

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)

NO. 29-7738 IN THE NAME OF)

STEPHEN C. & MARY L. SUTTON)

ORDER OF REINSTATEMENT

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On January 22, 1985, the Director of the Department of Water Resources issued Permit No. 29-7738 to Anthony Rodriguez (later assigned to Stephen & Mary Sutton) with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before February 1, 1988.

2. On November 30, 1987, the Department sent a proof due notice to the permit holders.

3. On March 2, 1988, the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.

4. On April 16, 1990, Proof of Beneficial Use was received by the Department from the permit holders.

5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly

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JUL 20 1990

establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holders submitted evidence to confirm that water has been put to beneficial use. Evidence includes power service records from Idaho Power Company confirming that service was established to the permit holders prior to the proof due date and two signed statements from neighbors attesting to the use of the well prior to the proof due date.

7. The permit holders have stated that proof was submitted late because the former permit holders had overlooked the proof requirement and failed to submit proof in a timely manner.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 29-7738 is reinstated.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to April 16, 1990.

Dated this 13th day of June, 1990.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

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JUL 20 1990

RECEIVED

APR 20 1990

State of Idaho
Department of Water Resources

RECEIVED

APR 20 1990

ASSIGNMENT OF PERMIT

Department of Water Resources

Eastern District Office

Department of Water Resources

I, Anthony J. Rodriguez, hereby assign to Stephen C. & Mary L. Sutton
of 9750 Charlotte Drive, Pocatello, Idaho
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 29-7738
to appropriate the public waters of the State of Idaho.



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

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 12th day of April, 19 90.

Anthony J. Rodriguez
Permit Holder

Spouse of Permit Holder

State of Idaho

County of Bennett) ss.

On this 12th day of April, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Julie D. Smith
Notary Public residing at
Pocatello, Idaho

My commission expires:

8/28/91

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JUL 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

237-7710
233-7086
APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Anthony J. Rodriguez Phone 237-7710
Post office address P.O. Box 366 Pocatello, ID 83204
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 7S
Range 3SE B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
Amount 0.10 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
Amount 0.02 for Stock purposes from 1-1 to 12-31 (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. 0.16 cubic feet per second and/or b. _____ acre-feet per month.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 5 hp pump set at 200'
with lines to one horse water trough & 2 sprinklers
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 _____ (Month/Day) to _____ (Month/Day) inclusive.
c. Proposed well diameter is 8 inches; proposed depth of well is 300 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is used for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 7S
Range 3SE B.M.
(2) Amount of power to be generated: _____ horsepower units _____ feet of head.
(3) List number of each kind of livestock to be watered 2 horses
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water One

b. If water is used for other than irrigation: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]Total number of acres to be irrigated 5

