

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07698

Priority: April 8, 1983

Maximum Diversion Rate:

0.05 CFS

Maximum Diversion Volume:

8.1 AF

This is to certify, that DEANNE WALTERS

774 BOYD

POCATELLO ID 83202

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 8, 1983; and has submitted Proof of Beneficial Use on April 29, 1991. An examination indicates that the works have a diversion capacity of 0.110 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	0.04 CFS	8.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
	Totals	0.05 CFS	8.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 31, Township 06S, Range 33E
POWER 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	31	NESE	2		2

Total number of acres irrigated: 2

PLACE OF USE:

STOCKWATER, 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.
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.
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.

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JAN 06 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07698

CONDITIONS OF APPROVAL AND REMARKS

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 0.03 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. Witness the seal and signature of the Director, affixed at Boise, this 31st day of DECEMBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED
JAN 06 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 29-07698 IN THE NAME	)	ORDER RESCINDING
	)	VOIDING OF PERMIT
OF DEANNE WALTERS	)	

This matter having come before the Department of Water Resources (Department) as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On April 8, 1983, Deanne Walters (permit holder) applied to the Department of Water Resources for a permit to appropriate 0.07 cubic feet per second of water from groundwater within the NE 1/4 of the SE 1/4 of Section 31, Township 6S, Range 33E, B.M., Power County, to be used for irrigation and stockwater purposes.

2. On April 19, 1990, the Department approved the Application for Permit.

3. On April 29, 1991, the Department received Proof of Beneficial Use for the permit.

4. On August 17, 1994, the Department conducted a field examination and found that water had not been diverted and put to a beneficial use as authorized on the permit.

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MAR 22 1995

5. The provisions of Section 42-219, Idaho Code, authorize the Director of the Department of Water Resources to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

6. On January 5, 1995, the Department sent a Notice of Pending Order Voiding Permit to the permit holder requesting relinquishment of the permit because of failure to place the water to beneficial use as conditioned on the permit or the permit would be voided after twenty-eight (28) days from January 5, 1995.

7. The permit holder responded by letter on January 17, 1995, however, the reasons stated in the letter did not provide evidence to show that water had been put to beneficial use prior to April 29, 1991.

8. On January 30, 1995 the department issued an Order Voiding the permit.

9. On February 16, 1995 the department received correspondence from the permit holder requesting either the order be rescinded or consider the letter a petition for hearing.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

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MAR 22 1995

2. Permit No. 29-07698 required the permit holder to divert and beneficially use water within the authorized permit period.

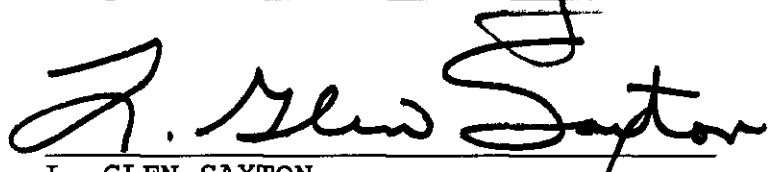
3. Response from the permit holder received on February 16, 1995 is sufficient cause for the department to rescind the Order Voiding the Permit issued on January 30, 1995 and to Reinstate the Permit.

ORDER

IT IS HEREBY ORDERED that the Order Voiding Permit No. 29-07698 is **RESCINDED**.

IT IS FURTHER HEREBY ORDERED that Permit No. 29-07698 is **REINSTATED**.

Dated this 21st day of February, 1995.


L. GLEN SAXTON
Chief, Water Allocation Bureau

22 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 29-07698 IN THE NAME	)	ORDER VOIDING PERMIT
	)	
OF DEANNE WALTERS	)	

This matter having come before the Department of Water Resources as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On April 8, 1983, Deanne Walters applied to the Department of Water Resources for a permit to appropriate 0.07 cubic feet per second of water from groundwater within the NE 1/4 of the SE 1/4 of Section 31 Township 6S, Range 33E B.M., Power County, to be used for irrigation and domestic purposes.

2. On April 19, 1990, the Department approved the Application for Permit.

3. On April 29, 1991, the Department received Proof of Beneficial Use for the permit.

4. On August 17, 1994, the Department conducted a field examination and found that water had not been diverted and put to a beneficial use as authorized on the permit.

5. The provisions of Section 42-219, Idaho Code, authorize the Director of the Department of Water Resources to void permits

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MAR 22 1995

for which the applicant has not fully complied with the law and the conditions of the permit.

6. January 5, 1995, the Department sent a Notice of Pending Order Voiding Permit to the permit holder requesting relinquishment of the permit because of failure to place the water to beneficial use as conditioned on the permit.

7. The permit holder has not responded to the request for relinquishment of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

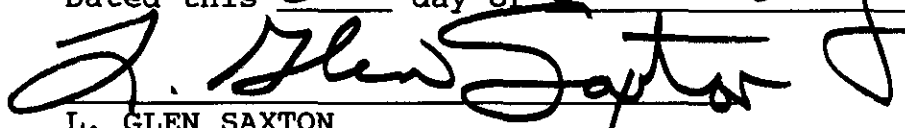
2. Permit No. 29-07698 required application of water from the source and proposed beneficial use identified, to be made within the authorized permit period.

3. Examination by the Department of Water Resources revealed that water has not been applied to a beneficial use as required by the permit and Section 42-219, Idaho Code, and the permit should be voided pursuant to Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 29-07698 is VOIDED and issuance of a license is REFUSED under Section 42-219, Idaho Code.

Dated this 30th day of January, 1995.

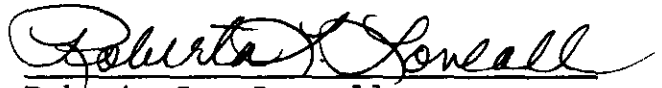

L. GLEN SAXTON
Chief, Water Allocation Bureau


MAR 22 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 30th day of January, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER VOIDING PERMIT the following:

DEANNE WALTERS
774 BOYD
POCATELLO, ID 83202


Roberta Lee Loveall
Clerical Specialist

MAILED

MAR 2 2 1995

RECEIVED

APR 29 1991

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 50.00
Date 4/29/91
Receipt No. 0020319
Received by _____

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 29-7698 Telephone No. 237-3453
2. Name(s) of Permit Holder(s): Deanne Walters
3. Post Office Address: 774 Boyd, Pocatello, Idaho 83202
4. Source of Water: groundwater
 - a. If ground water, well driller's name: Cushman Drilling Date drilled: June 24, 1970
 - b. Pump horsepower: 3HP submers. Pressure (psi): 40 Dynamic pumping level (ft.): 60
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation <u>2</u> (No. of acres)
Stockwater <u>10</u> (No. and type of stock)	Other _____
<u>cattle, horses, or sheep</u>	
6. Total rate and/or volume for which proof is submitted 0.07 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device:	Required? <u>Yes</u> ☒ <u>No</u>	Installed? <u>Yes</u> ☐ <u>No</u>
	OR	
Flow Measurement Port:	Required? <u>Yes</u> ☒ <u>No</u>	Installed? <u>Yes</u> ☐ <u>No</u>
8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

<u>Deanne Walters</u>	<u>237-3453</u>
Name	Telephone No.
<u>774 Boyd Pocatello, Idaho 83202</u>	
Address	
10. 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.

Date 4/27/91Deanne Walters
Signature (and title if on behalf of a company or organization)**RECEIVED**
MAY 30 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07698

Proposed Priority: April 8, 1983 Maximum Diversion Rate: 0.07 CFS
This is to certify, that **DEANNE WALTERS**
774 BOYD
POCATELLO, ID 83202
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.04 CFS
STOCKWATER	01/01 to 12/31	0.03 CFS
	Totals	0.07 CFS

LOCATION OF POINT(S) OF DIVERSION: NESE Sec. 31, Township 06S, Range 33E
POWER 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	31	NESE	2		2

Total number of acres irrigated: 2

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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APR 23 1990

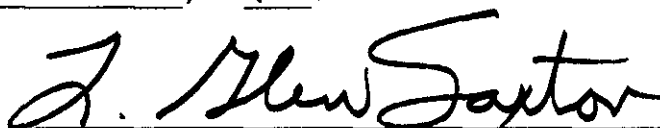
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07698

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

19th day of April, 1990.

for 
R. Keith Higginson, Director

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APR 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Deanne Walters Phone 237-3453
Post office address 774 Boyd, Pocatello, ID 83202
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31 Township 6S
Range 33E B.M. Power County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.03 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.07 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline to sprinkler
system and stock troughs

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 6 inches; proposed depth of well is 60 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 SE $\frac{1}{4}$ of Section 31 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 100 head range cattle

