

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07760

Priority: June 24, 1983

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

32.7 AF

This is to certify, that BILLY J DUTTON
2008 BIG SKY RD
POCATELLO ID 83204

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 24, 1983; and
has submitted Proof of Beneficial Use on April 9, 1990. An examination indicates
that the works have a diversion capacity of 0.350 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.16 CFS	32.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.20 CFS	32.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 06S, Range 33E
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>
06S	33E	18	NENE	8		8

Total number of acres irrigated: 8

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use. MICROFILMED
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law. DEC 08 1927

State of Idaho
Department of Water Resources

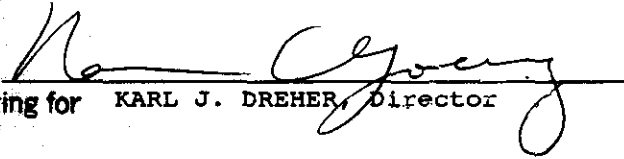
WATER RIGHT LICENSE

WATER RIGHT NO. 29-07760

CONDITIONS OF APPROVAL AND REMARKS

5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 26th day of NOVEMBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED
DEC 08 1997

Form 217
03/8

RECEIVED

APR 9 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received 50.00
Date 4-9-90
Receipt # 00160154
Receipt by [Signature]
Reviewed by [Signature]
Sent to Region 5290

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. P29-07760

Name(s) of Permit Holder: Billy J. Dutton

Post Office Address: 2008 Big Sky Road, Pocatello, Idaho 83204

Telephone No. (208) 232-4564

Source of Water: Groundwater

Extent of Use:

Domestic 1 Home (number of households) Stockwater 12 Head cattle (number and type of stock)

Irrigation 8 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.20 cfs 20 acre-feet

Show the date water was first diverted and beneficially used under this permit: June 1976

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:

Billy J. Dutton (Name) (208) 232-4564 (Telephone Number)

2008 Big Sky Road, Pocatello, Idaho 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.

MAY 18 1990

4-5-90
Date

Billy J. Dutton
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07760

Proposed Priority: June 24, 1983

Maximum Diversion Rate:

0.20 CFS

This is to certify, that **BILLY J. DUTTON**
STAR RT. BOX 160
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 11/01	0.16 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE Sec. 18, Township 06S, Range 33E
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>
06S	33E	18	NENE	8		8
Total number of acres irrigated:						8

PLACE OF USE: STOCKWATER, 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 **December 1, 1990**.
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 0.20 cubic feet per second for each acre of land.
7. Domestic use is for 1 home.

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DEC 13 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07760

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

30th day of October, 1989.

for J. Glen Saxton
R. Keith Higginson, Director

MICROFILMED

DEC 14 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Billy J. Dutton Phone 232-4564
Post office address Star Route, Box 160, Pocatello, ID 83201

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 6S
Range 33E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.16 ~~cfs~~ ^{for} irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 ~~cfs~~ ^{for} domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 ~~cfs~~ ^{for} stockwater 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)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well with pump to sprinkler
system and one home

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 8 inches; proposed depth of well is 140 feet.

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 — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 6S
Range 33E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

