

06/93

RECEIVED
AUG 09 1999

RECEIPT #
E025180

\$25.00
FEE

Department of Water Resources
State of Idaho

DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 04 1999

ASSIGNMENT OF PERMIT
To change the ownership of a permit

Department of Water Resources
Eastern District Office

I, Stanley Tharp, hereby assign to Ronald D + Hazel A. Wagner
of 1706 Bench Rd, Pocatello, Id 83201
(Permit Holder) (Full Address)

All my right, title, and interest in and to Permit No. 29-07856
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

Made this _____ day of July 28, 1999.

Stanley Tharp
Permit Holder(s)

State of Idaho)
County of Bannock ss

On this 28 day of July, 1999, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

MARLA M. PESTON
Notary Public

SEAL

MARLA M. PESTON
Signature

My commission expires: 11/7/2001

MICROFILMED

AUG 09 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07856

Proposed Priority: December 5, 1988 Maximum Diversion Rate: 0.08 CFS

This is to certify, that **STANLEY O. THARP**
P.O. BOX 2737
POCATELLO, ID 83201

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.06 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
	Totals	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION: SESE Sec. 22, Township 07S, Range 36E
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	36E	22	SESE	2		2

Total number of acres irrigated: 2

PLACE OF USE: STOCKWATER, 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 **February 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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FEB 14 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07856

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

23 day of January, 19 90

for J. M. Sator
R. Keith Higginson, Director

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FEB 14 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 STANLEY O. THARP Phone 237-4780
Post office address P.O. Box 2737 POCAHELLO IDAHO 83201
2. Source of water supply GROUND WATER which is a tributary of N/A
- ③ Location of point of diversion is ~~A-10~~ SMD* $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Govt. Lot —
Sec. 22 Township 7S Range 36E B.M. BANNOCK County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .06 for IRRIGATION purposes from April 1 to OCT 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for Stock WATERING purposes from JAN 1 to Dec 31 (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) .08 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 1 8" 84 foot well, with 1 Horse pump, 2 hydrants which hoses connect to & run 4 sprinkler heads off hose.
 - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is 8 inch inches; proposed depth of well is 84 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 IT IS ALREADY COMPLETE 1* years (minimum 1 year).

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* As per telephone conversation with mr Tharp
16 Dec 1988 09:00 hrs

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

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. 7 Horses, 3 cattle
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. N/A

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	36E	22																2	2
																		5	

