

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07874

Proposed Priority: July 26, 1989

Maximum Diversion Rate:

0.14 CFS

This is to certify, that **W. NEAL MAAG**
BETTY MAAG
4520 KOOTENIA
BOISE, ID 83705

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	0.03 CFS
COMMERCIAL	01/01 to 12/31	0.05 CFS
DOMESTIC	01/01 to 12/31	0.06 CFS
Totals		0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	35E	8	SESW	1		1

Total number of acres irrigated: 1

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1991.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

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Permit To Appropriate Water

NO. 29-07874

CONDITIONS/REMARKS:

- 7. Commercial use is for a skateboard park.
- 8. Domestic use is for 3 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

28th day of December, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

[Faint stamp]

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
 JUL 26 1989
 Department of Water Resources

To appropriate the public waters of the State of Idaho

Name of applicant W. Neal or Betty Maag Phone 384-1635

Post office address 4520 Kootenia, Boise, ID 83705

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ $\frac{1}{4}$ of * SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Govt. Lot _____

Sec. 8 Township 7 S Range 35 E B.M. Bonrock County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .06 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .05 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .03 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)

5. Total quantity to be appropriated is (a) 0.14 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing well and pump. Well drilled in 1975

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. Existing Proposed well diameter is 8 inches; Existing proposed depth of well is 250 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

RECORDED

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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. 3 units
- Other; describe fully. Commercial - skateboard park with restrooms

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											*D/C				D+E		
		8											*1				+		1

Total number of acres to be irrigated 1

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

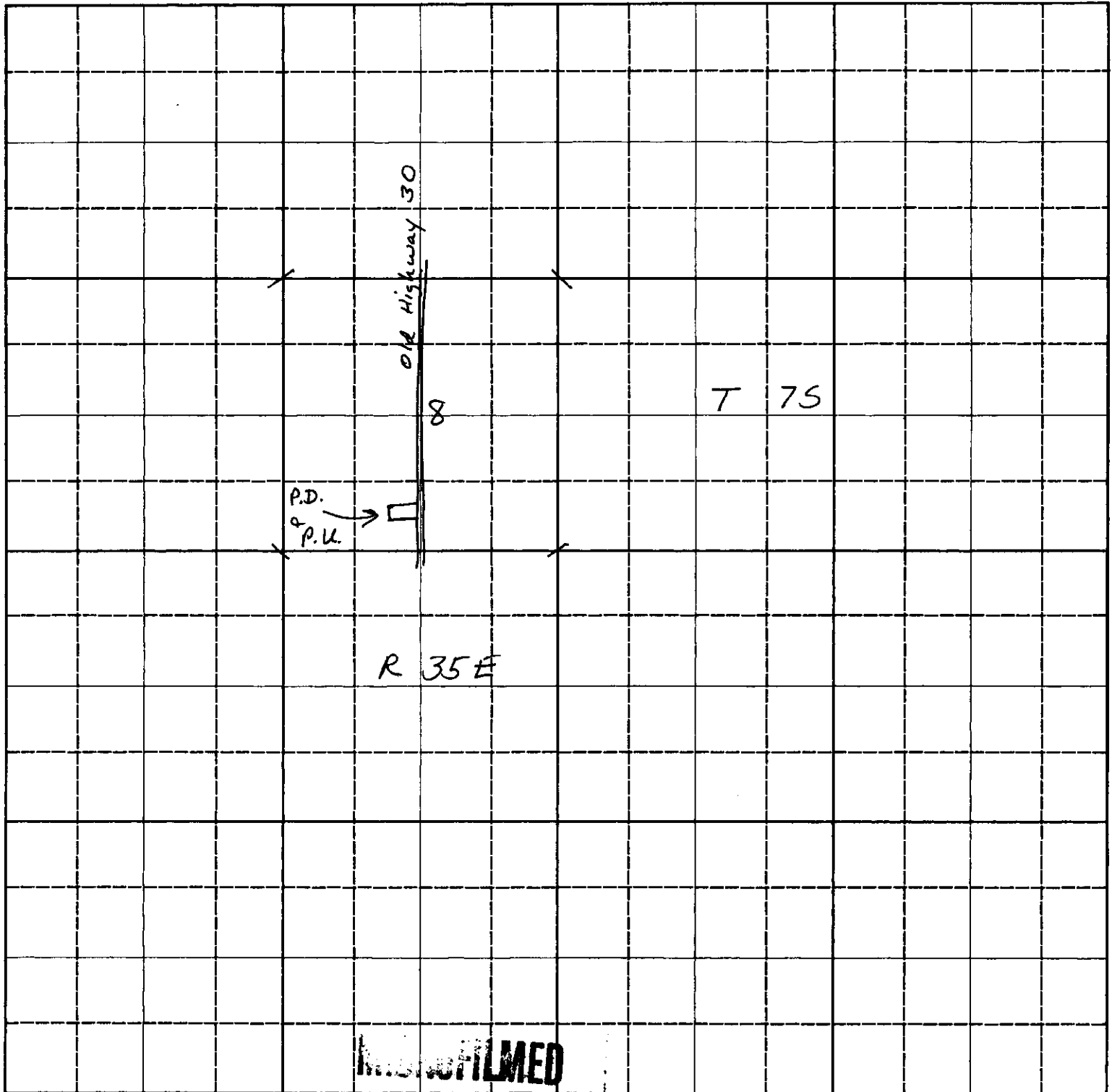
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Changes made in Items 3 & 9 to reflect the map; 18 October 1999, DMD.