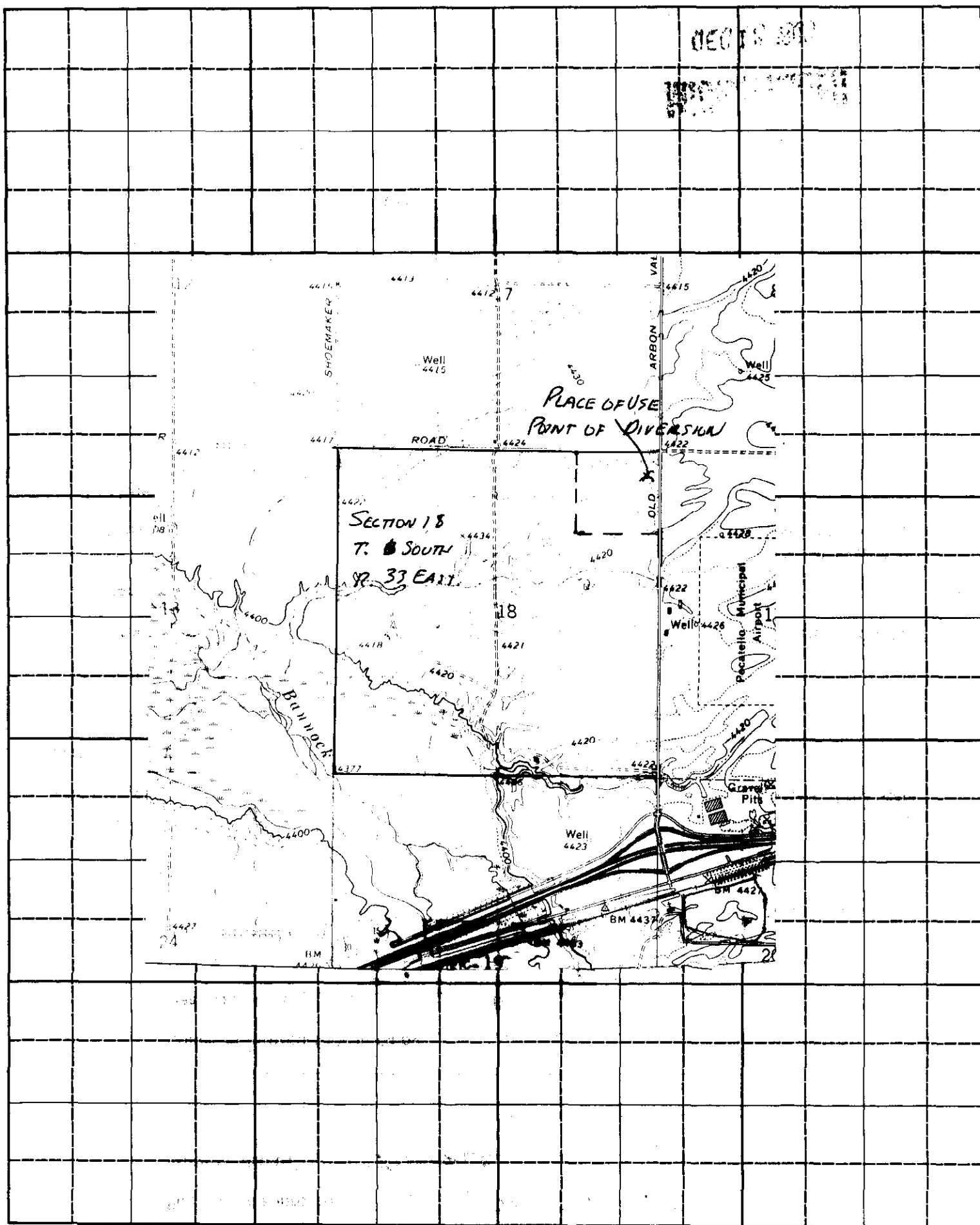
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water One.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

DEC 13 1989

11. 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.

MICROFILMED

DEC 13 1989

Billy D. Dutton
(Applicant)

Received by CW Date 6-24-83 Time 4:17p.
Preliminary check by _____ Fee \$ 30.00
Receipted by CW Date 6-24-83 # 30730
Publication prepared by RB Date _____
Published in Idaho State Journal
Publication dates 9-7-14-89
Publication approved CW Date 9-22-89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HWS

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. Other:

MICROFILMED

DEC 13, 1989

NOTICE OF APPLICATION
FOR WATER RIGHT

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

29-07742

BULLOCK, EDWIN K.
BULLOCK, MELBA
RT. 3, BOX 208A
Pocatello, ID 83201
Source: GROUNDWATER
Diversion Pt:
SENE Sec 20 T 07S R 35E
Use: IRRIGATION (.080 CFS)
STOCKWATER (.030 CFS)
DOMESTIC (.040 CFS)