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	33E	31													2				2

Total number of acres to be irrigated 2

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

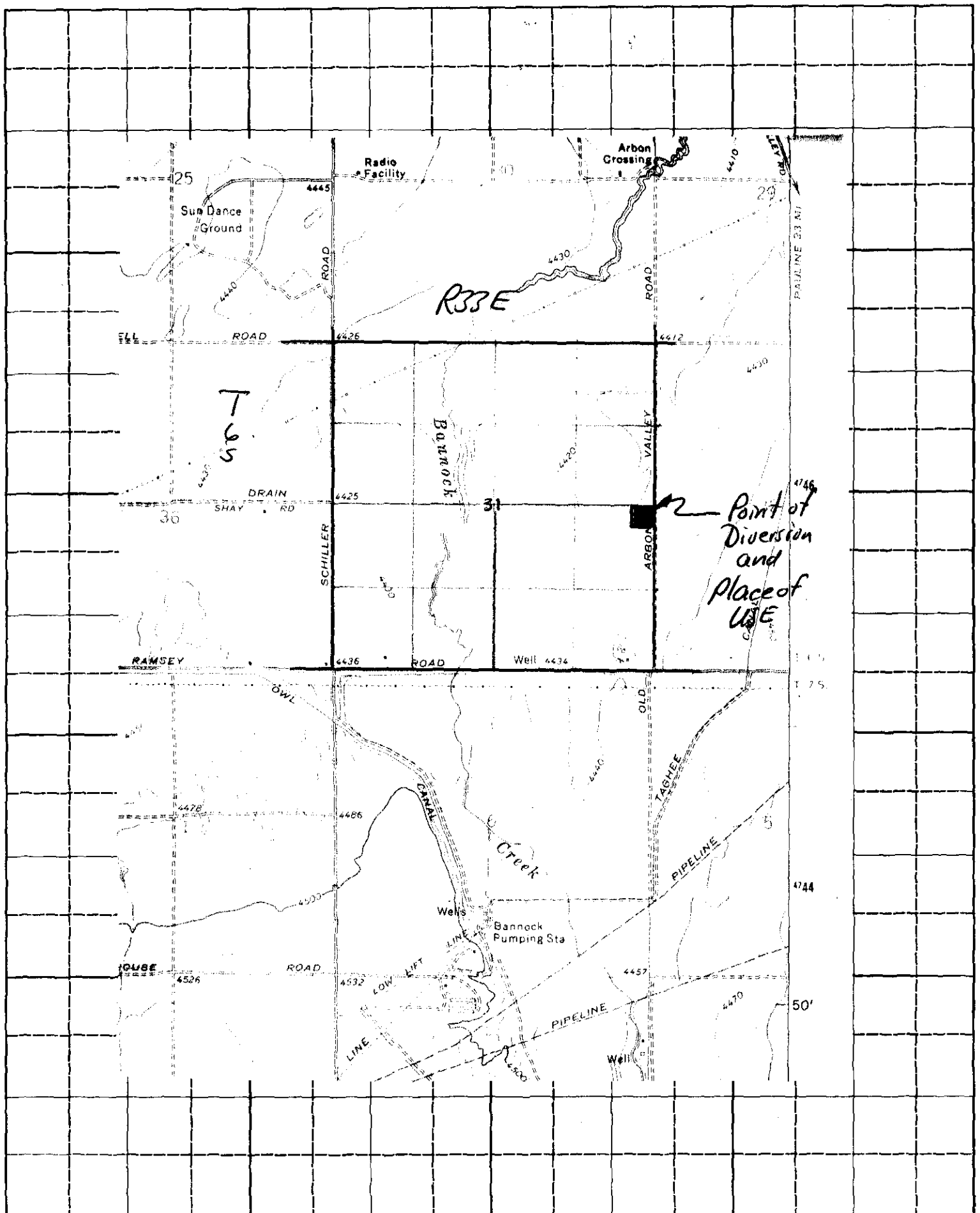
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

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APR 23 1990

Reanne Walters
(Applicant)

(Applicant)

Proposed Priority 4/8/83

Assisted by Kew 4-8-83

Received by _____ Date _____ Time 2:05 p.

Preliminary check by HUT Fee \$ 30.00

Receipted by CW Date 4-8-83 # 28012

Publication prepared by CF Date 8-7-85

Published in Power Co. Press

Publication dates 8-15 & 8-22-85 & 8-28-85

Publication approved CW Date 8-20-85

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC. Kew

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. 29-7698, 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 _____, 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:

Witness my hand this _____ day of _____

Chief, Operations Bureau

MICROFILMED
APR 23 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

.Brett.Crompton..... being first duly
sworn on oath, states:

That ...he.. is the ...editor.....
of the Power county Press, a newspaper of
general circulation in Power County, Idaho,
published weekly at American Falls in said
county, that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for over seventy-eight consec-
utive weeks, prior to the first publication
of the annexed notice or advertisement:

That the annexed notice or advertisement
was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof

for...?... successive weekly issues thereof,
the date of the first publication being the

.....21.... day of August.....1985....
and the date of last publication being the

.....28.... day of August.....1985....

(Signed) *Brett Crompton*

Subscribed and sworn to before me this

.....29.... day of August.....1985....

Sandra Webb

Notary Public, residing at
American Falls, Idaho

(SEAL)

My commission expires the

.....10 day of March..1986..

RECEIVED

AUG 30 1985

Department of

**Notice of
application for
water right**

Published in The Power County
Press August 21 & 28, 1985.

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

29-7696

WALTERS, DEANNE
774 BOYD, POCATELLO ID 83202
Source: GROUNDWATER
Date Filed: 04/18/1983
Division: P: NESE Sec 31 T 06S R
33E
Use:
IRRIGATION (0.04 CFS)
STOCKWATER (0.03 CFS)
In: NESE Sec 31 T 06S R 33E FOR 2
ACRES

The permits will be subject to all
prior water rights. Permits may be
repealed based on the terms of
Section 42-203A, Idaho Code
and/or the new public interest
criteria of Section 42-203C, Idaho
Code. Permits must be filed with the
Director, Dept. of Water Resources,
120 Shoup Ave., Suite 15, Idaho
Falls, Idaho 83402 on or before
SEPTEMBER 9, 1985.

MICROFILMED

APR 23 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

.Brett.Crompton..... being first duly
sworn on oath, states:

That he... is the ...editor.....
of the Power county Press, a newspaper of
general circulation in Power County, Idaho,
published weekly at American Falls in said
county, that said newspaper has been pub-
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for...?... successive weekly issues thereof,
the date of the first publication being the

.....21.... day of August.....1985....
and the date of last publication being the

.....28.... day of August.....1985....

(Signed) *Brett Crompton*.....

Subscribed and sworn to before me this

.....29.... day of August.....1985....

Shirley J. Hobbs.....
Notary Public, residing at
American Falls, Idaho

(SEAL)

My commission expires the

.....14 day of March..1986..

**Notice of
application for
water right**

Published in The Power County
Press August 21 & 28, 1985.

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

29-7698

WALTERS, DEANNE
774 BOYD, POCATELLO ID 83202
Source: GROUNDWATER
Date Filed: 04/08/1983
Diversion Pt: NESE Sec 31 T 06S R
33E
Use:
IRRIGATION (0.04 CFS)
STOCKWATER (0.03 CFS)
In: NESE Sec 31 T 06S R 33E FOR 2
ACRES

The permits will be subject to all
prior water rights. Protests may be
submitted based on the criteria of
Section 42-203A, Idaho Code
and/or the new public interest
criteria of Section 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 9, 1985.

KENN DUNN, Dir.

MICROFILMED

APR 23 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF POWER

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was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof

for....1... successive weekly issues thereof,
the date of the first publication being the

.....14... day of ...August.....1985....
and the date of last publication being the

.....14... day of ...August.....1985....

(Signed)

Brett Crompton

Subscribed and sworn to before me this

...22..... day of ..August.....19.85...

Paula Hobbs

Notary Public, residing at
American Falls, Idaho

My commission expires the

.....10.day of March.1986..

(SEAL)

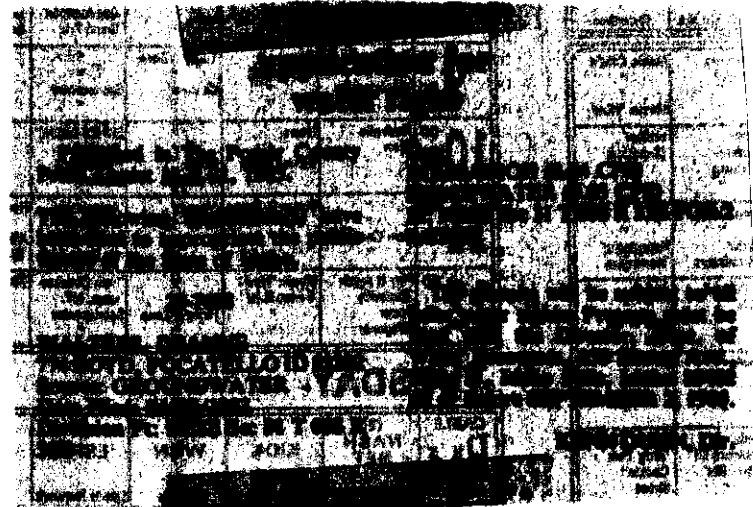
MICROFILMED

APR 23 1990

RECEIVED

AUG 26 1985

Department of Water Resources
Eastern District Office



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF POWER

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utive weeks, prior to the first publication
of the annexed notice or advertisement:

That the annexed notice or advertisement
was published as per clipping attached in
the regular and entire edition of said
newspaper and not in any supplement thereof

for...1... successive weekly issues thereof,
the date of the first publication being the

.....14.... day of ...August.....1985....
and the date of last publication being the

.....14.... day of ...August.....1985....

(Signed)

Brett Crompton

Subscribed and sworn to before me this

...22..... day of ...August.....19.85...

.....
Notary Public, residing at
American Falls, Idaho

(SEAL)

My commission expires the

.....11..day of ...Oct..1986..