MAILED

FEB 14 1990

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.

FEB 14 1990

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

W. Neal May
(Applicant)

Received by CW Date 7-28-89 Time 2:05 P Preliminary check by SMS
Fee \$ 30.00 Receipted by RBT # W08553 Date 7/26/89
Publication prepared by RB Date 11-29-89 Published in Idaho State Journal
Publication approved RB Date 11-20-89

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:

FILED

FEB 14 1990

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-07866

TOVEY, DEVERE

80 N. 4TH W.

PRESTON, ID 83263

Source: SPRINGS

Tributary: SINKS

Diversion Pt:

SWSWNW Sec 34 T 08S R 37E

Use: STOCKWATER (.070 CFS)

DOMESTIC (.020 CFS)

Date Filed: 7-28-1989

In: T08S R37E S34 NWSW SWSW

29-07870

USDI, BLM

940 LINCOLN RD.

IDAHO FALLS, ID 83401

Source: UNNAMED SPRING

Tributary: SINKS

Diversion Pt:

SESWSE Sec 35 T 07S R 35E

Use: STOCKWATER (.050 CFS)

WILDLIFE (.010 CFS)

Date Filed: 8-31-1989

In: T07S R35E S35 SWSE

29-07871

USDI, BLM

940 LINCOLN RD.

IDAHO FALLS, ID 83401

Source: UNNAMED SPRING

Tributary: SINKS

Diversion Pt:

NESENE Sec 34 T 07S R 35E

Use: STOCKWATER (.050 CFS)

STOCKWATER (.020 CFS)

WILDLIFE (.010 CFS)

Date Filed: 8-31-1989

In: T07S R35E S34 SENE

29-07874

MAAG, W. NEAL

MAAG, BETTY

4520 KOOTENIA

BOISE, ID 83705

Source: GROUNDWATER

Diversion Pt:

SESW Sec 8 T 07S R 35E

Use: IRRIGATION (.030 CFS)

COMMERCIAL (.050 CFS)

DOMESTIC (.060 CFS)

Date Filed: 7-26-1989

In: T07S R35E S08 SESW

1.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before NOVEMBER 20, 1989.

R. Keith Higginson,

Director

November 2, 9, 1989

No. 727

Sandra K. Wann

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

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

26 October	19 89	19
2 November	19 89	19
9 November	19 89	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.

STATE OF IDAHO

COUNTY OF Bannock

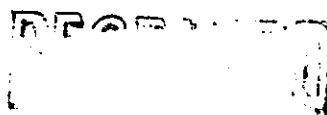
On this 9th day of November in the year of 1989, before me, a Notary Public, personally appeared Sandra K. Wann,

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.

