

RECEIVED

JAN 05 1998

FORM 296 Department of Water Resources
Eastern Region

Ident. No.

13-07354

RECEIVED

APR 23 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

13-07554

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Nathaniel & Sally Wharton Phone 208 766 2906
Mailing address 311 N 300w Malad, Idaho 83252
2. Source of water supply Well Groundwater which is a tributary of _____
3. Location of point of diversion is Township 14S Range 38E Sec. 23 in the NW 1/4, NE 1/4, _____ 1/4, Govt. Lot _____, B.M., Franklin County; additional points of diversion if any: NA
4. Water will be used for the following purposes:
Amount 0.04 cfs for Domestic 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)
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) 0.04 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source well + pump to one home
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 6" inches; proposed depth of well is 300' feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? 1983; Drilling firm Wright Drilling Co. - Hibley, Utah
Well was drilled for (well owner) Wayne Jones; Drilling Permit No. _____
7. Time required for completion of works and application of water to 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. 1
 - 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	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	D																

Total number of acres to be irrigated Domestic

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

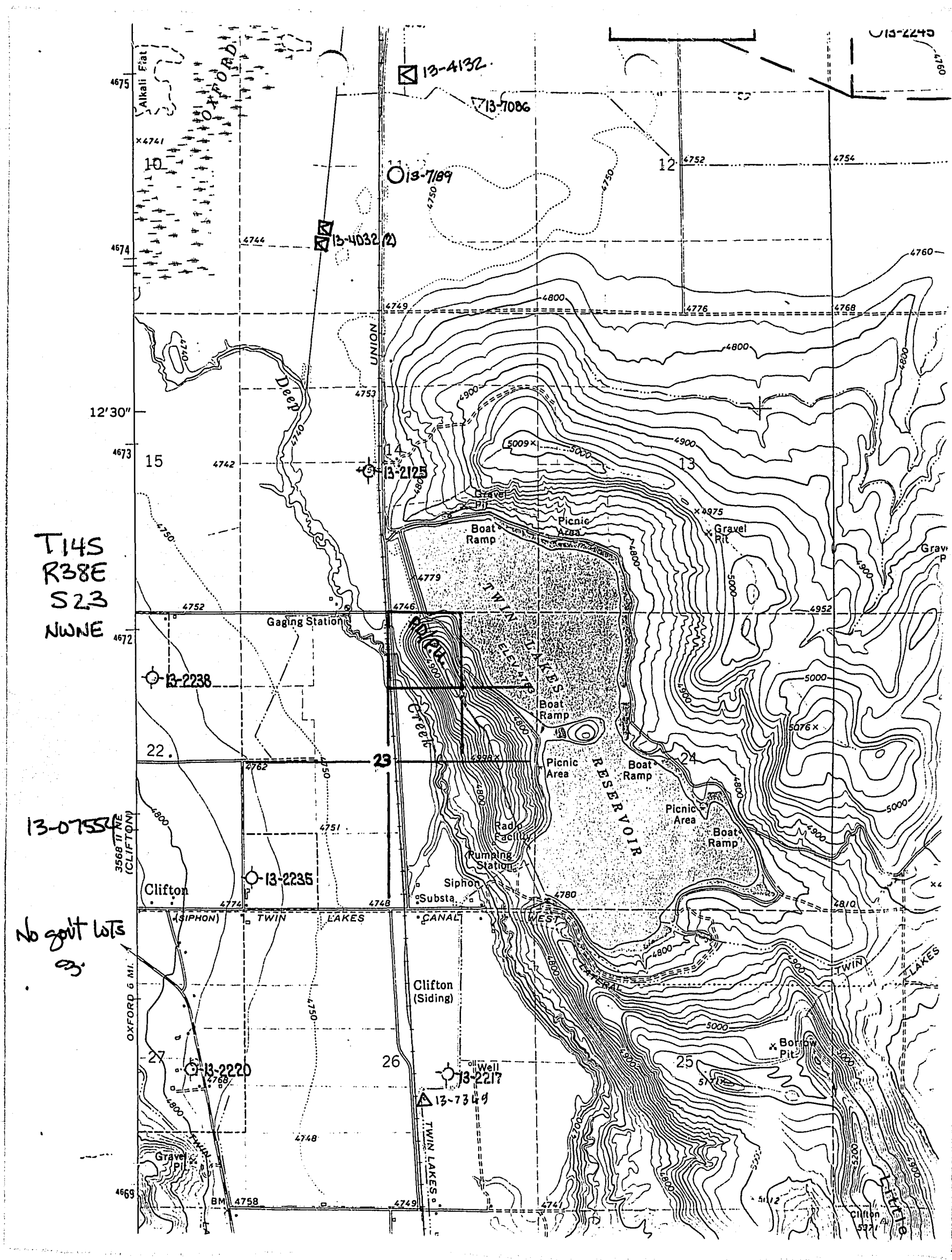
11. a. Who owns the property at the point of diversion? Nathaniel Wharton
b. Who owns the land to be irrigated or place of use? "
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

12. Remarks: VA requires a filing on existing well for a VA loan - Well is 300' deep 6" casing.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Called 12-30-97
Said fee for filing existing well would be \$20.00
Nathaniel Wharton - Owner
Signature of Applicant (and title, if applicable)
Received by QJ Date 2-6-98 Time 1:19 PM Preliminary check by
Fee \$ 25.00 50% Receipted by WJ # E023877 Date 2-6-98
Publication prepared by SC Date 3-11-98 Published in Preston Citizen
Publication approved Date



State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07554

Proposed Priority: February 6, 1998 Maximum Diversion Rate: 0.04 CFS

This is to certify, that NATHANIEL WHARTON

SALLY WHARTON
311 N 300 W
MALAD ID 83252

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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 23, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

14S 38E 23

NWNE

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, 1999.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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

28th day of April, 1998.