**Notice of
application for
water right**

Published in The Power County
Press August 14 & 21, 1985.

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

29-7698

WALTERS, DEANNE
774 BOYD, POCATELLO ID 83202
Source: GROUNDWATER
Date Filed: 04/08/1983
Diversion Pt: NESE Sec 31 T 06S R
33E

Use:
IRRIGATION (0.04 CFS)
STOCKWATER (0.03 CFS)
In: NESE Sec 31 T 06S R 33E FOR 2
ACRES

The permits will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402
on or before SEPTEMBER 2, 1985.

KENN DUNN, Dir.

RECORDED

APR 23 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEANNE WALTERS
774 BOYD
POCATELLO ID 83202

RE: WATER RIGHT NO. 29-07698

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

JAN 06 1998

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.

RECEIVED
JAN 6 1968

The appeal must be filed within twenty-eight () 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,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

RECORDED

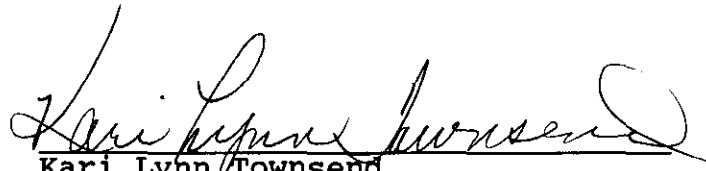
MAY 6 6 1988

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of January, 1998, 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. 29-07698

DEANNE WALTERS
774 BOYD
POCATELLO ID 83202


Kari Lynn Townsend
Secretary

NOTED

JAN 06 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 29-07698

DATE 12/17/97

REVIEWER: SHARLA

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

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.07</u> cfs
Fee limit	<u>.20</u> cfs <u>\$5000</u>
Measured	<u>—</u> cfs
Theoretical	<u>.11</u> cfs

Recommended Total Div Rate .05 cfs

ANNUAL VOLUME/
NATURE OF USES —

<u>✓</u>	Use <u>Ins</u> cfs	Volume Calc <u>8.0</u> af
	<u>Stock</u> <u>.01</u>	<u>.1</u> af
	<u>—</u>	<u>—</u> af
	<u>—</u>	<u>—</u> af
	SUBTOTAL <u>.05</u>	<u>8.1</u> af

Flow rate .04 cfs X 214 days X 1.98 = 16.9 af
 Total volume recommended — af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

Free GW Measurement/Measuring Device

— Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes — no

SRBA Claim Filed N/A
 Adjustment Memo —

1st Amend Letter N/A
 2nd Amend Letter —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 31 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-07698

1. Owner: DEANNE WALTERS

Phone No. (208) 237-3453

Current Address: 774 Boyd, Pocatello Id 83202

2. Accompanied by: Dennis Dunn

EXAM DATE: 10-9-1997

Address: IDWR, 900 N Skyline Dr, Idaho Falls Id 83402 Phone No. 208 525-7161

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	SE	31	6S	33E	Power	On site / USGS Quad

2. Place(s) of Use:

Indicate Method of Determination ON SITE

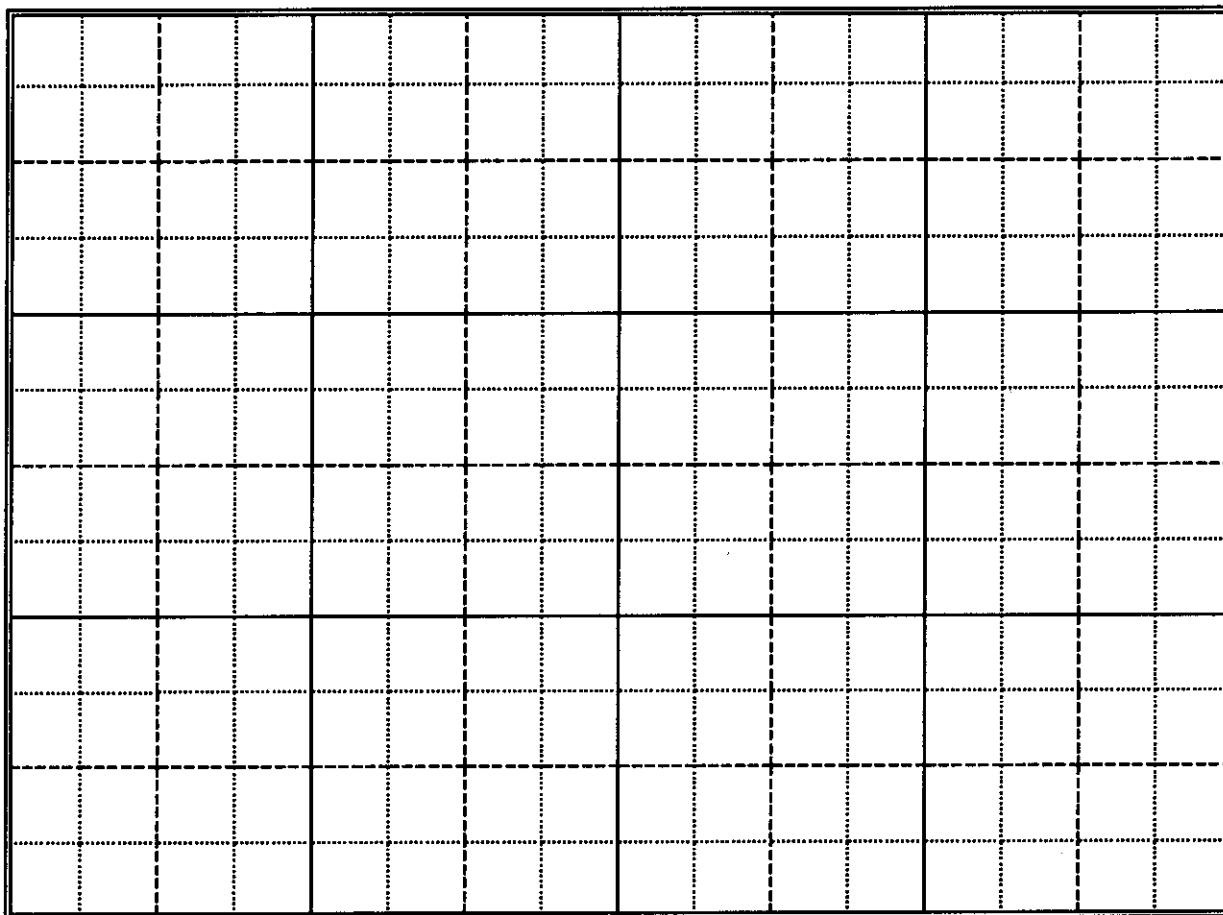
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	33E	31													2				2
															5				

MICROFILMED

JAN 06 1998

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

SUBMERSIBLE 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. OBTAINED FROM CONTROL PANEL

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	SEARS	2		SEARS	

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

D. FLOW MEASUREMENTS

1. THEORETICAL

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

MICROFILMED

JAN 06 1968

E. NARRATIVE/REMARKS/COMMENTS

Submersible pump; Motor with open discharge for stock trough and handlines with sprinkler

IT IS THE OPINION OF THIS FIELD EXAMINER THAT DEVELOPMENT TOOK PLACE AS PERMITTED UNDER PERMIT 29-07698. HOWEVER, IT APPEARS THAT IT HAS BEEN SOME TIME SINCE THE SYSTEM HAS BEEN BENEFICIAL USED.

THIS PERMIT DOES NOT AMOUNT TO MUCH, THEREFORE IT IS THE OPINION OF THIS FIELD EXAMINER THAT 29-07698 BE LICENSED FOR THE PERMITTED AMOUNT 0.04 cfs for IRRIGATION, AND 0.01 cfs for STOCKWATER.

STOCKWATER: PERMIT LISTS 100 RANGE CATTLE. THIS WOULD REQUIRE TURNING THE 2 ACRES INTO A FEED LOT, AND EVEN AT THAT I DON'T THINK THAT 2 ACRES WILL HOLD 100 CATTLE. RECOMMEND 10 OR LESS CATTLE. (I AM DOUBTFUL 2 ACRES WOULD BE BIG ENOUGH FOR 10 CATTLE.)

NOTE: LET THE ISSUE OF BENEFICIAL USE AND/OR FORFEITURE BE DECIDED IN THE COURTS.

COMMENT: ENOUGH TIME AND MONEY HAVE BEEN EXPENDED ON THIS PERMIT. LET'S NOT SPEND ANY MORE!