Jane L. Larson
Notary Public for Idaho

Residing at Pocatello

My commission expires: July, 1991

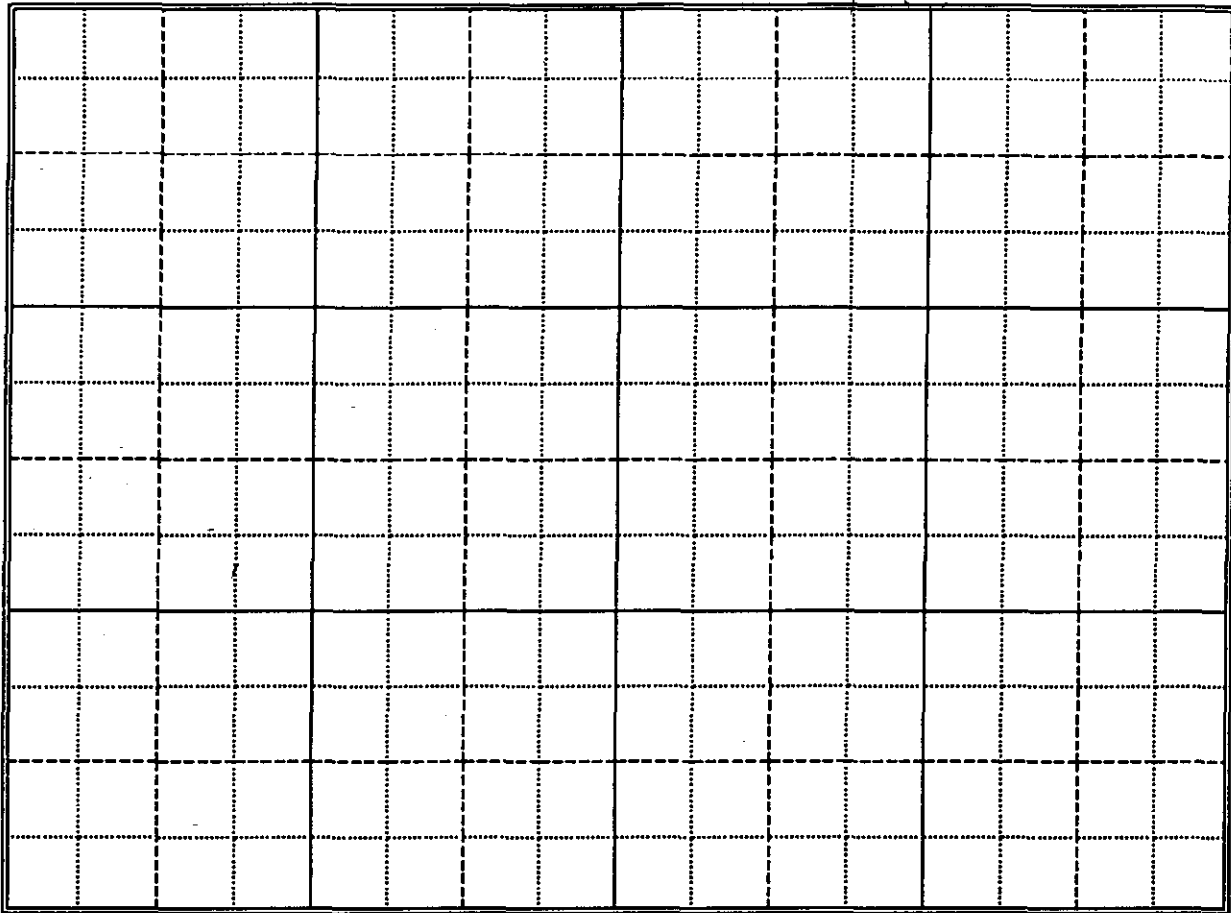


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Department of Water Resources
Eastern District Office

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	Model ~~Motor Serial No.~~	Pump Make	Pump Serial No. or Discharge Size
	Franklin	1 1/2	293007703		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure Gauge	0-100	Ashcroft				

2. Measurements: Pressure (30^{psi} min 60^{psi} max)
Static water level according to owner = 90'

E. NARRATIVE/REMARKS, COMMENTS

Well - Pump - main line to bathrooms for commercial use (skatepark) and 3 domestic homes and irrigation up to 1 acre for gardens.

At time of exam skatepark was closed due to liability insurance rates. The three domestics had vegetable garden spots not currently being used.

