31st day of December, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
JAN 08 1999

State of Idaho
Department of Water Resources

RECEIVED

DEC 23 1998

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07912

Department of Water Resources

Date of Priority: April 2, 1990

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

2.4 AF

Comes now

D & M WATER ASSN

PO BOX 5315

CHUBBUCK ID 83202

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. 29-07912, 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>
DOMESTIC	01/01 to 12/31	0.04 CFS	2.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 26, Township 05S, Range 34E
SWNW , Sec. 26, Township 05S, Range 34E
NENE , Sec. 27, Township 05S, Range 34E
SENE , Sec. 27, Township 05S, Range 34E
BANNOCK County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 34E 26
27

NWNW
NENE

SWNW
SENE

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 Pocatello, this 30 day of November, 1998.

MICROFILMED

JAN 08 1999

Jeff Coulson
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07912

FOR DEPARTMENT USE ONLY

Preliminary check by gvt Fee = 50⁰⁰ Received by BLG # 1044189 Date 12-23-98

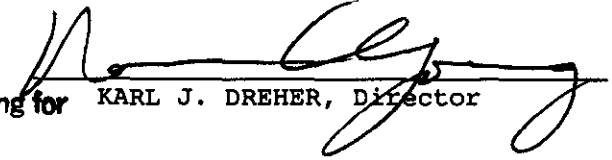
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-07912 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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.
3. Rights 29-07281, 29-07367, and 29-07912 when combined shall not exceed a total diversion rate of 0.66 cfs.
4. Domestic use under this right is for 2 homes ~~and 2 homes located in the D & M Country Estates.~~
5. Rights 29-07281, 29-07367 and 29-07912 combined serve a total of 40 homes located in D & M Country Estates.

Witness my hand this 31ST day of DECEMBER, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
JAN 08 1999

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DEC 31 1992

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 12-31-92

Receipt No. 026411

Receipt by [Signature]

STATE OF IDAHO
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. 29-07912 Telephone No. 208-237-1042
2. Name(s) of Permit Holder(s): DEM WATER ASSN.
3. Mailing Address: P.O. Box 5315 CHUBBUCK, IDA. 83202
4. Source of Water: GROUNDWATER

If GROUNDWATER, Well Driller's Name: CUSHMAN, BLACKFOOT ID. Date Drilled: July 1988

OPTIONAL:

Pump horsepower: 10 Pressure (psi): 65 Dynamic pumping level (ft.):

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

Domestic 2 ^{12/31/92 lfg} (No. of households) Stockwater (No. and type of stock)

Irrigation 8 (No. of acres) Other

6. Total rate and/or volume for which proof is submitted .20 cfs OR acre/feet

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

Measuring device: Required? Yes No Installed? Yes No

OR
Flow Measurement Port: Required? 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.

GARY B. ERICKSON 208-237-1042
Name Telephone No.

13540 MOONGLOW LN. CHUBBUCK, ID 83202
Address

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

12/12/92
Date

Gary Erickson President
Signature (and title, if on behalf of a company or organization)

APR 07 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07912

Proposed Priority: April 2, 1990

Maximum Diversion Rate:

0.20 CFS

This is to certify, that D & M WATER ASSN.

P.O. BOX 5315

CHUBBUCK, 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	0.16 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW	Sec. 26, Township 05S, Range 34E
SWNW	Sec. 26, Township 05S, Range 34E
NENE	Sec. 27, Township 05S, Range 34E
SENE	Sec. 27, Township 05S, Range 34E

BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	34E	26	SWNW 3			3
		27	NENE 2	SENE 3		5

Total number of acres irrigated: 8

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>
05S	34E	26	SWNW
		27	SENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.

MICROFILMED

MAR 04 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 29-07912

CONDITIONS/REMARKS:

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 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.
8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. Domestic use is for 2 homes.

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

22 day of February, 1991.

R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

MAR 04 1991

Ident. No. 29-07912

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Amended APPLICATION FOR PERMIT *Amended*

To appropriate the public waters of the State of Idaho

1. Name: D & M WATER ASSN.
Address: P.O. BOX 5315
CHUBBUCK, ID 83202

208-237-1042

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion:

NWNW Sec. 26, Township 05S, Range 34E
SWNW Sec. 26, Township 05S, Range 34E
NENE Sec. 27, Township 05S, Range 34E
SENE Sec. 27, Township 05S, Range 34E
BANNOCK County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.160		
DOMESTIC	01/01	12/31	0.040		

5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
4 WELLS, PUMPS, PIPELINES
- 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.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.

8. Description of proposed uses:
DOMESTIC AND IRRIGATION

9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES
05S	34E	26	SWNW 3
		27	NENE 2

ACRES	ACRES	TOTAL
SENE 3		3
		5

RECEIVED
MAR 04 1991

Ident. No. 29-07912
Page 2

Place of Use: DOMESTIC

TWN RGE SEC
05S 34E 26
27

SWNW
SENE

Total number of acres irrigated: 8

10. Describe any other water rights used for the same purposes.
29-07281, 29-07367, FORT HALL IRRIGATION

11. a. Who owns the property at the point of diversion?

APPLICANT

b. Who owns the land to be irrigated or place of use?

MEMBERS OF D & M WATER ASSN.

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

12. Remarks:

13. Map of proposed point of diversion and place of use attached? ☒

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.

