

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 29-07846

Priority: April 1, 1988

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume: 8.6 AF

It is hereby certified that CLARK KELLY And/Or TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 1, 1988; and have
submitted Proof of Beneficial Use on August 23, 1988. An examination indicates that the works have a
diversion capacity of 0.08 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp 07S, Rge 35E, B.M BANNOCK County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 35E 18												2.0					2.0

Total Acres: 2

PLACE OF USE: DOMESTIC --Same as Irrigation

CONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
3. Irrigation use under this right is authorized only in connection with a domestic use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 8TH day of AUGUST, 2002.

MICROFILMED

AUG 15 2002

Acting for

KARL J. DREHER
Director

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PETITION TO
CORRECT WATER RIGHT LICENSE
NO. 29-7846

**PRELIMINARY ORDER
CORRECTING LICENSE**

This matter having come before the Department of Water Resources (Department) as a result of the filing of a petition to correct a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On April 1, 1988, Clark Kelly and/or Tamara L. Kelly (right holders) applied to the Department for a permit to appropriate 0.13 cubic feet per second of ground water for irrigation and domestic purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, B. M.
2. On August 3, 1988, the Department approved the Kellys' application as Permit No. 29-7846 (permit).
3. On August 23, 1988, the Department received the right holders' Proof of Beneficial Use statement for the permit.
4. On June 30, 1999, a Department field examiner conducted a field inspection to verify the beneficial use of water developed in connection with the permit. The field examiner reported that the right holders had diverted and beneficially used 0.08 cfs for domestic and irrigation purposes at the location authorized by the permit.
5. On July 27, 2001, the Department issued Water Right License No. 29-7846 (license) to the right holders. The licensed point of diversion is Govt. Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, Township 7 South, Range 35 East, B. M. The licensed place of use is Govt. Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, Township 7 South, Range 35 East, B. M.
6. The licensed point of diversion and place of use are also known as Lot 8, Block 2, Gibson Jack Acres Subdivision.
7. While investigating other water rights near Gibson Jack Acres Subdivision, Department field agents discovered that Lot 8, Block 2, Gibson Jack Acres Subdivision, is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian.

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8. County records indicate that Govt. Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, Township 7 South, Range 35 East, Boise Meridian, is actually owned by Little Red Hen, Inc., c/o Dr. Thomas McDevitt.
9. On July 24, 2002, Department staff sent a letter notifying the right holders that the point of diversion and place of use descriptions on the license are incorrect. The Department sent a copy of the letter to Little Red Hen, Inc.
10. On August 6, 2002, the right holders submitted an application to amend the permit (amendment) to show the place of use and point of diversion on water right no. 29-7846 as being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, B. M.

CONCLUSIONS OF LAW

1. Under Section 42-219, *Idaho Code*, the Department has a statutory obligation to issue a water right license that accurately portrays the extent of beneficial use of water developed in accordance with the permit.
2. When issuing Water Right License 29-7846, the Department incorrectly described the point of diversion and place of use descriptions for the water use developed by the right holders.
3. The Department should approve the amendment to correct the point of diversion and place of use descriptions on the permit.
4. The Department should re-issue the license with the correct point of diversion and place of use descriptions.

ORDER

IT IS HEREBY ORDERED that the application to amend Permit No. 29-7846 is **APPROVED** subject to the conditions of approval listed on the approval document signed on this date in connection with this order.

IT IS FURTHER HEREBY ORDERED that Water Right License No. 29-7846 issued by the Department on July 27, 2001, is **CORRECTED** as set forth in the Amended Water Right License issued on this date in conjunction with this order.

Dated this 8TH day of AUGUST, 2002.


NORMAN C. YOUNG
Administrator, Water Management Division

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07846

RECEIVED

AUG - 6 2002

Department of Water Resources

Date of Priority: April 01, 1988

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume: 8.6 AF

Comes now CLARK KELLY
9685 W HEATHER RD
POCATELLO ID 83204

And/Or

TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204

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. 29-07846, and requests that the permit be changed as follows:

Source: GROUND WATER

<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	0.6 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp 7S, Rge 35E, B.M BANNOCK CountyPLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 35E 18												X					

PLACE OF USE: IRRIGATION

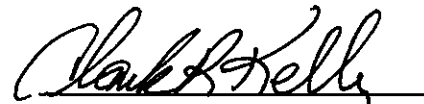
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 35E 18												2.0					2.0

Total Acres: 2

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 this 2 day of August, 2002

MICROFILMED

AUG 15 2002


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07846

FOR DEPARTMENT USE ONLY
Preliminary check by SWK Fee 50.00 Received by JM # 063825 Date AUG - 6 2002

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. 29-07846 with the following:

CONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
3. Irrigation use under this right is authorized only in connection with a domestic use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 8TH day of August, 2002.

Acting for


KARL J. DREHER
Director

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AUG 15 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07846

Priority: April 01, 1988

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume: 8.6 AF

It is hereby certified that CLARK KELLY And/Or TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 01, 1988; and has
submitted Proof of Beneficial Use on August 23, 1988. An examination indicates that the works have a
diversion capacity of 0.08 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 SW¼SW¼SW¼ Sec. 18, Twp 07S, Rge 35E, B.M., BANNOCK County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 35E 18												X					
												L 4					

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 35E 18												2.0					2.0
												L 4					

Total Acres: 2

CONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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OCT 02 2001

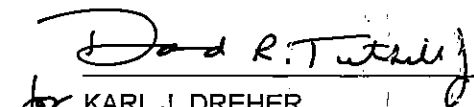
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07846

3. Irrigation use under this right is authorized only in connection with a domestic use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27th day of July, 2001.


for **KARL J. DREHER**
Director

MICROFILMED
OCT 02 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 9, 2002

CLARK KELLY
TAMARA KELLY
9685 W HEATHER RD
POCATELLO ID 83204

RE: Water Right License 29-7846

Dear Water Right Holder:

The Department of Water Resources (IDWR) has issued the enclosed order amending the Water Right License for Water Right 29-7846. The order is a preliminary order issued by the Department pursuant to §67-5243, *Idaho Code*. The water right license issued in connection with the order supersedes the license issued on July 27, 2001. The preliminary order 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 in the enclosed information sheet.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

Cc: Little Red Hen, Inc.
Dave Tuthill – IDWR Adjudication Bureau

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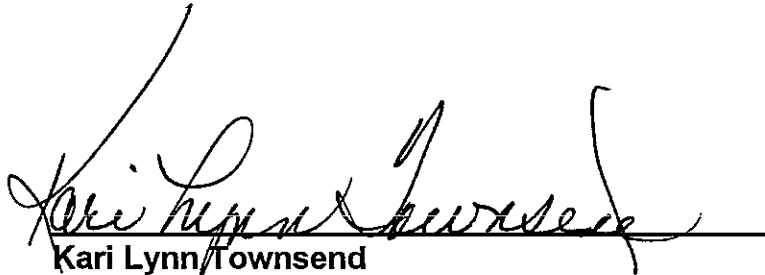
AUG 15 2002