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

Additional Computation Sheets Attached

Geometrical: 0.06 cfs

Q LIMITED BY CAPACITY

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 / 9.0 = 4$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.036 (1.9835) 214 = 12.7$$

$$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} = 4.0$$

$$V_{Dom} = 3 \times 1.2 = 3.6 \text{ afz}$$

$$V_{con.} = 0.6 \text{ ft}$$

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
IRRIGATION	4/1	10/31	0.03 cfs	4.0
Domestic (Sanits)	1/1	12/31	0.06 cfs	3.6
Commercial (Skate Park bathrooms)	1/1	12/31	0.05 cfs	0.6
Totals:			0.06 cfs	8.2

___ 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 Steve M. Miller Date 6-21-00

Reviewer	Date
----------	------

SEAL

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

$$Hp = \text{Horsepower} = \underline{1\frac{1}{2}}$$

$$Eff = \text{Efficiency} = \underline{70\%} \quad (\text{Usually } 70\%)$$

$$\text{Lift: (Static Level + Assumed Draw down)}$$

$$\text{Static Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{\hspace{2cm}} \text{ ft.}$$

$$\text{Lift} = \underline{90} \text{ according to owner}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

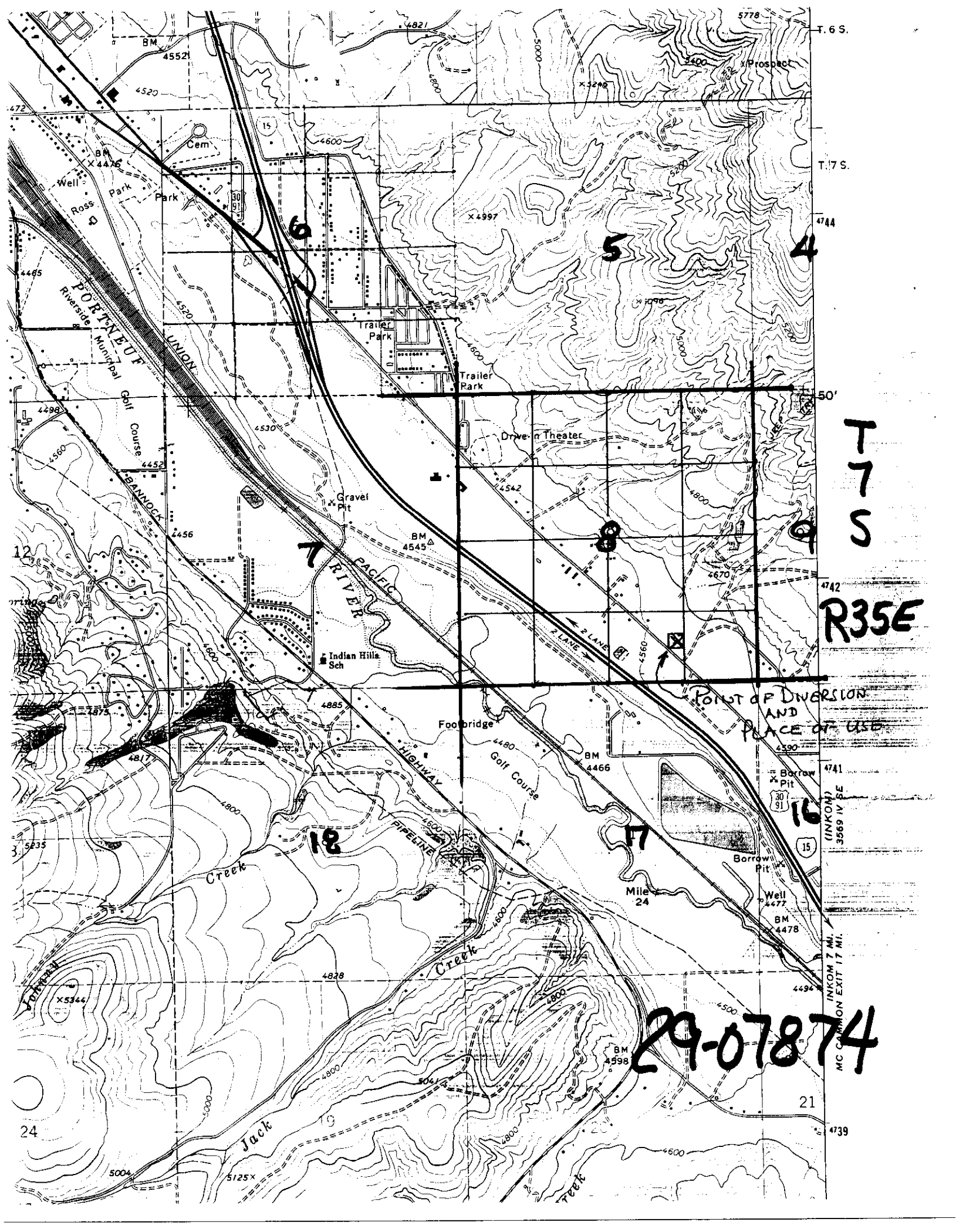
$$psi = \text{Operating Pressure} = \underline{30} \text{ psi}$$