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

9. a. Who owns the property at the point of diversion Applicant

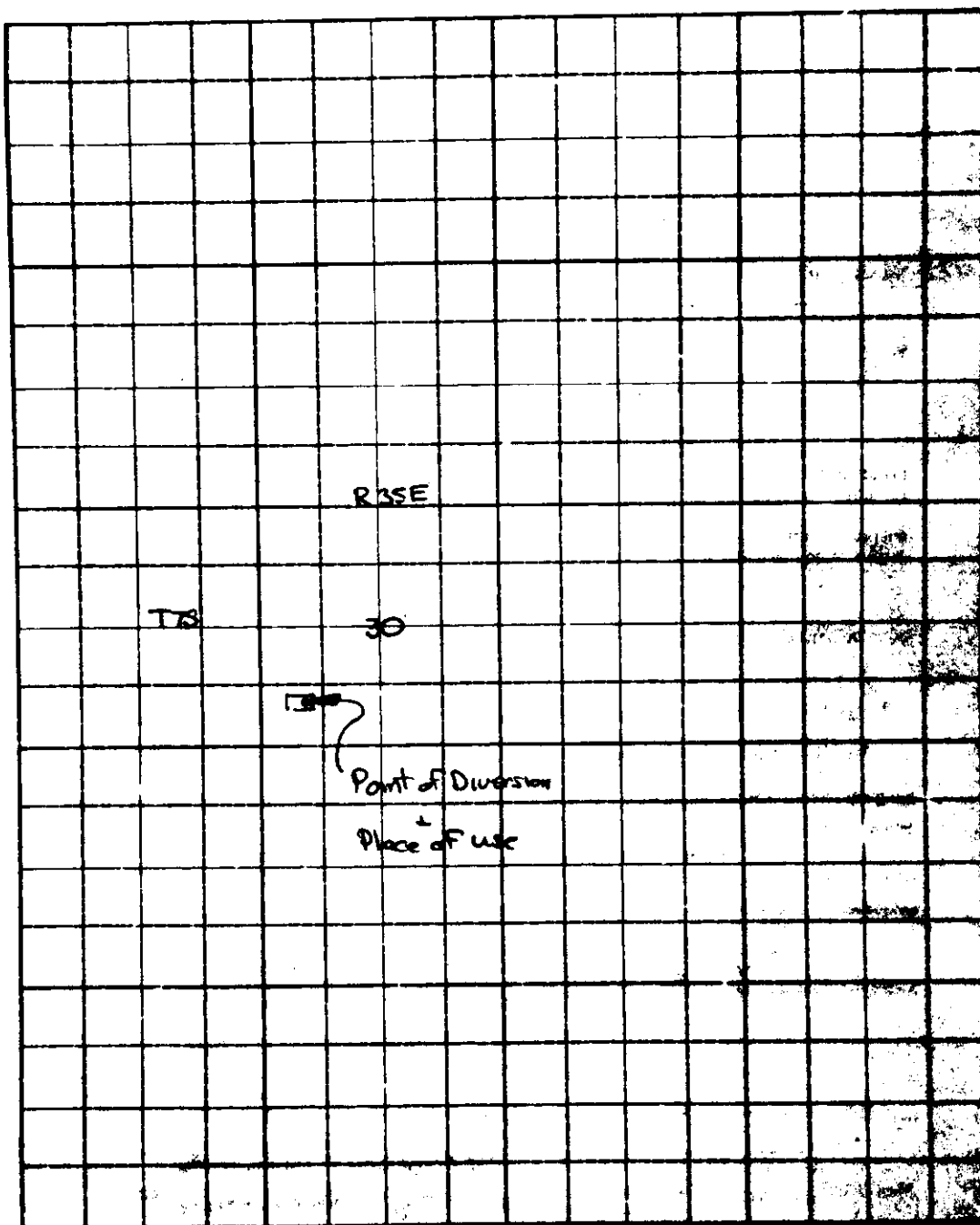
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks

UNITED STATES DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF STAFF
WASHINGTON, D. C. 20315
ATTENTION: THE ADJUTANT GENERAL
OFFICE
DATE: 10/10/68
TO: THE ADJUTANT GENERAL
OFFICE
FROM: THE ADJUTANT GENERAL
OFFICE
SUBJECT: THE ADJUTANT GENERAL
OFFICE
RE: THE ADJUTANT GENERAL
OFFICE

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 REMEMBERED that the undersigned hereby makes application for patent to the United States for the above and for the reasons herein set forth.

WITNESSES my hand and seal this 1st day of March 1900.

Deposited Priority 7/18/83

Received by CW Date 7-18-83 Time 3:30p.
Preliminary check by KW Fee \$ 300
Receipted by BP Date 7/18/83 # 20042
Publication prepared by CW Date 11-28-84
Published in Idaho State Journal
Publication dates 12-6 & 12-13-84
Publication approved CW Date 12-18-84
Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EW CW

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. 29-7738, 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 February 1, 19 88.
- 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: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 22nd day of January, 1986.

