

RECEIVED
FEB 20 202
10/92

MAR 01 1996

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APR 14 1996

To appropriate the public waters of the State of Idaho

1. Name of applicant Carl W. Clark / Sandra B. Clark Phone 208-747-3312
Post office address 2813 So. 2400 W. Weston, Idaho 83286
2. Source of water supply Spring which is a tributary of Westonche Canal
SW
3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of $\frac{1}{4}$, Govt. Lot
Sec. 8 Township 16-S Range 39-E B.M. Franklin County; additional
points of diversion if any:
4. Water will be used for the following purposes:
0.04 for Single ownership house purposes from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.055 cfs for yard, few stock animals purposes from Jan. 1 to Dec. 31 (both dates inclusive)
Domestic
Amount 0.02 cfs for Stock purposes from 1-1 to 12-31 (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
0.04
5. Total quantity to be appropriated is (a) 0.055 cfs and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. This is a Spring which was
developed in 1982 for 1 household, and has been used and will
be used for 1 household, yard and a few stock animals.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet; period of year when water will be diverted to storage:
N/A to N/A inclusive.
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
- d. Is ground water with a temperature of greater than 85°F being sought? N/A
- e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) Spring developed in 1982 by Gardner / malad.
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1
Done in 1982 years (minimum 1 year).

* per topo. 4/19/96

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. 6 horses - 15 head cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1 household
- 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.

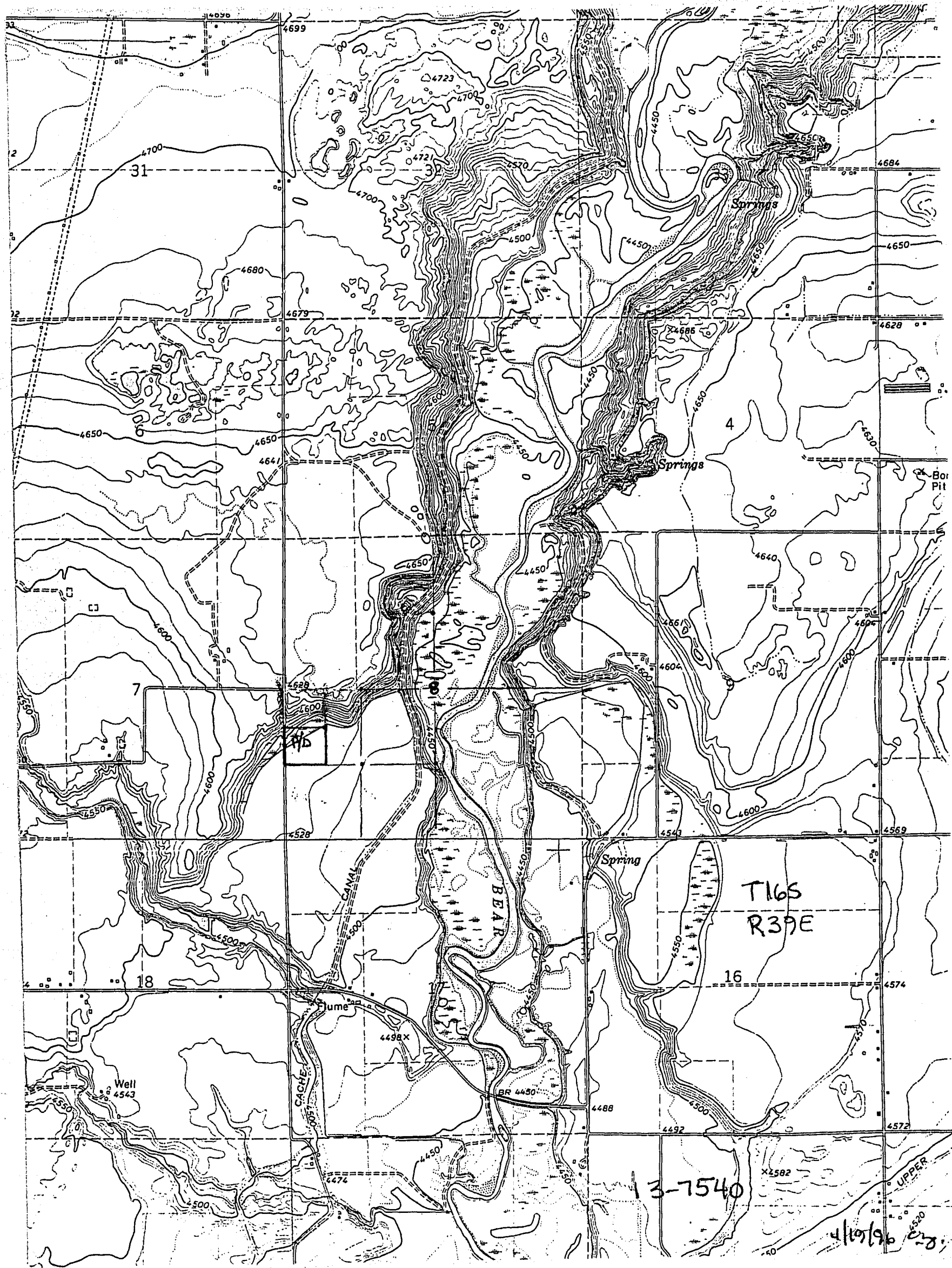
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	39E	8							D S										