$$Q_{cfs} = \left[\frac{1\frac{1}{2}}{Hp} \times 8.814 \times \frac{70\%}{Eff} \right] \div \left[\frac{90}{Lift} + \left(\frac{30}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{9.2547} \right] \div \left[\underline{159.24} \right]$$

$$Q_{cfs} = \underline{0.06} \text{ cfs}$$

PERMIT NO. 29-7874



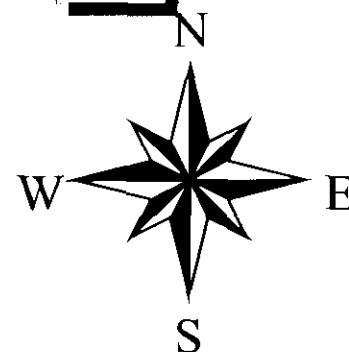
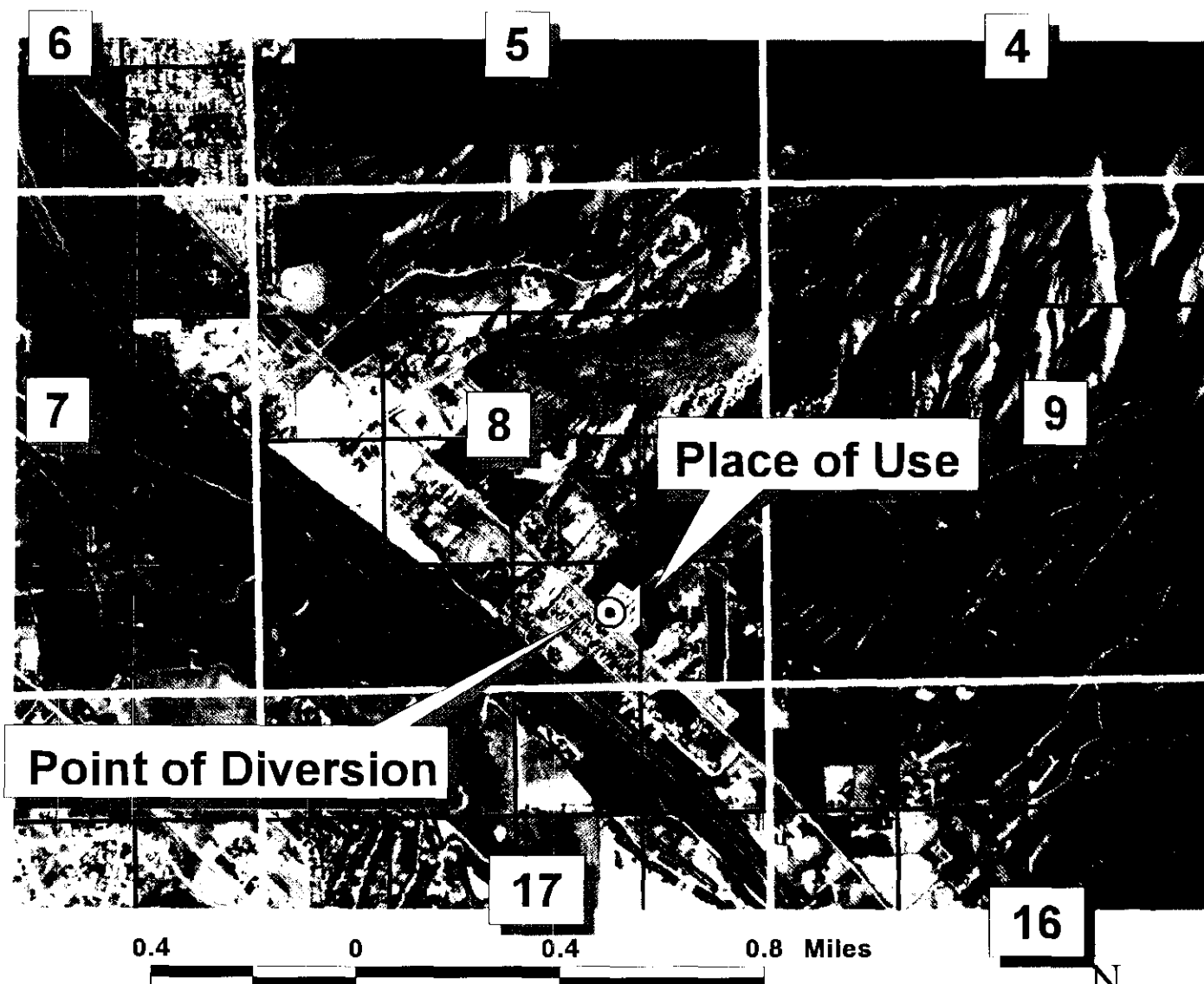
T
7
S