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

MICROFILMED
JAN 06 1998

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Theoretical $Q = 0.11 \text{ cfs}$ $Q_{\text{LIMITED BY PERMIT}} = 0.04 \text{ cfs}$ STOCK WATER (16 RANGE CATTLE) = 0.01 cfs **G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \text{ ac} \times 4 = 8 \text{ afa}$$

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

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 8 \text{ afa}$$

2. Volume Calculations for Other Uses:

$$V_{\text{STOCK WATER}} = 10 (0.0134) = 0.134 \text{ AF} = 0.1 \text{ af}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	11/1	0.04 cfs	8 afa
STOCK WATER	1/1	12/31	0.01 cfs	0.1
Totals:			0.05 cfs	8.1

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

KETH C WILSON

Date

10-9-1997

Reviewer

Date

SEAL

JAN 8 5 1998

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

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

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

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

$$\begin{array}{rcl} \text{Static Water Level} & = & \underline{24} \text{ ft. FROM WELL LOG IN} \\ \text{Assumed Draw down} & = & + \underline{10} \text{ ft. NW NW Sec 31, T6S} \\ & & \text{R33E} \end{array}$$

$$\text{Lift} = \underline{34}$$

OR

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

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

$$Q_{cfs} = \left[\frac{2}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{34}{Lift} + \left(\frac{35}{psi} \times 2.308 \right) \right]$$

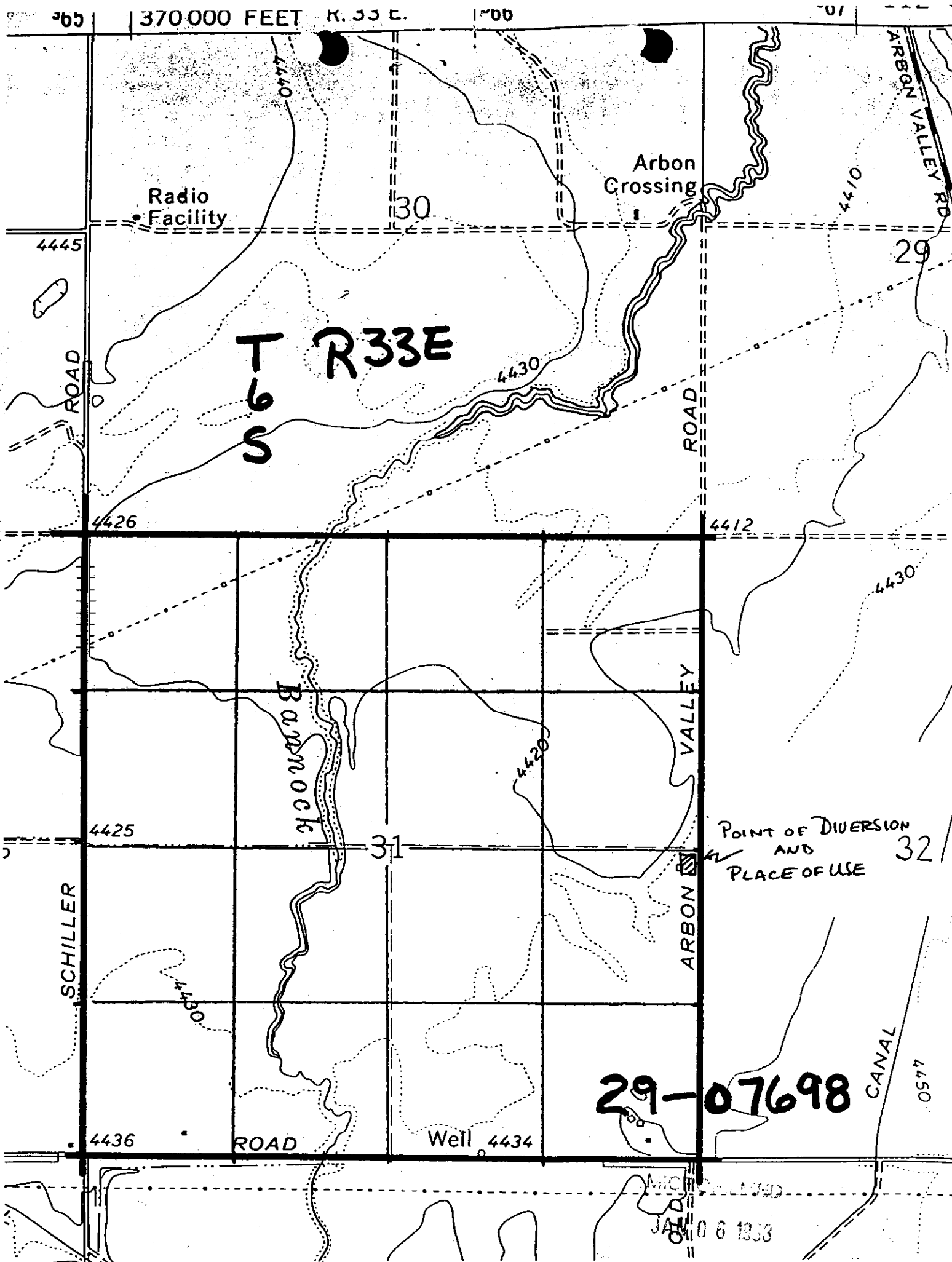
$$Q_{cfs} = \left[\underline{12.3396} \right] \div \left[\underline{114.78} \right]$$

$$Q_{cfs} = \underline{0.11} \text{ cfs}$$

MICROFILMED

JAN 06 1938

PERMIT NO. 29-07692



365

370 000 FEET R. 33 E.

366

367

368

Radio Facility

Arbon Crossing

ARBON VALLEY RD

T 6 S R 33 E

ROAD

ROAD

Barnock

ARBON VALLEY

SCHILLER

CANAL

POINT OF DIVERSION AND PLACE OF USE

29-07698

Well 4434

JAN 06 1953

POINT OF REVERSION

WEST



SOUTH

PHOTOS TAKEN 10-9-1997

STACK OF HAND LINES



PHOTOS TAKEN 10-9-1997

NORTH

PHOTOS TAKEN 10-9-1997

29-07698



POINT OF DIVERSION



POINT OF DIVERSION



POINT OF DIVERSION

29-07698



PHOTO TAKEN 10-9-1997

29-07698

PHOTO TAKEN 10-9-1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 29 1994

Department of Water Resources
SEE NEW EXAM
Permit No. 29-07688

A. GENERAL INFORMATION

1. Owner: DEANNE WAUGHES Phone No. 237-3453

Current Address: 774 BOYD, DESTELLO ID 83202

2. Accompanied by: _____ EXAM DATE: 8-17-1994

Address: _____ Phone No. _____

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
No Development									

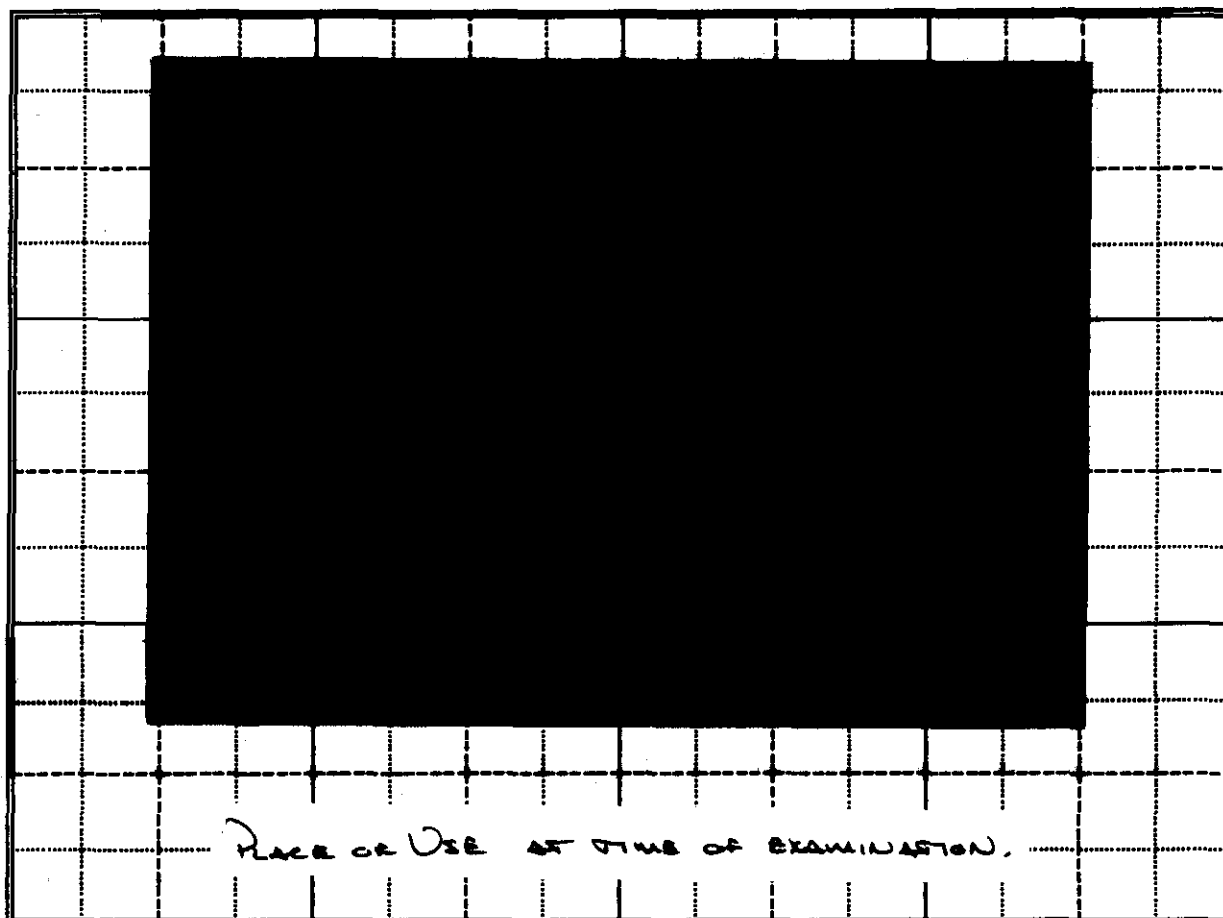
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
No	Development		_____				_____												

IAN 06 1998

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



PLACE OR USE AT TIME OF EXAMINATION.