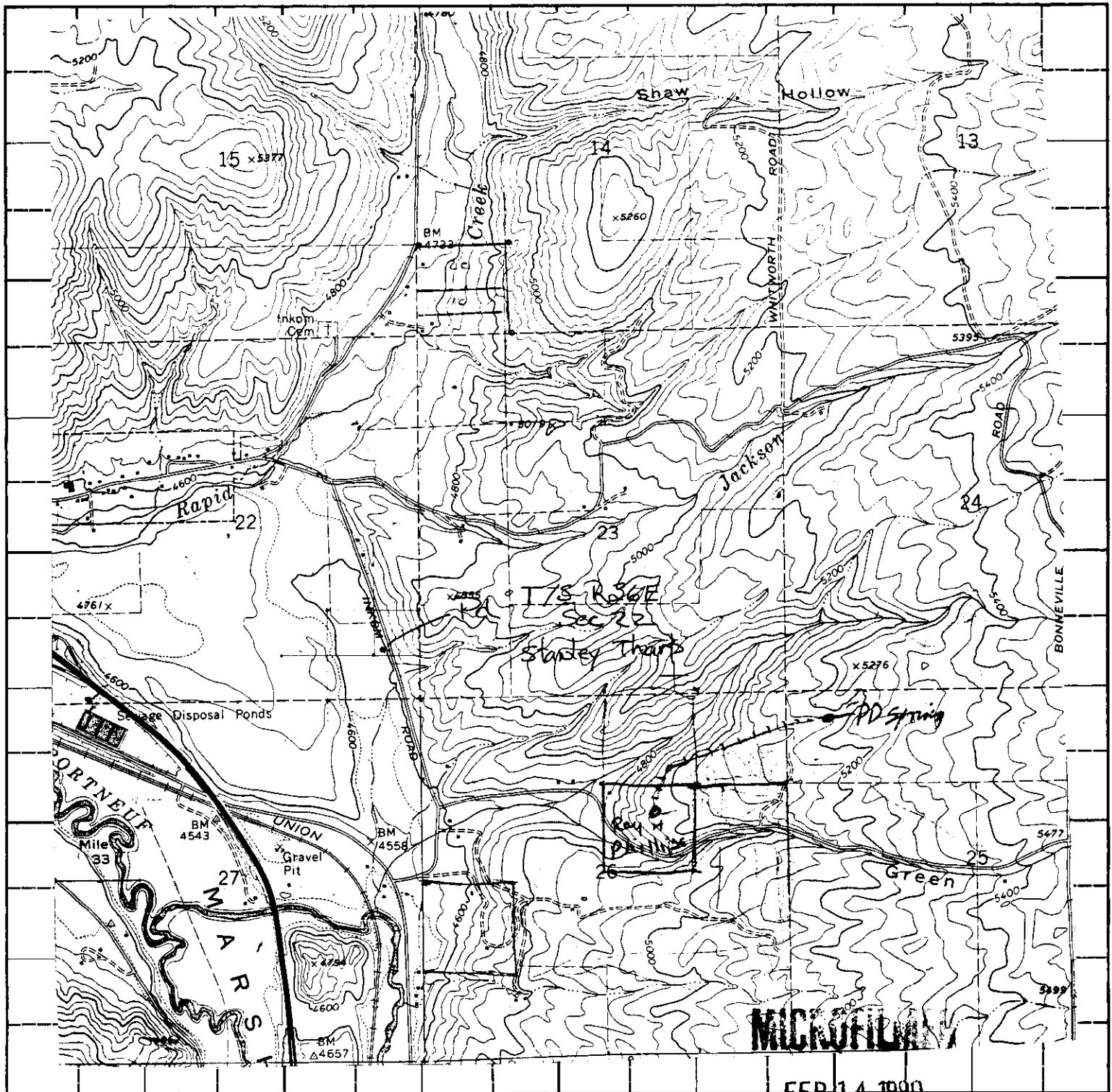
Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. 1/2 inch of water to each acre of irrigable ground [DEED] in subdivision
11. a. Who owns the property at the point of diversion? Stanley O. Tharp
- b. Who owns the land to be irrigated or place of use? Stanley O. Tharp
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. N/A

12. Remarks: I had the well drilled in 1976 & began appropriating water but just recently learned from a family member that I am required to have a permit for appropriation of ground water. Also the stream rights are many times insufficient as in winter years little or no water is available.

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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.

Stanley O Tharp
(Applicant)

Received by AW Date 12-5-88 Time 2:00P Preliminary check by AMB
Fee \$ 50.00 Receipted by RB # E005307 Date 12-21-88
1-19-89 1-26-89
Publication prepared by RB Date 1/11/89 Published in Idaho State Trust
Publication approved AW Date 1-31-89

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:

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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:
29-07836
THARP, STANLEY O.
P.O. BOX 2737
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt.
SEWERAGE TREATMENT PLANT
USE: IRRIGATION (1000 CFS)
STORAGE (1000 CFS)
Date Filed: 12-4-1988
In: 1000 E 222 SEE
2.0 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 FEBRUARY 1, 1989.
S/P
JAN 14 1990
No.

Julie A. Potter

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:

January 19	1989	19
January 26	1989	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.

STATE OF IDAHO

COUNTY OF Bannock

On this 26th day of January in the year of 1989, before me, a Notary Public, personally appeared Julie A. Potter

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.

Julie A. Potter
Notary Public for Idaho

Residing at Pocatello
My commission expires: July, 1991

RECORDED

FEB 14 1990

JAN 27 1990

Department of Water Resources
Eastern District Office

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:

29-07856

THARP, STANLEY O.

P.O. BOX 2737

POCATELLO, ID 83201

Source: GROUNDWATER

Diversion Pt:

SESE Sec 22 T 07S R 36E

Use: IRRIGATION (.060 CFS)

STOCKWATER (.020 CFS)

Date Filed: 12/1/1988

In: T07S R36E S22 SESE

2.0 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 FEBRUARY 6, 1989.