Gary B. Erickson
Applicant

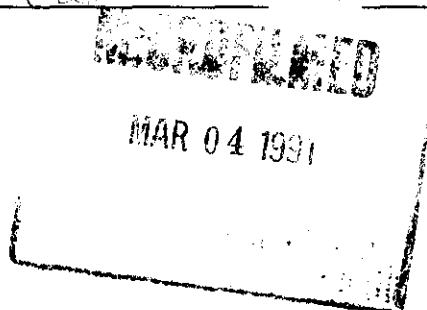
Board Member D & M Water

Received by CT Date 4-2-90 Time 7:00 Preliminary check by _____

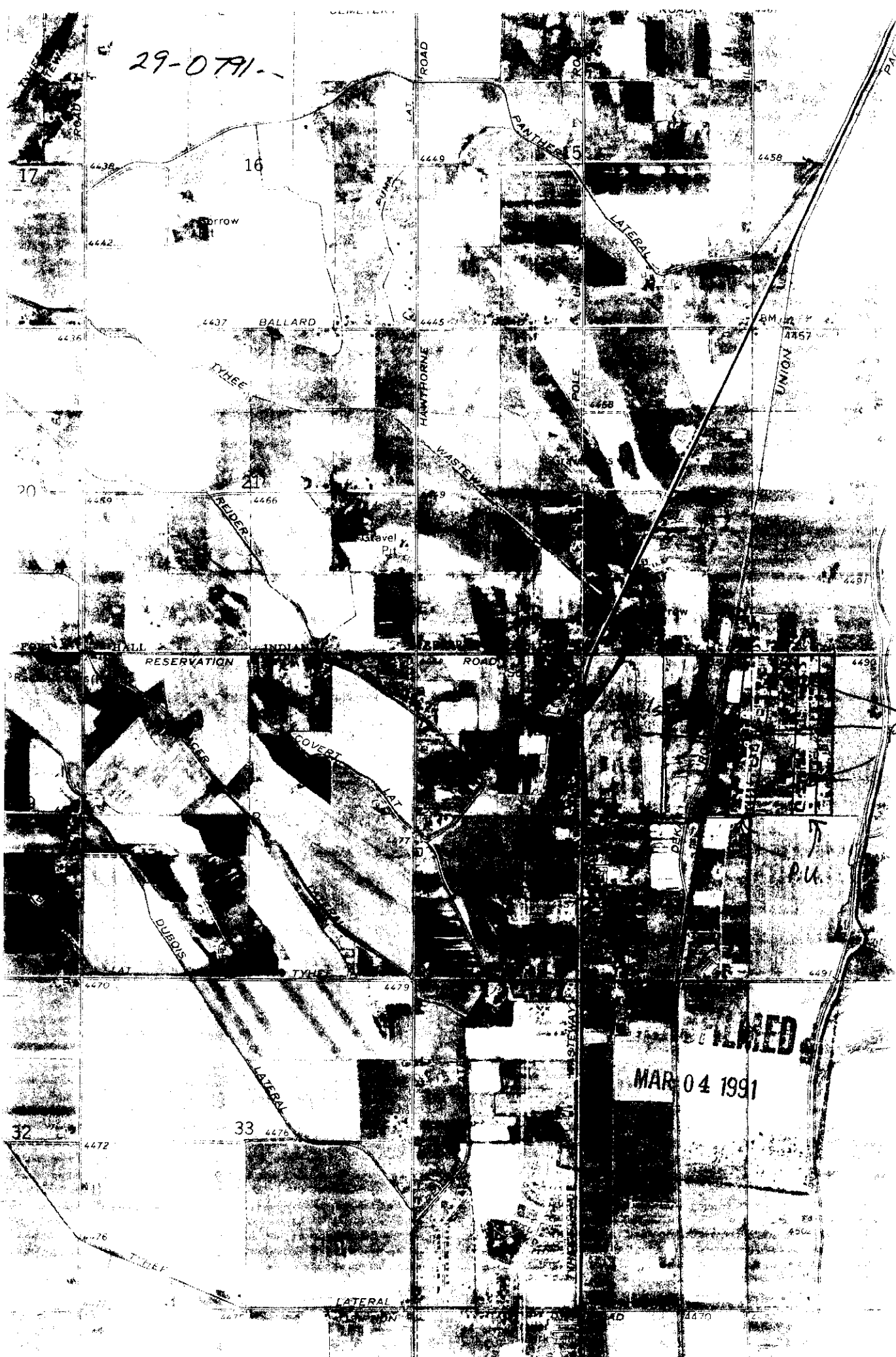
Fee \$ 30.00 Receipted by CT # 1006449 Date 4-2-90

Publication prepared by RB Date 11-18-90 Published in 70 State Trn

Publication approved (cc) Date 11-28-90



29-0791--



T55
R34E

P.D. 3

P.U.

FILMED
MAR 04 1991

BOARD OF DIRECTORS DEM WATER ASSN
GARY B. ERICKSON
KENYON HART
ROBERT TAYLOR
KEITH LARSON

INDEXED

MAR 04 1991

Ident. No. 29-07912

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: D & M WATER ASSN.
Address: P.O. BOX 5315
CHUBBUCK, ID 83202

208-237-1042

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion:

NWNW Sec. 26, Township 05S, Range 34E
SWNW Sec. 26, Township 05S, Range 34E
NENE Sec. 27, Township 05S, Range 34E
SENE Sec. 27, Township 05S, Range 34E
BANNOCK County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.160		
DOMESTIC	01/01	12/31	0.040		

5. Total quantity to be appropriated is:

0.040 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
4 WELLS, PUMPS, PIPELINES
- 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.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.

8. Description of proposed uses:
DOMESTIC AND IRRIGATION WATER

9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05S	34E	26	3			
		27	2	3		

RECORDED

MAR 04 1991

Ident. No. 29-07912
Page 2

Place of Use: DOMESTIC

TWN	RGE	SEC	
05S	34E	26	SWNW
		27	SENE

Total number of acres irrigated: 8

10. Describe any other water rights used for the same purposes.
29-07281, 29-07367, FORT HALL IRRIGATION

11. a. Who owns the property at the point of diversion?
APPLIC.

b. Who owns the land to be irrigated or place of use?
APPLIC.

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

12. Remarks:

13. Map of proposed point of diversion and place of use attached? []

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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MAR 04 1991

PROOF OF PUBLICATION RECEIVED

STATE OF IDAHO
County of Bannock

ss.

NOV 13 1990

Department of Water Resources
Eastern District Office

Sandra K. Wann

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-07912

D & M WATER ASSN.
P.O. BOX 5315
CHUBBUCK, ID 83202
Source: GROUNDWATER
Diversions Pt:
NWNW Sec 26 T 05S R 34E
SWNW Sec 26 T 05S R 34E
NENE Sec 27 T 05S R 34E
SENE Sec 27 T 05S R 34E
Use: IRRIGATION (160 CFS)
DOMESTIC (040 CFS)
Total Diversion: (200 CFS)
Dated Filed: 4-2-1990
In: T05S R34E S26 SWNW
S27 NENE SENE

8.0 ACRES TOTAL

29-08023

TRIPLE K LAND INC.
C/O KEITH GURR
2018 E. 11400 S.
SANDY, UT 84092
Source: GROUNDWATER
Diversions Pt:
SENE Sec 32 T 09S R 38E
Use: DOMESTIC (450 CFS)
Total Diversion: (450 CFS)
Date Filed: 8-31-1990
In: T09S R38E S29 SESE
S32 NENE SENE
S33 NENW NWNW

29-08025

KATSILOMETES, GEORGE WILLIAM
BOX 28
LAVA HOT SPRINGS, ID 83246
Source: GROUNDWATER
Diversions Pt:
LOT 2 (SWSE) Sec 21 T 09S R 38E
Use: COMMERCIAL (500 CFS)
Total Diversion: (500 CFS)
Date Filed: 5-2-1990
In: T09S R38E S21 LOT 2 (SWSE)

29-08026

NEILSEN, LENARD E.
774 POOLE AVE.
POCATELLO, ID 83201
Source: GROUNDWATER
Diversions Pt:
SENW Sec 23 T 10S R 38E

Use: IRRIGATION (1,420 CFS)
Total Diversion: (1,420 CFS)
Date Filed: 9-11-1990
In: T10S R35E S23 SWNW SENW
NESW NWSW

71.0 ACRES TOTAL

29-08027

MOWERS, HELEN M.
327 E. MERRILL RD.
MC CAMMON, ID 83250
MOWERS, CHARLES H.
327 E. MERRILL RD.
MC CAMMON, ID 83250
Source: GROUNDWATER
Diversions Pt:
NENENW Sec 11 T 09S R 36E
Use: DOMESTIC (040 CFS)
Total Diversion: (040 CFS)
Date Filed: 5-14-90
In: T09S R36E S11 NENW

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public inter-
est 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, Id-
aho 83402 on or before NOVEMBER
19, 1990.

R. Keith Higginson, Director
November 1, 8, 1990
Ln913

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

1 November	1990	19
8 November	1990	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Sandra K. Wann

STATE OF IDAHO

COUNTY OF Bannock

On this 8th day of November in the year of 1990, before me,
a Notary Public, personally appeared Sandra K. Wann,
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

John L. Larson
Notary Public for Idaho

Residing at Pocatello

My commission expires: July, 1991

MICROFILMED

MAR 04 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202

RE: WATER RIGHT NO. 29-07912

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

1 MICROFILMED

JAN 08 1999

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

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

JAN 08 1999

MICROFILMED

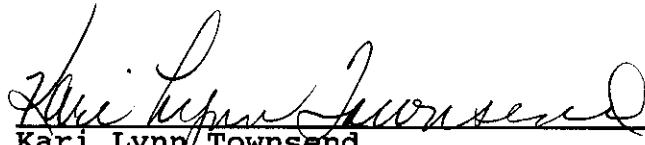
3 JAN 08 1999

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of December, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-07912