Date Filed: 6/22/1983
In: T07S R35E S20
NWNE SWNE SENE
4.0 ACRES TOTAL

29-07743

BUNKER, RICHARD A.
2140 N. HILLSIDE LN.
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt.
SESW Sec 21 T 07S R 35E
Use: IRRIGATION (.440 CFS)
STOCKWATER (.040 CFS)
DOMESTIC (.040 CFS)

Date Filed: 7/26/1983
In: T07S R35E S21 SESW
22.0 ACRES TOTAL

29-07751

PRICE, ROBERT R.
PRICE, S. E.
RT. 1 BOX 4165
INKOM, ID 83245
Source: GROUNDWATER
Diversion Pt.
NWNE Sec 25 T 07S R 35E
Use: IRRIGATION (.300 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)

Date Filed: 9/26/1983
In: T07S R35E S25 NWNE
15.0 ACRES TOTAL

29-07753

CARLSON, RODNEY E.
P.O. BOX 1235
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt.
NENE Sec 11 T 06S R 34E
SENE Sec 11 T 06S R 34E
Use: IRRIGATION (.940 CFS)
STOCKWATER (.020 CFS)

Date Filed: 9/16/1983
In: T06S R34E S11 NENE SENE
48.0 ACRES TOTAL

29-07755

MAYR, LAMONT A.
MAYR, BETTY
BOX 211
INKOM, ID 83245
Source: GROUNDWATER
Diversion Pt.
SWNE Sec 27 T 07S R 36E
Use: IRRIGATION (.110 CFS)

Date Filed: 6/15/1983
In: T07S R36E S27 SWNE
10.0 ACRES TOTAL

29-07760

DUTTON, BILLY J.
STAR ROUTE BOX 160
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt:
NENE Sec 18 T 06S R 33E
Use: IRRIGATION (.160 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)

Date Filed: 6/24/1983
In: T06S R33E S18 NENE
8.0 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 SEPTEMBER 25, 1989.

S/R. Keith Higginson, Director
September 7, 14, 1989
No. 494

NOTICE OF PUBLICATION

RECEIVED

SEP 16 1989

Department of Water Resources
Eastern District Office

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 Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

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

<u>7 September</u>	<u>1989</u>	<u>19</u>
<u>14 September</u>	<u>19 89</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>
<u> </u>	<u>19</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.

Sandra K. Wann

STATE OF IDAHO

COUNTY OF Bannock

On this 14th day of September 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.

John L. Hansen
Notary Public for Idaho
Residing at Pocatello
My commission expires July, 1991

MICROFILMED

DEC 13 1989

M E M O R A N D U M

DATE: December 9, 1997

TO: File 29-07760

FROM: Kari Lynn Townsend

RE: Returned mail

=====

The postoffice returned the license that was sent to Billy J Dutton at 2008 Big Sky Rd, Pocatello.

I found the name of Neal Larson on the Field Examiners report with a phone number different from Billy Dutton's number (which has been disconnected). I called and spoke to Neal Larson who said that his father had purchased the property from Billy Dutton which involved this water right. I told him I would resend the license to Billy Dutton, c/o Neal Larson and also include a Change of Water Right Ownership form for them to fill out and return to us.

NOV28'97

0.55

RECEIVED
DEC 08 1997

Department of Water Resources

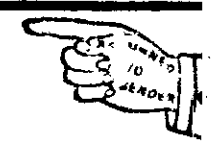
IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

To

L29-07760
BILLY J DUTTON
2008 BIG SKY RD
POCATELLO

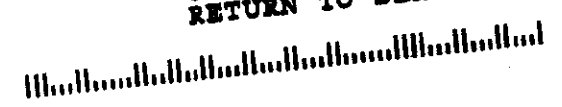
ID 83204



UNDELIVERABLE
AS ADDRESSED
FORWARDING
ORDER EXPIRED

DUTT008 832043007 1N 03 12/02/97
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BILLY J DUTTON
2008 BIG SKY RD
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-07760

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

MICROFILMED

DEC 8 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

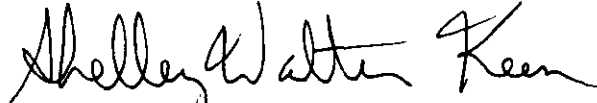
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