Total number of acres to be irrigated 1/2 Acre

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? Carl W. Clark / Sandra B. Clark
- b. Who owns the land to be irrigated or place of use? Carl W. Clark / Sandra B. Clark
- 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: _____



Section No. 17

Quarter Section No. 5

Block No. 144

* Lot No. 8

Franklin Co.
NW 1/4 of SW 1/4
Sec. 8 Township 16 Range 39



132853

Jewel J. Porter
193861
194069

West Cache Creek Road

Larry D. Dahle
144130

T-2

T-1

Carl W. Clark
177735

160201

Spring

Bertis, L. Embury Trust
132583
175192

8

Floyd J.

8
17

Dale F. McKay
129471

D. Wm. Harris

51-138
b/o Michael J. Smith
148750

Michael J. Smith
190521
191556

% Title Sec

Beet River

91-11-16

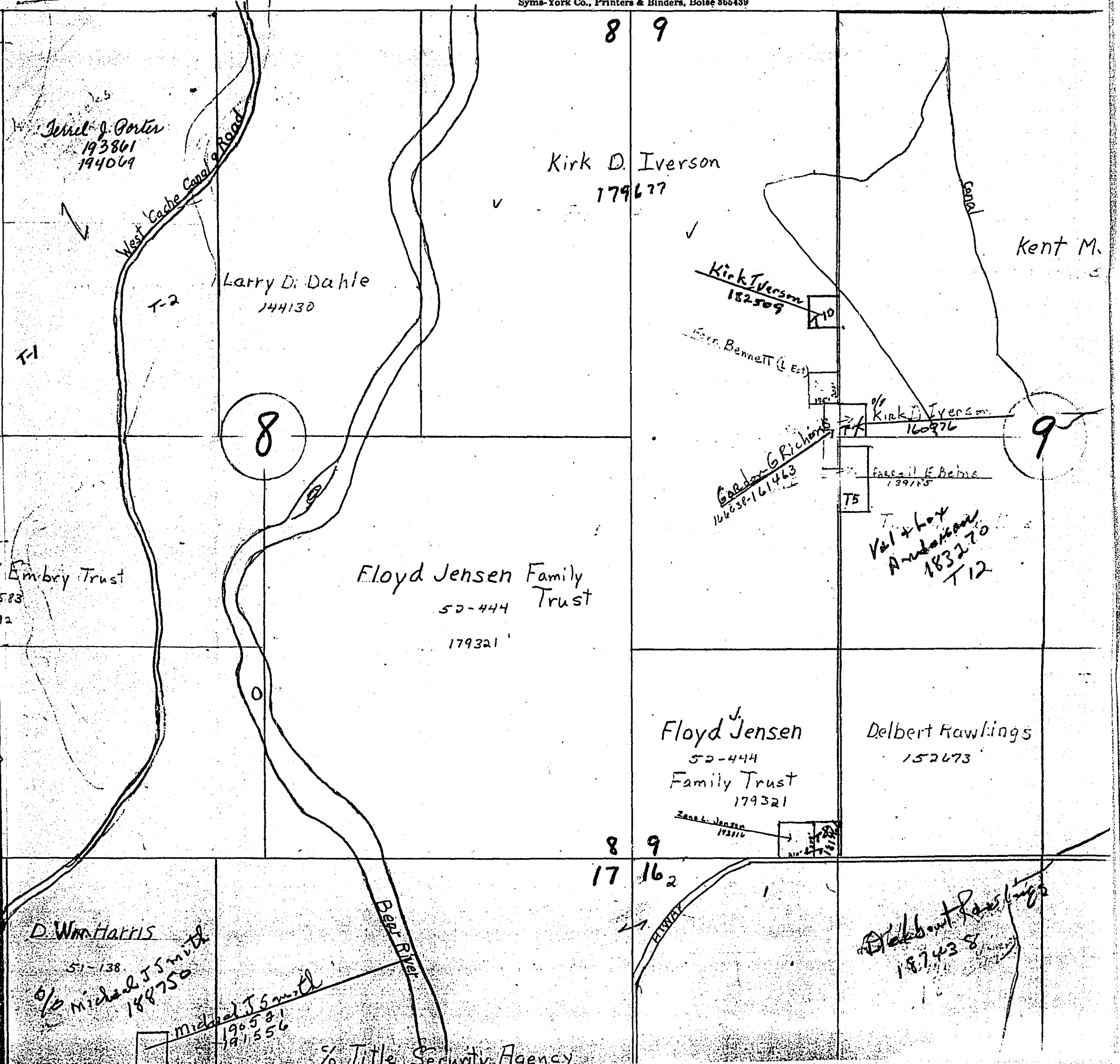
REINVESTMENT CORPORATION - IRVINE, CALIFORNIA

91

Franklin Co.
NW 1/4 of SW 1/4
Sec. 8 Township 16 Range 39

Wnship No. 16

Syma-York Co., Printers & Binders, Boise 865439



Received by JP Date 3-1-96 Time 12:30 Preliminary check by _____
Fee \$ 50.00 Receipted by HWS # E021944 Date 3-1-96
Publication prepared by RB Date March 21, 1996 Published in Proctor Citizen
Publication approved RB Date 4-12-96

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. 13-07540

Proposed Priority: March 1, 1996 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **CARL W CLARK**