J. Shew Saylor
Chief, Operations Bureau

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bernick

Notary Public, State of Idaho
Sandra K. Herald

NOTICE TO CREDITORS
The undersigned, Sandra K. Herald, Notary Public, State of Idaho, do hereby certify that the following is a true and correct copy of the original as the same appears on file in my office:

30 N. 4TH ST.
BOYD, IDAHO
Source: GROUNDWATER
Date Filed: 05-25-1983
Diversion Pt: SEW Sec 32 T 66 R 34E
Use: IRRIGATION (6.25 CFS)
DOMESTIC (2.50 CFS)
IN: SEW Sec 32 T 66 R 34E FOR 2 ACRES

LEWIS, RALPH
RT. 1, TRAILER, POCAHELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05-25-1983
Diversion Pt: SEW Sec 32 T 66 R 34E
Use: IRRIGATION (6.25 CFS)
DOMESTIC (2.50 CFS)
IN: SEW Sec 32 T 66 R 34E FOR 2 ACRES

BRANCAUD, DONALD R. & JUDY A.
10 HEPTUNE, POCAHELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05-25-1983
Diversion Pt: SEW Sec 32 T 66 R 34E
Use: IRRIGATION (6.25 CFS)
DOMESTIC (2.50 CFS)
IN: SEW Sec 32 T 66 R 34E FOR 2 ACRES

WALKER, RALPH L. & BOBIE A.
1717 E. LACEY RD., POCAHELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05-25-1983
Diversion Pt: SEW Sec 32 T 66 R 34E
Use: IRRIGATION (6.25 CFS)
DOMESTIC (2.50 CFS)
IN: SEW Sec 32 T 66 R 34E FOR 2 ACRES

80 EIGHTY ACRES INC.
BOX 229, PIEDMONT RD., POCAHELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05-25-1983
Diversion Pt: SEW Sec 32 T 66 R 34E
Use: IRRIGATION (6.25 CFS)
DOMESTIC (2.50 CFS)
IN: SEW Sec 32 T 66 R 34E FOR 2 ACRES

RODRIGUEZ, ANTONIO J.
P.O. BOX 22, POCAHELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05-25-1983
Diversion Pt: SEW Sec 32 T 66 R 34E
Use: IRRIGATION (6.25 CFS)
DOMESTIC (2.50 CFS)
IN: SEW Sec 32 T 66 R 34E FOR 2 ACRES

AMES, ROBERT L. & JUDY A.
RT. 1, BOX 212, POCAHELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05-25-1983
Diversion Pt: SEW Sec 32 T 66 R 34E
Use: IRRIGATION (6.25 CFS)
DOMESTIC (2.50 CFS)
IN: SEW Sec 32 T 66 R 34E FOR 2 ACRES

STATE HANDEL
RT. 1, BOX 212, POCAHELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05-25-1983
Diversion Pt: SEW Sec 32 T 66 R 34E
Use: IRRIGATION (6.25 CFS)
DOMESTIC (2.50 CFS)
IN: SEW Sec 32 T 66 R 34E FOR 2 ACRES

being first duly sworn on oath depose and say: That _____, who 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, Bernick County, Idaho, and having a general circulation thereof.

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:

December 6	1984	10
December 13	1984	10
	19	10
	19	10
	19	10

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. Herald

Subscribed and sworn to before me this 14th

day of December, 1984

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

58

DEC 1984

Department of Water Resources
Bannock District Office

Sandra K. Herard

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-770
TOVEY, DEVER
SQ. N. 4TH W. P. 1ST T. 2N. S. 34E
Source: SPRING FLOW TO SINK
Date Filed: 04/25/1983
Diversion Pt. N. 4TH W. Sec. 08 T. 2N. S. 34E
Use: IRRIGATION (0.07 CFS)
DOMESTIC (0.15 CFS)
IN: N. 4TH W. Sec. 08 T. 2N. S. 34E FOR 3 ACRES

29-7704
TOVEY, DEVER
SQ. N. 4TH W. P. 1ST T. 2N. S. 34E
Source: SPRING FLOW TO SINK
Date Filed: 04/25/1983
Diversion Pt. N. 4TH W. Sec. 08 T. 2N. S. 34E
Use: IRRIGATION (0.07 CFS)
DOMESTIC (0.15 CFS)
IN: N. 4TH W. Sec. 08 T. 2N. S. 34E FOR 3 ACRES