CERTIFICATE OF SERVICE

I hereby certify that on **August 9, 2002** I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

RE: LICENSE 29-7846

**CLARK KELLY
TAMARA KELLY
9685 W HEATHER RD
POCATELLO ID 83204**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
AUG 15 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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AUG 15 2002

FINAL ORDER

The Director 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 Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

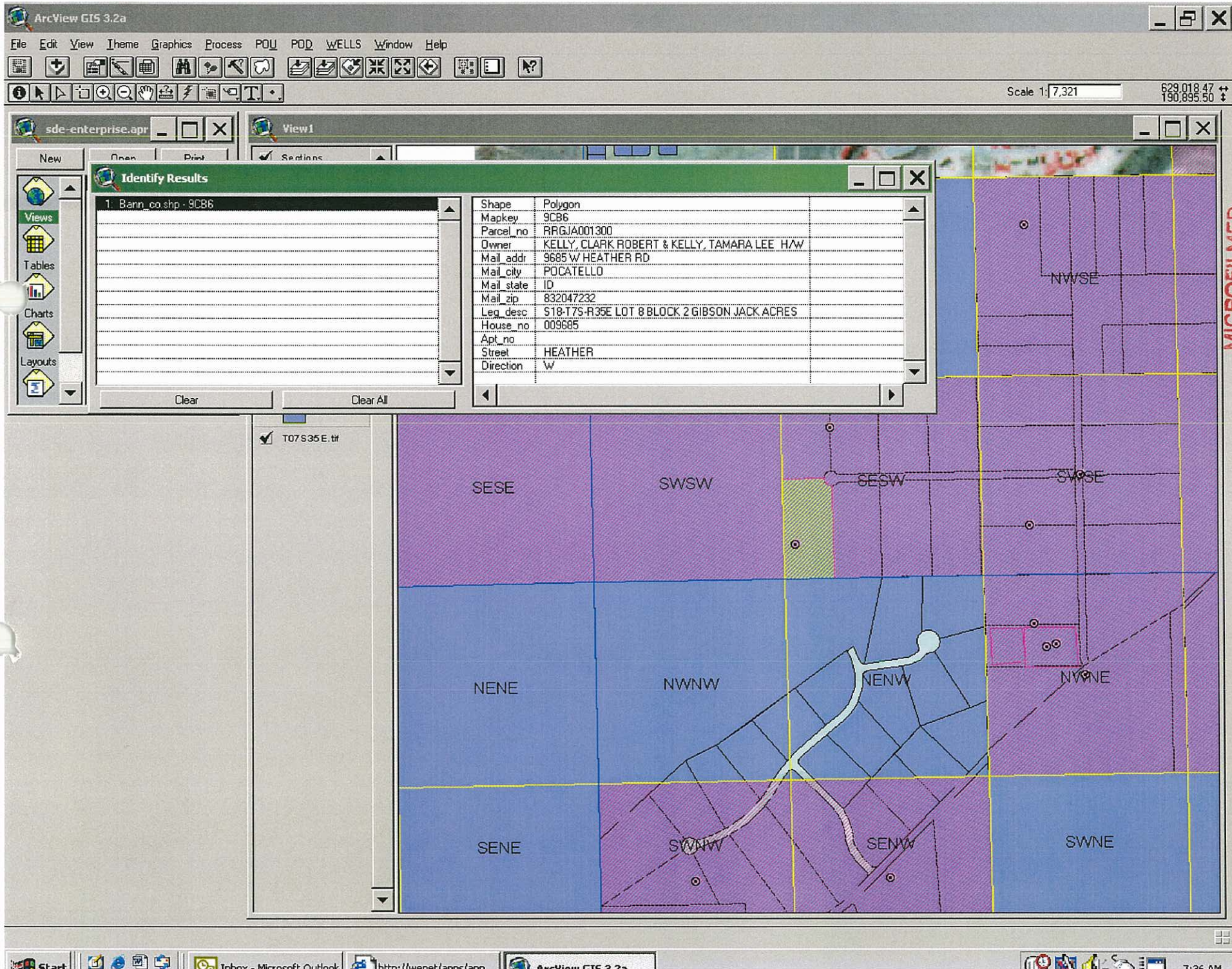
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

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AUG 15 2002

ORIGINAL





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 24, 2002

CLARK KELLY
TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204

RE: Water Right License 29-7846

Dear Mr. and Mrs. Kelly:

On July 27, 2001, the Department of Water Resources (IDWR) issued Water Right License 29-7846 to you for domestic and irrigation use within Lot 8, Block 2, Gibson Jack Acres Subdivision. It has recently come to our attention that there is an error on the license that must be corrected.

When your application for permit was filed in 1988, you indicated that your place of use and point of diversion would be located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. IDWR granted the permit, and you submitted a proof of beneficial use statement later in 1988. In June of 1999 an IDWR field examiner visited your property to verify the water use established in accordance with your permit. The field examiner reported that your point of diversion and place of use were established as permitted, and IDWR issued your license authorizing the diversion and use of water within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. While investigating other water right claims in the area, however, IDWR field agents discovered that Lot 8, Block 2, Gibson Jack Acres Subdivision, is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. County records indicate that the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian, is actually owned by Little Red Hen, Inc., c/o Dr. Thomas McDevitt.

I have enclosed a number of items for you to review in connection with this matter. They are:

- A photocopy of your application for permit.
- A computer-generated map depicting the location of your parcel in relation to the licensed point of diversion and place of use.
- An Application for Amendment of Permit form with the correct place of use and point of diversion descriptions.

Changes that do not increase the authorized use of water under a permit can be requested and approved in accordance with Section 42-211, *Idaho Code*. Because your actual point of diversion and place of use are different than requested and permitted, before a revised license can

Clark and Tamara Kelly
July 24, 2002
Page 2

be issued your permit must be amended to depict your water use as it was actually developed. If you concur with IDWR's conclusion that your water right license is not accurate and must be revised, please sign the Application for Amendment of Permit form and submit it to IDWR with the \$50.00 filing fee within 14 days. When the amendment form has been submitted, IDWR will prepare an order revising water right license.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,



Shelley Walter Keen
Water Rights Supervisor

Enclosure

cc: Little Red Hen, Inc.
Dave Tuthill – IDWR Adjudication Bureau

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AUG 15 2002

Saxton, Craig

From: Tuthill, Dave
Sent: Wednesday, April 24, 2002 2:14 PM
To: Saxton, Craig
Cc: Shurte, Jan; Carlsen, Ernie
Subject: RE: Error in Licensing of 29-07846

Thanks for the thorough description, Craig.