D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202


Kari Lynn Townsend
Secretary

RECORDED

JAN 08 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202

RE: WATER RIGHT NO. 29-07912

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JAN 08 1999

MEMORANDUM

DATE: December 1, 1998

TO: Water Right File 29-07912

FROM: Shelley W. Keen *swk*

RE: Phone call from the permit holder

Jeff Carlson, president of the D & M Water Association, called me today in response to my request for an amendment of the permit. Mr. Carlson was concerned about approval condition number four on the proposed amendment. The condition states that water under this right is not used for lawn, garden, and landscape irrigation. It was placed on the proposed amendment in response to Skip Jones's note that all irrigation water comes from Ft. Hall shares. Mr. Carlson told me that pastures are irrigated from Ft. Hall shares, but front lawns and landscaping is irrigated from the wells. I agreed to alter the condition to allow for the type of irrigation that is occurring.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 12, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202

RE: WATER RIGHT NO. 29-07912

Dear Permit Holder(s):

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

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JAN 08 1999

MEMORANDUM

TO: File 29-07912

FROM: Sharla

DATE: October 20, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 29-07912 are as follows:

H. RECOMMENDATIONS

Domestic	1/1 - 12/31	0.04 cfs	2.4 afa
----------	-------------	----------	---------

Two previous rights, 29-07281 and 29-07367, were licensed for 38 lots within the 40 lots of the subdivision. From the exam and map in file 29-07281, it was easy to determine that it covered the 10 lots in the northeast corner of the subdivision (the lots which are unnumbered on the attached map). When 29-07367 was licensed, it was licensed for 28 lots, but it is impossible to determine which two lots out of the 30 lots remaining were uncovered. The exam for 29-07912 is unclear as to which two lots are the remaining ones to be licensed. For this reason, the place of use being listed is for all four $\frac{1}{4}$'s and a remark will list domestic use for 2 homes (rate and volume allowed accordingly) and when combined with the other two rights will cover all 40 lots of the subdivision.

The capacity for 29-07281 (shown as well #1 in 29-07912) listed by the examiner using a theoretical calculation was 0.26 cfs; the capacity for 29-07367 (shown as wells 2 and 4 in 29-07912) listed by the examiner using a theoretical calculation was 0.60 cfs. Both calculations were based on an operating pressure of 30-35 psi, 1 5hp pump and 2 $7\frac{1}{2}$ hp pumps. The proof of beneficial use form for 29-07912 and the examiner's calculation indicates operating pressure of 65 psi from 3 5hp pumps and 1 10hp pump. In a telephone conversation on November 10 with Gary Erickson (representative of the water association who accompanied field examiner), Gary said that the 2 pumps that were originally thought to be $7\frac{1}{2}$ hp were only 5hp. This information was learned when the pumps were pulled for repair several years ago. Gary further stated that the pumps turn on when the pressure drops to 40 psi and operate at 65 psi. All four wells very rarely operate at the same time even in the summer when usage is highest. Fort Hall Irrigation surface water is used for irrigation of pastures, etc. above and beyond the $\frac{1}{2}$ acre lawn allowed with each home from groundwater. I told him that theoretical calculations for the wells comes out to be a total of 0.65 cfs (the capacity of 0.66 cfs from the two previous rights will be used) and he

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JAN 08 1999

Page 2

agreed with the figure. Theoretical calculations using 65 psi and pumping levels from wells logs and examiner information yields the following:

5hp/65 psi/65' pumping level = 0.14 cfs
5 hp/65 psi/85' pumping level = 0.13 cfs
5 hp/65 psi/120' pumping level = 0.11 cfs
10 hp/65 psi/75' pumping level = 0.27 cfs
TOTAL = 0.65 cfs

See hand-written notes from Harold Jones concerning the way the SRBA will be recommending the overlapping rights and explaining the use of surface water for all irrigation. This license will list domestic use only with volume calculated at 1.2 af/home.

Exam Date: June 5, 1996
Examiner: Steven Garrison

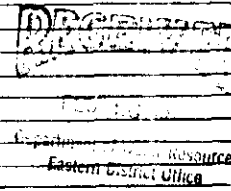
MICROFILMED
JAN 08 1999

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>LEON MALLING</u> Address <u>RESERVATION RD</u> Owner <u>Applied for</u>		7. WATER LEVEL Static water level <u>55'</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature <u>81</u> F. Quality <u>GOOD</u> Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																					
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning)		8. WELL TEST DATA Pump ☐ Bailer ☐ Other _____ Discharge G.P.M. <u>33</u> Draw Down <u>8'</u> Hours Pumped <u>2 HRS</u>																																																					
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☒ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>2"</td><td>0</td><td>32'</td><td>DRY BROWN CLAY</td><td></td><td></td></tr><tr><td></td><td>32</td><td>36'</td><td>SAND + GRAVEL</td><td></td><td></td></tr><tr><td></td><td>36</td><td>76'</td><td>WET BROWN CLAY</td><td></td><td></td></tr><tr><td></td><td>76</td><td>87'</td><td>SAND + GRAVEL</td><td></td><td></td></tr><tr><td></td><td>87</td><td>104'</td><td>BROWN CLAY + GRAVEL</td><td></td><td></td></tr><tr><td></td><td>104</td><td>119'</td><td>CLAY + STRIPS OF GRAVEL</td><td></td><td></td></tr><tr><td></td><td>119</td><td>132'</td><td>GRAY CASUALT SANDSTONE</td><td></td><td></td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	2"	0	32'	DRY BROWN CLAY				32	36'	SAND + GRAVEL				36	76'	WET BROWN CLAY				76	87'	SAND + GRAVEL				87	104'	BROWN CLAY + GRAVEL				104	119'	CLAY + STRIPS OF GRAVEL				119	132'	GRAY CASUALT SANDSTONE		
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USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

JAN 8 1999

WELL DRILLER'S RE. 3RT

It is now required that this report be filed with the Director, Department of Water Administration, within 30 days after the completion or abandonment of the well.

1. WELL OWNER <i>Jack Cushman Well Drilling Co.</i> <i>Bureau of Water Resources</i> Drilled nearest to _____ 2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement (If Altered) Describe method of alteration: 3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) ☒ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection 4. METHOD DRILLED ☐ Cable ☒ Rotary ☐ Dug ☐ Other 5. 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LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name <u>Air. Route</u> Lot No. _____ Block No. _____ County <u>Kendall</u> <u>S.W. 1/4 Sec. 26, T. 5 S., R. 34 E.</u>	Thickness	Diameter	From	To	<u>5/8"</u> inches	<u>6"</u> inches	<u>18'</u> feet	<u>132'</u> feet	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	7. WATER LEVEL Static water level <u>21'</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature <u>62° F.</u> Quality <u>Cool</u> Arterial closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug 8. 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Work started <u>10/7/74</u> finished <u>10/8/74</u> 11. DRILLER'S CERTIFICATION <u>JACK CUSHMAN WELL DRILLING CO.</u> Firm No. <u>94</u> Address <u>1405 S BRADSHAW BLVD TORRANCE CA 90503</u> Signed by (Firm Official) <u>[Signature]</u> and <u>Mike Shumaker</u> (Operator)	Discharge G.P.M.	Draw Down	Hours Pumped	<u>70</u>	<u>11'</u>	<u>2 HRS.</u>							Hole Diam.	Depth From	To	Material	Water Yes	No	<u>6"</u>	<u>0'</u>	<u>22'</u>	<u>PURPLE CLAY</u>	-	X	<u>6"</u>	<u>22'</u>	<u>56'</u>	<u>SAND GRAVEL</u>	-	X	<u>6"</u>	<u>56'</u>	<u>76'</u>	<u>PURPLE CLAY</u>	-	X	<u>6"</u>	<u>76'</u>	<u>87'</u>	<u>GRAVEL & SAND</u>	X	-	<u>6"</u>	<u>87'</u>	<u>104'</u>	<u>CLAY & GRAVEL</u>	X	-	<u>10 1/2"</u>	<u>104'</u>	<u>119'</u>	<u>BROWN CLAY</u>	-	X	<u>10 1/2"</u>	<u>119'</u>	<u>132'</u>	<u>GRAY BARSLEY-CLAY</u>	X	-	<u>10 1/2"</u>	<u>132'</u>	<u>132'</u>	<u>SANDSTONE</u>	-	-
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USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

JAN 08 1999

RECEIVED

OCT 26 1998

Department of Water Resources
Eastern Region

MEMORANDUM

TO: ~~Skip Jones~~ ^{File}

FROM: ~~Shelley H. Jones~~

DATE: October 22, 1998

RE: Exam Returned to Region

RECEIVED

NOV 02 1998

Department of Water Resources

In follow-up to our telephone conversation, I am returning this field report to you for coordination with SRBA to determine how they are going to recommend the overlapping rights.

are they going to determine irrigated acreage? If they don't, we may need to. The problem with this exam is that we do not know if the 8 acres are covered by existing rights or not. We also don't know which lots (or common area) the 8 acres is associated with.