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
NONE					

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

D. FLOW MEASUREMENTS

1.

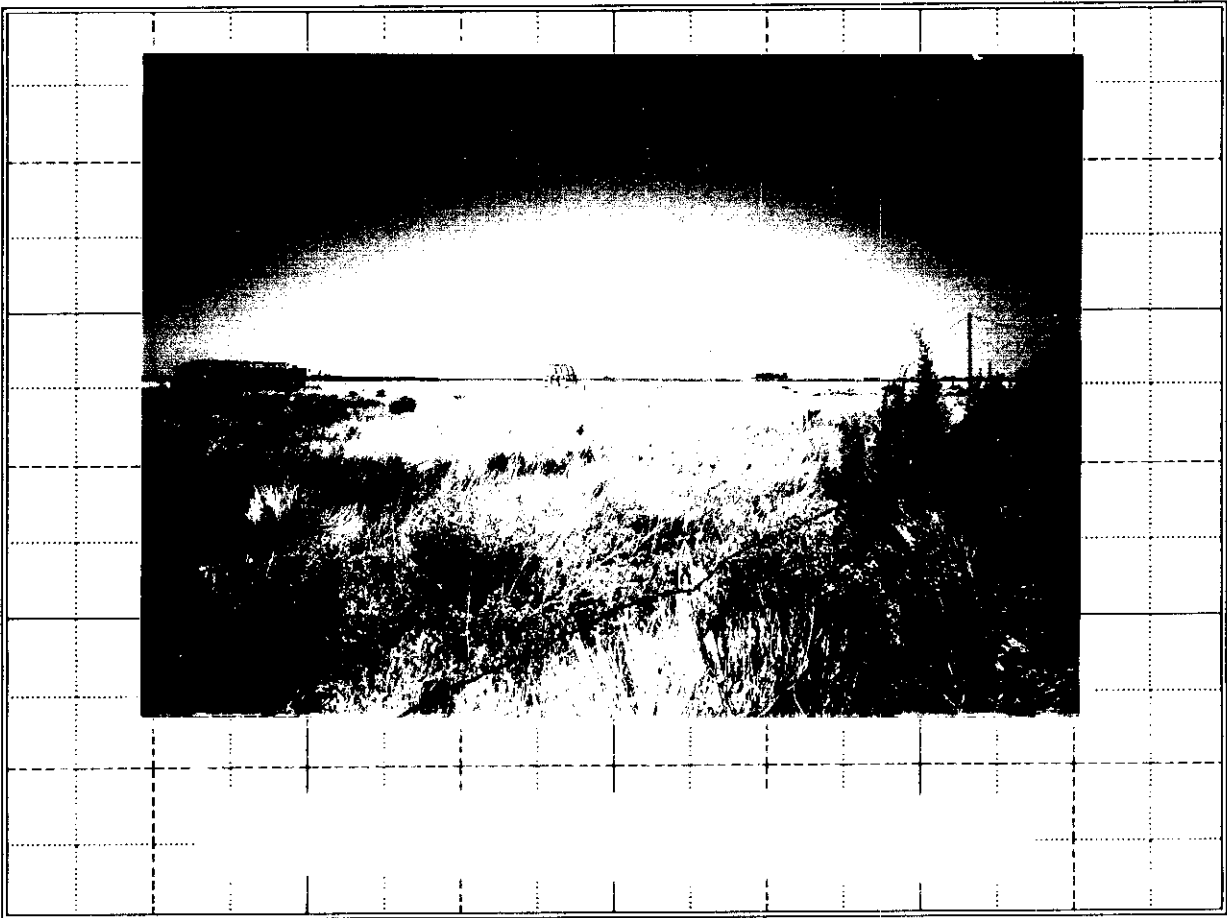
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: _____

MICROFILMED

JAN 06 '66

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



Scale: 1"

☐ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
 ☐ Aerial Photo Attached (required for irrigation of 10+ acres)
 ☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*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: _____

E. NARRATIVE/REMARKS/COMMENTS

NO DEVELOPMENT FOUND FOR PERMITTED USES.

RECOMMEND FOR LAPSING FOR LACK OF BENEFICIAL USE.

NO STOCKWATER FACILITIES ON SITE. NO IRRIGATION

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

MICROFILMED
JAN 06 1988

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

N/A**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:

N/A**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>LAPSE</u>	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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 LAPSE

