

RECEIVED
SEP 10 1993

Form 202
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 13-7512

To appropriate the public waters of the State of Idaho

1. Name of applicant Dayton City Phone 747-3219 Home
747-3589 (Wednesday)
Post office address P. O. Box 12, Dayton, ID 83232
2. Source of water supply Ground Water (Well) which is a tributary of N/A
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot
Sec. 15 Township 15 S Range 38 E. B.M. Franklin County; additional
points of diversion if any:
4. Water will be used for the following purposes:
Amount 3.0 cfs for Municipal purposes from Jan. 1 to Dec. 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)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.0 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well, pump
 - 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 inches; proposed depth of well is feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. Dayton City
- d. Domestic; show number of households. 125
- e. Other; describe fully. _____

9. Description of place of use:

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

All households within City limits. (Twp 15S, Range 38 EBM)

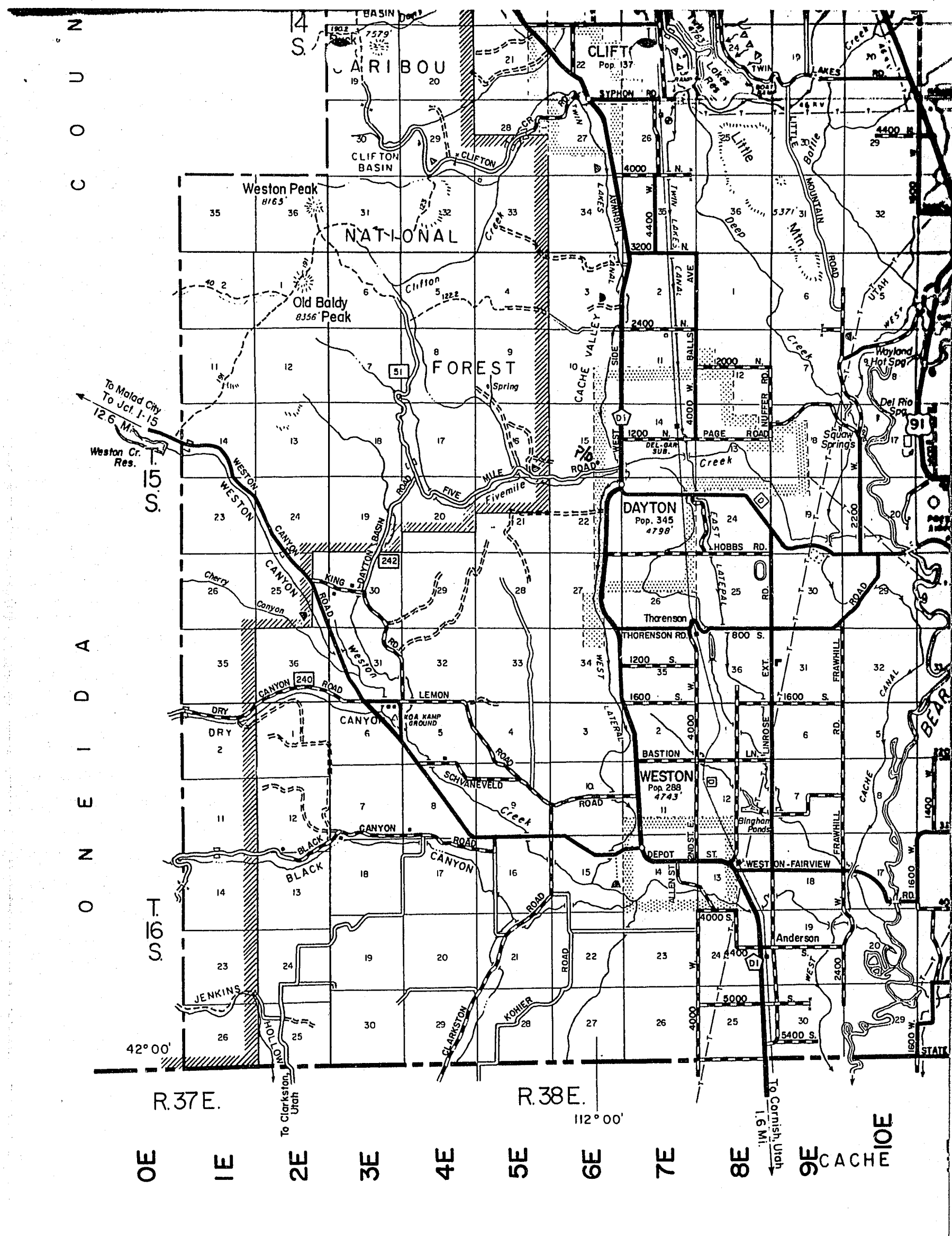
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Permit #13-7106
Well, NE¼ SE¼, S. 15, Twp. 15 S, Range 38 EBM

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

12. Remarks: Description of property for point of diversion: Beginning at a point 2452' West of a point 660' North of the Southeast corner of Section 15, Tp. 15 S, R. 38 EBM and running thence North 80'; thence West 218'; thence South 200'; thence East 218'; thence North 120' to place of beginning and containing one (1) acre of land more or less.