S.V. Keen

I called Mr. Erickson of DAM Water Assoc. & he said they use no well water for Irrigation. They use Ft Hall irrigation shares on each lot.

[Signature]

10-29-98

P.S. Adjudication (Ernie Carlson) says they will recommend this type of subdivision as "domestic" without an adjudicated irrigation component.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 06 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-7912

1. Owner: D.M. Water Association Phone No. 237-1042

Current Address: P.O. Box 5315 Chubbuck, ID 83202

2. Accompanied by: Gary B. Erickson EXAM DATE: 5 JUN 96

Address: 13540 Moonbow Lane Chubbuck, ID 83202 Phone No. 237-1042

Relationship to Permit Holder: Representative

3. Source: Groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Reservation and Shares (IRR) 29-7367, 29-7281

2. Other water rights with the same point of diversion: 29-7367, 29-7281

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
#1			NW	NW	26	05S	34E	Bannock	on site
#2			SW	NW	26	5S	34E	Bannock	" "
#3			NE	NE	27	5S	34E	Bannock	" "
#4			SE	NE	27	5S	34E	Bannock	" "

2. Place(s) of Use:

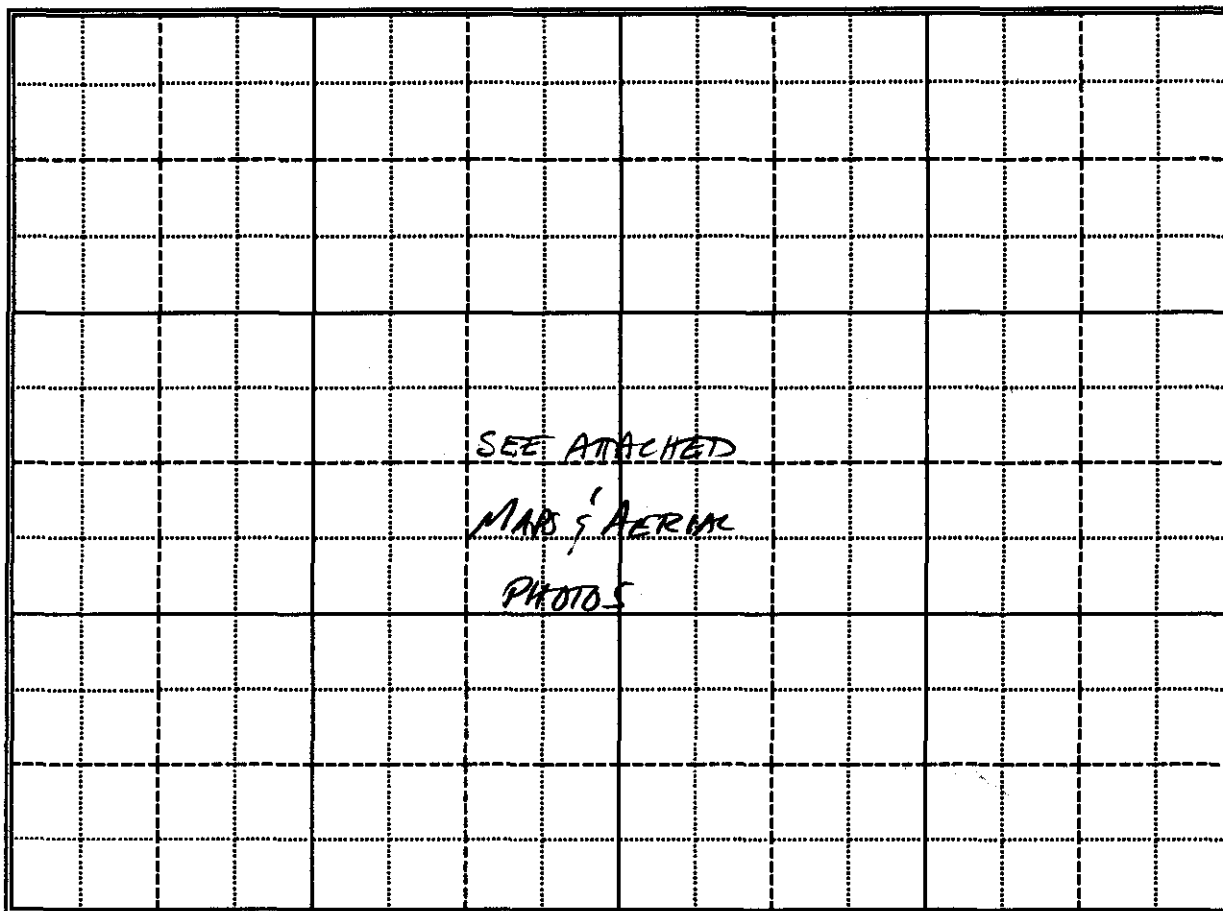
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	34E	26					D	D											
		26																	300
5S	34E	27	D			D													
		27																	500
																			800

MICROFILMED

JAN 08 1999

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump ^{Model} Serial No. or Discharge Size
Moonglow #4	Franklin Motors	10		Grundfos	1355100-6
* Wells #1, 2, & 3 *	Franklin Elect *	5 *	-	GRUNDFOS *	-

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

* SEE ATTACHED PAGE "A"

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure Gauge.					0-160	

2. Measurements: PSI 65 on 0-160 gauge.

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E. NARRATIVE/REMARKS/COMMENTS

There are 4 pumps servicing D.M. Country Estates, for domestic use. (38 homes; 2 in process) There was a Proof of Beneficial Use filed/stamped on 12/31/92. — Permit # 29-7912. Extent of use for 2 Domestic and 8 irrigation. A well was drilled in July 1988. (10 HP pump; PSI 65 — this well is known as Morninglow #4) Well #4 was added to the other pumps to enhance system. I talked with Gary Erickson, President of D.M. Water Association, on 6 JUN 96, at 8:45 PM. He informed me that when he filed the Proof of Beneficial Use for the new well he was told to file for two homes to be built in the future. One of the homes is in the process of being built now and one will be in the near future. It is important to understand that this well does not service 2 homes, it is a system with three other wells to provide irrigation water for D.M. Country Estates as a whole. It is a staggered system with all pumps working together. Just to reiterate — the 10 HP pump known as #4 does not serve 2 domestics, it is part of the system serving all of D.M. Country Estates.

* Wells # 1, 2, 3 are 5hp (PSI = 65psi)

* Well-pump #4 on permit 29-7912 is located in SENE Section 27, T05S, R34E.

NOTE: 10 homes under 29-7281, 28 homes under 29-7367, remains 2 homes covered under this permit.