I. AUTHENTICATIONField Examiner's Name DDM Date 12-16-94Reviewer KETH C. WILSON Date 12/23/94

SEAL

MICROFILMED

JAN 06 1995

365

370 000 FEET

R. 33 E.

366

367

112

Radio
• Facility

Arbon
Crossing

30

4410

29

**T 6 S
R 33 E**

4430

ROAD

4426

4412

4430

Barnock

4420

4425

31

**NO
DEVELOPMENT**

SCHILLER

ARBON VALLEY

4430

4436

ROAD

Well 4434

29-07698

CANAL

4450

MICROFILMED

JAN 06 1988

OLD

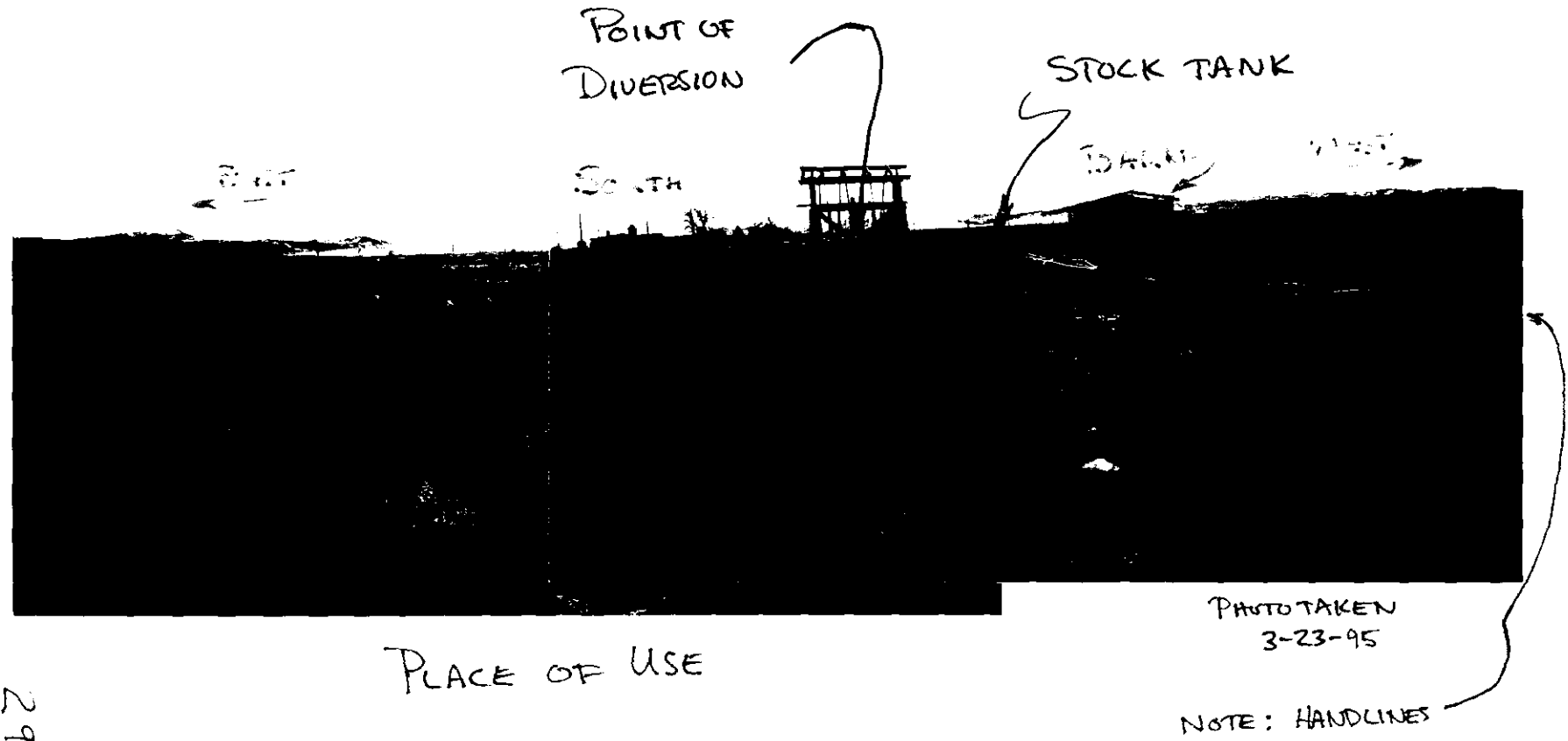


PHOTO TAKEN 3-23-95

29-07698

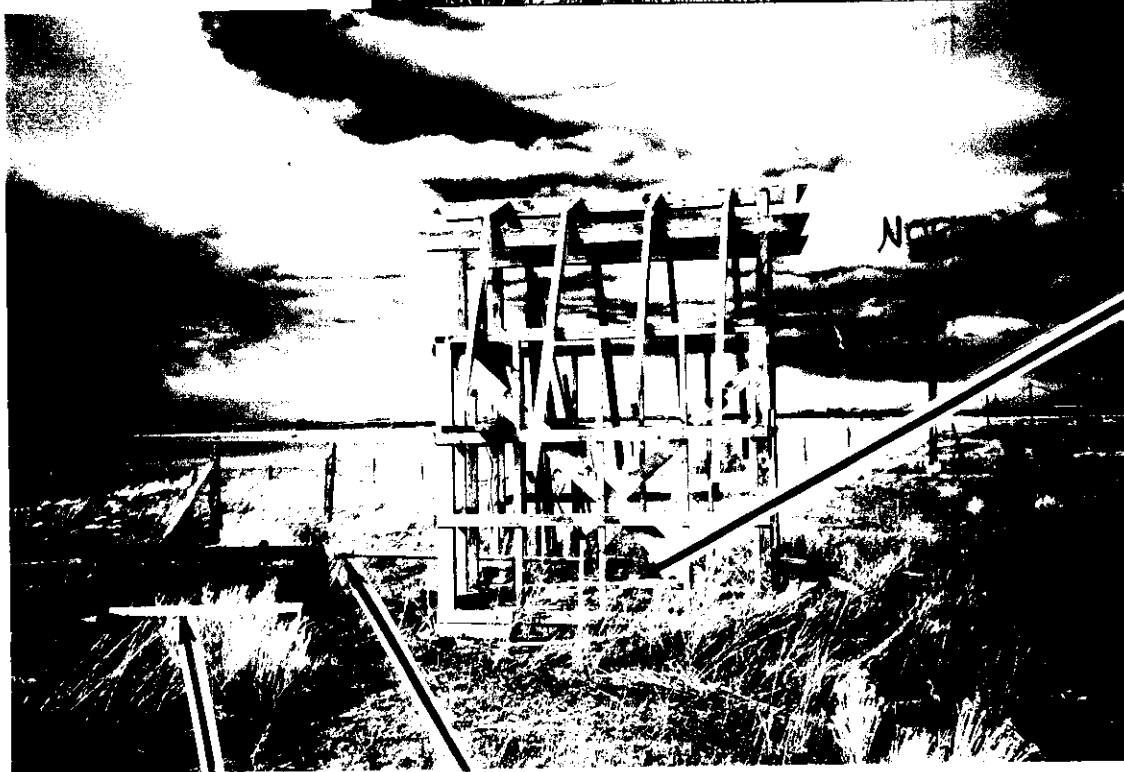
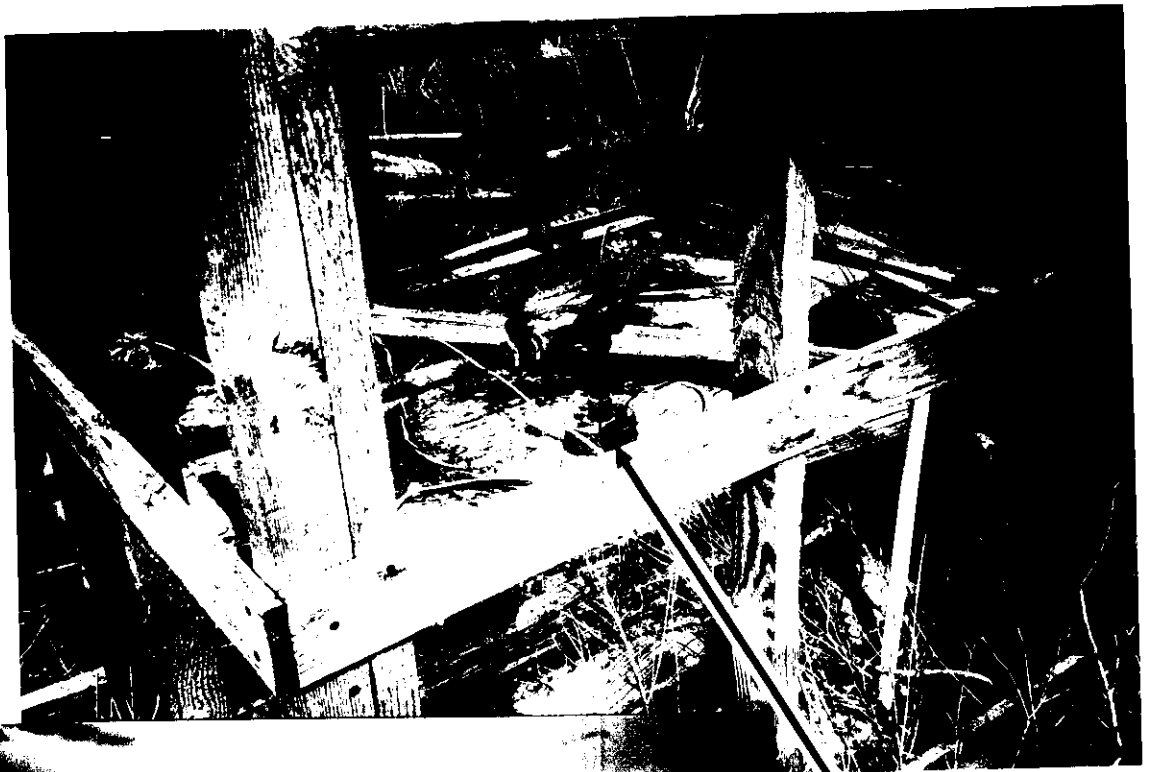
PHOTO 3-23-1995

