

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

13 7476
Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant Brad Povey Phone (204) 747-3408
Post office address Clifton, Idaho 83228
2. Source of water supply Well Groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 27 Township 14S Range 38E B.M. Franklin County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 3.76 CFS for Irrigation purposes from APR 1 to NOV 1 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.76 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Pumps, Mainline, Sprinklers
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 16" inches; proposed depth of well is 450 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14	38	27	28																
14	38	26					40	40											
14	38	23									40	40							

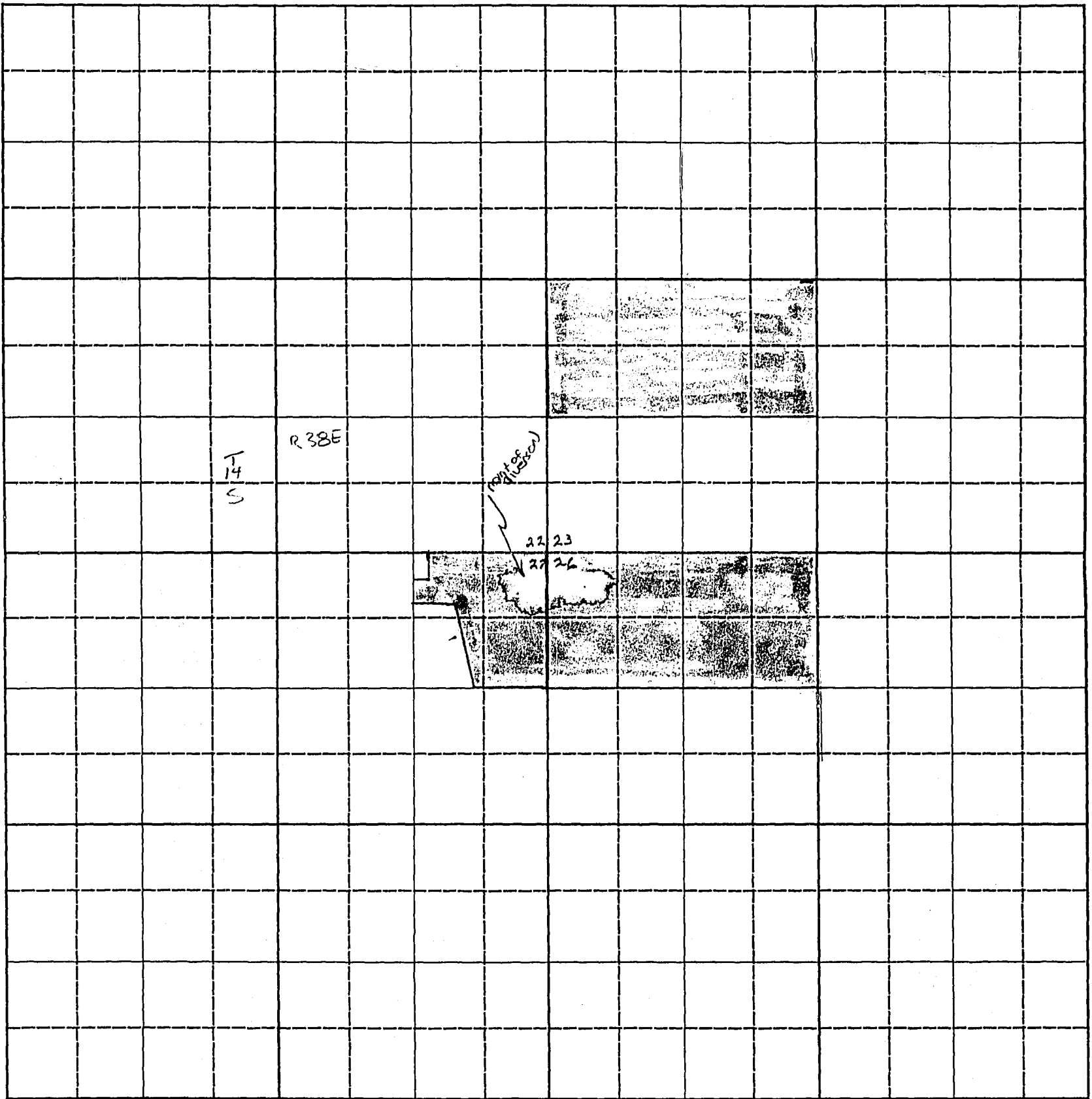
Total number of acres to be irrigated 188

10. Describe any other water rights used for the same purposes as described above. Twin Lakes Canal Co.

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

12. Remarks: _____

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Bud Porey

(Applicant)

Received by CU Date 10-29-90 Time 12:40 Preliminary check by _____
Fee \$ 105⁰⁰ Receipted by ALJ # E015386 Date 10-29-90
Publication prepared by LB Date 1-3-91 Published in Preston Citizen
Publication approved LB Date 2-7-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

875

No 3335

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

WALTER ROSS

being duly sworn,

deposes and says:

CO-PUBLISHER

That he is the of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

..... Dec 26 19⁹¹ and ending with the issue of Jan 2 19⁹¹

Fee \$..... 51.80

Subscribed and sworn to before me this 2 day

of Jan 19⁹¹

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14 19⁹¹

RECEIVED

FEB 4 1991

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07476

POVEY, BRAD
CLIFTON, ID 83228
Source: GROUNDWATER
Diversion Pt: NENENE Sec 27 T 14S R 38E

Use: IRRIGATION (3.760 CFS) Total
Diversion: (3.760 CFS)
Date Filed: 10/29/1990
In: T14S R38E S23 NESW NWSW S 26
JENW NWNW S27 NENE 188.0 ACRES
TOTAL

13-07477

TANNER, JOSEPH B.

3946 N. 2100 E.
PRESTON, ID 83263
Source: GROUNDWATER
Diversion Pt: NWNE Sec 31 T 14S R 40E
Use: HEATING (1.000 CFS) Total
Diversion: (1.000 CFS)
Date Filed: 10/25/1990
In: T14S R40E S31 NWNE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JANUARY 21, 1991.

R. KEITH HIGGINSON,
Director

Legal No. 3335 — Publish Dec. 26, 1990; Jan. 2, 1991.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07476

Proposed Priority: October 29, 1990 Maximum Diversion Rate: 3.76 CFS
This is to certify, that BRAD POVEY

CLIFTON, ID 83228

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>
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IRRIGATION	04/01 to 11/01	3.76 CFS
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<u>LOCATION OF POINT(S) OF DIVERSION:</u>	NENENE	Sec. 27, Township 14S, Range 38E FRANKLIN County
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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>
14S	38E	23	NESW 40	NWSW 40		80
		26	NENW 40	NWNW 40		80
		27	NENE 28			28

Total number of acres irrigated: 188

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
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.

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

5th day of March, 1991.

for 
R. Keith Higginson, Director

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E015386

Date: 10/29/90
Time: 14:59:52

Received
From: POVEY, BRAD

Type of Payment	Program Acct Class	Amount
APPLIC. FOR PERMIT	0530199 1238 6390	\$105.00
Total		\$105.00

CHECK 1638

Idaho Department of Water Resources

Region: EASTERN

Signature: J. C. Jones

21-Dec-1990

BRAD POVEY

CLIFTON ID 83228

RE: Application No. 13-07476

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in PRESTON CITIZEN on JANUARY 3 & 10, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

13-07476

POVEY, BRAD
CLIFTON, ID 83228

Source: GROUNDWATER

Diversion Pt: NENENE Sec 27 T 14S R 38E

Use: IRRIGATION (3.760 CFS)
Total Diversion: (3.760 CFS)

Date Filed: 10/29/ 1990

In: T14S R38E S23	NESW	NWSW
S26	NENW	NWNW
S27	NENE	

188.0 ACRES TOTAL

NOTICE OF APPLICATION FOR WATER RIGHT

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

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

Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 21, 1990

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 21, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