This one does look like a candidate for a licensing amendment. Please add Keith's information to the file and route a packet consisting of copies of the pertinent information through Ernie to me. I will coordinate directly with Allocations Bureau regarding the advisability of amending the license.

I appreciate your following the policy guidance on this -- in this way the system works best.

Regards, Dave

-----Original Message-----

From: Saxton, Craig
Sent: Wednesday, April 24, 2002 11:06 AM
To: Tuthill, Dave
Cc: Shurte, Jan; Carlsen, Ernie
Subject: Error in Licensing of 29-07846

Hello Dave,

Per Adjudication Memo #41 and as discussed in a Western Region AJ meeting, it is my understanding that guidance on the below issue should be sent directly to you. CC'd to Jan and Ernie.

29-07846 is an irrigation right SE of Pocatello. The Field exam was done on 7/19/99 and was licensed in 2001. The permitted and licensed POU and POD are in the SWSW of T7S, R35E, S.18. However, Bannock county parcel data indicate that the owners of the license don't own property in the above legal description.

In addition, AJ field exam on 7/31/2001 preformed by myself, confirms that the SWSW of S.18 is owned by Little Red Hen Inc. (C/O Dr. Thomas McDevitt) and is irrigated under right 29-04244. All information I have gathered indicate that 29-07846 should have been licensed in in the SESW. See attached JPG.

<< File: 29-07846.jpg >> << File: 29-07846 License.RTF >>

I spoke with Kay Walker this morning. I am informed that there isn't much that can be done about this issue on the Allocations side short of the claimant filing a transfer.

I have requested that Keith Wilson send me the GPS coordinates taken during the Field exam in 1999 to confirm that the location of the POD is actually in the SESW.

Adjudication Memo #41 states, "...the adjudication staff should request the Water Allocation Bureau Chief to reconsider the license or transfer. This request should be routed through the Adjudication Bureau Chief...". Thus, I am informing you of this issue.

Until such time that this is reviewed by Allocations, I need some guidance on how to recommend the SRBA claim.

Thank you,

Craig Saxton

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AUG 15 2002
1

Saxton, Craig

From: Wilson, Keith
Sent: Wednesday, April 24, 2002 11:34 AM
To: Saxton, Craig
Subject: RE: 29-07846

Craig,

All that I can find on 29-7846 is the license and a copy of the usgs quad with the P/U & P/D in SWSW, S18, T7S, R35E. I did not find any GPS file associated with 29-7846. About all I can say is that the complete file is in the state office. You could go to the vault and see if there is anything there that would help you (Well at least deal with this issue.).

I looked in ArcView and I agree it appears that the place of use should be in the SESW S18, T7S, R35E (using 1987 naap aerial)

Keith

-----Original Message-----

From: Saxton, Craig
Sent: Wednesday, April 24, 2002 10:06 AM
To: Wilson, Keith
Subject: 29-07846

Hey Keith,

How are things in IF? Not too bad on this side of the state.

I got an issue. 29-07846 is an irrigation right. Licensed in 2001. Field Exam in 7/19/99. The permitted and licensed POU and POD are in the SWSW of T7S, R35E, S. 18. However, Bannock county parcel data indicate that the owners of the license don't own property in the above legal description. In fact, I think it should have been licensed in the SESW. See attached JPG.

<< File: 29-07846.jpg >>

I spoke with Kay Walker this morning. Sounds like there isn't much that can be done about this issue on the Allocations side short of filing a transfer. I am looking into what the AJ side can do.

Now to my point: Do you have the field exam GPS coordinates taken for this field exam. I would like to confirm that the field examiner did take the POD location in the SESW. Plus, having that coordinate will help me make my AJ recommendation assuming I can correct this error.

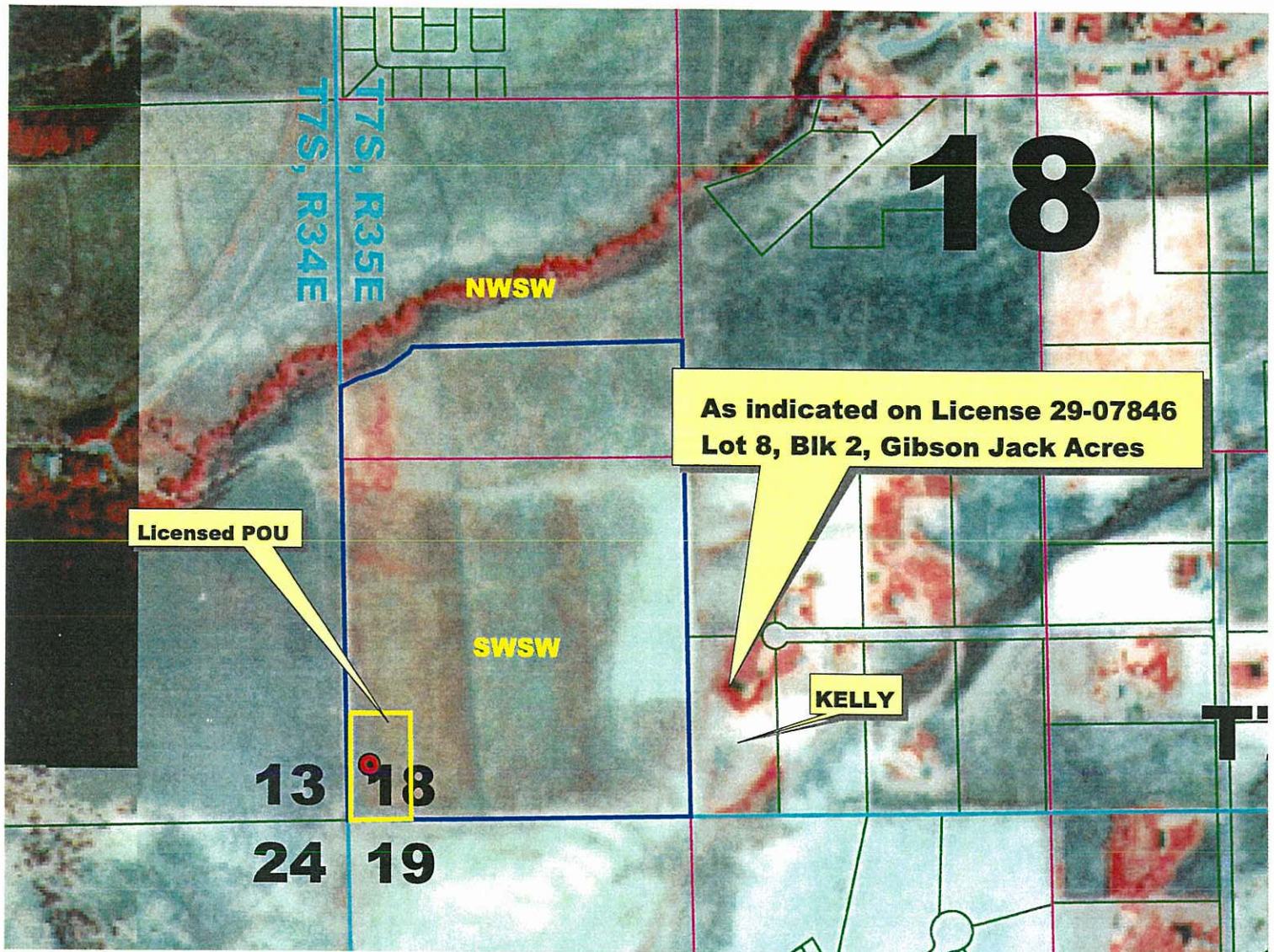
Much appreciated.