DEC 08 1987

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.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

DEC 08 1987

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of November, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-07760

BILLY J DUTTON
2008 BIG SKY RD
POCATELLO ID 83204


Kari Lynn Townsend
Secretary

RECORDED
DEC 08 1997

MEMORANDUM

TO: File 29-07760

FROM: Sharla

DATE: November 26, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 29-07760 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	0.16 cfs	32.0 afa
Stockwater	1/1 - 12/31	0.02 cfs	0.1 afa
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
TOTALS		0.20 cfs	32.7 afa

The examiner did not fill in the recommendations portion of the exam report, however, there is sufficient information to issue a license. The irrigation component covers any lawn/garden irrigation (aerial photo total is 3 acres); the domestic rate and volume have been adjusted accordingly.

Examiner: Keith Wilson

Exam Date: August 25, 1997

RECORDED

DEC 9 8 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 29-07760

DATE 11/26/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>No</u>
SOURCE	—	✓	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	—	✓	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	—	✓	Amendment required <u>No</u>

Does map agree with written description? — yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.20</u> cfs	
Fee limit	<u>.20</u> cfs	\$5000
Measured	<u>—</u> cfs	
Theoretical	<u>.35</u> cfs	.18 nozzle disch.

Recommended Total Div Rate .20 cfs

ANNUAL VOLUME/ NATURE OF USES

4/1-10/31 season

Use	cfs	Volume Calc	
<u>Irr</u>	<u>.16</u>	<u>8x4.0 = 32.0</u>	af
<u>stock</u>	<u>.02</u>	<u>1</u>	af
<u>Dom</u>	<u>.02</u>	<u>.6</u>	af
SUBTOTAL	<u>.20</u>	<u>32.7</u>	af

Flow rate .16 cfs X 214 days X 1.98 = 67.8 af
 Total volume recommended 32.0 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

RGU GW Measurement/Measuring Device
Overlap

— Use-specific conditions 048,049
 Advancement of Priority Date Required — yes — no

SRBA Claim Filed <u>N/A</u>	1st Amend Letter <u>N/A</u>
Adjustment Memo <u>blank (in house) rate/vol.</u>	2nd Amend Letter <u>N/A</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 01 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-7760

1. Owner: Billy J. Dutton % Neal Larson

Phone No. 232-6943

Current Address: 2008 Big Sky Rd, Pocatello, Id. 83204

2. Accompanied by: Neal Larson

EXAM DATE: 8-25-97

Address: _____

Phone No. 232-6943

Relationship to Permit Holder: _____

3. Source: GROUNDWATER

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NE	18	6S	33E	Power	On Site / USGS Quad / FSA aerial