REMARKS CONTINUED TO ATTACHED PAGE 'A'

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

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JAN 08 1999

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Theoretical $Q_{44} = 0.23 \text{ cfs}$ Limited to 0.09 cfs Domestic
 Theoretical System ~~Limited to 0.16 cfs IRRIGATION~~
 capacity $Q = Q_{44} + Q_8 + Q_2 + Q_1 = 0.23 \text{ cfs} + 0.34 = 0.57$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{Box 4} = 32 \text{ afa}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.16(244)1.9835 = 62.9 \text{ afa}$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 32.0 \text{ afa}$

2. Volume Calculations for Other Uses:

$V_{Dom} = 2.4 \text{ afa}$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic (2 units)	01/01	12/31	0.04	2.4 afa
IRRIGATION	4/1	10/31	0.16	32 afa
Totals:			0.20	34.4

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Steven Garrison Date 5 JUN 96

Reviewer _____ Date _____

MICROFILMED

SEAL

JAN 08 1999

E. NARRATIVE/REMARKS/COMMENTS (CONT.)

Well #	Motor	Hp	Pump	S/N or discharge
#1	Franklin Electric Model # 2821139310	5	Grundfos	Model # 75550-8
#2	FRANKLIN Electric Model # 2821138110	5hp	GRUNDOS	Model # 75550-8
#3	FRANKLIN Electric Model # 2821138110	5hp	GRUNDOS	Model # 7550-8

* When licenses 29-07367, 29-07281 + 29-07912 are naturally used in conjunction as a system actual cfs should be limited to cfs for 40 homes. GARY Erickson told me that lots are irrigated with Ft Hall surface water shares as every lot has a ditch running thru it. *[Signature]* 10-28-98

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

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JAN 08 1999

29-7912

THEORETICAL PUMP FLOW CALCULATIONS

Formula: $Q_{cfs} = [(Hp)(8.814)(Eff)] + [Lift + (psi \times 2.308)]$

SYSTEM: #1,2,3

Hp = Horsepower = 5
Eff = Efficiency = 0.7 (Usually 70%)
Lift: (Static Level + Assumed Draw down)
Static Water Level = 70 ft.
Assumed Draw down = + 50 ft.
Lift = 120

OR

Measured Dynamic Water Level = 65 ft.

psi = Operating Pressure = _____ psi

$$Q_{cfs} = \left[\frac{5}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] + \left[\frac{120}{Lift} + \left(\frac{65}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{30.849}{1} \right] + \left[\frac{270.02}{1} \right] = 0.114 \times 3 \text{ pumps} = 0.34 \text{ cfs}$$

$$Q_{cfs} = \underline{0.34} \text{ cfs SYSTEM } \underline{1,2,3}$$

SYSTEM: #4

Hp = Horsepower = 10
Eff = Efficiency = .7 (Usually 70%)
Lift: (Static Level + Assumed Draw down)
Static Water Level = 70 ft.
Assumed Draw down = + 50 ft.
Lift = 120

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 65 psi

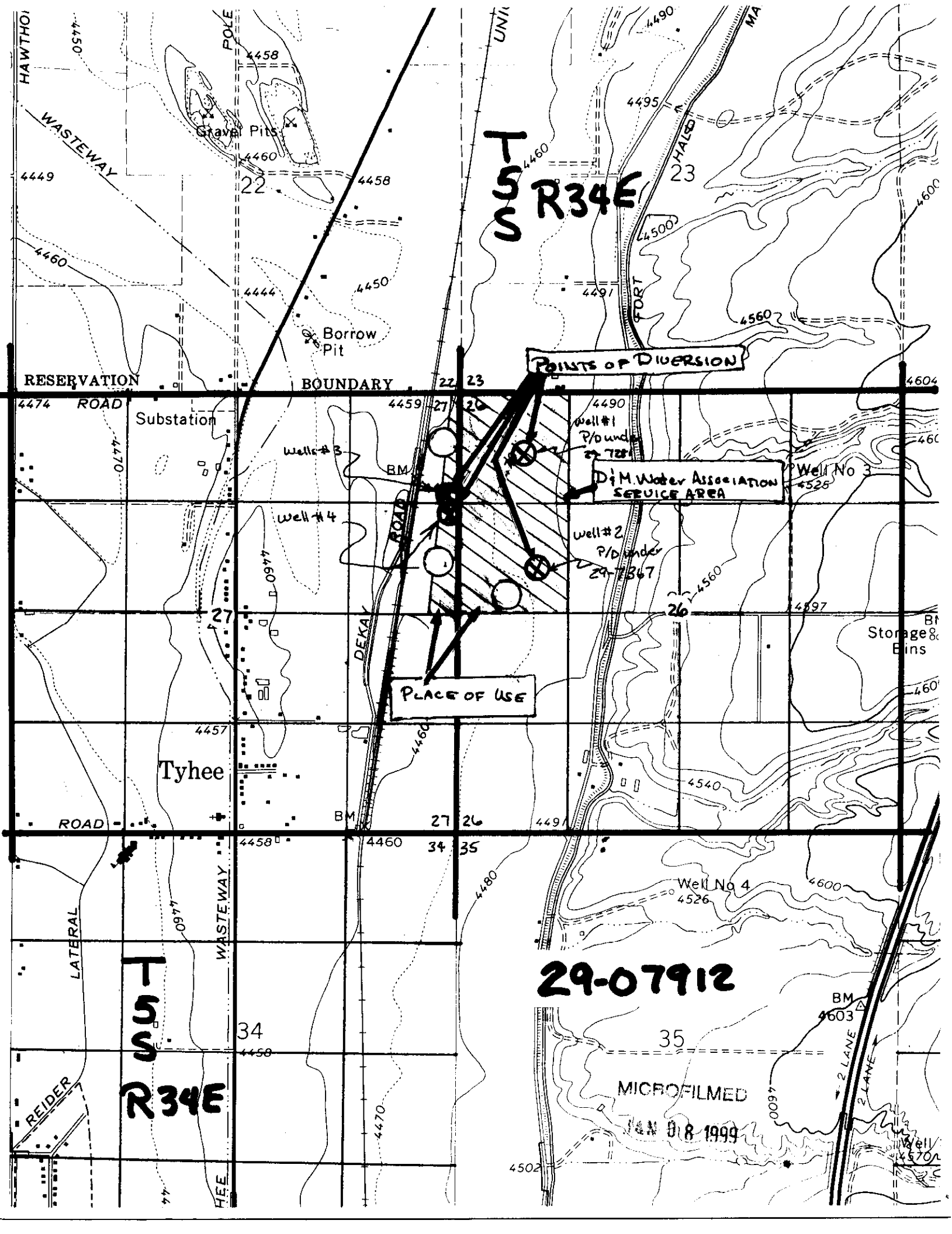
$$Q_{cfs} = \left[\frac{10}{Hp} \times 8.814 \times \frac{.7}{eff} \right] + \left[\frac{120}{Lift} + \left(\frac{65}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{61.698}{1} \right] + \left[\frac{270.02}{1} \right]$$