R35E

POINT OF DIVERSION
AND
PLACE OF USE

29-07874

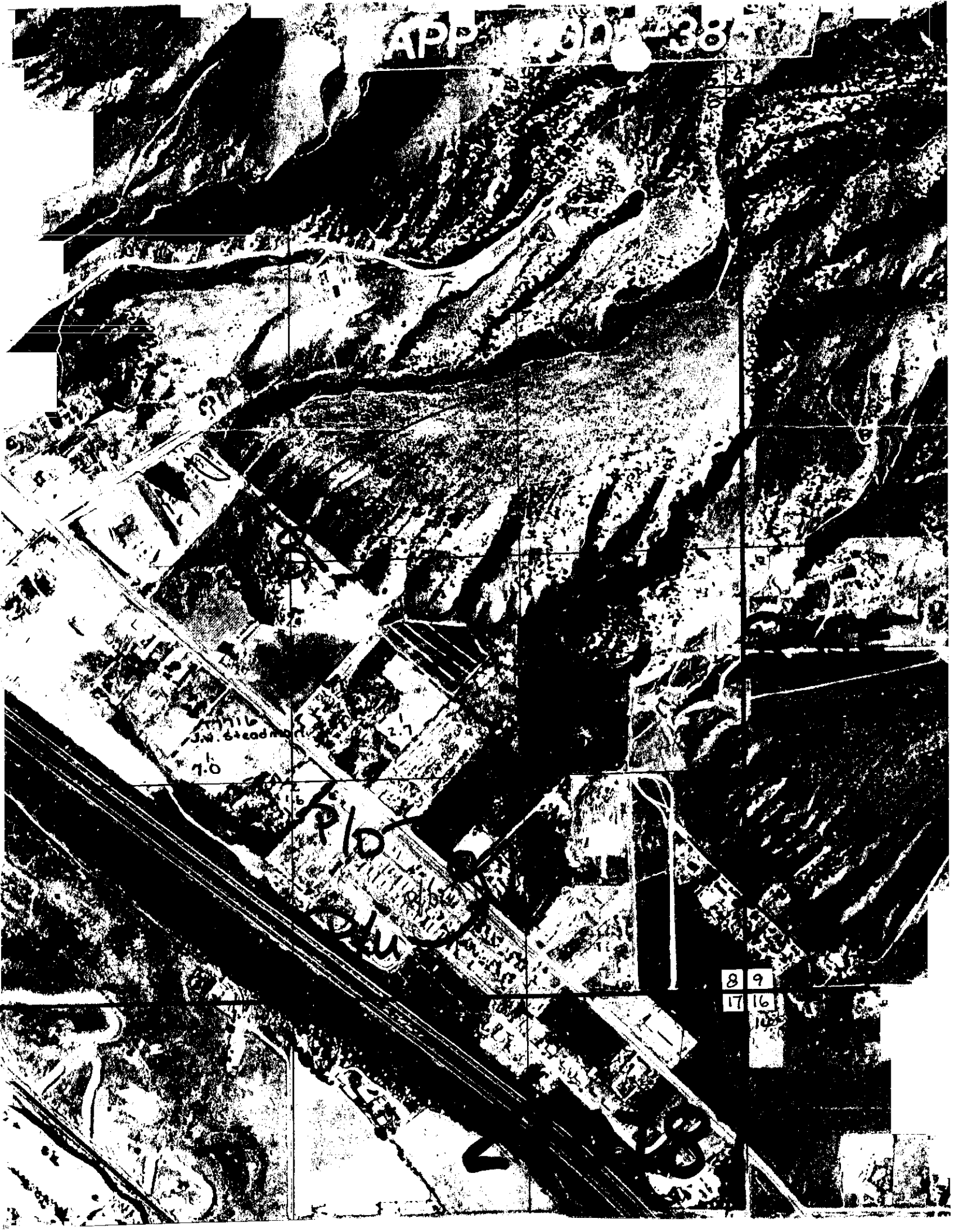
INCOM 7 MI.
MC CARRON EXIT 17 MI.