29-7708
LEWIS, RANDY R.
RT. 1, TRAILCREEK, POCATELLO, ID
Source: GROUNDWATER
Date Filed: 05/12/1983
Diversion Pt. N. 4TH W. Sec. 32 T. 05S R. 34E
Use: IRRIGATION (0.02 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
IN: N. 4TH W. Sec. 32 T. 05S R. 34E FOR 2 ACRES

29-7713
BRONCHAU, DONALD R. A/O JUDY A.
151 NEPTUNE, POCATELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05/11/1983
Diversion Pt. S. 4TH W. Sec. 32 T. 05S R. 34E
Use: IRRIGATION (0.04 CFS)
DOMESTIC (0.04 CFS)
IN: S. 4TH W. Sec. 32 T. 05S R. 34E FOR 1 ACRES

29-7717
WALKER, RALPH L. A/O SARAH A.
1712 E. LACEY RD. POCATELLO, ID
Source: GROUNDWATER
Date Filed: 05/11/1983
Diversion Pt. S. 4TH W. Sec. 32 T. 05S R. 34E
Use: IRRIGATION (0.04 CFS)
DOMESTIC (0.04 CFS)
IN: S. 4TH W. Sec. 32 T. 05S R. 34E FOR 2 ACRES

29-7736
EIGHTY ACRES INC.
BOX 25W PIEDMONT RD., POCATELLO, ID 83204
Source: GROUNDWATER
Date Filed: 07/13/1983
Diversion Pt. S. 4TH W. Sec. 08 T. 07S R. 35E
Use: IRRIGATION (0.36 CFS)
DOMESTIC (0.27 CFS)
IN: S. 4TH W. Sec. 08 T. 07S R. 35E N. 4TH W. Sec. 09 T. 07S R. 35E FOR 20 ACRES

29-7738
RODRIGUEZ, ANTHONY J.
P.O. BOX 26, POCATELLO, ID 83204
Source: GROUNDWATER
Date Filed: 07/10/1983
Diversion Pt. S. 4TH W. Sec. 30 T. 07S R. 35E
Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
IN: S. 4TH W. Sec. 30 T. 07S R. 35E FOR 2 ACRES

29-7740
MILES, BRENT M. A/O JOYCE A.
RT. 1, BOX 81C, POCATELLO, ID 83201
Source: GROUNDWATER
Date Filed: 05/31/1983
Diversion Pt. N. 4TH W. Sec. 31 T. 08S R. 34E
Use: IRRIGATION (0.07 CFS)
DOMESTIC (0.04 CFS)
IN: N. 4TH W. Sec. 31 T. 08S R. 34E FOR 3 ACRES

29-7745
WHITE, HAROLD O.
RT. 2, BOX 432, INKONA, ID 83245
Source: GROUNDWATER
Date Filed: 06/20/1983
Diversion Pt. S. 4TH W. Sec. 20 T. 07S R. 36E
Use: IRRIGATION (0.07 CFS)
DOMESTIC (0.04 CFS)
IN: S. 4TH W. Sec. 20 T. 07S R. 36E FOR 2 ACRES

29-7747
BOLLINGER, DEAN A.
RT. 1, BOX 110, ANDERSON, ID 83205
Source: GROUNDWATER
Date Filed: 05/25/1983
Diversion Pt. S. 4TH W. Sec. 30 T. 07S R. 35E
Use: IRRIGATION (0.36 CFS)
DOMESTIC (0.27 CFS)
IN: S. 4TH W. Sec. 30 T. 07S R. 35E FOR 20 ACRES

29-7748
PREBLAR, EARL A/O ANNA
N. 4TH W. Sec. 32 T. 05S R. 34E
Source: GROUNDWATER
Date Filed: 05/25/1983
Diversion Pt. S. 4TH W. Sec. 32 T. 05S R. 34E

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

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

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October 29,		



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 7, 1990

RE: Permit No. 29-7738

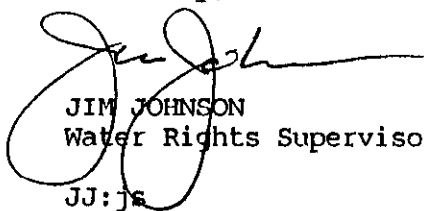
Stephen C. & Mary L. Sutton
9750 Charlotte Drive
Pocatello, ID 83204

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit. Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to April 16, 1990.