Craig

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APR 15 2002

Assumed Error in Licensing for 29-07846 Kelly, Clark



Point of Diversion

Total Irrigated Acreage: 2.0



POU - 29-04244 - In CRP



Bannock Co Tax Lot/Property Boundary



Licensed Irrigated Place of Use



Section Lines



Quarter Quarter Lines



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AUG 15 2002

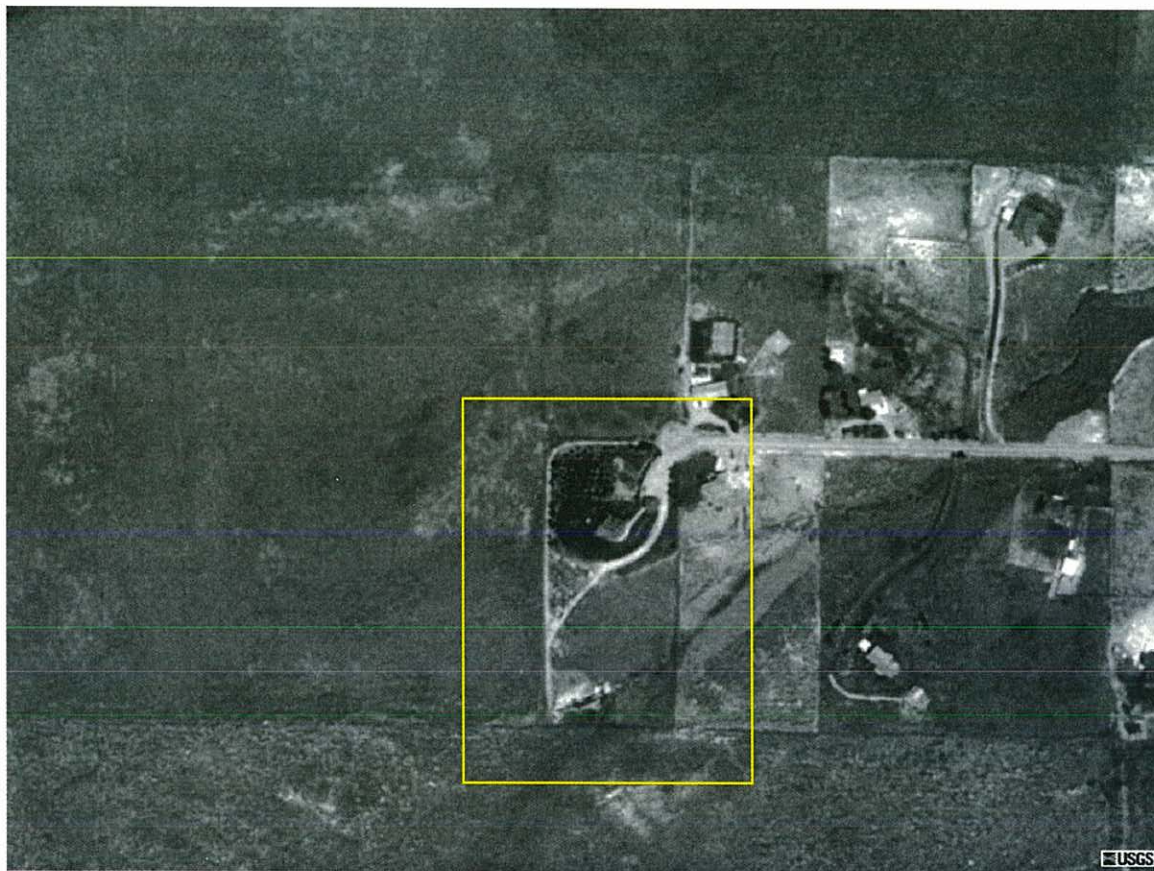
Prepared By: Craig Saxton
May 2002

Digital OrthoPhoto Quadrangle Image

The image you are viewing is 800 pixels wide by 600 pixels high. Each pixel represents 1 by 1 meters of earth. This image was extracted from a Color Infra-Red (CIR) digital orthophoto quadrangle provided by the USGS.

The image was photographed on 23 Aug 1998 by the National Aerial Photography Program and digitized by the USGS DOQ Program on 13 Nov 2000

The USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 12 on the North American datum of 1983



29-07846 – Assumed actual place of use within SESW of Section 8, T7S, R35E

MICROFILMED
AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 31, 2001

CLARK KELLY
TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204

RE: License No. 29-7846 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

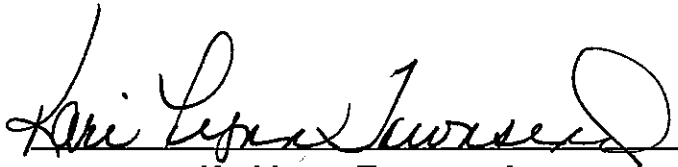
RECORDED
OCT 02 2001

CERTIFICATE OF MAILING

I hereby certify that on July 31, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 29-7846

**CLARK KELLY
TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 02 2001

EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

[illegible]

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$50.00
Date 8/24/88
Receipt # 0002332
Receipt by CP
Reviewed by [Signature]
Sent to region [Signature]

JUN 23 1988

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 29-7846

Name(s) of Permit Holder: Clark & Tamara Kelly

Post Office Address: 9685 W. Heather Rd. POCAHELLO,

Id. 83204 Telephone No. 1-208-233-7288

Source of Water: GROUNDWATER

Extent of Use:

Domestic ONE (number of households) Stockwater _____ (number and type of stock)

