

RECEIVED
10/92
AUG 04 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 13-7521

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant DAVID L. OR TAMMY DURY Phone 852-3022
Post office address 5678 E. COB RIVER RD., PRESTON, ID 83263
2. Source of water supply SPRING which is a tributary of SINKS
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 25 Township 15S Range 40E B.M. FRANKLIN County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 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 is (a) 0.06 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Sump dug into spring
for stockwater & domestic use
 - 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 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be 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. _____
- d. Domestic; show number of households. DOMESTIC USE: 1 HOME WITH LAWN
- 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.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	40E	25					D/S												

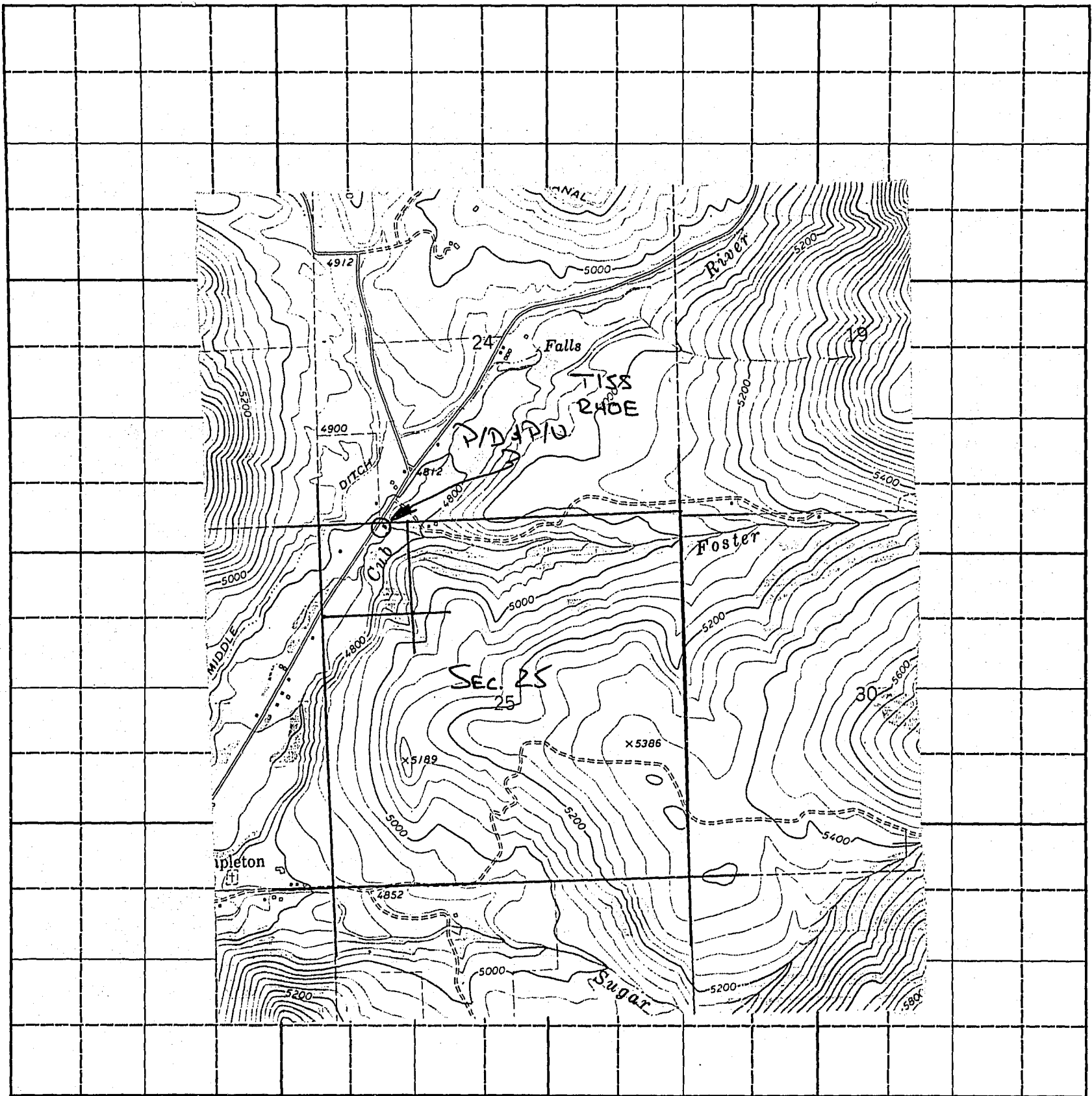
Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. 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. _____

12. Remarks: P/D & P/U LOCATED AT 5678 E. CUB RIVER RD.

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.