APPLICATION FOR PERMIT REVIEW

Application #: 13-7476
Date: 2-20-91

Reviewer: Pam Skaggs ²⁸

- ✓ Existing:
 - ✓ No - 26A-P17
 - Complete in 1 year - P16
 - Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
- ✓ Groundwater:
 - ✓ GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
 - LT. 0.7 cfs - N/A
- ✓ Drilling Permit:
 - Approved w/permit - P99
 - ✓ Not included - 046-P23 (All GW, even existing wells)
- ✓ Location:
 - Water Districts - WD No. 13L
 - Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)
 - ✓ Groundwater - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - (1 or Blank)
 - Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr
 - Non Trust - 048-049 or Irr & Dom)
- River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 11D-P72
 - Payette (65) - 047-P04, 059-P71
 - Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
- Use:
 - Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
 - Power - Use Power Review
 - Mining - 06A, 006, 010, 09E-P10 & 054(req.)
 - Storage - 18A-P for multiple measuring devices(In W.D.), 18B-P09(Size)
 - Rec. & Aesthetic - 027(Non-Consumptive)
 - Domestic - 021(restricted areas)
- Ownership:
 - Non land owner - 004
- Protested:
 - Agreement - 020
- Minimum Stream Flow:
 - Overlapping uses - 029-P20
- ✓ Beneficial Use Due Date: - 03-01-1994
- Other Conditions Recommended _____

✓ *Jim*
3-4-91



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 11, 1991

BRAD POVEY
CLIFTON, ID 83228

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07476

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

Form 217
11/91

RECEIVED

JAN 24 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 175.00
Date 1-24-94
Receipt No. C029481
Receipt by DW

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 13-07476 Telephone No. 747-3408

2. Name(s) of Permit Holder(s): BRAD POVEY

3. Mailing Address: CLETON, IDAHO 83228

4. Source of Water: GROUND WATER

If GROUNDWATER, Well Driller's Name: JENSEN DRILLING 515 Date Drilled: 7-30 8-9

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 188 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 3.76 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

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

8. Fee Enclosed: \$ 175.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

BRAD POVEY 747-3408 HR Povey 747-3529
Name Telephone No.

CLETON, IDAHO 83228
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.

1-20-94 BRAD POVEY - HR Povey
Date Signature (and title, if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
FLOW MEASUREMENT PORT OR)
MEASURING DEVICE CONDITION)
OF APPROVAL FOR PERMIT NO.)
13-07476.)

ORDER

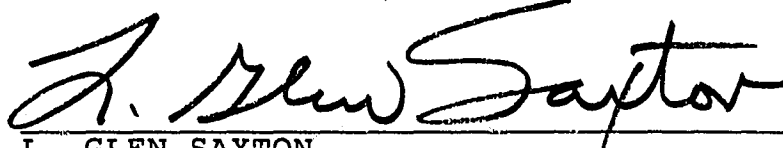
WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a flow measurement port or other device to facilitate the measurement and determination of the rate of diversion by the department; and

WHEREAS, the department has determined that the rate of diversion for certain ground water uses can be estimated by the department without the use of an installed flow measurement port; and,

WHEREAS, the department has determined that the rate of flow for the above captioned permit can be estimated without the use of a flow measurement port;

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring the installation of a flow measurement port or other device for the above captioned permit is WAIVED. The department retains the jurisdiction to require the condition be reinstated in the future upon a finding of need by the department.

Dated this 7th day of February, 1994.


L. GLEN SAXTON
Chief, Water Allocation Bureau

Drilling Permit No. 13-9-E-002

Water Right Permit No. 13-07476

Injection Permit No. 13-07476

RECEIVED

State of Idaho
Department of Water Resources

MAR 19 1991

APPLICATION FOR DRILLING PERMIT

Department of Water Resources
Eastern District Office

Application Fee
PERMIT

Applicant (please print) BRAD. POVEY # 13-07476

Mailing Address 3765 N. W.S. Hwy

Clifton, Idaho 83228 Telephone 747-3408

☒ Well Owner ☐ Well Operator ☐ Other, specify _____

Proposed well location NE 1/4 NE 1/4, or Gov't Lot No. N/A.

Sec. 27, Twp. 14 S, Rge. 38 E, County FRANKLIN

Street Address of Well Site 348 E 1st S.

Lot, block and subdivision N/A.

1. Proposed use of well:

- ☐ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

- ☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

☐ Injection

- ☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

2. Well construction information:

A. ☒ New well ☐ Deepen ☐ Replace - See Condition 9

B. Proposed Surface Diameter 16 inch Proposed Maximum Depth 500 Feet

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212° or more (Geothermal well)

3. Construction Start Date 4-1-91

4. Anticipated Well Driller LOIS GARDNER
NOTE: The actual well driller must be identified prior to drilling.

5. Applicant's signature Brad Povey Date 3-16-91

Title Owner
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved

Date 19 March 1991

Approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.

This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.

The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

James M. Brown
Signature of Authorized Department Representative

Dr. J. L. Resource Agent
Title

Receipt No. ED15828 Receipted by LK Fee 200.00 Date 3/19/91

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

December 31, 1993

BRAD POVEY
CLIFTON ID 83228

PROOF DUE NOTICE

RE: PERMIT NO. 13-07476

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 March 1, 1994. (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.

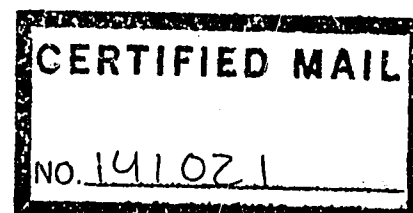
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



February 7, 1994

BRAD POVEY
CLIFTON ID 83228

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 13-07476

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order waiving the flow measurement port condition on the 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

November 26, 1999

For Office Use Only
\$25 filing fee 25.00
Receipt # 0013354
Date 3-14-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT MAR - 4 2002
To change the ownership of a permit

I, Brad Povey, hereby assign to Hank Povey
of 398 E 200 S Clifton 83228 747-3529
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 13-07476 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

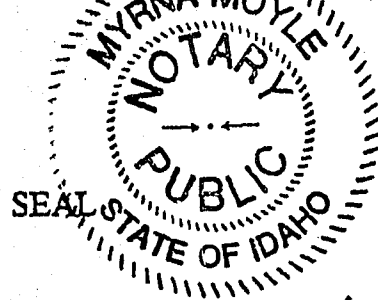
Made this 8th day of Feb., 2002.

Permit Holder(s) Brad Povey

State of Idaho)

County of Franklin)ss

On this 8th day of February, 2002, personally appeared before me the signer(s) of the above
instrument, who acknowledged to me that he (she) (they) executed the same.



Myrna Moyle
Notary Public residing at

Franklin County

My commission expires: 1-28-05 mm

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07476

RECEIVED

JUL 16 2002

Department of Water Resources

Date of Priority: October 29, 1990

Maximum Diversion Rate: 2.06 CFS

Comes now HANK POVEY
398 E 200 S

CLIFTON ID 83228 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 13-07476, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	4/15 to 10/15	2.06 CFS

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, Twp 14S, Rge 38E, B.M. FRANKLIN CountyPLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 38E 23									40.0	38.0					2.0		80.0
14S 38E 26					39.0	39.0											78.0
14S 38E 27	27.0																27.0

Total Acres: 185

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 9 day of July, 2002.

Hank Povey
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07476

FOR DEPARTMENT USE ONLY
Preliminary check by SC Fee = \$50.00 Received by JM # C063373 Date 7/16/02

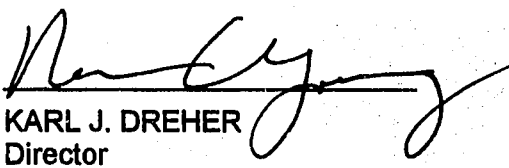
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 13-07476 with the following:

CONDITIONS OF APPROVAL

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 647.5 af at the field headgate for the lands above.

Witness my hand this 2ND day of August, 2002.


KARL J. DREHER
Acting for Director

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07476

Priority: October 29, 1990

Maximum Diversion Rate: 2.06 CFS

It is hereby certified that HANK POVEY
398 E 200 S
CLIFTON ID 83228 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 29, 1990; and has
submitted Proof of Beneficial Use on January 24, 1994. An examination indicates that the works have a
diversion capacity of 2.06 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
4/15 to 10/15

DIVERSION RATE
2.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

NE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec. 27, Twp 14S, Rge 38E, B.M. FRANKLIN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 38E 23									40.0	38.0					2.0		80.0
14S 38E 26					39.0	39.0											78.0
14S 38E 27	27.0																27.0

Total Acres: 185

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3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 647.5 af at the field headgate for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 2ND day of August, 2002.