$$Q_{cfs} = \underline{0.23} \text{ cfs SYSTEM } \underline{\#4}$$

MICROFILMED
JAN 08 1999

PERMIT NO. 29-7912



SHOSHONE ACRES

22 23
27 26

14000 N
11990 W

14000 N
11770 W

R34E

T5S

place of use

COUNTRY

ESTATES

13550 N
11770 W

SEC. 26

29-7912

MICROFILMED

JAN 08 1999

00 N
70 W

13885 N.

13847 N.

13579 N

13627 N

13497 N

ROAD

DEKAY

13446

UPRR

13207 N

13325

13284 N

13319

13314

13321

13316

13346

13330

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13398 N

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13550 N
12030 W

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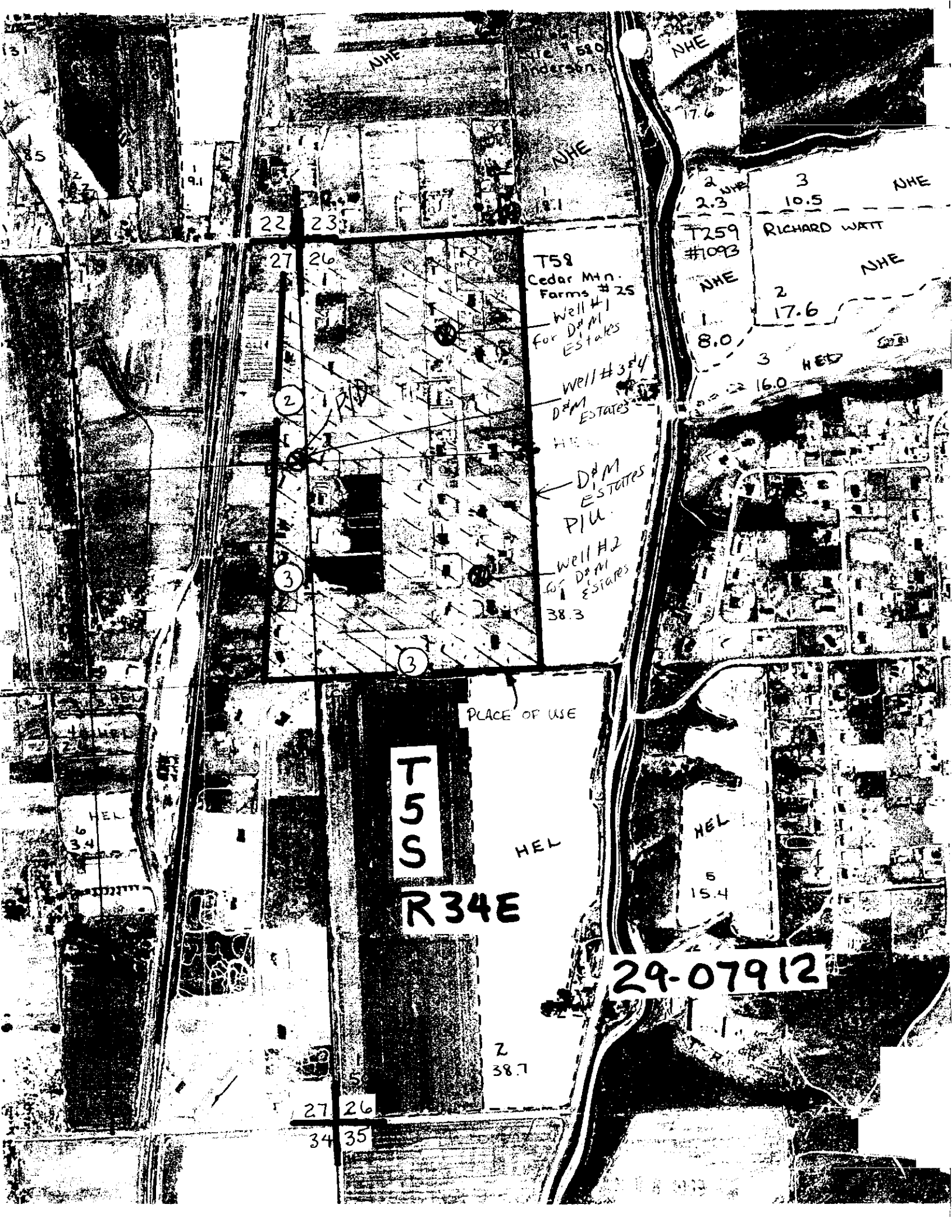
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NHE

Site # 520
Anderson

NHE

17.6

NHE

2.3 NHE

3

NHE

10.5

RICHARD WATT

T259
#1093

NHE

NHE

2

17.6

3

HED

16.0

T58
Cedar Mtn.
Farms #25

Well #1
for D&M
Estates

Well #354
D&M
ESTATES

HE

D&M
ESTATES

PIU

Well #2
for D&M
ESTATES

38.3

PLACE OF USE

T
5
S

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R34E

HEL

5

15.4

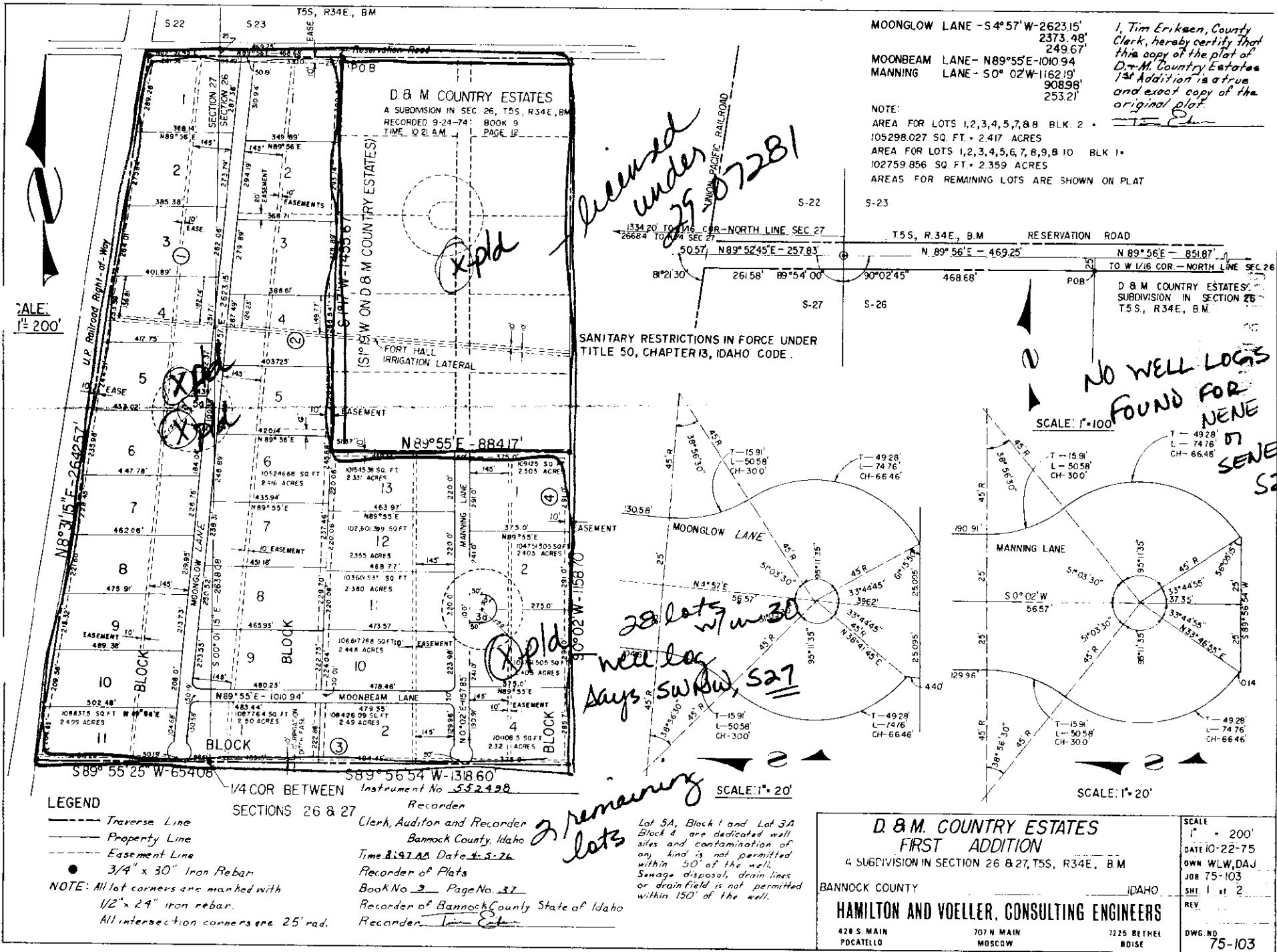
29-07912

Z

38.7

27 26

34 35



MOONGLOW LANE - S4°57'W-2623.15' 2373.48' 249.67'
MOONBEAM LANE - N89°55'E-1010.94'
MANNING LANE - S0°02'W-1162.19' 908.98' 253.21'

NOTE:
AREA FOR LOTS 1,2,3,4,5,7,8,8 BLK 2 = 105298.027 SQ. FT. = 2.417 ACRES
AREA FOR LOTS 1,2,3,4,5,6,7,8,9,10 BLK 1 = 102759.856 SQ. FT. = 2.359 ACRES
AREAS FOR REMAINING LOTS ARE SHOWN ON PLAT

I, Tim Eriksen, County Clerk, hereby certify that this copy of the plat of D & M Country Estates 1st Addition is a true and exact copy of the original plat.

licensed under 29-07281

SANITARY RESTRICTIONS IN FORCE UNDER TITLE 50, CHAPTER 13, IDAHO CODE.