PHOTO 3-23-1995



29-67698

PHOTOS TAKEN
3-23-95



POINT OF
DIVERSION

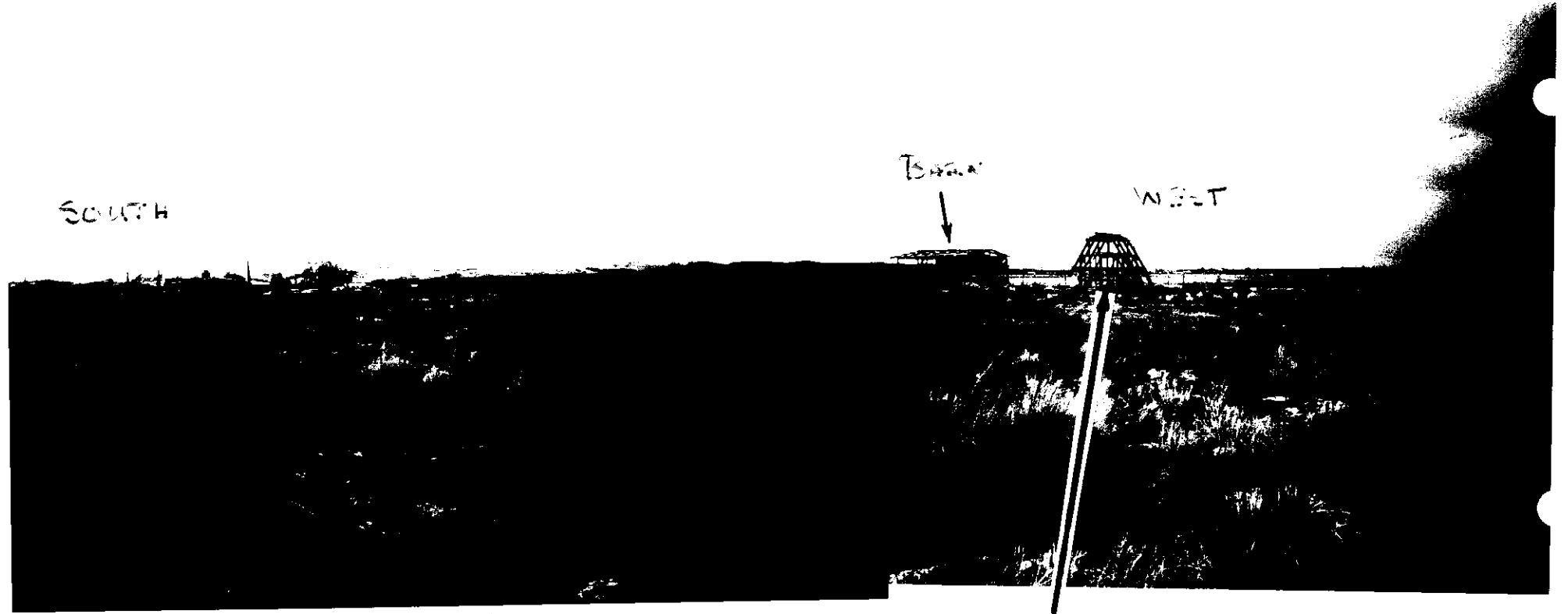
STOCK
TANK

FITTING TO HOOK UP SPRINKLERS
AND OPEN DISCHARGE TO STOCK TANK

29-07698

PHOTOS 3-23-1995

PHOTOS 3-23-1995



29-07698

PHOTOS TAKEN 3-23-95

PLACE OF USE

POINT OF DIVERSION



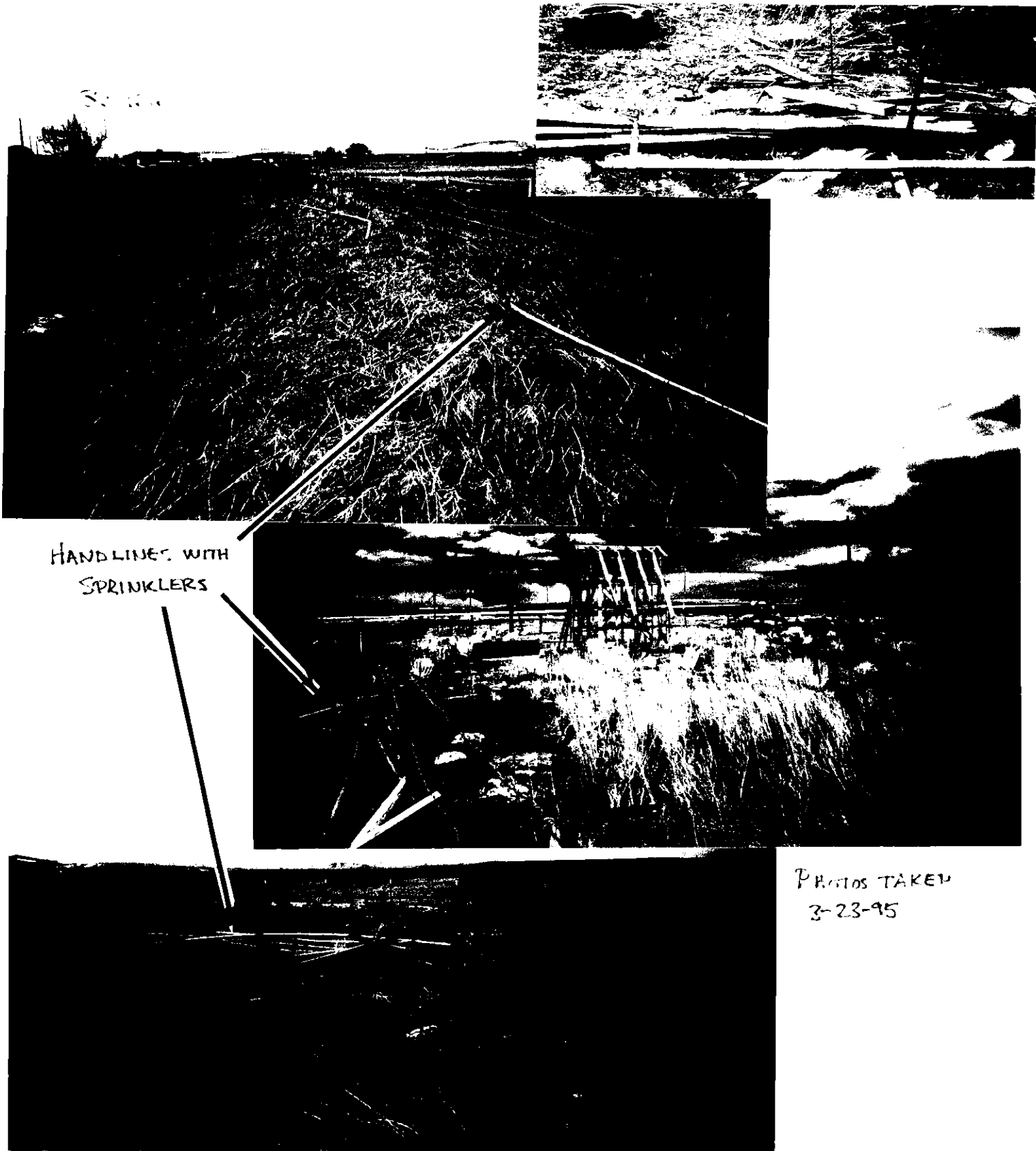
POINT OF
DIVERSION

PHOTOS TAKEN
3-23-95



29-07698

PHOTOS 3-23-1995



HANDLINES WITH
SPRINKLERS

PHOTOS TAKEN
3-23-95

29-07698

PHOTOS 3-23-1995

MEMORANDUM

Date: February 21, 1995
From: Jim Johnson
To: Harold Jones
Subject: Return of field examination on permit 29-07698

=====

An order voiding this permit was issued on January 30, 1995 and a fax was received from the permit holder's attorney on February 16, 1995. After discussing possible actions we elected to rescind the order voiding the permit and return the examination to the region for follow-up. See Glen's memo attached. I am returning all of the necessary documents needed in your follow-up. If I can be of further assistance let me know.

RECORDED

MAR 22 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

February 22, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Parkview Court Law Offices
Parkview Court
746 East Center, Suite #5
Pocatello, Idaho 83201
attn: Steven G. Wood

RE: Permit 29-07698

Dear Mr. Wood;

In follow-up of your letter of February 16, 1995 the order voiding the permit is rescinded. See the enclosed order. The examiner's report recommending voiding the permit is being returned to our Idaho Falls office. A department employee will be contacting you or the permit holder to reschedule an examination.

If you have any questions let me know.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', followed by a horizontal line.

Jim Johnson, Manager
Water Permits Section

c Eastern Region, Deanne Walters

RECEIVED

MAR 22 1995

MEMORANDUM

To: Jim Johnson
From: L. Glen Saxton 
RE: COMMENTS
Date: February 17, 1995

I have briefly reviewed this file and have the following comments:

1. Whenever an examination is conducted without the permit holder or representative of the permit holder, there is always a greater chance of not finding or not understanding a diversion and delivery system.
2. The exam does not indicate that the examiner found the well which apparently has been constructed.
3. The amount of water involved in this permit is not much and is difficult to make a federal case over.
4. I can't determine from the signature whether the examiner is one of the "summer" examiners or one of the more experienced examiners.

Based on the above comments, I think I would be inclined to shortcut this whole matter by issuing an order rescinding the Order Voiding the permit and reinstating the permit. I would be glad to sign such an order.

Hopefully the examiner will make an appointment with the permit holder to review the extent of development which has actually occurred.

MICROFILMED

MAR 2 2 1995

PARKVIEW COURT LAW OFFICES
ATTORNEYS & COUNSELORS AT LAW
PARKVIEW COURT - 746 EAST CENTER, SUITE #5
POCATELLO, IDAHO 83201

"Independent Lawyers, Not a Partnership"

STEVEN G. WOOD
(208) 234-1234

FAX: (208) 234-1233

RUSSELL L. JOHNSON
(208) 234-1550

RECEIVED
FEB 21 1995

Department of Water Resources

February 16, 1995

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-7866

Re: Permit number 29-07698
Deanne Walters

Dear Gentlemen:

I represent Deanne Walters, who recently saw me concerning an "Order Voiding Permit", a copy of which is attached.

Please consider this letter as an objection to the action taken and an assertion that the action was wrongfully taken in violation of Idaho Code 42-219 and 42-1701A(3).

If this order is not rescinded as a result of this letter, please consider this letter as a petition stating the grounds for contesting the action and a request for a hearing.

Deanne Walters DID apply the water to beneficial use, despite what the examiner may have reported. She has had her well since 1968 and installed her pump in 1971 and after the approval of her application in April 1990, she used the water for irrigation and for stock watering in 1990, 1991 and 1992, 1993. She submitted the Proof of Beneficial Use and paid the fee. She has witnesses to the application of the water to beneficial use. In addition, had the examiner but looked, he would have seen the irrigation pipe on the premises which she used to irrigate.

Idaho Code 42-219, quoted in the Order Voiding Permit, goes on to specifically state:

"Notice of such action shall be forwarded to the permit holder by certified mail."

The letter of January 5, 1995, from the Department was NOT certified, nor was any notice given of Deanne Walter's right to contest the action if she desired.

RECEIVED

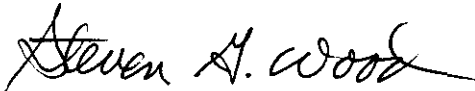
FEB 22 1995

Nevertheless, she tried to call Jim Johnson the day she got the letter, and her call was never returned. She waited a little more then sent a letter explaining that the non-use during 1994 was because of spraying for weeds and her intent to replant, which letter should have been considered as a "satisfactory explanation." Her letter was ignored by Mr. Johnson, and he sought to void the permit.

Mrs. Walters has not been afforded the certified notice required by the statute. The examiner was wrong when he reported that no application to beneficial use had been made. (In fact, if he did not inspect the premises prior to 8-17-94 he could not say no beneficial use had been made prior to that time.)

My client wants her water permit restored. Please issue an Order doing so. If you refuse to do so, please afford us an opportunity for a hearing in Pocatello.

Sincerely,

A handwritten signature in cursive script that reads "Steven G. Wood".

Steven G. Wood

cc: Mrs Walters

RECEIVED
JUN 2 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

January 30, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Deanne Walters
774 Boyd
Pocatello, Idaho 83202

Re: Permit No. 29-07698

Dear Deanne;

I very sorry to hear of your misfortune and the impact it has had on your plans. I hope your recovery went well.

In regards to your permit, you will recall that when you received the approval of your application in April 1990, one of the conditions of approval on the permit was that the use of water for irrigation and stockwater was to be completed by May 1, 1991. The Department sent you a letter on February 28, 1991 asking you to either submit an application for extension of time to file proof of use of water or to submit a statement that you had developed the water.

You responded to this letter by filing the \$50.00 examination filing fee and submitting the Proof of Beneficial Use form. I understand that responding to different governmental correspondence may be confusing at times but these responses are important to determine compliance with conditions of approval of a water permit. Since you had represented that water had been diverted and used for irrigation of two acres and for stockwater, we had no recourse but to conduct an examination to confirm the use. Unfortunately, the examiner could not find any evidence of water being used for either irrigation or stockwater.