Irrigation Three (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.13 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 9-2-85

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Fee enclosed \$ 50.00
(See License Examination Fee Schedule)

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

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

Clark or Tamara Kelly 1-208-233-7288
(Name) (Telephone Number)

9685 W. Heather Rd. POCAHELLO, Id. 83204
(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.

MICROFILMED

8-19-88
Date

Clark R. Kelly
Signature of Permit Holder (and title, if appropriate)

JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Clark and/or Tamara L. Kelly Phone (208) 233-7288
Post office address 9685 W. Heather Rd., Pocatello, ID 83204

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

3. Location of point of diversion is _____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot # 4
Sec. 18 Township 7S Range 35E B.M. Bannock County; additional
points of diversion if any: This is subdivision lot 8 of Gibson Jack Acres

4. Water will be used for the following purposes:

Amount 0.09 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (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) 0.13 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well/pump with 1 1/2" line 300' across
property.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 6 inches; proposed depth of well is 200 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 proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

JUN 15 1989

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. one
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	18											3						3
													L-4						

Total number of acres to be irrigated 3

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

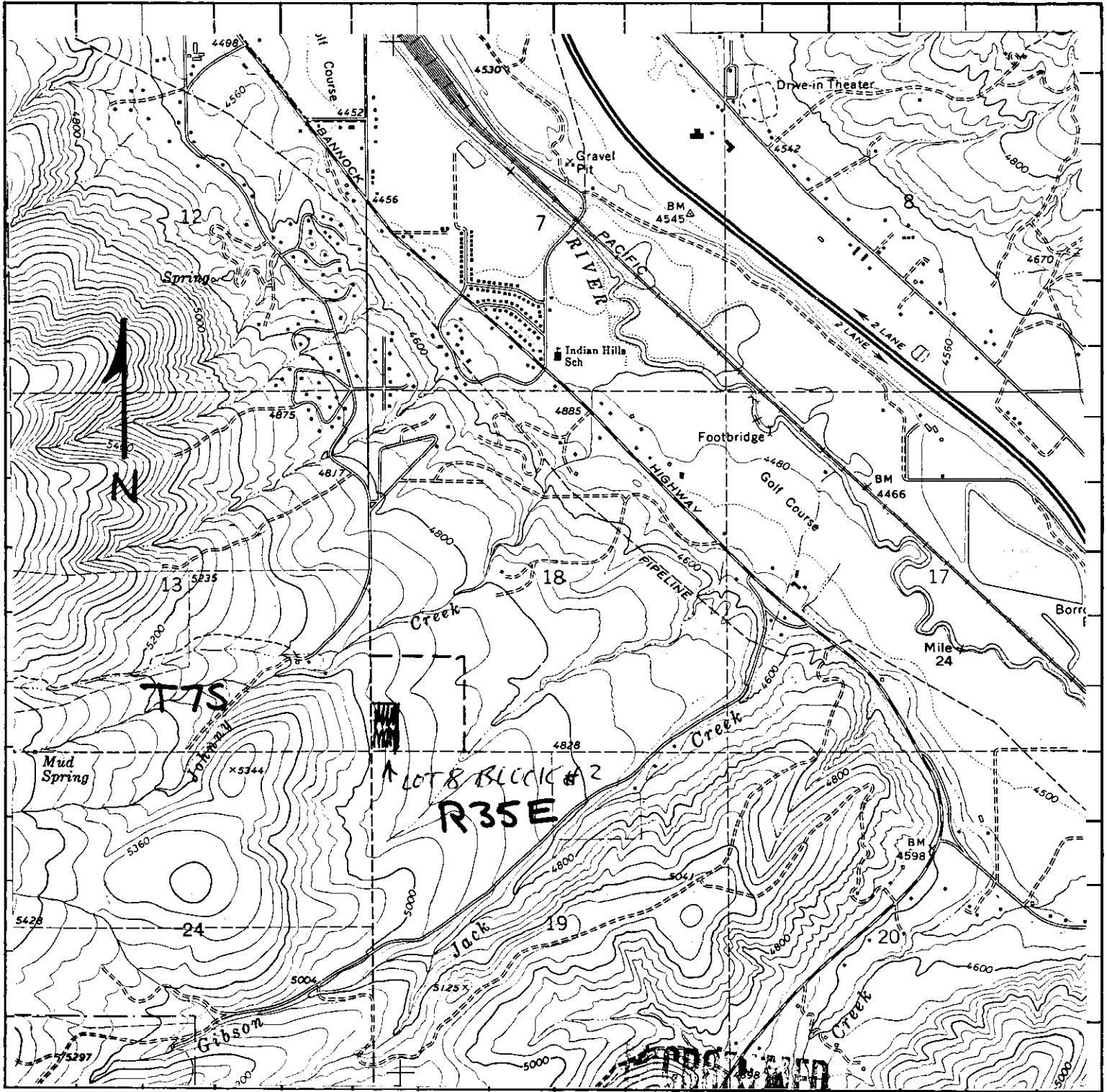
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Domestic water established 9-2-85 and wish to irrigate nursery trees & flowers by sprinkler and drip irrigation

RECORDED

JUN 12 1989

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.

JUN 12 1989

Wm R. Kelly
(Applicant)

Proposed Priority 4/1/88

Received by dg Date 4-1-88 Time 3pm Preliminary check by HWT

Fee \$ 30⁰⁰ Receipted by dg # E000068 Date 4-6-88
5-5-88 5-12-88

Publication prepared by dg Date 4-27-88 Published in ID State Jnl

Publication approved dg Date 5-17-88

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. 29-7846, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

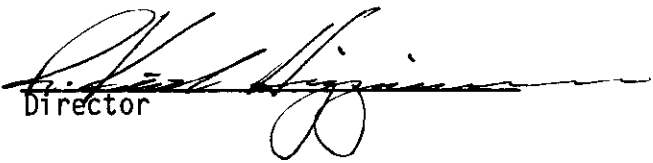
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 89.

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: Irrigation use under this permit is authorized only in connection with a domestic use.