S 15, Twp. 15 S., R. 38 EBM

15

□ Point of diversion

Paul K. Kamen
(Applicant) Mayor

Received by W M Date 8/2/93 Time 1:51 pm Preliminary check by ck # 2589 \$85.00
Fee \$ 85.00 Receipted by HWT # E018979 Date 8-2-93
Publication prepared by LB Date 8-20-93 Published in Preston Citizen
Publication approved LB Date 8-30-93

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:

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07512

Proposed Priority: August 2, 1993 Maximum Diversion Rate: 3.00 CFS
This is to certify, that DAYTON CITY
PO BOX 12
DAYTON ID 832320012
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>
MUNICIPAL	01/01 to 12/31	3.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSWSE, Sec. 15, Township 15S, Range 38E
FRANKLIN County

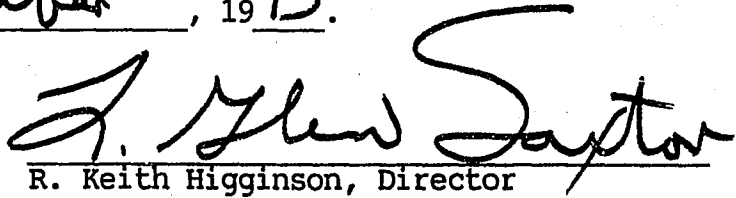
PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1994.
2. Subject to all prior water rights.
3. Prior to the diversion of water under this right 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Construction of the well must comply with Idaho well construction standards.
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.
7. Place of use is within the city limits of Dayton.
8. Domestic use is for 125 homes.
9. The domestic use authorized under this permit shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
10. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

20th day of September, 1993.

for 
R. Keith Higginson, Director

10-Aug-1993

DAYTON CITY
PO BOX 12
DAYTON ID 83232

RE: Application No. 13-07512

Dear Water Right Applicant:

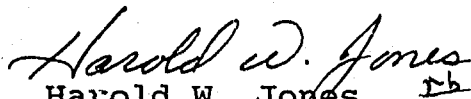
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Preston Citizen on August 20 & 27, 1993. The advertisement will be published for two consecutive weeks, and a period of ten days following the 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 ^{rb}
Water Right Supervisor

HWJ:rb

10-Aug-1993

DEQ-IDHW
POCATELLO FIELD OFFICE
224 S ARTHUR
POCATELLO ID 83204

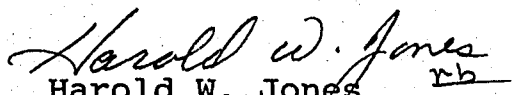
RE: Application No. 13-07512

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is September 6, 1993, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones *rb*
Water Right Supervisor

HWJ:rb
enc

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before SEPTEMBER 6, 1993.

R. KEITH HIGGINSON, Director

Published: 8/19/1993 & 8/26/1993

13-07512

DAYTON CITY
PO BOX 12
DAYTON, ID 83232

Source: GROUNDWATER

Diversion Pt: SWSWSE Sec 15 T 15S R 38E in FRANKLIN County.

Use: MUNICIPAL (3.000 CFS)
Total Diversion: (3.000 CFS)

Date Filed: 8/ 2/1993

T R S00

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
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 11, 1993

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 SEPTEMBER 6, 1993.

Yours truly,

Rita Bodell
Secretary

Encl.

875

3657

RECEIVED

AUG 27 1993

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,
deposes and says:

That he is the CO-PUBLISHER 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

8-18, 1993, and ending
with the issue of 8-25, 1993

[Signature]
Fcc \$ 33.00

Subscribed and sworn to before me this 25 day
of Aug, 1993.
[Signature]

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07512

DAYTON CITY
P.O. BOX 12
DAYTON, ID 83232

Source: GROUNDWATER

Diversion Pt: SWSWSE Sec 15 T
15S R 38E in FRANKLIN County.