I do not have any recourse but to void the permit if no water use had been developed within the authorized permit period.

If, however, you only plan to use water for livestock and the herd size is less than 1000 head, you can use water for that purpose without filing for a water right. The irrigation of two acres, on the other hand, will require a water right which will require an new filing.

Unfortunately, in May of 1992 the Director of the Department of Water Resources issued an moratorium on new water appropriations and at this time no applications for permit are being approved.

RECEIVED

MAR 22 1995

Since I did not receive a withdrawal of permit from you I will be sending a Order voiding the permit because water had not been used within the authorized development period.

If you have any questions let me know. I apologize for not returning your phone call, I have been very busy.

Sincerely,



Jim Johnson, Manager
Water Permits Section

RECEIVED

MAR 22 1995

January 17, 1995

Jim Johnson
Section Manager
Water Right Permits Section
State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

RECEIVED
JAN 23 1995
Department of Water Resources

RECEIVED
JAN 18 1995
Department of Water Resources
Eastern District Office

Re: Permit to Appropriate
Water No. 29-07698

Dear Mr. Johnson:

I telephoned your office Tuesday, January 10, 1995, and left a message for you to return my call. Since you have not done so as of today, Tuesday, January 17, 1995, I am submitting this letter and ask that you kindly consider it in lieu of the personal conversation that I had hoped to have with you. I further respectfully request that if you have any further questions regarding this matter that you call me at (208) 237-3453.

Last year, 1994, I had my property sprayed for noxious weed control by Power County. I had planned to replant my pasture and make some much needed improvements and repairs from wind damage and vandalism. However, I suffered an accidental fall with subsequent serious head injuries which limited my physical activity and hence my ability to institute such repairs for the remainder of the season. My well was used only for occasional stock watering. Now that I have recovered, my intentions are to continue with the plans that I had for the property last year.

Sincerely,

Deanne Walters
Deanne Walters
774 Boyd
Pocatillo, Id 83202

DW/jc

RECEIVED
MAR 22 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 5, 1995

Deanne Walters
774 Boyd
Pocatello, ID 83202

RE: Permit to Appropriate Water No. 29-07698

Dear Permit Holder(s):

On April 8, 1983 you filed with the Department of Water Resources an Application to Appropriate Water No. 29-07698 for Irrigation and Stockwater purposes in the NE 1/4 of SE 1/4 of Section 31 TWP 6S Range 33E B.M. Power County.

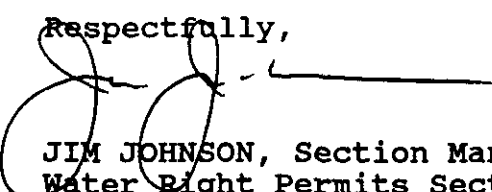
On 8/17/94, a Department staff member conducted a field examination on the above referenced permit and found that water had not been diverted and put to a beneficial use as authorized on the permit.

The purpose of this letter is to inform you that I will take action to void your permit after twenty-eight (28) days from the date of this letter, pursuant to Section 42-219, Idaho Code, unless you can provide a satisfactory explanation for why water was not put to a beneficial use.

If you are no longer interested in this right you can shorten the voiding process by signing and returning the enclosed relinquishment form.

If you have any questions in regard to this matter, please feel free to contact me at 327-7947.

Respectfully,


JIM JOHNSON, Section Manager
Water Right Permits Section

JJ:rl

Enclosure

c: Eastern Region

MICROFILMED

MAR 2 2 1995

May 3, 1991

DEANNE WALTERS
774 BOYD
POCATELLO, ID 83202

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07698

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

MICROFILMED
MAY 30 1991

138097

February 28, 1991

DEANNE WALTERS
774 BOYD
POCATELLO, ID 83202

PROOF DUE NOTICE

RE: PERMIT NO. 29-07698

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 May 1, 1991. (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 complete 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. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

FILED

MAY 30 1991

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 19, 1990

DEANNE WALTERS
774 BOYD
POCATELLO, ID 83202

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P29-07698

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.

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 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.

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.

MICROFILMED

APR 23 1990

Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

APR 23 1980

RECEIVED
APR 2 1990

Department of Water Resources

FROM: KEITH C. WILSON

30 MARCH 1990

TO: TIM LUKE

SUBJECT: APPLICATION FOR PERMIT 29-07698

DEANNA WALTERS, 774 BOYD, POCA TELLO, ID. 83202, 237-3453, CAME IN TODAY TO FILE HER ADJUDICATION CLAIM ON 29-07698. AS OF TODAY THIS APPLICATION FOR PERMIT IS STILL AN APPLICATION. OUR BASIN BOOKS INDICATE THAT THE APPLICATION WAS SENT TO THE STATE OFFICE ON 09-11-1985. IT IS LOCATED IN THE NON-TRUST WATER AREA AND IS FOR IRRIGATION OF 2.0 ACRES & STOCKWATER.

THE PERMIT HOLDER WOULD LIKE TO HAVE THE APPLICATION 29-07698 PROCESSED SO THAT SHE CAN HAVE A WATER RIGHT FROM A WELL DRILLED IN 1970.

YOUR PROMPT ATTENTION TO THIS WILL BE APPRECIATED.


KEITH C. WILSON

RECEIVED

APR 23 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

October 31, 1985

RE: Application for Permit No. 29-7698

Deanne Walters
774 Boyd
Pocatello, ID 83202

Dear Ms. Walters:

Since my letter of October 8, 1985, I have talked with Cindy Cranston Felton about your application for permit as referenced above. She informed me that your application cannot be dismissed from the Idaho Power lawsuit because it is for irrigation and stockwater purposes only. She also informed me that if you amended your application to include a domestic water use, it could then be dismissed.

A domestic use would include water for household use, watering of household stock and water used for irrigation of up to one half ($\frac{1}{2}$) acre of land in connection with said household, where total use does not exceed 13,000 gallons per day.

If you wish to amend your application to include a domestic use, please contact me at 334-4123 and we will prepare an amended application for your signature. The fee for amending your application would be \$20.00. This fee is required to pay for the cost of re-advertising the application.

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

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

MICROFILMED

APR 23 1990

CONVERSATION MEMORANDUM

DATE 10-24-85FILE 29-7698NAME OF PARTY Cindy Cranston Felton → 734-0700EMPLOYEE Kay WalkerRE: App. 29-7698 - my letter of 10/8/85Per. phone conversation w/ Cindy:

Since the uses here are
not coupled with a domestic
use, ~~this~~ this application
cannot be dismissed under
the S1180 contract.

~~FF~~ Need to relay this to
~~per~~ applicant —

MICROFILMED

APR 28 1990

October 8, 1985

RE: Application for Permit No. 29-7698

Deanne Walters
774 Boyd
Pocatello, ID 83202

Dear Ms. Walters:

We have received your water right application from our regional office for final action. During our review of your filing, we found that the application has not been dismissed from the Idaho Power lawsuit and we cannot take further action until we are notified of its release.

However, we note that the water use you applied for is in a category which should allow for its dismissal from the lawsuit. We recommend that you contact Nelson, Rosholt, Robertson, Tolman & Tucker, Attn: Cindy Cranston Felton, at P.O. Box 1906, Twin Falls, ID 83301, (phone 734-0700) and request dismissal from the lawsuit. We are enclosing a copy of your application in case it might be needed.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosure

cc: Eastern Region

MICROFILMED

APR 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 7, 1985

Power County Press
174 Idaho Street
American Falls, Idaho 83211

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 2, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

APR 23 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 2, 1985.

KEN DUNN, Dir.

Published 8/15 & 8/22/85.

MICROFILMED

APR 23 1990

29-7698-

WALTERS, DEANNE

774 BOYD, POCA TELLO, ID 83202

Source: GROUNDWATER

Date Filed: 04/08/1983

Diversion Pt: NESE Sec 31 T 06S R 33E

Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.03 CFS)

In: NESE Sec 31 T 06S R 33E FOR 2 ACRES

**Notice of
application for
water right**

Published in The Power County
Press August 14 & 21, 1985.

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

29-7698

WALTERS, DEANNE
774 BOYD, POCA TELLO ID 83202
Source: GROUNDWATER
Date Filed: 04/08/1983
Diversion Pt: NESE Sec 31 T 06S R
33E
Use:
IRRIGATION (0.04 CFS)
STOCKWATER (0.03 CFS)
In: NESE Sec 31 T 06S R 33E FOR 2
ACRES

The permits will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402
on or before SEPTEMBER 2, 1985.

KENN DUNN, Dir.

MICROFILMED

APR 23 1990

*Changed adverb.
to include new
sentence. Will
ad. on 8/21 & 8/28.
LDP. 9-9-85*

*talked to Donna
8-26-85
"will send affidavit
new day"*

August 6, 1985

Ms. Cindy Cranston Felton
P.O. Box 1906
Twin Falls, ID 83303

Dear Cindy:

According to the provisions of the agreement signed October 25, 1984, applications limited to certain beneficial uses are eligible for dismissal from Ada County Civil Case 81375.

Based on our understanding of the definition "consumptive domestic" and "non-consumptive commercial, municipal, and industrial", we have identified applications that appear to comply with the criteria essential for dismissal. A profile of each application is enclosed for your consideration.

We are proceeding with the publication of notices advising these applications have been filed, but will continue to withhold other administrative action pending notification from your office that an application has been released.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosures

MICROFILMED

APR 23 1990