If you have any questions regarding this matter, please contact this office or our Western Regional Office at 334-2190.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:js

Enclosure

MICROFILMED

JUL 20 1990

2750 Charlotte Drive
Pocatello, Idaho 83204
May 31, 1990

State of Idaho
Dept. of Water Resources
1361 No. Orchard St.
Statehouse Mall
Boise, Idaho 83720
Attn: Tim Luke, Sr. Water Resource Agent

Re: Permit No. 29-⁷⁷³⁸~~7388~~, Stephen C. and/or
Mary L. Sutton

Dear Mr. Luke:

Find attached statements from two of my neighbors saying that when we moved into our home at the above address, the well was already in use, as described in the original application for permit.

Also, find attached a printout by Idaho Power indicating that our electricity service was started on 6/27/85.

Please let me know if you require further information.

Thank you.

Stephen C. Sutton

Stephen C. Sutton

(208) 233-8059 Home
236-8266 Work

RECEIVED
JUN 4 1990

Department of Water Resources

MICROFILMED

JUL 20 1990

To: Tim Luke, Sr. Water Resource Agent
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED
JUN 4 1990

From: Teresa S. Rasmussen
9906 W. Carla Drive
Pocatello, Idaho 83204

Department of Water Resources

Subject: Permit No. 29-⁷⁷³⁸~~7388~~
Stephen C. and/or Mary L. Sutton
Beneficial Use of Water

Prior to February, 1988, Stephen C. + Mary L. Sutton purchased a home at 9750 Charlotte Drive, Pocatello, Idaho with a well described under the above permit no. 29-7388.

The Suttons moved into the above home in June, 1985 and began using the above well for domestic use, water trough for 2 horses, and sprinkler system for 5 acres.

MICROFILMED

JUL 20 1990

Signed Teresa S. Rasmussen neighbor
of Suttons, address 9906 W. Carla Dr. Pocatello
Date 5-30-90 Id. 83204

To: Tim Luke, Sr. Water Resource Agent
State of Idaho
Department of Water Resources
1361 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED

JUN 4 1990

Department of Water Resources

From: Kenneth N. Myers
9711 W. Charlotte Drive
Pocatello, Idaho 83204

Subject: Permit No. 29-7388
Stephen C. and/or Mary L. Sutton
Beneficial Use of Water

Prior to February, 1988, Stephen C. + Mary L. Sutton purchased a home at 9750 Charlotte Drive, Pocatello, Idaho with a well described under the above permit no. 29-7388.

The Suttons moved into the above home in June, 1985 and began using the above well for domestic use, water trough for 2 horses, and sprinkler system for 5 acres.

MICROFILMED

JUL 20 1990

Signed Kenneth N. Myers Neighbor
of Suttons, address 9711 W. Charlotte Drive
Date 5-30-90 Pocatello, Idaho 83204

PRINT REQUESTED BY WHEELLOCK J

REQUESTED AT 16:46 05/08/90

RECEIVED
JUN 4 1990

ACCT NO-- 1770-031114-1 NAME-- SUTTON*STEPHEN C RATE 92
ACCT ST-- ACTIVE COAPP- SUTTON*MARY
CON/DIS-- 06/27/85 LOCT-- 9750 W CHARLOTTE DR
ACTIVITY- NONE PENDING CITY-- POCA TELLO ID 83204