Acting for

KARL J. DREHER
Director

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 08 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 13-7476

1. Owner: BRAD POVEY

Phone No. (208) 747-3408

Current Address: CLIFTON, IDAHO 83228

2. Accompanied by: HANK POVEY

EXAM DATE: 7/17/95

Address: 3765 N. WESTSIDE HWY CLIFTON Phone No. (208) 747-3529
ID. 83228

Relationship to Permit Holder: BROTHER

3. Source: GROUND WATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 13-00149, 13-00150, 13-02224

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NE	NE	27	14S	38E	FRANKLIN	U.S.G.S. TOPO MAP

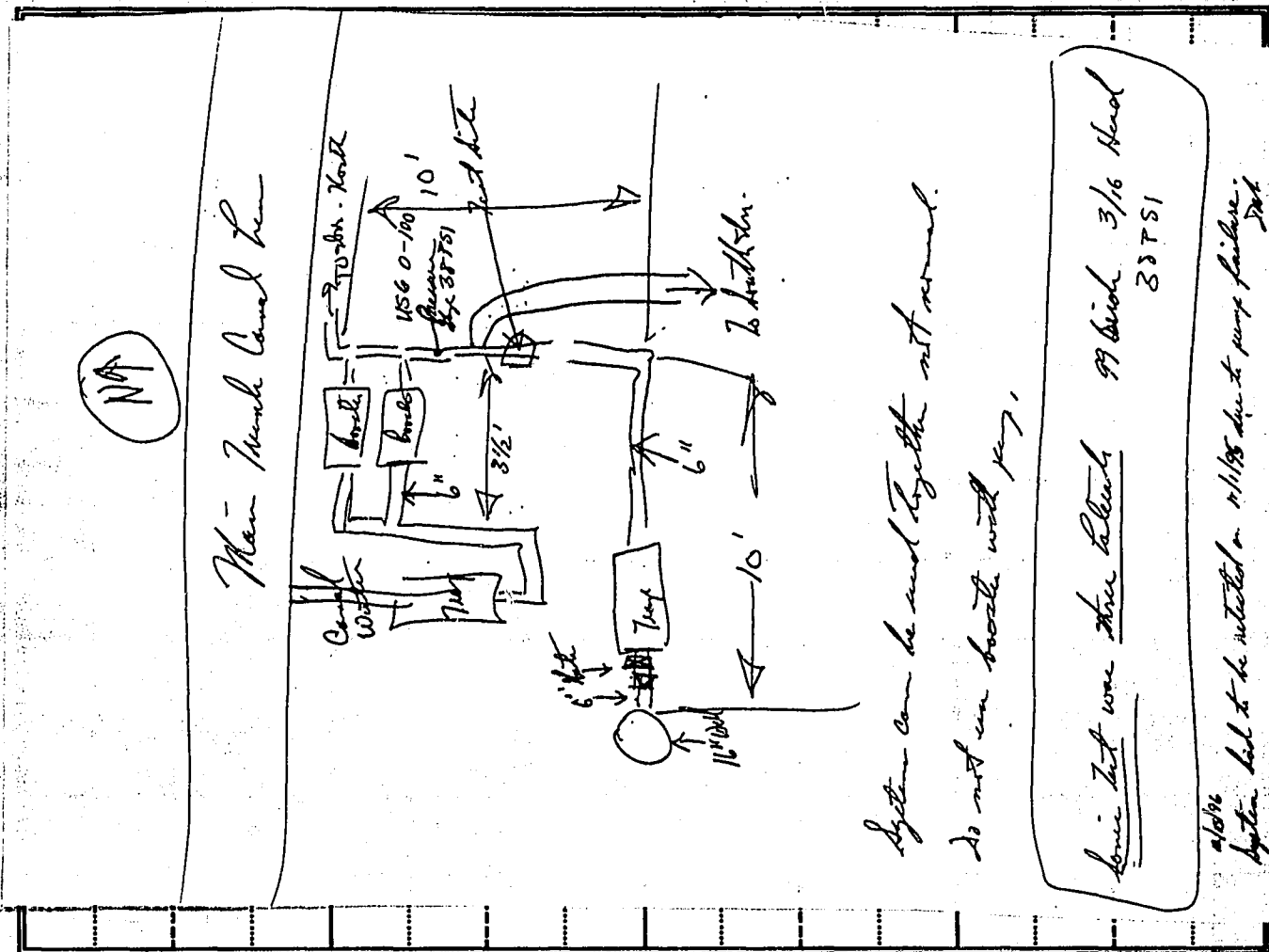
2. Place(s) of Use:

Indicate Method of Determination ON SITE INST.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	38E	23									40	38				2			80
		26					40	40											8078
		27	27																2827

TOTAL 188
185

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable. *SEE PHOTOS + ATTACHED MAP*



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
INTERNATIONAL	DIESEL	175	HDT-466	GEAR DRIVE U.S. MOTOR	152 HP
					2 STAGE 12R
					8" OUTPUT

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

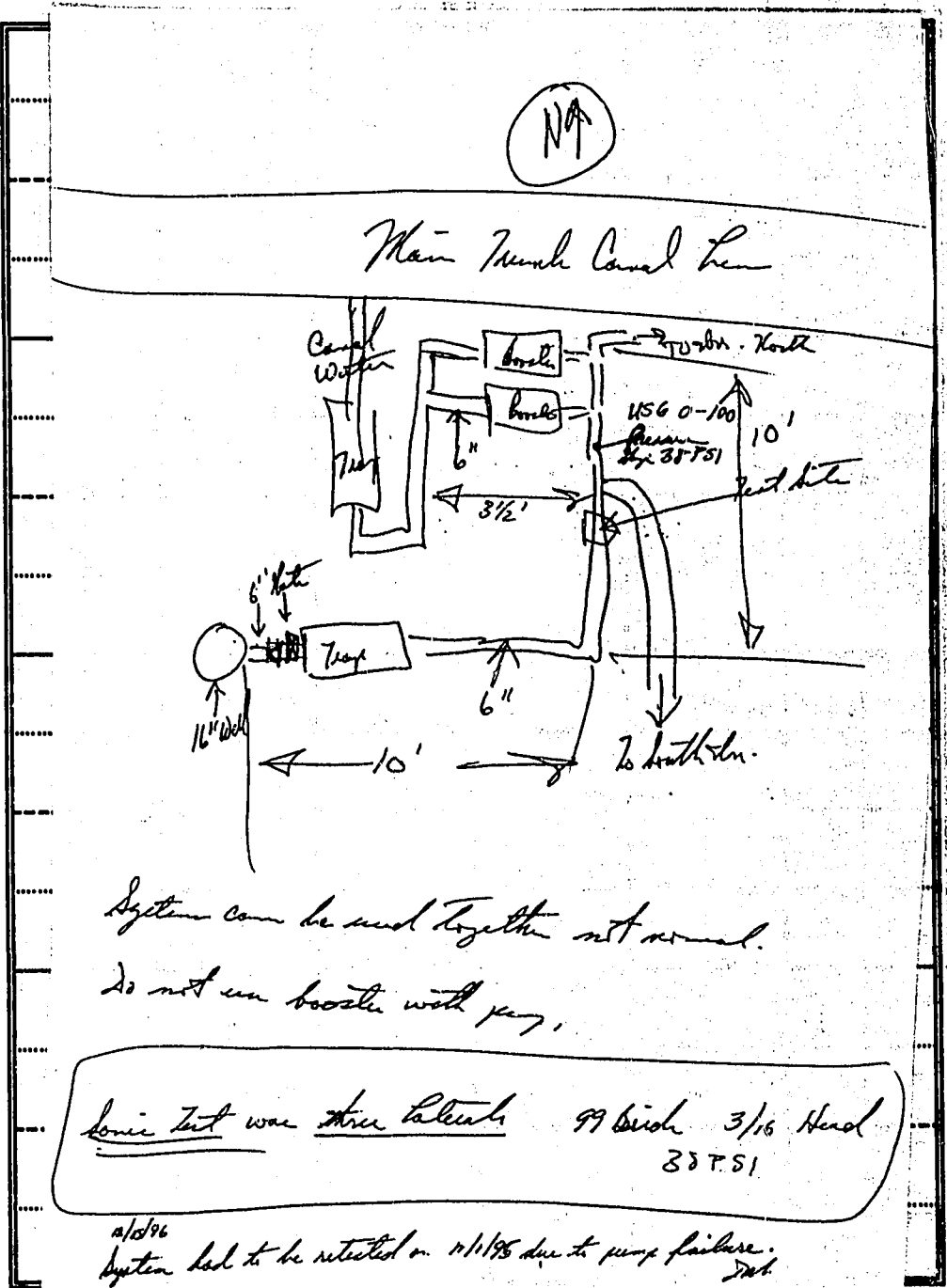
D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
TYME-FLYTE			TF-P	7M0263		