2. Place(s) of Use:

Indicate Method of Determination ON SITE / FSA Aerial

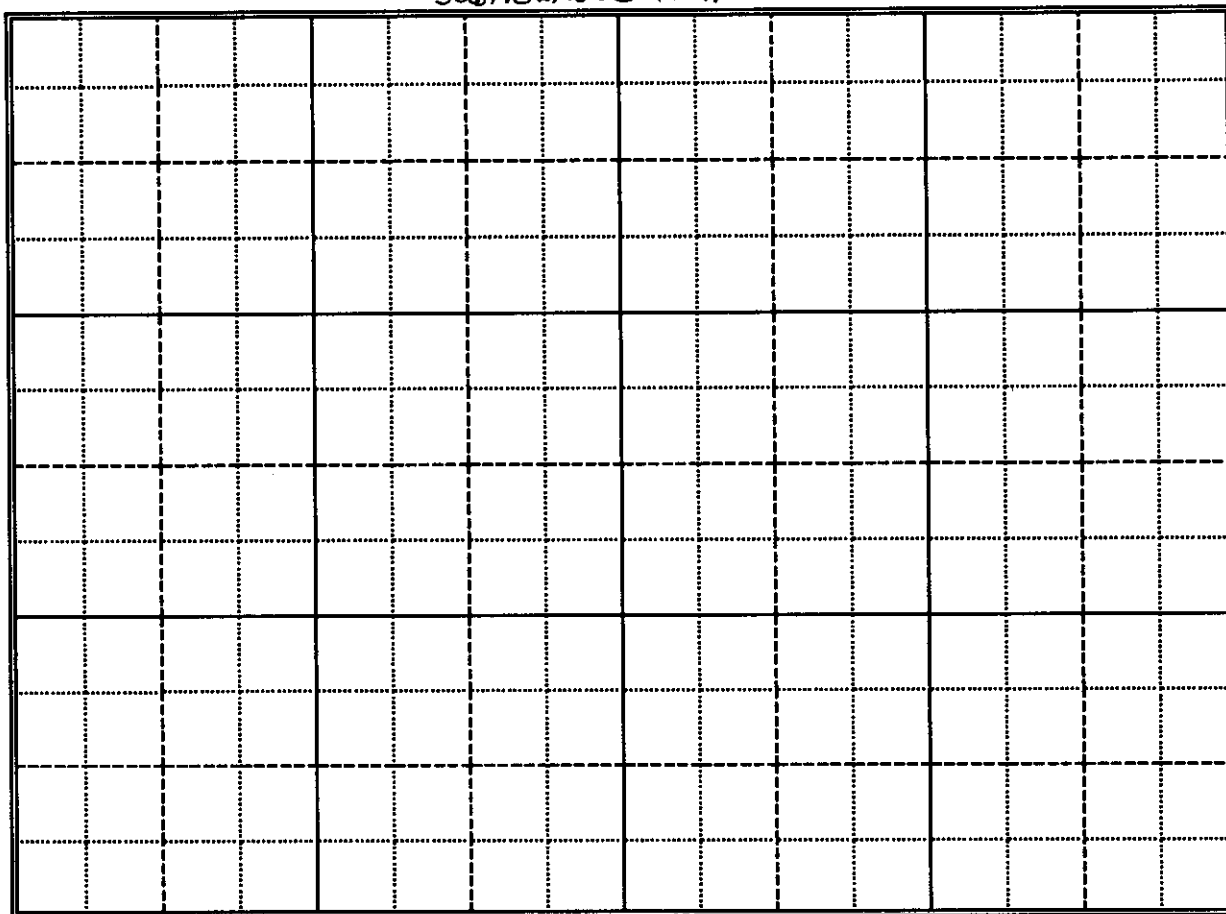
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	33E	18	8															8	

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DEC 08 1997

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

SUBMERGABLE PUMP



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 Electric	7 1/2	2822019 202	UNK	1 1/2" diameter 4" inlet

*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: 5 gal / 23.5 sec

Orifice 94 gpm

= 0.209 cfs

15 sprinklers 5/8" 1-3/4" 2-1/4" (all @ 35 PSI)

= 0.21

INCHES

DEC 08 1927

E. NARRATIVE/REMARKS/COMMENTS

Nozzles

$$5 \text{ gal} / 23.5 \text{ sec} = 12.8 \text{ gpm}$$

15 $\frac{5}{32}$ @ 35 PSI Q = 4.31 gpm (15)

1 $\frac{3}{16}$ @ 35 PSI Q = 6.21 (1)

2 $\frac{1}{64}$ @ 35 PSI Q = 5.18 (2)

SYSTEM WELL PUMP MAINLINE TO SINGLE DOMESTIC HOME AND STOCK
TROUGH

Well logs in area static water level 25 ft

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

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F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

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		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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. AUTHENTICATIONField Examiner's Name KEITH C WILSON Date 8-25-1997

Reviewer _____ Date _____

SEAL

MICROFILMED

DEC 08 1997

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

Hp = Horsepower = 7.5

Eff = Efficiency = 70% (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = 25 ft. FROM WELL LOGS 115 Area

Assumed Draw down = + 25 ft.