- ⊙ 29-07874 pd.shp
- 29-07874 pu.shp
- S07s35e.shp
- T07s35e.shp

29-07874

APP 000438



7.0
J.W. Greadner

8	9
17	16

2-18

5 4
6 9

8

R35E

J.W. Steadman

11067

T
7
8

P/D

P/u

29-07874



0 100M

0 100yd

Image courtesy of the US Geological Survey.



0 100M 0 100yd

Image courtesy of the US Geological Survey.



Well house - POD



Photo Page 1 of 2

Commercial use - (skate park restroom)

29-07874



2 of 3 domestics



1 of 3 domestics

Photo Page
2 of 2

29-07874

July 17, 1990

W. NEAL MAAG
BETTY MAAG
4520 KOOTENIA
BOISE, ID 83705

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07874

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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JUL 23 1990

MAY 01 1990

For Office Use Only *50*

Amt. of Fee \$ 50.00

Date 3-1-90

Receipt No. 5016612

Received by J. A. Lee

PROOF OF BENEFICIAL USE

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

Permit No. 29-7874 Telephone No. 208-384-1635

Name(s) of Permit Holder(s): W. Neal Maag and Betty Maag

Post Office Address: 4520 Kootenai, Boise, Idaho 83705

Source of Water: Groundwater

If ground water, well driller's name: Dean Mitchell Date drilled: 1974 or 1975

Extent of Use: Now: 630 Kettig Ave.
Domestic 3 (No. of households) Las Vegas, Nev. Irrigation 1 (No. of acres)
89124

Stockwater	(No. and type of stock)	Other
2		

Total rate and/or volume for which proof is submitted .14 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 1974 or 1975

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

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

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

Fee Enclosed: \$ 50. (See License Examination Fee Schedule)

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

Name Curby Margaret
Telephone No. home 83201(208) 237-9061

1233 Palmer Pocatello, Idaho
Address

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

JUL 23 1990

~~W. N. Mass~~ 4/04/90 W. N. Mass Betty Mass
Date Signature (and title if on behalf of a company or organization)

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
December 29, 1989

W. NEAL MAAG
BETTY MAAG
4520 KOOTENIA
BOISE, ID 83705

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

RE: PERMIT NO. P29-07874

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

RECEIVED

FEB 14 1990

└──────────┘

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

INDEXED

FEB 14 1990

27-Sep-1989

W. Neal Maag
4520 Kootenia
Boise, ID 83705

RE: Application for Permit No. 29-7874

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho State Journal. 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

FEB 14 1990

29-07874

MAAG, W. NEAL
MAAG, BETTY
4520 KOOTENIA
BOISE, ID 83705

Source: GROUNDWATER

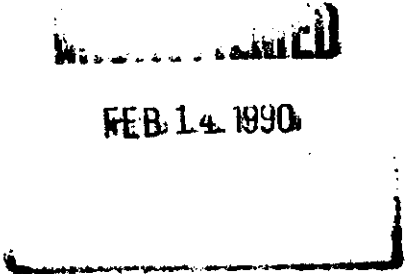
Diversion Pt: SESW Sec 8 T 07S R 35E

Use: IRRIGATION	(.030 CFS)
COMMERCIAL	(.050 CFS)
DOMESTIC	(.060 CFS)

Date Filed: 7/26/1989

In: T07S R35E S08 SESW

1.0 ACRES TOTAL


FEB 14 1990

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 NOVEMBER 20, 1989.

R. Keith Higginson, Director

Published 11/02/1989 & 11/09/1989

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FEB 14 1990