2. Measurements: *SEE PRINT OUT*

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.D. as applicable. SEE PHOTOS & ATTACHED MAP



Scale: 1" = _____
Copy of USGS Quadrangle Attached Showing location(s) of _____ Aerial Photo Attached _____
(point(s) of diversion and place(s) of use (required). (required for irrigation of 10+ acres) Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
INTERMEDIATE	DIESEL	175	NDT-466	GEAL D1010E	152 HP
				U.S. MOTOR	2574E 12R
					8" OUTPUT

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

D. FLOW MEASUREMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
TYME-FLYTE			TF-P	740263		

2. Measurements: SEE PILOT DWT

E. NARRATIVE/REMARKS/COMMENTS

SEE ATTACHMENTS

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

POLYSONIC PRINTOUT

$$\frac{925.130 \text{ E } 06 \text{ PH}}{448.8} = 2.06 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{185}{188} \times \frac{3.5}{2.5} = 470 \text{ AFA}$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.06 \times 183 \times 1.9835 = 747.73$$
$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 470 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONSSYSTEM
CFS IS LIMITED TO 2.06 CFS BY PUMP + SYSTEM DESIGN.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	2.06 CFS	470 AFA
				658 AFA
Totals:			2.06 CFS	470 AFA
				658 AFA

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

647.5
747.73**I. AUTHENTICATION**Field Examiner's Name SIMPKINS Date 1/16/96Reviewer [Signature] Date 2-27-96

SEAL

E. NARRATIVE

ON 7/17/95 A BENEFICIAL USE FIELD EXAM WAS CONDUCTED WITH HANK POVEY ON PERMIT 13-07476, WHICH IS FOR IRRIGATION OF 188 ACRES. WATER FOR THIS PERMIT IS FROM A WELL WHICH IS SUPPLEMENTAL TO SURFACE WATER RIGHTS.

AT THE TIME OF THIS EXAM THE INITIAL SUBMERSIBLE PUMP FAILED DURING SYSTEM WATER MEASUREMENTS TESTING. SUBSEQUENTLY, A RE-EXAMINATION WAS SCHEDULED AND CONDUCTED ON 11/01/95 USING A POLYSONIC METER. THE IRRIGATION SYSTEM TESTED OUT AT 925.130E OGPM WHICH CONVERTS TO 2.06 CFS.

THIS IRRIGATION NORMALLY USES 3 WHEEL LINES, 1/4 MILE IN LENGTH, WITH 34 RAIN BIRDS PER LINE, HAVING 3/16" NOZZEL DIAMETERS. AT THE TIME OF THE INITIAL TEST ON 7/17/95 SYSTEM PRESSURE WAS 38 PSI.

PRINTER USE 13-7476
? YES
MODE SELECT 11/1/95
TO CHECK

0308.2 MMSEC
100.37 % T0

OUTER DIAMETER
8.5902 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.2539 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1450 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.372 IN U

11-01 12:0900
+002.30 % AI2

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

11-01 12:1200 *R 70
+925.130E 00GPM

PRINTER USE 13-7476
? YES
MODE SELECT 11/1/95
TO CHECK

0308.2 MMSEC
100.37 % T0

OUTER DIAMETER
8.5902 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.2539 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1450 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.372 IN U

11-01 12:0900
+002.30 % AI2

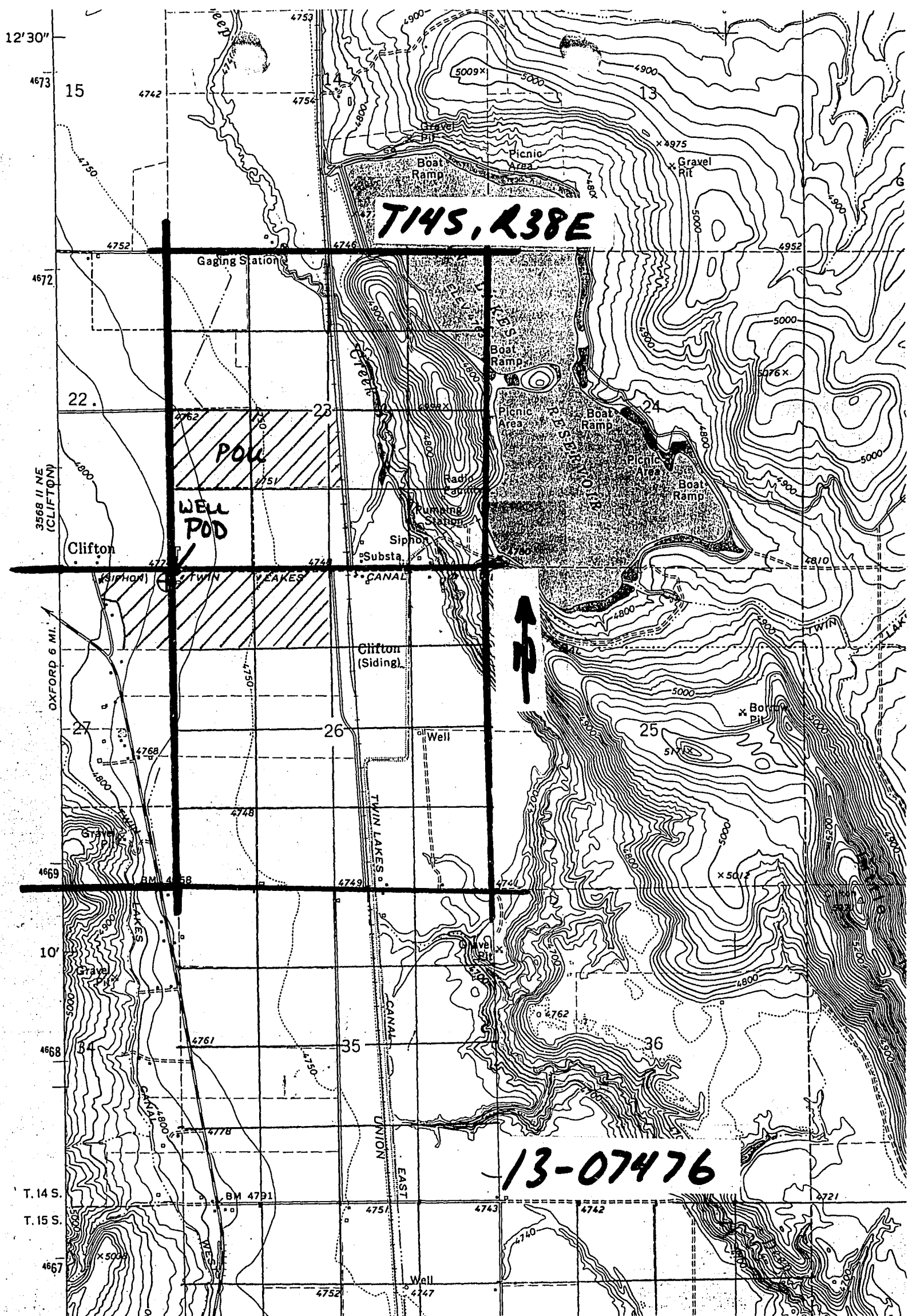
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CLEAR