Use: MUNICIPAL (3,000 CFS) Total
Diversion: (3,000 CFS)

Date Filed: 8/2/1993

T R S00

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before SEPTEMBER 6, 1993.

R. KEITH HIGGINSON, Director
Legal No. 3657 — Publish Aug. 18, 25, 1993.

2000 2 3 1993



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

September 20, 1993

DAYTON CITY
PO BOX 12
DAYTON ID 83232-0012

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07512

Dear Permit Holder(s):

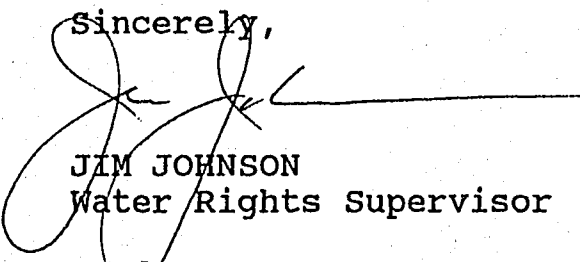
Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is 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 is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

SEP 30 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

\$50 Fee Received by ju

Date 9-30-94

Receipt No. C 031373

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 13-07512

Name(s) of Permit Holder: Dayton City

Mailing Address: P. O. Box 12, Dayton, ID 83232

Date Proof is Due: October 1, 1994 Telephone No. 208-747-3589 Office
208-747-3219 Home,
Clerk

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

One test well has been drilled which didn't prove out; moved short distance to another site which appears good. Have drilled to 375' on this one, but it hasn't yet been developed. Work is proceeding on enlarged distribution lines; cement has been poured on a new 300,000-gallon underground storage tank for the culinary water system.

Contractors have not yet drawn funds.

Costing \$ 35,662 for
Admin. & Engineer.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

This project was planned for summer of 1993, but grant money was not available until this summer. This put everything behind schedule. Not finding water in the first drilling site also delayed development of the water permit.

Permit holder(s) request an extension to October 1, 1996.

FEE: \$50.00

Paul K Winward
(Signature)* Paul K Winward, Mayor

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1996.

Signed this 5th day of October, 1994.

J. Glen Saptor
Chief, Water Allocation Bureau

July 31, 1994

DAYTON CITY
PO BOX 12
DAYTON ID 832320012

PROOF DUE NOTICE

RE: PERMIT NO. 13-07512

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 October 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.

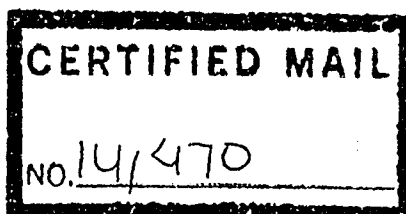
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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





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

October 5, 1994

Dayton City
P.O. Box 12
Dayton, ID 83232

RE: Permit No. 13-07512

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1996. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED
SEP 09 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 13-07512 Telephone No. 208-747-3219 Home, Clerk
208-747-3589 Office

2. Name(s) of Permit Holder(s): Dayton City

3. Mailing Address: P. O. Box 12, Dayton, ID 83232

4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. Oct. / yr. 1994

a. Well Driller: Cushman Drilling & Pump Co. Drilling Permit Number: 13 - 94 - E - 010

b. **OPTIONAL:**
Pump Horsepower: 100 Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 148 hookups Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 3.0 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?	Yes <u>x</u> or No _____
Has the measuring device been installed?	Yes <u>x</u> or No _____
Flow Measurement Port: Is a flow measurement port required?	Yes _____ or No _____
Has the measurement port been installed?	Yes _____ or No _____

8. Fee Enclosed: \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Tarrel E. Shepherd, Mayor Telephone Number: 208-747-3459

Address: P. O. Box 57, Dayton, ID 83232

10. The information given on this form 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.

Signature of permit holder: Tarrel E. Shepherd Mayor Date: 9-5-96
(include your title, if on behalf of company or organization)

July 31, 1996

DAYTON CITY
PO BOX 12
DAYTON ID 832320012

PROOF DUE NOTICE

RE: PERMIT NO. 13-07512

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 October 1, 1996. (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.

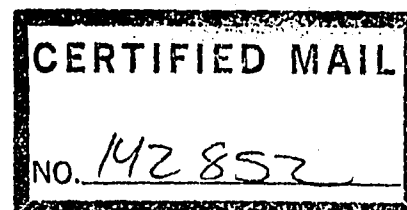
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



October 30, 1996

DAYTON CITY
PO BOX 12
DAYTON ID 832320012

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07512

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,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region