SAUNDRA B CLARK
2813 S 2400 W
WESTON ID 83286

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	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNWSW , Sec. 8, Township 16S, Range 39E
FRANKLIN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

16S 39E 8 SWNW

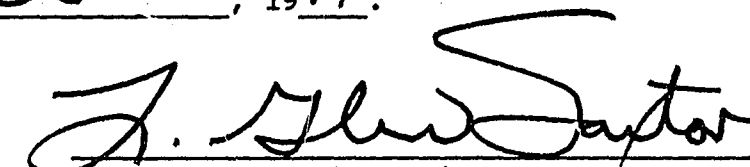
PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1997.
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

22 day of April, 1996.


Karl J. Dreher, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 13, 1996

CARL W AND SANDRA B CLARK
28130 S 2400 W
WESTON ID 83286

RE: Notice of Application for Permit: 13-07540

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Preston Citizen on March 21 & 28, 1996. 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 applications 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 Right Supervisor

HWJ/rb



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 13, 1996

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 APRIL 8, 1996.

Yours truly,

Rita Bodell
Secretary

Encl.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before APRIL 8, 1996.

KARL J. DREHER, Director

Published: 3/21/1996 & 3/28/1996

13-07540

CLARK, CARL W
CLARK, SAUNDRA B
2813 S 2400 W
WESTON, ID 83286

Source: SPRING

Tributary: SINKS

Diversion Pt: NWSW Sec 8 T 16S R 39E in FRANKLIN County.