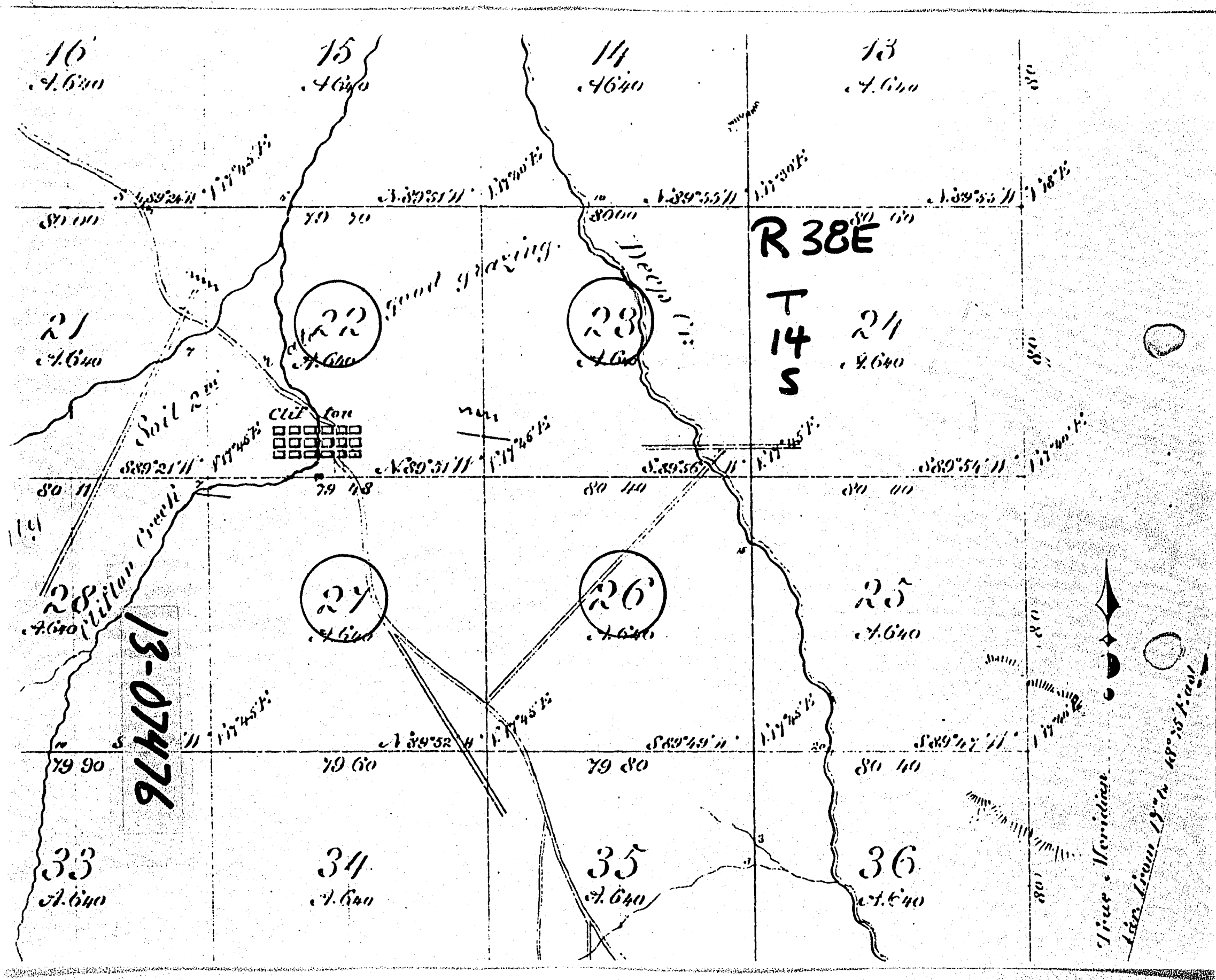
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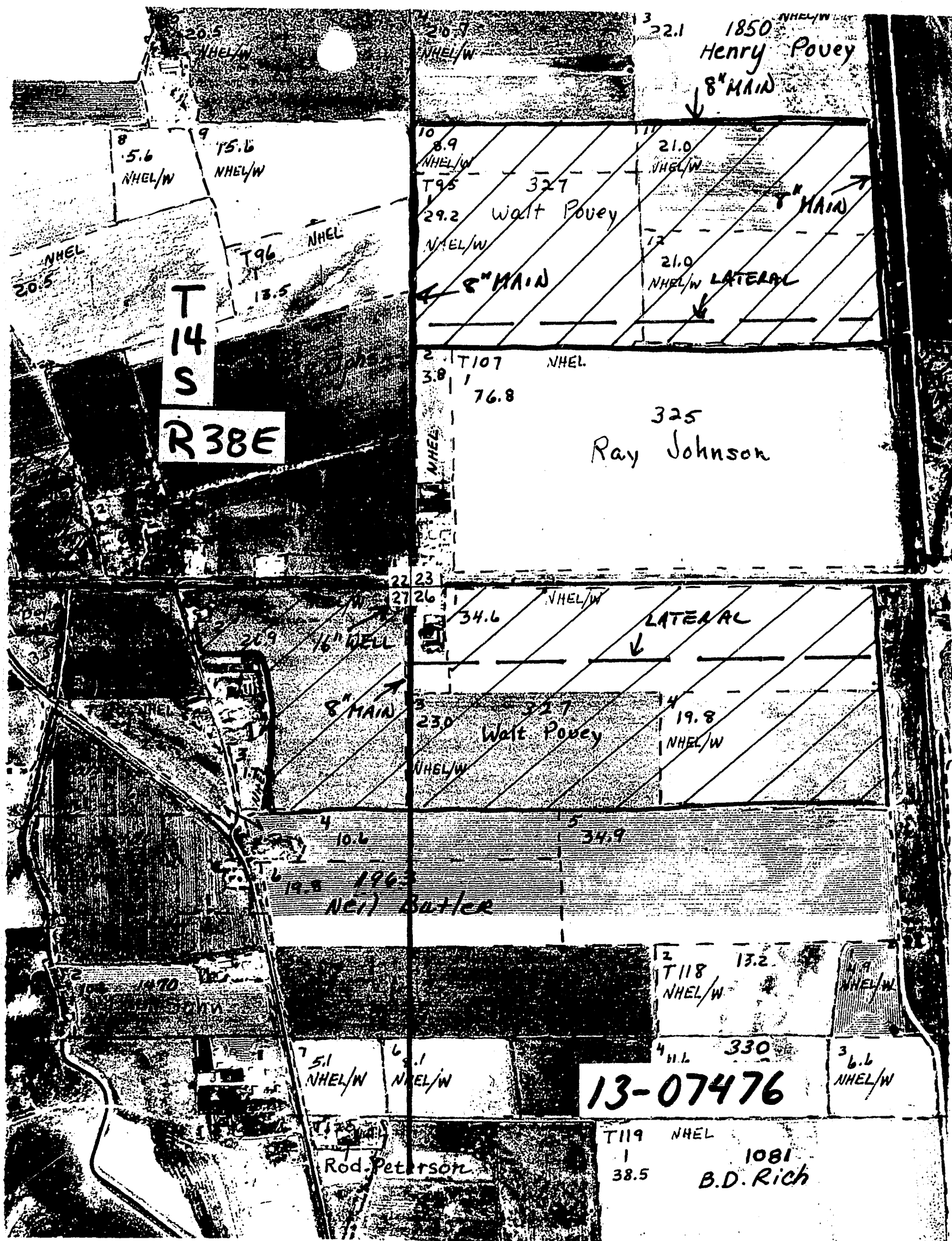
ZERO MODE
ZERO OPR