Donald E. Brown
(Applicant)

Received by PRM Date 6-30-94 Time 1515 Preliminary check by HWT
Fee \$ 30%100 Received by PRM # E019989 Date 6-30-94
Publication prepared by RB Date 7-21-94 Published in Preston Citizen
Publication approved RB Date 7-29-94

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. 13-07521

Proposed Priority: June 30, 1994

Maximum Diversion Rate:

0.06 CFS

This is to certify, that **DARRELL DRURY**
TAMMY DRURY
5678 E CUB RIVER RD
PRESTON ID 83263

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENWNW , Sec. 25, Township 15S, Range 40E
FRANKLIN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

15S 40E 25

NWNW

PLACE OF USE: DOMESTIC, same as STOCKWATER use

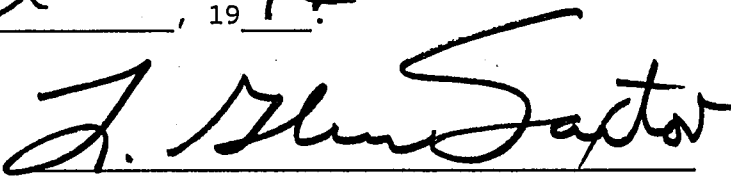
CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1995.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

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

29th day of August, 1994

for



R. Keith Higginson, Director

14-Jul-1994

DARRELL OR TAMMY DRURY
5678 E CUB RIVER RD
PRESTON ID 83263

RE: Application No. 13-07521, 13-07522

Dear Water Right Applicant:

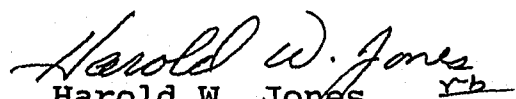
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the PRESTON CITIZEN on July 21 & 28, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the 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

13-07521

DRURY, DARRELL
DRURY, TAMMY
5678 E CUB RIVER RD
PRESTON, ID 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: NENWNW Sec 25 T 15S R 40E in FRANKLIN County.

Use: STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.060 CFS)

Date Filed: 6/30/1994

In: FRANKLIN County
T15S R40E S25 NWNW

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

JULY 14, 1994

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 AUGUST 8, 1994.

Yours truly,

Rita Bodell
Secretary

Encl.

875
No 3801

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

Wayne D. Bell

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

7-20, 1994, and ending
with the issue of 7-27, 1994

Fee \$ 50.63

Subscribed and sworn to before me this 27 day
of July, 1994.

Kelly Hicken
Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995.

RECEIVED

JUL 28 1994

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:

13-07521

DRURY, DARRELL
DRURY, TAMMY
5678 E. CUB RIVER RD.
PRESTON, ID. 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: NENWNW Sec 25 T
15S R 40E in FRANKLIN County.

Use: STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS) Total Diver-
sion: (.060 CFS)

Date Filed: 6/30/1994

In: FRANKLIN County T15SR40E
S25 NWNW

13-07522

DRURY, TAMMY
DRURY, DARRELL
5678 E CUB RIVER RD.
PRESTON, ID 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: NENWNW Sec 25 T
15S R 40E in FRANKLIN County.

Use: RECREATION (.20 AF) To-
tal Diversion: (.20 AF)

Date Filed: 6/30/1994

In: FRANKLIN County T15SR40E
S25 NWNW

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 AUGUST 8, 1994.

R. KEITH HIGGINSON,
Director

Legal No. 3801 — Publish July 20,
27, 1994.



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

August 29, 1994

DARRELL DRURY
TAMMY DRURY
5678 E CUB RIVER RD
PRESTON ID 83263

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07521

Dear Permit Holder:

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.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Johnson'.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

AUG 23 1995

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. 13-07521 Telephone No. 1-208-852-3022
2. Name(s) of Permit Holder(s): Darrell & Tammy Drury
3. Mailing Address: 5178 E. Cub River Rd. Preston Id. 83263
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. / yr.
 - a. Well Driller: Drilling Permit Number: - -
 - b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 10
Irrigation (No. of acres): Other:
6. Total rate of diversion and/or volume for which proof is submitted: 0.06 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> </u>	or	No <u>✓</u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u>	or	No <u>✓</u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>✓</u>
8. Fee Enclosed: \$ 50.00 (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: Darrell & Tammy Drury Telephone Number: 852-3022
Address: 5178 E. Cub River Rd. Preston Id. 83263
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: [Signature]

(include your title, if on behalf of company or organization)

Date: Aug 18

June 30, 1995

DARRELL DRURY
TAMMY DRURY
5678 E CUB RIVER RD
PRESTON ID 83263

PROOF DUE NOTICE

RE: PERMIT NO. 13-07521

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 September 1, 1995. (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.

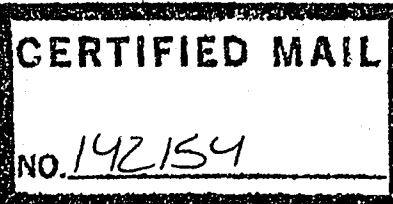
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



September 12, 1995

DARRELL DRURY
TAMMY DRURY
5678 E CUB RIVER RD
PRESTON ID 83263

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07521

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