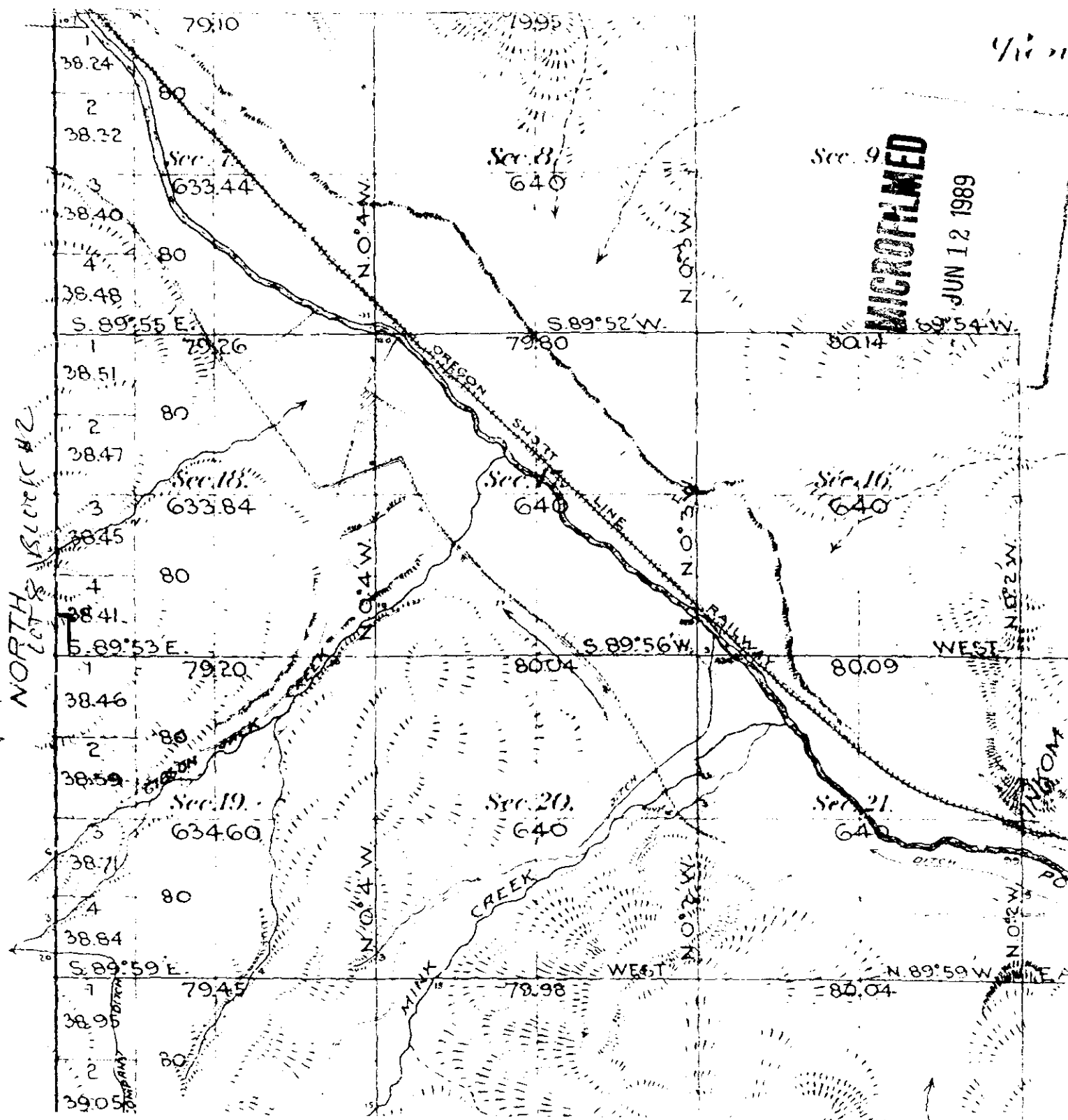
Witness my hand this 3rd day of August, 1988.


Director

MICROFILMED

JUN 12 1989

T75
R
35E



PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Linda Briggs

she

being first duly sworn on oath deposes and says: That _____
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:

<u>May 5</u>	<u>19 88</u>	<u> </u>	<u>19</u>
<u>May 12</u>	<u>19 88</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>

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.

Linda Briggs

Subscribed and sworn to before me this 12th

day of May, 19 88.

Jeri A. Larson

Notary Public, State of Idaho

Residence: Pocatello, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

29-7847

VARGASON, THAYNE E. &/or KAREN
BOX 728, POCATELLO, ID 83204
Source: PORTNEUF RIVER trib. to
SNAKE RIVER

Diversion Pt: LOT 06 (NENSW) Sec 21 T
09S R 38E

Use: RECREATION STORAGE
(0.13AF)

DIVERSION TO STORAGE
(0.060CFS)

Date Filed: 04-20-1988

In: LOT 06 (NESW) Sec 21 T 09S R 38E

29-7846

KELLY, CLARK &/or TAMARA L.
9685 WEST HEATHER ROAD, POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: LOT 04 (SWSW) Sec 18 T
07S R 35E

Use: IRRIGATION (0.090 CFS)
DOMESTIC (0.040 CFS)

Date Filed: 04-01-1988

In: Lot 04 (SWSW) Sec 18 T 07S R 35E
FOR 3 ACRES

29-7845

MORRISON, KIP
1829 EAST BIG HOLLOW ROAD, DOWNEY, ID 83234

Source: SPRING trib. to MARSH CREEK
Diversion Pt: LOT 02 (NENWNE) Sec 01
T 12S R 36E

Use: RECREATION STORAGE (5.0AF)
Date Filed: 04-19-1988

In: LOT 02 (NWNE) Sec 01 T 12S R 36E

The permits 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 May 23, 1988.