11-01 12:1200 *R 70
+925.130E 00GPM

13-07476

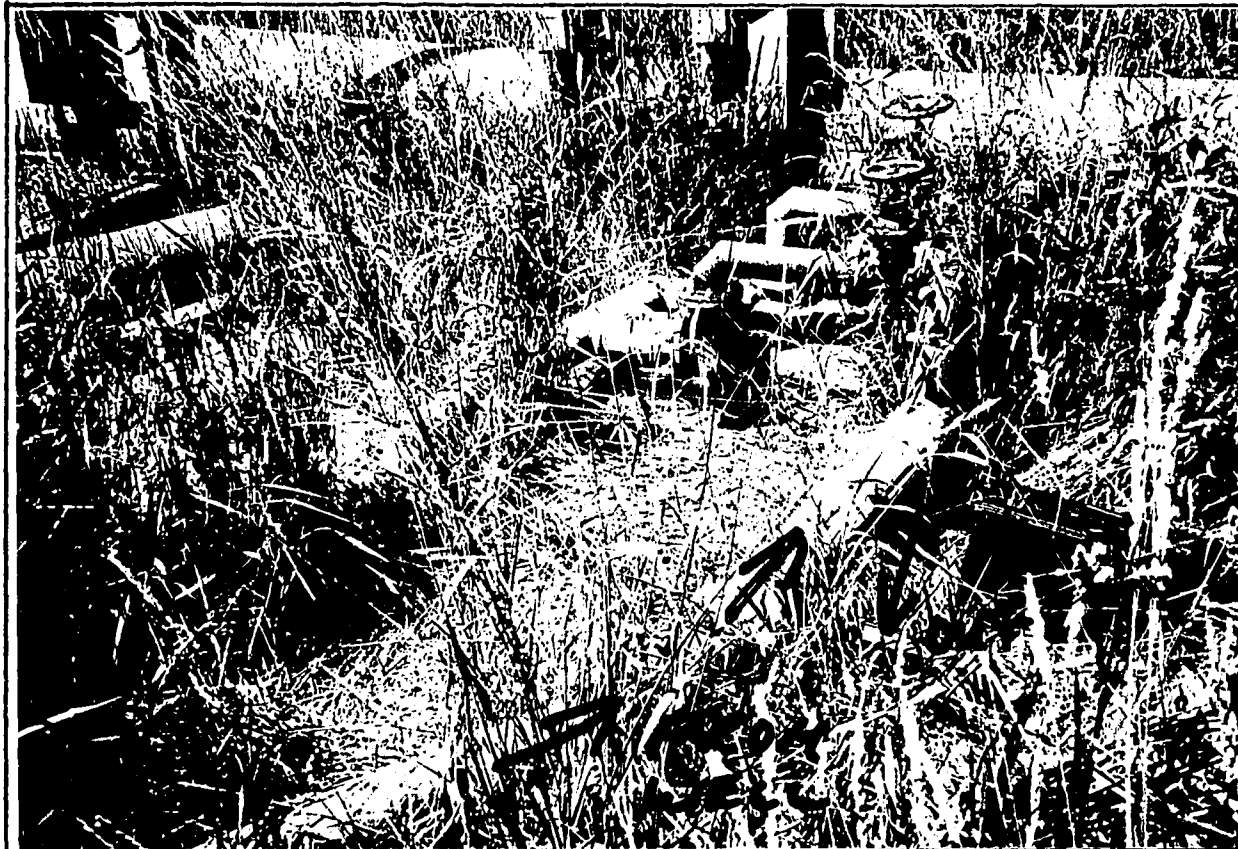






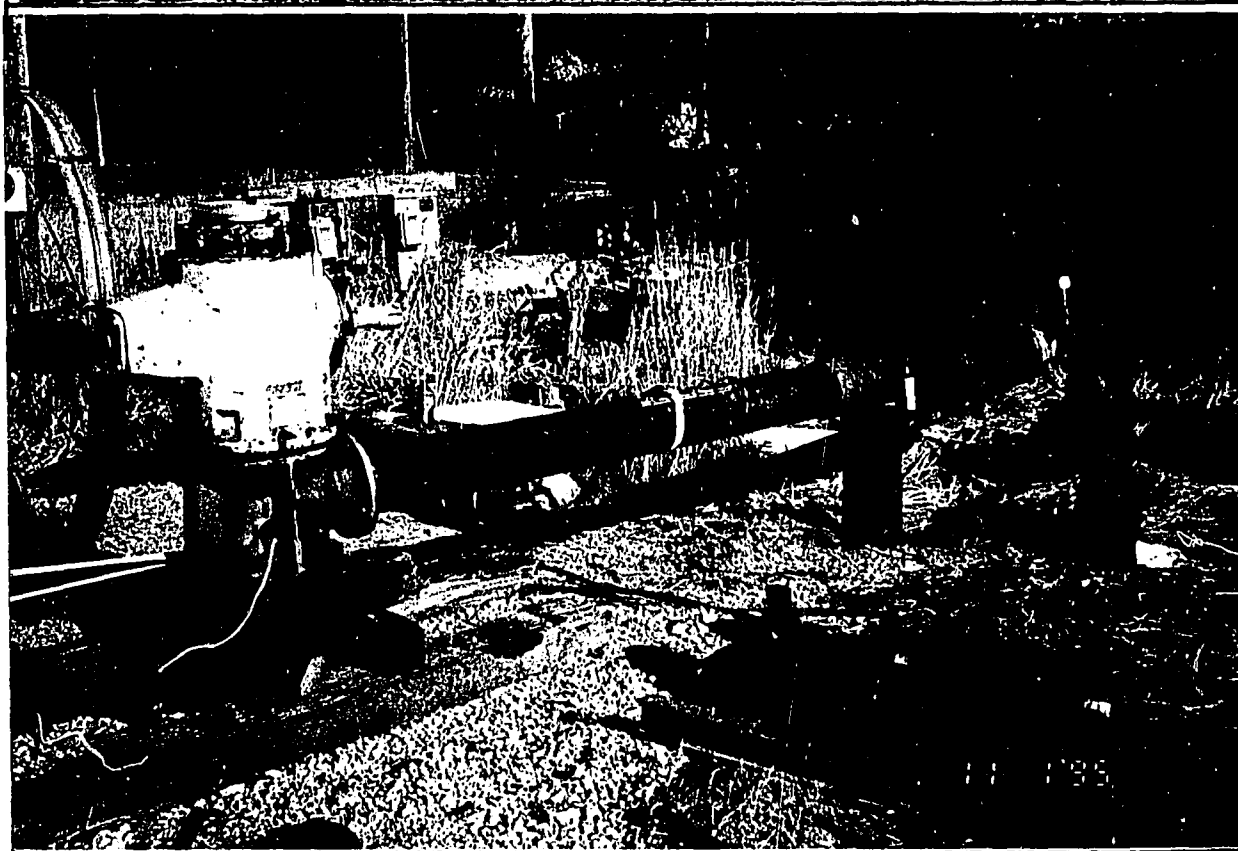
BRAD POOEY
IRRIGATION

15/2



← TWIN LAKES
CANAL CO.

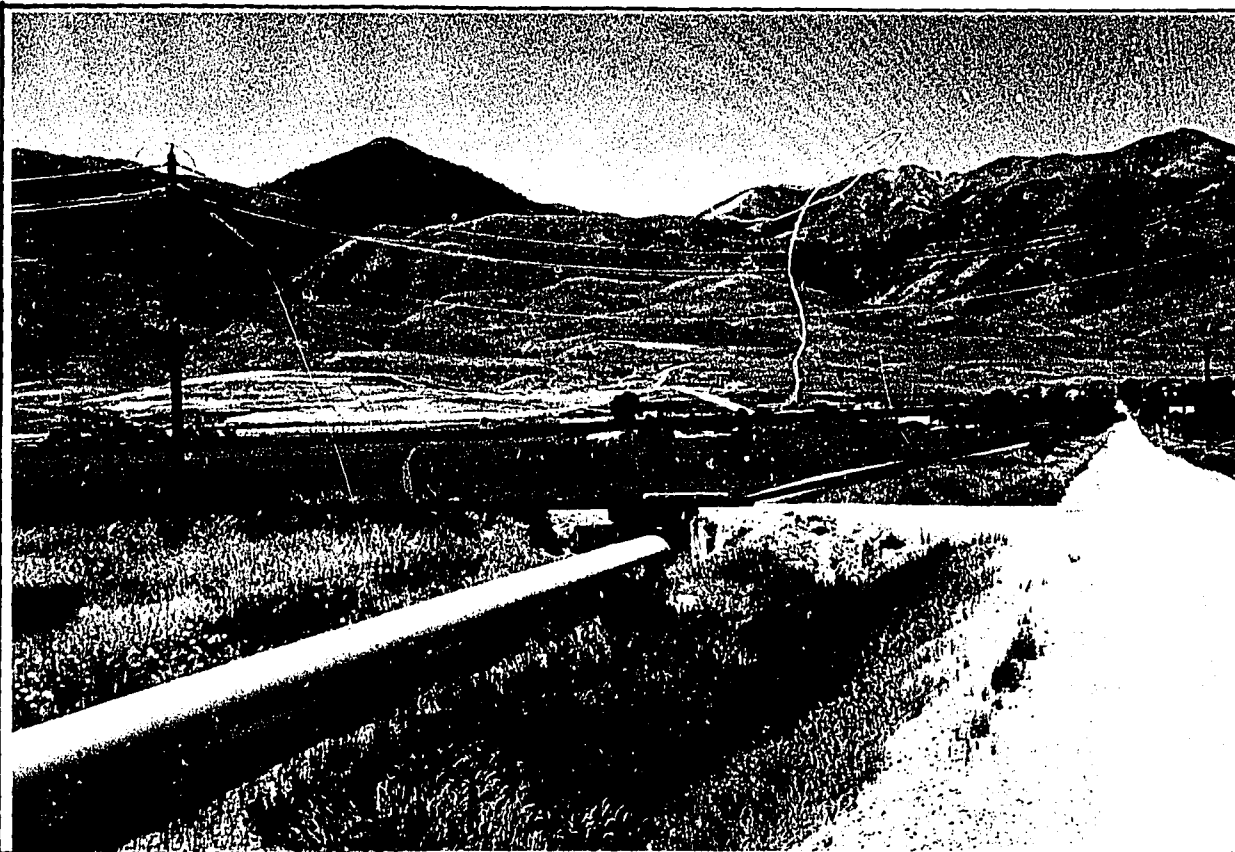
OLD
SYSTEM DESIGN



NEW SYSTEM
PORTABLE
DIESEL PUMP

13-07476

272



PLACE OF
USE



PLACE OF
USE

13-07476

USE ADDITIONAL SHEETS IF NECESSARY. FORWARD THE WHITE COPY TO THE DEPARTMENT.