Department of Water Resources

* * * * * METER INFORMATION * * * * *

METER NO S TYP D PH F-SCL CONST INS/RM/CHG T-YR READ CURR PREV DEMAND
44380509G A 1 5 1 00001 10/10/79 79 58842 57073

RATE 92 RC 1	* C READ DAYS	DEM-KW	ENERGY-KWH	BILL AMT-MTR	* AREA CODE 070
RA DATE 00/00/00	* 0 04/18 30 1990		1,769	83.17	* METER
	* 0 03/20 30		3,300	155.15	* RT-- 86
ELC HT-	* 0 02/16 30		4,329	203.53	* SEQ 0620
HIH VLT 0	* 0 01/18 30		3,780	177.72	* LOC-- LS
IRG USE	* 0 12/19 30		3,845	180.78	* INS-- 02
LRG PWR	* 0 11/18 30		2,585	121.54	* UNGRD-- 0
MUL FAM 1	* 0 10/19 30		1,612	75.79	* LNDLRD- 0
#APTMOB	* 0 09/19 30		1,641	77.15	* APTMOB- 0
	* 0 08/18 30		1,583	74.43	* T A/C
CONN LD	* 0 07/19 30		1,627	76.50	* DN EST- 0
KWH EST	* 0 06/19 30		1,860	87.45	* ESTCNT-
MNTH MN	* 0 05/18 30		1,884	88.58	* # CHGS-
FAC CHG	* 0 04/19 30 1989		2,416	113.59	* CHG ST- 0

MICROFILMED

JUL 20 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 27, 1990

RE: Permit No. 29-7388

Stephen C. and/or Mary L. Sutton

Dear Permit Holder(s):

The Department received your proof of beneficial use statement for the above referenced permit on April 16, 1990. The permit lapsed February 1, 1988 so the 60-day late period during which the permit can be readily reinstated has passed.

Pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can now be reinstated only if you submit the following:

a) Evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date.

b) Reasonable cause why the proof of beneficial use was filed late.

Your proof of beneficial use statement along with any information which may have been submitted with it will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

Please feel free to contact this office if you have additional questions.

Sincerely

TIM LUKE

Sr. Water Resource Agent

TL:sc

MICROFILMED

JUL 20 1990

RECEIVED

APR 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

APR 16 1990

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed 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. 29-7738

*Telephone No. (208) 233-8059
236-8266 (Day)

* Name(s) of Permit Holder(s): Stephen C. + Mary L. Sutton

* Post Office Address: 9750 Charlotte Drive, Pocatello, Idaho 83204

Source of Water: Groundwater

* If ground water, well driller's name: Dan's Pump + Service * Date drilled: 8/83

* Extent of Use:
Domestic 1 (No. of households) Irrigation 5 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 0.16 cfs _____ acre/feet

* Show date water was first diverted and beneficially used under this permit: 9/83

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

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

OR

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

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Stephen C. Sutton (208) 236-8266
Name Telephone No.
9750 Charlotte Drive, Pocatello, Idaho
Address

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

MICROFILMED

JUL 20 1990

* 4/12/90
Date

* Stephen C. Sutton
Signature (and title if on behalf of a company or organization)

I certify that file No. 29-7738 has been
reviewed and is ready to be MICROFILMED
and DESTROYED.

Bryanne M. Latty
Signature

10/26/85
Date

Form 220-9
1-60

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 29-7738
Name(s) of Permit Holder(s): ANTHONY J. RODRIGUEZ
Post Office Address: PO Box 566 PORTLAND, ID
83204 Tel. No. 208-266-2270

☒ I hereby certify that construction of diversion works for the above referenced permit began on 1980 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

State: A Reasoning difficulty is not an acceptable reason.

2/12/85
Date

Anthony J. Rodriguez
Signature of Permit Holder

Tony Rodriguez
P.O. Box 566
Ph. Office 237-7749
Home 233-7036
Pocatello, Idaho 83201



FEB 13 1985

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

Department of Water Resources
PO BOX 566 POCATELLO IDAHO 83201



State of Idaho
DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 2, 1988

Anthony J. Rodriguez
P. O. Box 566
Pocatello, ID 83204

P. O. Box 1031
Bigfork, MT 59911

Dear Mr. Rodriguez:

Re: Permit No. 29-7738

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated November 30, 1987.

Your permit cannot be reinstated unless you submit the proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal including the examination fee or a completed field examination report or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which brings title to the water in question.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Glen Saxton".