Use: STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 3/ 1/1996

In: FRANKLIN County
T16S R39E S08 SNNW

815

No. 3932

RECEIVED

MAR 29 1996

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

3-20

, 1996, and ending

with the issue of

3-27

1996

Fee \$

36.53

Subscribed and sworn to before me this 27 day

of

M

NOTARY

1996

Notary Public, Residing at Preston, Idaho

My Commission Expires

2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07540

CLARK, CARL W.

CLARK, SAUNDRA B.

2813 S. 2400 W.

WESTON, ID 83286

Source: SPRING

Tributary: SINKS

Diversion Pt: NW 3W Sec 8 T 16S R 39E in FRANKLIN County.

Use: STOCKWATER (0.020 CFS) DOMESTIC (0.040 CFS) Total Diversion: (0.040 CFS)

Date Filed: 3/1/1996

In: FRANKLIN County T16S R39E S08 SWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before APRIL 8, 1996.

KARL J. DREHER, Director

Legal No. 3932 — Publish March 20, 27, 1996.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1996

CARL W CLARK
SAUNDRA B CLARK
2813 S 2400 W
WESTON ID 83286

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07540

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 into a
licensed water right. 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 cursive script, reading 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED

APR 11 1997

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00

Receipt No. CP 37594

Receipt By: K. T.

Date Received: 4-11-97

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. 13-07540 Telephone No. 208-747-3312
2. Name(s) of Permit Holder(s): Carl W. Clark / Sandra B. Clark
3. Mailing Address: 2813 So. 2400 W. Western Id. 83286
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): 6 horses - 15 cattle

Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .04 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 _____ | or | No <u>✓</u> |
| | Has the measuring device been installed? | Yes _____ | or | No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>✓</u> |
| | Has the measurement port been installed? | Yes _____ | 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: Carl / Sandra Clark Telephone Number: 208-747-3312
Address: 2813 So. 2400 W. Western Id. 83286
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: Saundha B. Clark Date: April 8, 1997
(include your title, if on behalf of company or organization)

February 28, 1997

CARL W CLARK
SAUNDRA B CLARK
2813 S 2400 W
WESTON ID 83286

PROOF DUE NOTICE

RE: PERMIT NO. 13-07540

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1997.

(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.

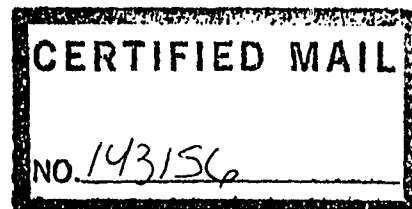
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR
April 22, 1997**

CARL & SAUNDRA CLARK
2813 S 2400 W
WESTON ID 83286

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07540

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.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have questions concerning the field examination, contact the **EASTERN** Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

A handwritten signature in cursive script that reads 'Julie L. Yarbrough'.

**JULIE L. YARBROUGH
Senior Secretary**

C: IDWR - Region

State of Idaho
Department of Water Resources

RECEIVED

APR 05 1999

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07540

Date of Priority: March 1, 1996

Maximum Diversion Rate:
Maximum Diversion Volume:

0.04 CFS
1.5 AF

Comes now

CARL W CLARK
SAUNDRA B CLARK

2813 S 2400 W
WESTON ID 83286

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. 13-07540, and requests that the permit be changed as follows:

Source: SPRING

tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.04 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNWSW , Sec. 8, Township 16S, Range 39E
FRANKLIN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

16S 39E 8 NWSW

PLACE OF USE:

DOMESTIC, same as STOCKWATER use

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 at 3:45 P.M., this 1 day of April, 1999.