***FOR CLARITY
OF ANY
PHOTOGRAPHS
MICROFILMED,
SEE FILE.***

MEMORANDUM

TO: File 13-07476

FROM: KAY WALKER *KW*

RE: Possible Request for Re-exam

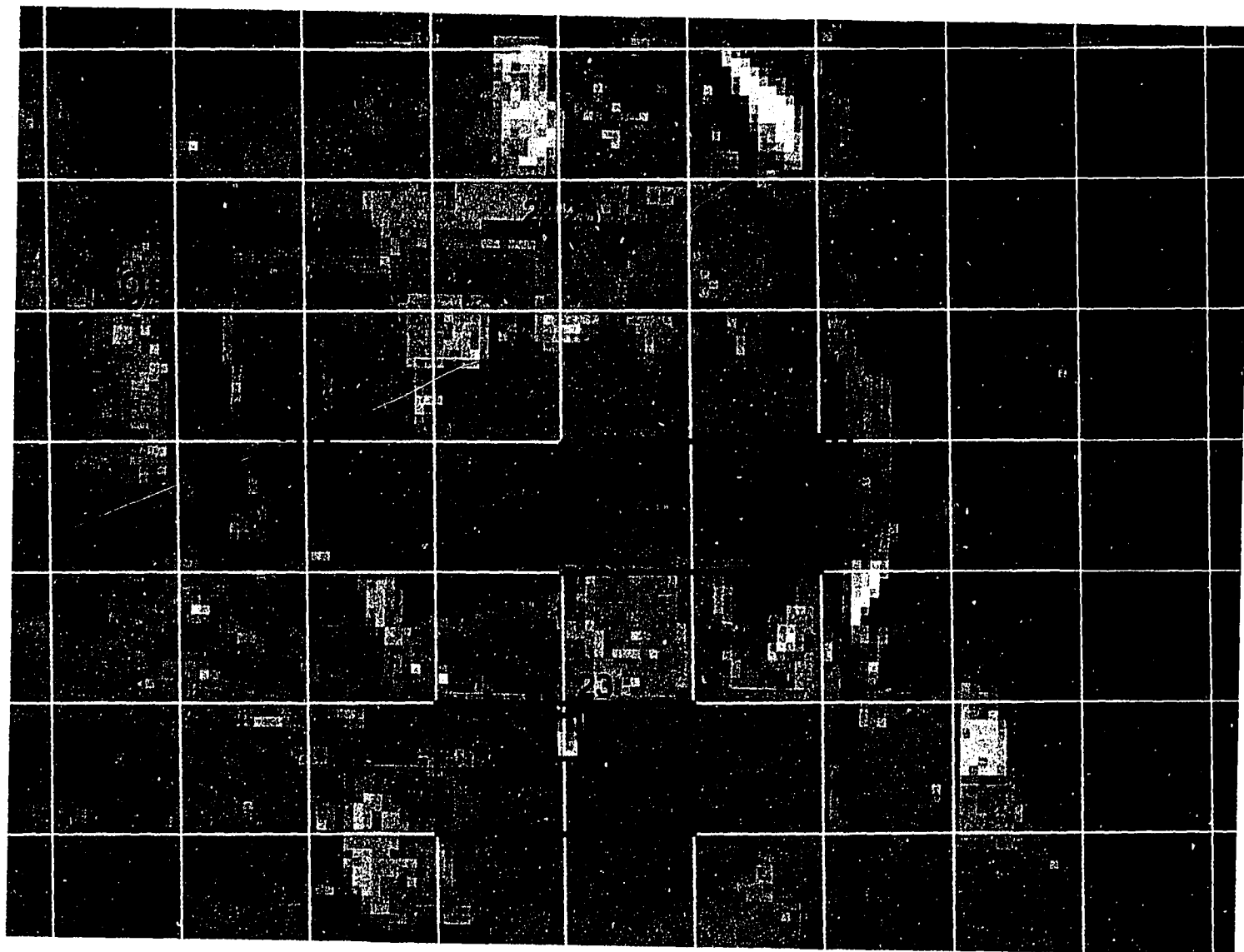
Date: February 26, 2002
.....

Mr. Hank Povey contacted me this morning to find out if he could request a re-exam of this permit. He stated that when the examiner was finally able to make a measurement of the water being diverted they had problems with the system and he felt the measurement was low.

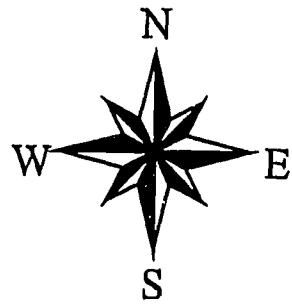
I told Mr. Povey that he needed to make a written request to have a re-exam; will have to pay a re-exam fee at the same amount paid previously; and could not have made any major changes to system since our last exam or we would not even consider making adjustments to previous exam.

Mr. Povey stated he would send in the written request, along with an assignment of the permit from his brother to himself. He did say he would not submit the re-exam fee until we advised him that we would be able to conduct a re-exam.