S/R. Keith Higginson, Director

January 19, 26, 1989

No. 654

Julie A. Potter

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:

January 19, 1989, 19

January 26, 1989, 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.

STATE OF IDAHO

COUNTY OF Bannock

On this 26th day of January in the year of 1989, before me,
a Notary Public, personally appeared Julie A. Potter

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.

Notary Public for Idaho

Residing at Pocatello

My commission expires: July, 1991

RECORDED

FEB 14 1990



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

August 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RONALD D WAGNER
HAZEL A WAGNER
1706 BENCH RD
POCATELLO ID 83201

RE: ASSIGNMENT OF PERMIT 29-07856

Dear Mr. & Mrs. Wagner:

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
AUG 09 1999

December 17, 1990

STANLEY O. THARP
P.O. BOX 2737
POCATELLO, ID 83201

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07856

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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JAN 03 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 29-7856

Date: 12-13-90

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely
N Reinstated

Source of Water:

Y Surface water
Y Groundwater
_____ 1. well log in file N/A - drilled 1976
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
N/A Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N Is a measuring device or access port required?
_____ Has one been installed?
_____ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

AUG 2 1990

For Office Use Only
Amt. of Fee \$ 50.00
Date 8/2/90
Receipt No. C017893
Received by C. WONG

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

Department of Water Resources

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. P29-07856 Telephone No. 237-4780

Name(s) of Permit Holder(s): Stanley O. THARP

Post Office Address: P.O. Box 2737 Pocatello ID 83206-2737

Source of Water: Grounded WATER

If ground water, well driller's name: Lundstrom Drilling Date drilled: 1976
[Pocatello]

Extent of Use:
Domestic _____ (No. of households) Irrigation 2 (No. of acres)
Stockwater 2 (No. and type of stock) Other _____
12 HORSES

Total rate and/or volume for which proof is submitted .08 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: December 5, 1988

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

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

OR

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

Fee Enclosed: \$ 50⁰⁰ (See License Examination Fee Schedule)

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

Stanley O. THARP 237-4780
Name Telephone No.

1054 Delano Pocatello ID or P.O. Box 2737 Pocatello ID 83206-2737
Address

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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.

AUG 1, 1990 Stanley O. Tharp
Date Signature (and title if on behalf of 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
January 24, 1990

STANLEY O. THARP
P.O. BOX 2737
POCATELLO, ID 83201

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

RE: PERMIT NO. P29-07856

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

Microfilm

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

NOTED

FEB 14 1990

January 12, 1989

Stanley O. Tharp
P.O. Box 2737
Pocatello, ID 83201

Application for Permit No. 29-07856

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 29-07856. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Idaho State Journal. The advertisement will be published 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

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FEB 14 1990

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

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 11, 1989

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 FEBRUARY 6, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

FEB 14 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

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FEB 14 1990

29-07856

THARP, STANLEY O.
P.O. BOX 2737
POCATELLO, ID 83201

Source: GROUNDWATER

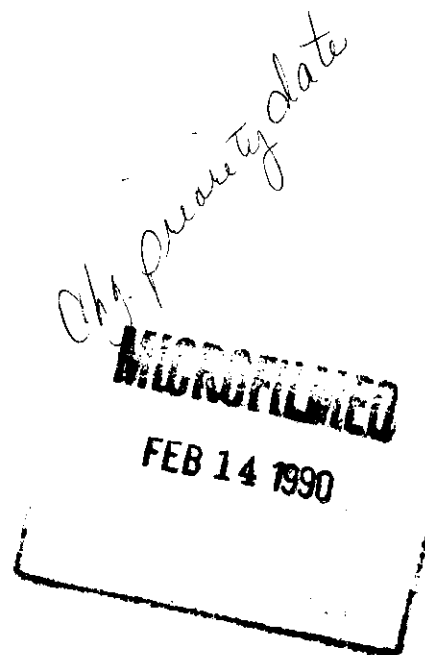
Diversion Pt: SESE Sec 22 T 07S R 36E

Use: IRRIGATION (.060 CFS)
STOCKWATER (.020 CFS)

Date Filed: 12/09/1988

In: T07S R36E S22 SESE

2.0 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 FEBRUARY 6, 1989.

R. Keith Higginson, Director

Published 1/19/1989 & 1/26/1989

MICROFILMED

FEB 14 1990