Saundra Clark
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07540

FOR DEPARTMENT USE ONLY

Preliminary check by ALW Fee = 56.00 Receipted by ALW # C045045 Date 4/5/99

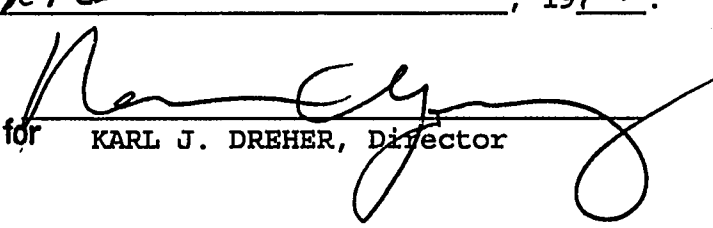
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 13-07540 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Domestic use is for 1 home.

Witness my hand this 6th day of April, 1999.

Acting for 
KARL J. DREHER, Director

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 13-07540

Priority: March 1, 1996

Maximum Diversion Rate:
Maximum Diversion Volume:

0.04 CFS
1.5 AF

This is to certify, that CARL W CLARK
SAUNDRA B CLARK

2813 S 2400 W
WESTON ID 83286

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 1, 1996; and has submitted Proof of Beneficial Use on April 11, 1997. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

SPRING tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.04 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION: SWNWSW , Sec. 8, Township 16S, Range 39E
FRANKLIN County

PLACE OF USE: STOCKWATER
TWN RGE SEC
16S 39E 8 NWSW

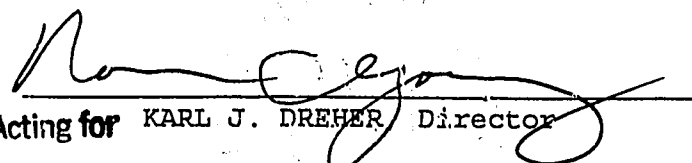
PLACE OF USE:
DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Domestic use is for 1 home.

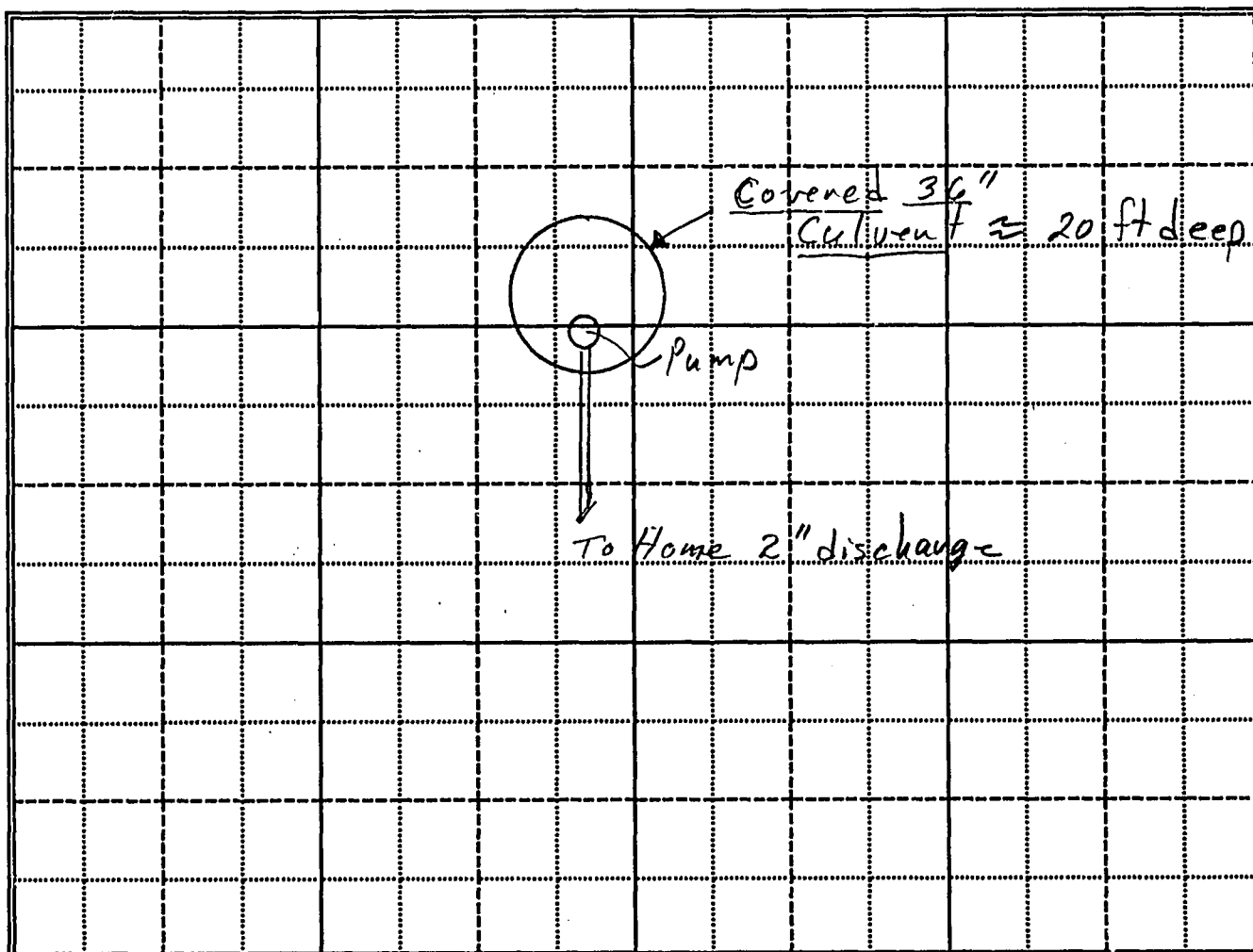
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 6th day of