Brad Povey Water Right No. 13-07476

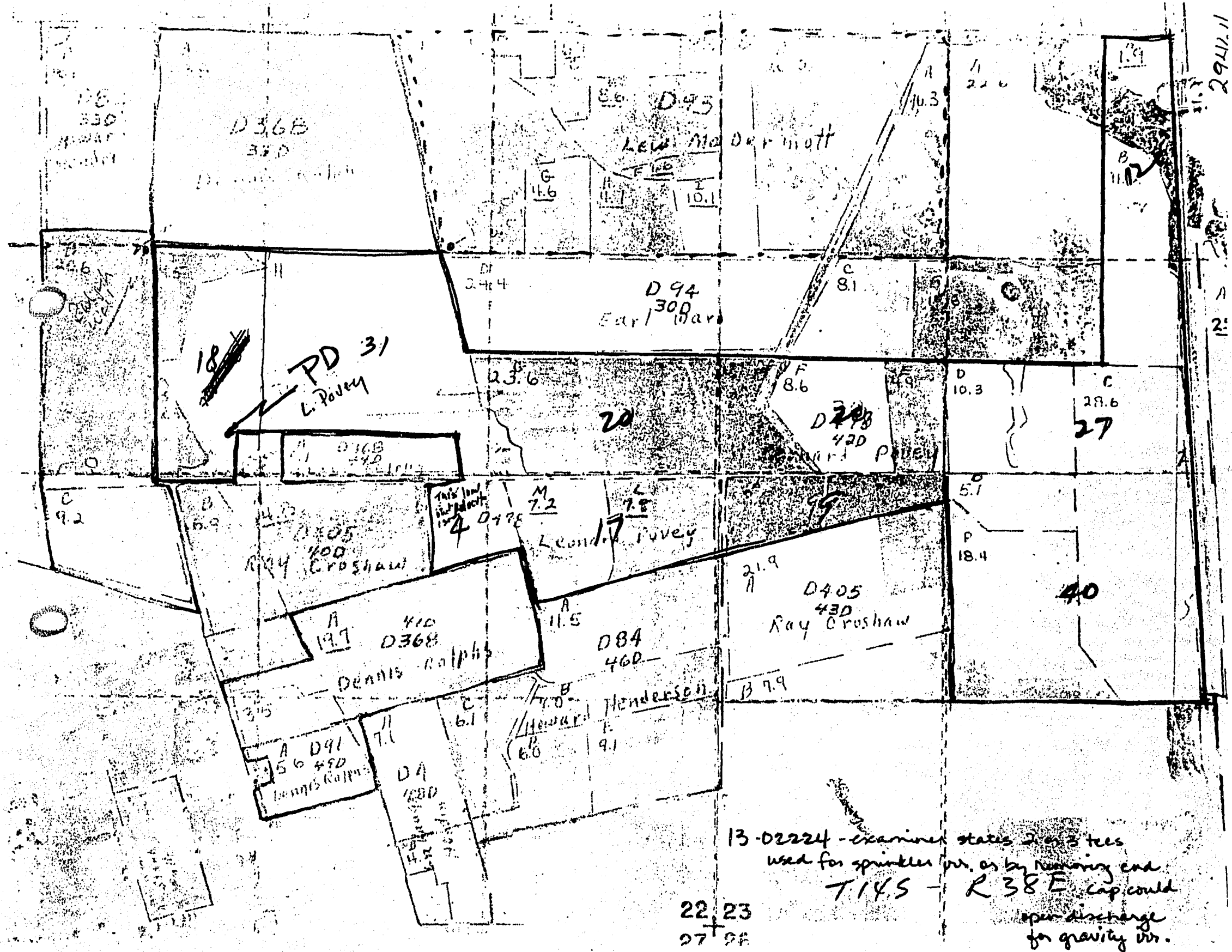


0 0.5 1 1.5 Miles



-  Place of Use
-  Point of Diversion

Prepared by Sharla Curtis
IDWR - April, 1999
Landsat Data - June, 1991



13-02224 - examiner states 2 or 3 trees
 used for sprinkler pr. as by running end
 T145 - R 38 E cap could
 open discharge
 for gravity pr.

22 23
 27 28



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 6, 2002

HANK POVEY
398 E 200 S
CLIFTON ID 83228

RE: Change of Ownership for Water Right 13-7476

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

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

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jeff Peppersack
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

February 28, 2002

To Whom It May Concern:

I am writing in request for a re-examination of permit #13-07476 for the proof of beneficial use.

The first test was conducted in November of 1994. It was a cold, winter day. The pump started but failed to operate properly due to the weather conditions. I am certain that a re-examination of proof of benefit would be more accurate. The pumped failed to produce in the usual manner.

I would ask that you consider a re-evaluation of this permit. I would greatly appreciate your time and effort in my behalf. If you have any questions I can be reached at 208-747-3529 or 313-5771 or in writing. Thanks for your help.

Sincerely,

Henry Povey on Hank Povey

Henry Povey
398 E 1st So.
Clifton, Idaho 83228



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 15, 2002

HENRY POVEY
398 E 1ST S
CLIFTON ID 83228

RE: Request for re-examination of Permit 13-7476

Dear Mr. Povey:

I am responding to your request for a re-examination of Permit 13-7476. IDWR has already attempted two measurements of your diversion capacity. The first attempt, made in July of 1995, was aborted because your pump failed during the procedure. The second attempt, made in November of 1995, resulted in a measurement of 2.06 cfs, or 925 gpm. Your opportunity for a third examination is governed by the Beneficial Use Rules (IDAPA 37.03.02). Rule 50.01.e provides for a re-examination if it is shown that the initial field examination was in error or if the permit holder pays an examination fee equal to the original examination fee. Because you did not provide information showing that IDWR's measurement of 2.06 cfs was clearly in error, IDWR will conduct a re-examination if you pay an examination fee of \$175.00. Please submit the fee by April 15, 2002. Be sure to include a note indicating what the fee is for. If the fee is not submitted by April 15, 2002, IDWR will assume you are not interested in a re-examination, and licensing of your permit will proceed based on the current field report.

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

C: Harold Jones at IDWR in Idaho Falls

Idaho Department of Water Resources Receipt

Receipt ID C061352

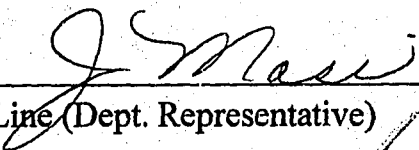
Payment Amount Date Received Region Status
Payment Type Check Number

Payer

Comment

Fee Detail

Amount Description Fund FD PCA SO
\$175.00 LIC EXAM FEE 0229 21 56104 1155


Signature Line (Dept. Representative)

☐ ☐ ☐ ☐ ☐ ☐

To Pay For A RE-EXAM
ON Permit # 13-7476.

Thank you.

RECEIVED
APR 12 2002
Department of Water Resources

Keen, Shelley

To: Jones, Harold (Skip)
Subject: Field Exam for 13-7476

Skip,

Henry Povey paid an examination fee of \$175.00 for a re-examination of Permit 13-7476. (See receipt no. C061352.)
Can you send somebody to do the examination ASAP? Thanks.

Shelley Keen

Keen, Shelley

From: Wilson, Keith
Sent: Tuesday, June 18, 2002 12:03 PM
To: Walker, Kay; Keen, Shelley
Subject: Field Exam 13-07476

06-03-2002 (1400 hrs) Hank (Henry) Povey called about proof/exam on 13-07476. I was out of town that week.
06-18-2002 (0920 hrs) I called Mr. Povey. Kids answered the phone. I left message for him to call me.
(0930 hrs) Mr. Povey called. He stated that he had worked on the system without success. He was
not able to increase the flow. Mr. Povey requested that the department use the original field
examination to complete the licensing of permit 13-07476.

I believe that the original field examination is in the vault. I hope that this will suffice so that 13-07476 can be licensed.

Keith



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2002

HANK POVEY
398 E 200 S
CLIFTON ID 83228

RE: Water Right Permit No. 13-07476

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 X Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 327-5452.

Sincerely,

Sharla Curtis
Senior Water Resource Agent

SC:klt

Enclosure(s)

13-7476

S. Keen

7/30/02

Diversion Rate

Permit 3.76 cfs

Proof 3.76 cfs

System

- Well drilled in 1993 static water level at 63'
- 185 acres
- Sonic flow meter reading 11/1/95 = 925 gpm or 2.06 cfs
- 3 $\frac{1}{4}$ mile wheel lines w $\frac{3}{16}$ " nozzles (34/line) at 38 psi
is about $\Rightarrow$ 6.8 gpm/nozzle * (34*3) nozzles
= 622 gpm
= 1.39 cfs

Right Holder

- 2/18/02 Questioned 2.06 cfs, paid for a re-examination
- 6/18/02 Reported via telephone that he was unable to increase the flow and that a re-examination would not be fruitful.

Theoretical

$$\frac{175 \text{ h.p.} \times 8.8(.7)}{2.31(38) + 63} = \frac{1078}{150.71} = 7.15 \text{ cfs}$$

Efficiency, pressure, and pumping level are all guesses. Still, theoretically the rate should exceed 2.06 cfs.

MEMORANDUM

DATE: July 31, 2002

TO: Water Right File 13-7476

FROM: Shelley W. Keen *SWK*

RE: Request for Field Examination

Yesterday afternoon I spoke with Hank Povey (cell phone # 208-313-5771) regarding his request for a re-examination to check the diversion rate from his well. He told me that at one time he thought IDWR's measurement of 2.06 cfs was low, but now his well is not producing more than that. Therefore, he is earnest in his request that IDWR issue the license for 2.06 cfs without conducting a re-examination.

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 6, 2002

HANK POVEY
398 E 200 S
CLIFTON ID 83228

RE: License No. 13-7476 - Issuance of License

Dear Water Right Holder(s):

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

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

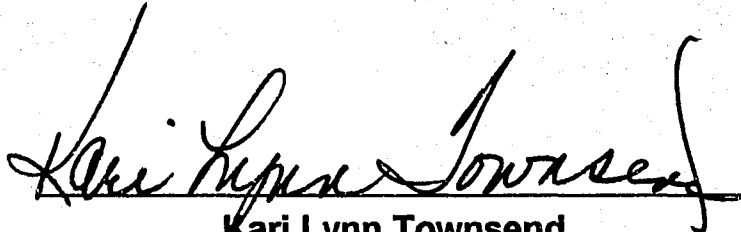
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 13-7476

**HANK POVEY
398 E 200 S
CLIFTON ID 83228**


**Kari Lynn Townsend
Secretary**