NO WELL LOGS FOUND FOR NENE

SENE S27

28 lots with well log says SW 1/4, S27

2 remaining lots

Lot 5A, Block 1 and Lot 3A Block 4 are dedicated well sites and contamination of any kind is not permitted within 50' of the well. Sewage disposal, drain lines or drainfield is not permitted within 150' of the well.

D. & M. COUNTRY ESTATES
FIRST ADDITION
4 SUBDIVISION IN SECTION 26 & 27, T5S, R34E, B.M.

BANNOCK COUNTY IDAHO

HAMILTON AND VOELLER, CONSULTING ENGINEERS

428 S. MAIN POCAHELLO 707 N. MAIN MOSCOW 7225 BETHEL ROISE

SCALE 1" = 200'
DATE 10-22-75
OWN WLW,DAJ
JOB 75-103
SHT. 1 of 2
REV.
DWG. NO. 75-103

LEGEND
--- Traverse Line
--- Property Line
--- Easement Line
● 3/4" x 30" Iron Rebar
NOTE: All lot corners are marked with 1/2" x 24" iron rebar.
All intersection corners are 25' rad.

1/4 COR BETWEEN SECTIONS 26 & 27
Instrument No. 552420
Recorder
Clerk, Auditor and Recorder
Bannock County, Idaho
Time 8:27 AM Date 4-5-76
Recorder of Plats
Book No. 3 Page No. 37
Recorder of Bannock County State of Idaho
Recorder Tim Eriksen

While this is a scale reproduction of the recorded plat, this company assumes no liability for variations, if any, with a re-survey.

AMERICAN LAND TITLE CO.

29-07912

29-07367

February 19, 1993

D & M WATER ASSN.
P.O. BOX 5315
CHUBBUCK ID 83202

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07912

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

APR 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>D & M Water Association</u> Address <u>13651 N. Manning Lane Pocatello, Id.</u> Owner's Permit No. <u>29-88-E-033</u>		7. WATER LEVEL Static water level <u>65'</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>70 OF.</u> Quality <u>Good</u> Describe artesian or temperature zones below																																																																																																																																																																																															
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☒ Pump ☐ Bailor ☐ Air ☐ Other Discharge G.P.M. <u>100</u> Pumping Level <u>210'</u> Hours Pumped <u>1 Hr.</u>																																																																																																																																																																																															
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>10"</td><td>0</td><td>40</td><td>Brown Clay</td><td></td><td>X</td></tr><tr><td></td><td>40</td><td>56</td><td>Gravel</td><td></td><td>X</td></tr><tr><td></td><td>56</td><td>70</td><td>Brown Clay & Some Gravel</td><td></td><td>X</td></tr><tr><td></td><td>70</td><td>90</td><td>Gravel</td><td></td><td>X</td></tr><tr><td></td><td>90</td><td>113</td><td>Clay & Gravel</td><td></td><td>X</td></tr><tr><td></td><td>113</td><td>126</td><td>Brown Clay</td><td></td><td>X</td></tr><tr><td></td><td>126</td><td>127</td><td>Soft Rock</td><td>X</td><td></td></tr><tr><td></td><td>127</td><td>129</td><td>Brown Clay</td><td></td><td>X</td></tr><tr><td></td><td>129</td><td>134</td><td>Reddish Basalt</td><td>X</td><td></td></tr><tr><td></td><td>134</td><td>148</td><td>Grey Basalt</td><td>X</td><td></td></tr><tr><td></td><td>148</td><td>162</td><td>Hard Grey Basalt</td><td>X</td><td></td></tr><tr><td></td><td>162</td><td>166</td><td>Soft Brown Basalt</td><td>X</td><td></td></tr><tr><td></td><td>166</td><td>167</td><td>Hard Grey Basalt</td><td>X</td><td></td></tr><tr><td></td><td>167</td><td>171</td><td>Dark Grey Clay</td><td></td><td>X</td></tr><tr><td></td><td>171</td><td>226</td><td>Hard Brown Clay, Gravel, Streaks of Red Rock</td><td></td><td>X</td></tr><tr><td></td><td>226</td><td>240</td><td>Grey Basalt</td><td>X</td><td></td></tr><tr><td></td><td>240</td><td>250</td><td>Purple & Brown Clay</td><td></td><td>X</td></tr><tr><td></td><td>250</td><td>285</td><td>Greenish Grey Basalt</td><td>X</td><td></td></tr><tr><td></td><td>285</td><td>288</td><td>Red Cinders</td><td>X</td><td></td></tr><tr><td></td><td>288</td><td>293</td><td>Grey Basalt</td><td>X</td><td></td></tr><tr><td></td><td>293</td><td>310</td><td>Red Clay</td><td></td><td>X</td></tr><tr><td></td><td>310</td><td>325</td><td>Streaks of Brown Clay & Conglomerant Shale</td><td></td><td>X</td></tr><tr><td></td><td>325</td><td>345</td><td>White Clay</td><td></td><td>X</td></tr><tr><td></td><td>345</td><td>375</td><td>Conglomerant Shale</td><td>X</td><td></td></tr><tr><td></td><td>375</td><td>385</td><td>White Clay</td><td></td><td>X</td></tr><tr><td></td><td>385</td><td>390</td><td>White Sandstone</td><td>X</td><td></td></tr><tr><td></td><td>390</td><td>400</td><td>Pink Waxy Shale</td><td></td><td>X</td></tr><tr><td></td><td>400</td><td>525</td><td>Conglomerant, Waxy, Clay Shale</td><td>X</td><td></td></tr><tr><td></td><td>525</td><td>550</td><td>Grey Shale</td><td>X</td><td></td></tr><tr><td></td><td>550</td><td>570</td><td>Loose Grey Shale</td><td>X</td><td></td></tr></tbody></table>		Bore Diam.	Depth		Material	Water		From	To	Yes	No	10"	0	40	Brown Clay		X		40	56	Gravel		X		56	70	Brown Clay & Some Gravel		X		70	90	Gravel		X		90	113	Clay & Gravel		X		113	126	Brown Clay		X		126	127	Soft Rock	X			127	129	Brown Clay		X		129	134	Reddish Basalt	X			134	148	Grey Basalt	X			148	162	Hard Grey Basalt	X			162	166	Soft Brown Basalt	X			166	167	Hard Grey Basalt	X			167	171	Dark Grey Clay		X		171	226	Hard Brown Clay, Gravel, Streaks of Red Rock		X		226	240	Grey Basalt	X			240	250	Purple & Brown Clay		X		250	285	Greenish Grey Basalt	X			285	288	Red Cinders	X			288	293	Grey Basalt	X			293	310	Red Clay		X		310	325	Streaks of Brown Clay & Conglomerant Shale		X		325	345	White Clay		X		345	375	Conglomerant Shale	X			375	385	White Clay		X		385	390	White Sandstone	X			390	400	Pink Waxy Shale		X		400	525	Conglomerant, Waxy, Clay Shale	X			525	550	Grey Shale	X			550	570	Loose Grey Shale	X	
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other																																																																																																																																																																																																	
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other Thickness _____ inches Diameter _____ inches From _____ feet To _____ feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☒ Knife ☐ Torch Size of perforation <u>1/4</u> inches by <u>2</u> inches Number _____ From _____ feet To _____ feet 540 _____ perforations 535 _____ feet 550 _____ feet 360 _____ perforations 280 _____ feet 290 _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>18'</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld _____ ☐ Cemented between strings Describe access port <u>Well Seal</u>																																																																																																																																																																																																	
6. LOCATION OF WELL Sketch map location must agree with written location. County <u>Bannock</u> Subdivision Name _____ Lot No. _____ Block No. _____ T. <u>27</u> S. <u>5</u> R. <u>34</u> E. <u>40</u>		10. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Jack Cushman Drilling</u> Firm No. <u>194</u> Address <u>1405 South Broadway</u> <u>Blackfoot, Idaho</u> Date <u>2/7/89</u> Signed by (Firm Official) <u>Jack Cushman</u> and (Operator) <u>Mark Stephens</u> <u>Mike Bailey</u>																																																																																																																																																																																															