April, 1999.


Acting for KARL J. DREHER Director

[illegible]

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



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	3/4	2801674910	Franklin	

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: None

E. NARRATIVE/REMARKS/COMMENTS

Spring is pumped approximately 200 yards up hill to home and for stock watering and domestic use.

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

F. FLOW CALCULATIONS
Measured Method:

____ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

allow 0.04 cfs for Domestic
 " 0.02 cfs " Stock - Proof of Beneficial use
 say 21 head

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwatering	01/01	12/31	0.02	0.3
Domestic	01/01	12/31	0.04	1.2
Totals:			0.04	1.5 afa

2. Recommended Amendments

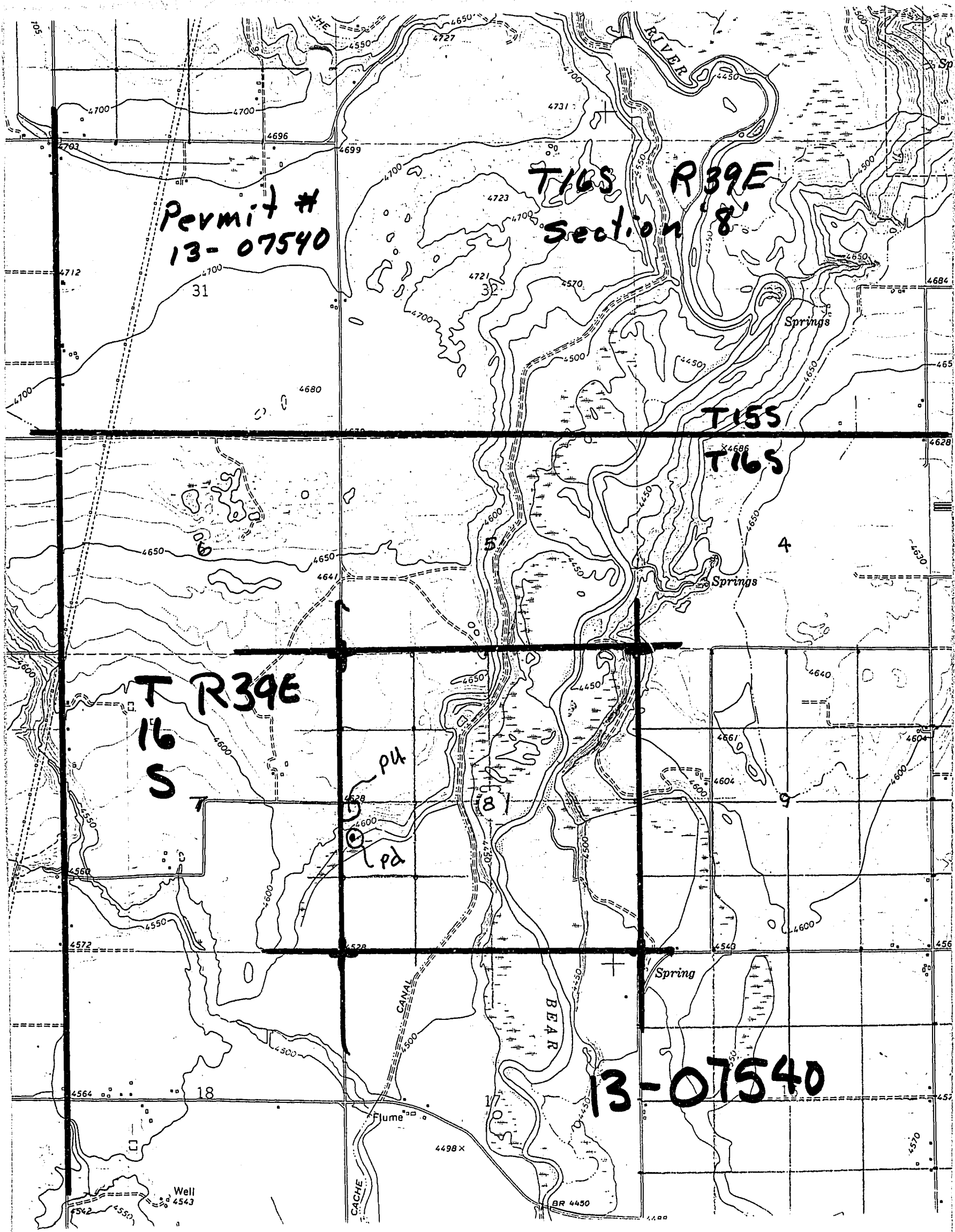
____ Change P.D. as reflected above ____ Add P.D. as reflected above ☒ None
 ____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

I. AUTHENTICATION

Field Examiner's Name Lee L. Simmons Date 6-22-98

Reviewer [Signature] Date 2-3-99

SEAL



Permit # 13-07540
T16S R39E
section 8

T
16 R39E
S

PLACE OF USE

POINT OF DIVERSION

13-07540

BRIAN JENSEN

7 8
18 17

NHEL/W

21830

2
4.2

NHEL



Point of diversion with pump controls
looking South



Point of Use Looking South East,
Permit # 13-07540