S/R. Keith Higginson

Director

May 5, 12, 1988

No. 706

RECEIVED

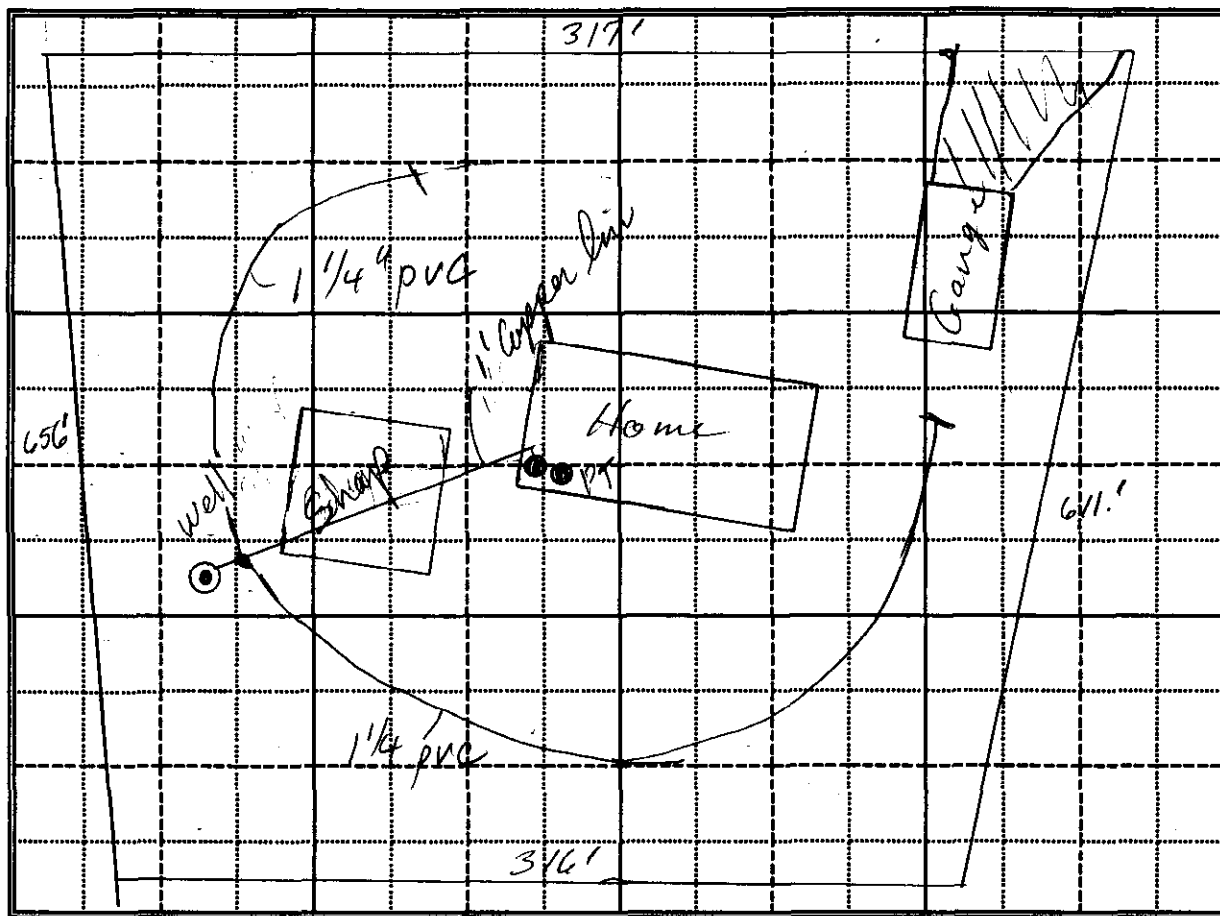
MAY 12 1988

Department of Water Resources
Eastern District Office

MICROFILMED

JUN 12 1989

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Grundfos	3	T85 29M306	Franklin	

*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

2. Measurements: Pump lower than 188

E. NARRATIVE/REMARKS/COMMENTS

The well pumps to the home where two pressure tanks are located through a 1" copper line. 1 1/2" PVC pipe Tee's off at the well and forms a house shoe around the home. All of the lawn, garden and orchard is watered from this house shoe. The pump controls and pressure switch is located in the basement of the home with the pressure tanks. The well will supply only enough water to cover about 2 acres of the property.

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\text{Theoretical } Q = 0.08 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 200 (4) = 8$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days In Irrigation Season}) \times 1.9835 = 0.04 (214) 1.9835 = 16.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 8.0$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	0.04	8.0
Domestic	1/1	12/31	0.04	1.2
Totals:			0.08	9.2

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

KEITH C WILSON 2/2/2001

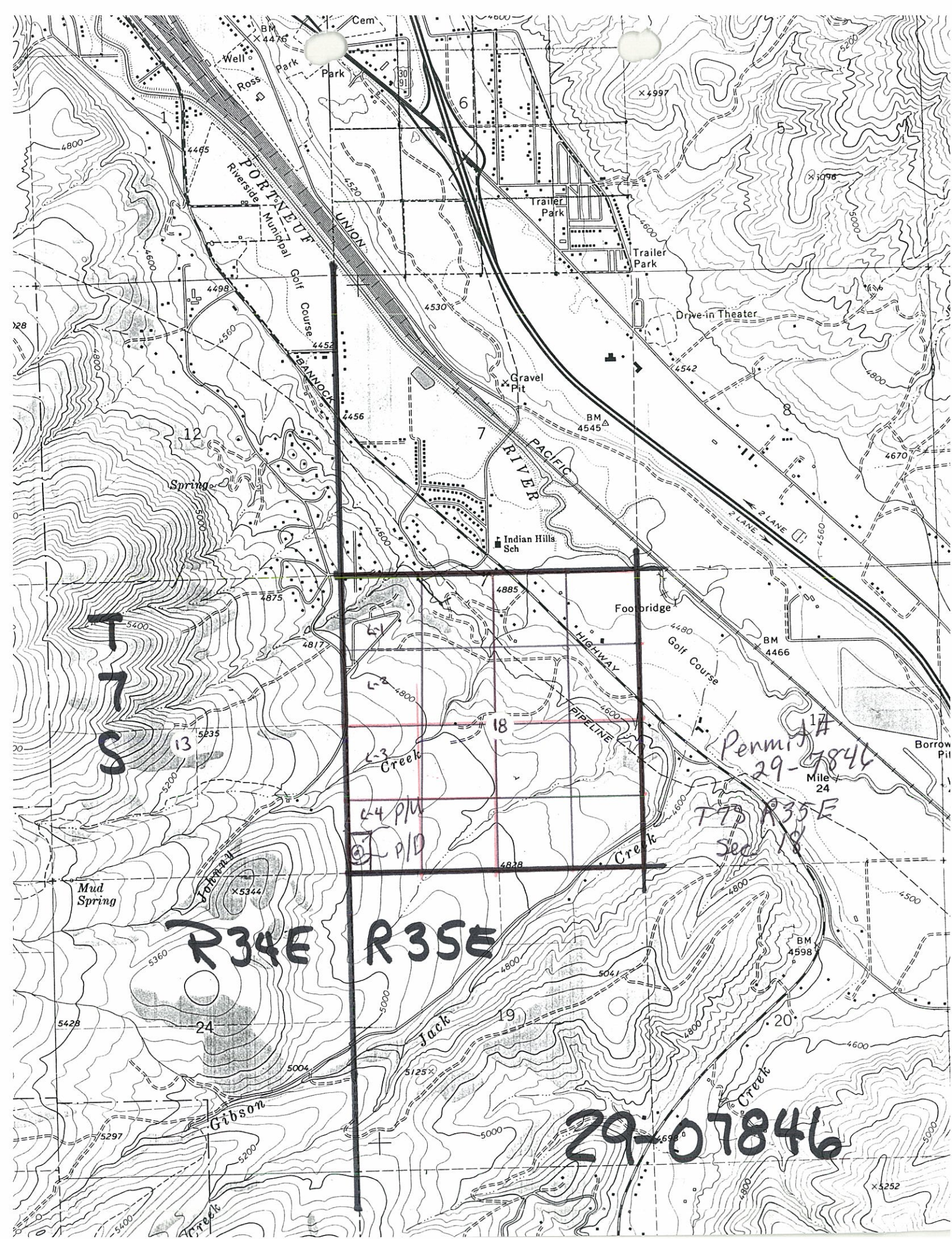
Date

Lee L. Simmons 7/19/99

Reviewer

Date

SEAL



THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

$$Hp = \text{Horsepower} = \underline{3}$$

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

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

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

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

$$\text{Lift} = \underline{\approx 140} \text{ according to owner}$$

OR

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

$$psi = \text{Operating Pressure} = \underline{35} \text{ psi}$$

$$Q_{cfs} = \left[\frac{3}{Hp} \times 8.814 \times \frac{0.70}{Eff} \right] \div \left[\frac{140}{Lift} + \left(\frac{35}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{18.5} \right] \div \left[\underline{220.78} \right]$$