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

APR 07 1989

TO: BOISE

FEB-12-'93 FRI 12:38 IDWR EASTERN REGION TEL NO: (208) 525-7177

#230 P01

525-7161

Steve m. Coan

Post-it brand fax transmittal memo 7671 # of pages 2	
To: Karen G.	From: Julie G.
Co:	Co:
Dept:	Phone:
Fax #:	Fax #:

Drilling Permit No. 29-88-E-033
 Water Permit No. _____
 Injection Permit No. _____

State of Idaho
 Department of Water Resources

DRILLING PERMIT

(Authorizing Construction of a Well)*

RECEIVED

JUN 15 1993

Department of Water Resources
 Eastern District Office

- Applicant D & M Water Association
- Address 13651 N. MANNING LN
Pocatello, Idaho 83202 Telephone 237-9059
☒ Well Owner ☒ Well Operator ☐ Other, specify _____
- Proposed well location SW 1/4 NW 1/4, or Gov't lot No. _____
 Sec. 27, Twp. 55, Rge. 34E, County BANNOCK,
 Lot, block and subdivision _____
- Proposed use of well: (Check all that apply)
☒ Domestic (#) 29-7367 ☐ Stockwater ☐ Monitoring
☐ Irrigation ☐ Industrial ☐ Municipal
☐ Injection ☐ Other, Specify _____
- Well construction information:
☐ New well ☐ Deepen ☒ Replace
 Proposed surface diameter 10 Maximum depth 210
 Anticipated bottom hole temperature: _____
☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212°F or more (Geothermal well)
- Anticipated construction start date 6-13-88
- Well Driller (if known) JACK CUSHMAN Well Drilling
 Address Blackfoot
- Applicant's signature Robert J. Taylor
 Title Board Member
 Date 6-10-88

* After other pre-requisite approvals have been obtained. # 29-7367* Fee is \$10 for single family domestic. Microfilm uses may be 100, \$50 or \$10.

APR 07 1993

TO: BOISE

FEB-12-'93 FRI 12:39 ID: IDWR EASTERN REGION TEL NO: (208) 525-7177

#238 P02

Id Water Reso
150 Shomo Ave
Suite 15
IF, Id 83402

ACTION OF IDWR

(X) Approved () Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

SPECIFIC CONDITIONS:

Dated this 15th day of June, 1988

Signed

Title Eastern Regional Manager

Received by da Fee \$100 Date 6-15-88

Receipt No. E000405 Construction start extension to

Extension approved by

MICROFILMED

APR 07 1988



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 1, 1993

D & M Water Association
PO Box 5315
Chubbuck, ID 83202

Re: Permit No. 29-07912

Dear Permit Holder:

On January 4, 1993, the Department corresponded with you and explained the need for you to file further information. A copy of that correspondence is enclosed. This information is needed before the Department could accept the proof of beneficial use filed in connection with the above referenced permit. We requested that you supply the information on or before February 1, 1993.

As of this date, the Department has not received the requested information. The Department will allow an additional 15 days in which to submit the information. If we have not heard from you by that time, we will consider the proof of beneficial use incomplete, and, therefore, unacceptable as filed.

Since a properly completed and acceptable proof of beneficial use should have been received by the Department no later than today, it will lapse tomorrow if the Department does not receive your response. Your permit will be of no further force nor effect.

If you have any questions or if we can be of any further assistance, please feel free to contact the Department.

Sincerely,


Karen L. Gustafson
Secretary/Records Manager

Enclosure



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

January 4, 1993

D & M Water Association
PO Box 5315
Chubbuck, ID 83202

Re: Permit No. 29-07912

Dear Permit Holder:

The Department is in receipt of the proof of beneficial use filed in connection with the above referenced permit. However, before the Department can continue with the analysis of the proof, additional information is required.

The original permit indicates that four wells will be drilled and used in connection with this permit. The Department can only locate one well log and one drilling permit. The legal description of the point of diversion listed on the well log does not match any of the points of diversion listed on the water permit.

Also, you indicate that the water is being used for 38 domestic homes. However, your permit was issued for use in connection with two (2) home.

Before the Department can proceed with this analysis, you will need to supply information on the three remaining wells. If they have been drilled, please supply us with copies of the drilling permits and well logs. If they have not been drilled, why not, and do you plan to drill them in the future? Also, please clarify the number of homes. The Department cannot authorize more use of the water than has been allowed on the permit. I have enclosed copies of your permit and the well log for your convenience.

In order to comply with all of the required dates, you will need to respond no later than February 1, 1993.

In the mean time, 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

Enclosures

RECORDED

APR 07 1993

November 30, 1992

D & M WATER ASSN.
P.O. BOX 5315
CHUBBUCK ID 83202

PROOF DUE NOTICE

RE: PERMIT NO. 29-07912

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 February 1, 1993. (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.

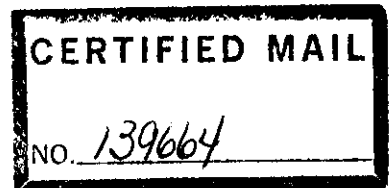
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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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APR 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 27, 1991

D & M WATER ASSN.
P.O. BOX 5315
CHUBBUCK, ID 83202

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-07912

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

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.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

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MAR 04 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

NOT FILMED

MAR 14 1991

29-Oct-1990

D & M WATER ASSN
PO BOX 5315
CHUBBUCK, ID 83202

RE: Application for Permit No. 29-07912

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in IDAHO STATE JOURNAL on NOVEMBER 1 & 8, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED
FILMED

MAR 04 1991

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

Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 24, 1990

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

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 NOVEMBER 19, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

MAR 14 1991

29-07912

D & M WATER ASSN.
P.O. BOX 5315
CHUBBUCK, ID 83202

Source: GROUNDWATER

Diversion Pt:	NWNW	Sec 26 T 05S R 34E
	SWNW	Sec 26 T 05S R 34E
	NENE	Sec 27 T 05S R 34E
	SENE	Sec 27 T 05S R 34E

Use: IRRIGATION	(.160 CFS)
DOMESTIC	(.040 CFS)
Total Diversion:	(.200 CFS)

Date Filed: 4/ 2/ 1990

In: T05S R34E S26	SWNW	
S27	NENE	SENE

8.0 ACRES TOTAL

RECORDED

MAR 04 1991