Lift = 50

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 35 psi

$$Q_{cfs} = \left[\frac{7.5}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{50}{Lift} + \left(\frac{35}{psi} \times 2.308 \right) \right]$$

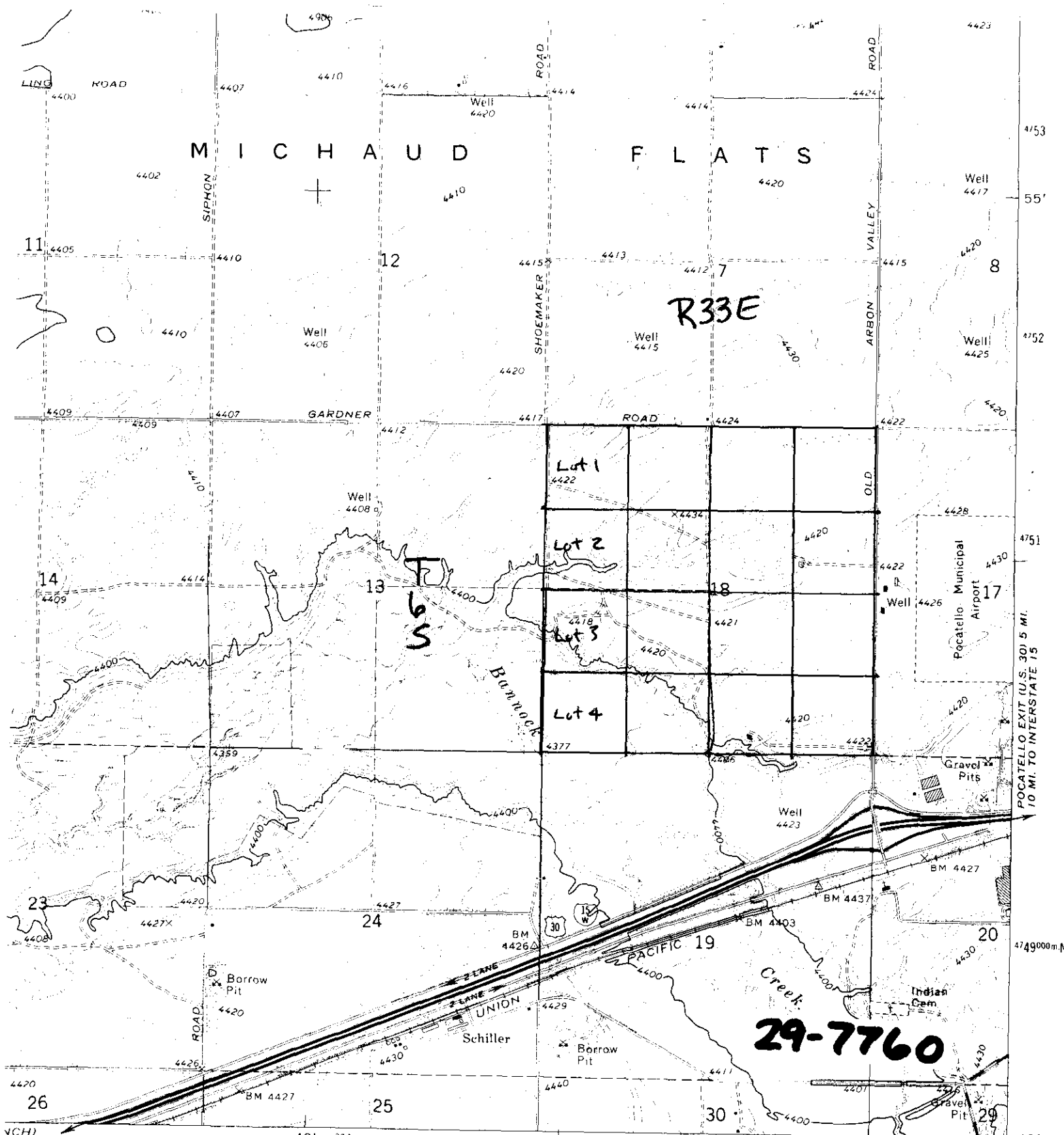
$$Q_{cfs} = \left[\frac{46.27}{ } \right] \div \left[\frac{130.8}{ } \right]$$

$$Q_{cfs} = \underline{0.35} \text{ cfs}$$

PERMIT NO. 29-07760

EXPIRATION DATE

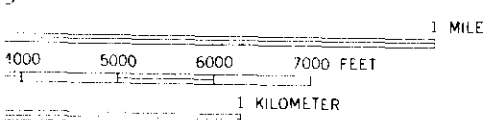
DEC 08 1987



AMERICAN FALLS EXIT (IDAHO 39) 10 MI.
47 MI. TO INTERSTATE 80N

R 32 E. R 33 E.