$$Q_{cfs} = \underline{0.08} \text{ cfs}$$

PERMIT NO. 29-07846



View showing the North side of the place at ase

Photo page 1 of 3

Permit # 29-7846



looking North at the well site and home



Photo Page
2 of 3

Pressure tanks, Pressure Switch are located
in the Basement of the home on the West side

Permit # 29-1846



Place of use looking North from South
West Corner of property



Place of use looking East from the
South West Corner of property

Photo Page 3 of 3

Permit # 29-7846

15
MAY 04 1989

Department of Public Safety

May 3, 1989

Permit No. 29-07846

Clark & Tamara Kelly
9685 W. Heather Rd.
Pocatello, ID 83204

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:lk

MicroFILMED

JUN 12 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 20, 1988

William Dubbe
Dubbe Drilling & Pump Co.
P.O. Box 4465
Pocatello, ID 83205

RE: Well logs

Dear Mr. Dubbe:

Please respond immediately to my letter dated November 16 and November 21, 1988. The Department is holding water rights pending receipt of these well logs.

If you did not drill these wells, let me know.

Sincerely,

JOHN E. BEAL
Groundwater Protection Section

JEB:ldt(GP14-1.35)

Enclosures

CC: 29-7834
29-7846

MICROFILMED

JUN 14 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 21, 1988

William H. Dubbe
Dubbe Drilling & Pump Co.
P.O. Box 4465
Pocatello, ID 83201

RE: Well Drilled for C.R. Kelly
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T7S, R35E

Dear Mr. Dubbe:

I have been informed that you drilled the referenced well in 1985 for the Kellys. The well is reported to be a 6-inch well 200 feet deep. I am not able to find a Well Driller's Report for the well.

Please submit the report; or if you did not drill this well, please let me know.

Sincerely,

JOHN E. BEAL
Groundwater Protection Section

JEB:ldt

29-7846

RECEIVED

JUN 12 1989

11-1-88

(R.E. Permit # 29-7846)

Jodi I. Schultz
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Borse, Idaho 83720

NOV 18 1988

Department of Water Resources

Dear Sirs,

As per your letter DATED Oct. 18, 1988,

Well Drilled;

Wm H. Dubbe

P.O. Box 4465

Pocatello, ID. 83201

ON

8-7-85

Pump Installed;

RAY's Pump

4501 N. Garton Lane

Pocatello, ID 83204

ON

8-31-85

The well in question is 200' deep (6").

The pump is set at 188'.

The water level on 8-31-85 was 80'.

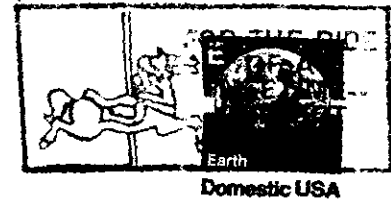
MICROFILMED

Thanks, JUN 12 1989

C. R. Kelly

9685 W. Heather Rd
Pocatello, ID. 83204

Mr. & Mrs. C. R. Kelly
8685 West Heather Road
Pocatello, Idaho 83204



Dept. Water Resources ^{Att} Jodi I Schatz.
1301 N. Orchard St.
Statehouse Mail
Boise, Id. 83720

October 18, 1988

Clark and Tamara Kelly
9685 W. Heather Rd.
Pocatello, ID 83204

RE: Permit No. 29-7846

Dear Permit Holder:

The department received your Proof of Beneficial Use form, however, before completing processing, additional information is needed.

If you have a well driller's report, please send a copy to the department. If you do not have one, please let me know who drilled the well and when it was drilled.

Upon receipt of the information requested, the department will continue processing the proof by notifying the regional office a field examination is needed.

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

Sincerely,

JODI I. SCHULTZ
Clerical Assistant

c: E. Region

RECEIVED

JUN 12 1989

To: File 29-7846

From: Groundwater Protection

Date: 10/17/88

Drilling Permit: ☒ Not Applicable
☐ Found and in file
☐ Not Found

Well Drillers Report:

☐ Not found, due to reported age of well
probably not available
☐ Found and is in file
☒ Not found

Follow-up

☒ Request from permit holder the well
drillers report and/or the name of the
well driller, and date drilled.
☐ Ask permit holder when well was drilled
and notify holder of drilling permit
requirement if after July 01, 1987.

INDEXED

JUN 12 1989

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

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 8, 1988

CLARK KELLY
TAMARA L. KELLY
9685 WEST HEATHER ROAD
POCATELLO, ID 832040000

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-07846

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct you 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.

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 the statement of beneficial use that must be submitted when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:sc
Enclosures

MICROFILMED

JUN 12 1989

29-7846

KELLY, CLARK &/or TAMARA L.

9685 WEST HEATHER ROAD, POCA TELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: LOT 04 (SWSW) Sec 18 T 07S R 35E

Use: IRRIGATION	(0.090 CFS)
DOMESTIC	(0.040 CFS)

Date Filed: 04/01/1988

In: LOT 04 (SWSW) Sec 18 T 07S R 35E FOR 3 ACRES

MICROFILMED

JUN 12 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 15, 1988

RECEIVED

APR 21 1988

Clark Kelly
9685 W. Heather Rd.
Pocatello, Idaho 83204

Department of Water Resources
Eastern District Office

Dear Mr. Kelly:

Enclosed you will find a modified application for permit. The acreage and cfs amount were changed as per our telephone conversation. The location was changed due to conversations I had with the Bannock County assessor. You may want to double check my work for any errors. It would be helpful if you could designate which portion of the SW1/4SW1/4 (yellow highlighted 40 acres) of Sec. 18 your property is located in. I then need you or your wife to sign the application and return it to me. *OK*

If you have any questions, please call me.

Sincerely,

Harold W. Jones

Harold W. Jones
Sr. Resource Agent

HWJ/dg

MICROFILMED

JUN 12 1989