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

 RETURNED TO SENDER
FORWARDING ORDER EXPIRED

RECEIVED
MAR - 9 1983

Anthony J. Rodriguez
P. O. Box 566
Pocatello, ID 83204

Water Resources

|||||

March 2, 1988

Anthony J. Rodriguez
P. O. Box 566
Pocatello, ID 83204

P. O. Box 1031
Big Lost, MT 59911

Dear Mr. Rodriguez:

Re: Permit No. 29-7738

LAPSE NOTICE

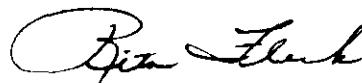
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Sincerely,

L. GLEN SEXTON
Chief, Operations Bureau
Enclosures

5-2 88


INTER-DEPARTMENT MEMO — 1

DATE 1-25-1988

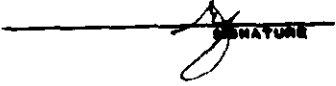
FROM *John Linn*

TO *File 29-7738*

SUBJECT *Returned Bill Notice*

*The Danrock Co. Business Office has an
address - P.O. #1131, Big Fork, MT 59911
for Anthony Pariquez*

I'm forwarding the notice to this address


SIGNATURE

138096
CERTIFIED MAIL
November 30, 1987

RODRIGUEZ, ANTHONY J.
P.O. BOX 566
POCATELLO, ID 83204

PROOF DUE NOTICE

RE: Permit No. 29-7738

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



FORWARDING ORDER EXPIRED



☐ Hold

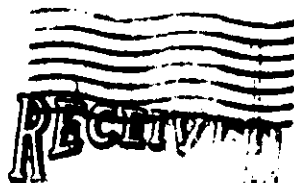
Date
NOV 28 1987

1ST Notice

2ND Notice

Return

Dispatched from
PG Form 3000-A
Oct. 1986



DEC 03 1987

Department of Water Resources

138094



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

SEPTEMBER 1, 1985

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-2030, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS ~~NO~~ COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-2030, WHICH READS AS FOLLOWS:

42-2030. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE (JULY 1, 1985) OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. Glen Saxton
L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

RODRIGUEZ, ANTHONY J.
P.O. BOX 566
POCATELLO, ID 83204

JANUARY 31, 1980

RE: PERMIT NO. 29-773H

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

IN NOVEMBER, 1981, A REPRESENTATIVE OF THIS DEPARTMENT MET WITH THE WATER-
USERS IN THE TRAIL CREEK DRAINAGE BASIN REGARDING CONCERNS THAT DOMESTIC
WELLS ARE ADVERSELY AFFECTED BY PUMPING FOR IRRIGATION PURPOSES.
THEREFORE, PLEASE BE ADVISED THAT GROUNDWATER WATER SUPPLIES IN THE AREA OF
YOUR PROPOSED WELL MAY BE LIMITED.

YOU SHOULD BE AWARE THAT THE GROUND WATER 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 GROUND WATER 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 FOR INTERFERENCE.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU
MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE
YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DELIBERATELY
UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED
AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER
THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE".
PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION
TO DEVELOP THIS PERMIT INTO A LICENSE.

DOI PERMIT 29-7736

PAGE 2
JANUARY 24, 1978

SINCERELY,

DAVID R. TURNILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

Form No. 206
3-79

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY:

Kaw

APPLICATION NUMBER:

29 7738

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.
☐ 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.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

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

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☒ No Other rights on same place of use. *21-10-1*
☒ Yes ☐ No In form for advertising.
Final date for protests: *12-31-84*
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- 7/18/1983*
☒ Affidavit of publication received. Date: *12-18-84*
☒ 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? *29-C*
Date of priority recommendation: _____
Special conditions of approval or cover letter: _____

STATE OFFICE REVIEW:

☐ See attached sheet for more information.

By: _____

Date: _____

29-7738

RODRIGUEZ, ANTHONY J.

P.O. BOX 566, POCAHELLO, ID 83204

Source: GROUNDWATER

Date Filed: 07/18/1983

Diversion Pt: SHEN Sec 30 T 07S R 35E

Use: IRRIGATION	(0.10 CFS)
STOCKWATER	(0.08 CFS)
DOMESTIC	(0.04 CFS)

SHEN Sec 30 T 07S R 35E FOR 5 ACRES