U.S. GOVERNMENT PRINTING OFFICE 1974-784-302/6
366 367000m E. 42°52' 112°37'30"



ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, hard or improved surface
- Unimproved road

DEC 8 8 1977 Interstate Route U S Route State Route



SCHILLER IDAHO

AA

HEL
2 150.8

T-713

Fred Stirling
(Wight)

1- 38.5

#1412 HEL
Harold Whittier

T-857 1- 12.5

out

148

1- 45.4

2- 11.2

T-714

2- 5.1

18

Fred Stirling
Ranches

3- 5.0

T
S
R33E

6- 57.6

T-1176 3- 5.6

1- 3.9

F2076 Nathan
Schroeder #1448
(Advocate
Community)

4- 120.9

HEL

5- 5.0

3- 17.3

F733

#120

Mark Swan

HEL

1- 2.5

1- HEL
18 17 54.0

19 20

29-07760

K-

700

Barrock

21.5.12

DEC 08 1967

May 2, 1990

BILLY J. DUTTON
STAR RT. BOX 160
POCATELLO, ID 83201

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07760

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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MAY 18 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 29-7760

Date: 5-2-90

General Considerations:

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

Source of Water:

y Surface water
y Groundwater
_____ 1. well log in file
_____ 2. drilling permit
y A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

Proof acceptable

y 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

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
October 31, 1989

BILLY J. DUTTON
STAR RT. BOX 160
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. P29-07760

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

MICROFILMED

DEC 13 1989

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

DEC 13 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JCM APPLICATION NUMBER: 29 7760
CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☐ Yes ☐ No* In form for advertising.
☐ Yes ☒ No Final date for protests: 9-25-89
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9-15-89
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01-P05
6-24-83 Date of priority recommended.
Special conditions of approval or cover letter. _____

App. in NON-TRUST area-

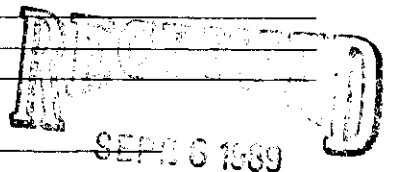
By: AWJ Date: 9-22-89

STATE OFFICE REVIEW:

P05, P23 P16 48 49 46

- ☐ See attached sheet for more information.

By: KW Date: 10-25-89



Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

30-Aug-1989

Billy J. Dutton
Star Route, Box 160
Pocatello,, ID 83201

RE: Application for Permit No. 29-7760

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

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DEC 13 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 29, 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 SEPTEMBER 25, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECORDED

DEC 13 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

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DEC 13 1989

29-07760

DUTTON, BILLY J.
STAR ROUTE BOX 160
POCATELLO, ID 83201

Source: GROUNDWATER

Diversion Pt: NENE Sec 18 T 06S R 33E

Use: IRRIGATION	(.160 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)

Date Filed: 6/24/1983

In: T06S R33E S18 NENE

8.0 ACRES TOTAL

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DEC 13 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based the criteria of Sec. 42- A, 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 SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published 9/07/1989 & 9/14/1989

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DEC 13 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

August 13, 1985

RE: Application for Permit No. 29-7760

Billy J. Dutton
Star Route, Box 160
Pocatello, Idaho 83201

Dear Mr. Dutton:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

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DEC 13 1989

29-7260-

DUTTON, BILLY J.

STAR ROUTE BOX 160, POCA TELLO, ID 83201

Source: GROUNDWATER

Date Filed: 06/24/1983

Diversion Pt: NENE Sec 18 T 06S R 33E

Use: IRRIGATION	(0.16 CFS)
STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: NENE Sec 18 T 06S R 33E FOR 8 ACRES

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DEC 13 1989