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

MEMORANDUM

TO: File 13-07540

FROM: Sharla

DATE: March 12, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 13-07540 are as follows:

B. GENERAL INFORMATION

3. Source: spring tributary to sinks

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:
SWNWSW, S8, T16S, R39E

A tributary is required for licensing; in this case the tributary is sinks.

This right is for a spring source which requires a ten-acre tract description for the point of diversion.

Exam Date: June 22, 1998
Examiner: Lee Simmons



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CARL W CLARK
SAUNDRA B CLARK
2813 S 2400 W
WESTON ID 83286

RE: WATER RIGHT NO. 13-07540

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 that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it 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.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CARL W CLARK
SAUNDRA B CLARK
2813 S 2400 W
WESTON ID 83286

RE: WATER RIGHT NO. 13-07540

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

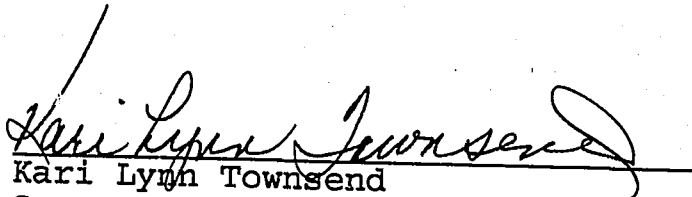
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of April, 1999, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 13-07540

CARL W CLARK
SAUNDRA B CLARK
2813 S 2400 W
WESTON ID 83286


Kari Lynn Townsend
Secretary