Karl J. Dreher
for Karl J. Dreher, Director

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 6, 1998.

KARL J. DREHER, Director

Published: 3/19/1998 & 3/26/1998

13-07554

WHARTON, SALLY
WHARTON, NATHANIEL
311 N 300 W
MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: NWNE Sec 23 T 14S R 38E in FRANKLIN County.

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

Date Filed: 2/ 6/1998

In: FRANKLIN County
T14S R38E S23 NWNE

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

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 11, 1998

Legal Notices Department
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 6, 1998.

Yours truly,

Rita Bodell

Rita Bodell
Secretary

Encl.

*Mailed
3/11/98
SC*



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

March 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NATHANIEL & SALLY WHARTON
311 N 300 W
MALAD ID 83252

RE: Application for Permit 13-07554

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on MAR. 19 & 26, 1998. The advertisement will be published once a week 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.

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

Sincerely,
Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ/sc

875

N. 4497

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

ss.

RECEIVED

MAR 27 1998

Department of Water Resources
Eastern Region

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the 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

3/18, 1998, and ending
with the issue of 3/25 1998

Fee \$ 90⁰⁰

Subscribed and sworn to before me this 25 day

of March 1998

Notary Public, Residing at Preston, Idaho

My Commission Expires 12/31/01

NOTICE OF APPLICATION FOR WATER RIGHT

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have been filed to appropriate the
public waters of the State of Idaho:

13-07554

WHARTON, SALLY
WHARTON, NATHANIEL
311 N 300 W
MALAD, ID 83252
Source: GROUNDWATER
Diversión Pt: NWNE Sec 23 T 14S
R 38E in FRANKLIN County.
Use: DOMESTIC (0.040 CFS)
Total Diversión: (0.040 CFS)
Date Filed: 2/6/1998
In: FRANKLIN County
T14S R38E S23 NWNE

13-07555

KELLER, HAL
PO BOX 124
PRESTON, ID 83263
Source: GROUNDWATER
Diversión Pt: SWSW Sec 31 T 13S
R 41E in FRANKLIN County.
Use: DOMESTIC (0.110 CFS)
STOCKWATER (0.010 CFS)
Total Diversión: (0.110 CFS)
Date Filed: 3/10/1998
In: FRANKLIN County
T13S R41E S31 SWSW

13-07556

KELLER, HAL
PO BOX 124
PRESTON, ID 83263
Source: GROUNDWATER
Diversión Pt: NENE Sec 1 T 14S R
40E in FRANKLIN County.
Use: DOMESTIC (0.140 CFS)
STOCKWATER (0.010 CFS)
Total Diversión: (0.140 CFS)
Date Filed: 3/10/1998
In: FRANKLIN County
T13S R40E S36 SESE
T14S R40E S01 NENE SENE

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 fil-
ing fee, Eastern Region, 900 N Sky-
line, Idaho Falls, Idaho 83402 on or
before APRIL 6, 1998.

KARL J. DREHER, Director
Legal No. 4497 - Publish
March 18 and 25, 1998.

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 28, 1998

PHILIP E. BATT
GOVERNOR

NATHANIEL WHARTON
SALLY WHARTON
311 N 300 W
MALAD ID 83252

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07554

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

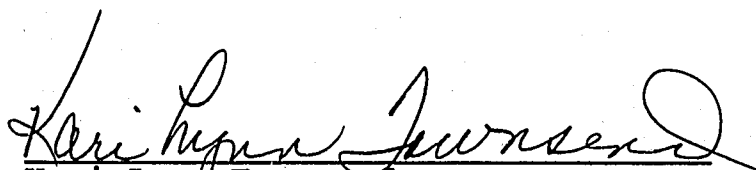
SK:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 13-07554

NATHANIEL WHARTON
SALLY WHARTON
311 N 300 W
MALAD ID 83252


Kari Lynn Townsend
Secretary

FOR OFFICE USE ONLY
Amt. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____

STATE OF IDAHO
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. 13-07554 Telephone No. 208-747-3354
2. Name(s) of Permit Holder(s): NATHANIEL & SALLY WHARTON
3. Mailing Address: P.O. Box 27 CLIFTON Id 83228
4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. 6 / yr. 82
- a. Well Driller: WRIGHT DRILLING Co 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): N/A
- Irrigation (No. of acres): N/A Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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 _____ |
| | Has the measuring device been installed? | Yes _____ 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: \$ _____ (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: NATHANIEL WHARTON Telephone Number: 208-747-3354
- Address: P.O. Box 27 5556 N 4200 W CLIFTON Id 83228
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: Nathan Wharton Date: 5/15/98
(Include your title, if on behalf of company or organization)



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1998

Nathaniel and Sally Wharton
PO Box 27
Clifton ID 83228

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07554

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.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07554

Priority: February 6, 1998

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that NATHANIEL WHARTON
SALLY WHARTON

PO BOX 27

CLIFTON ID 83228

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 6, 1998; and has submitted Proof of Beneficial Use on May 15, 1998. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

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

LOCATION OF POINT(S) OF DIVERSION:

NWNE, Sec. 23, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

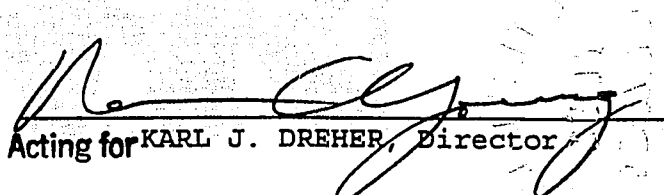
14S 38E 23

NWNE

CONDITIONS OF APPROVAL AND REMARKS

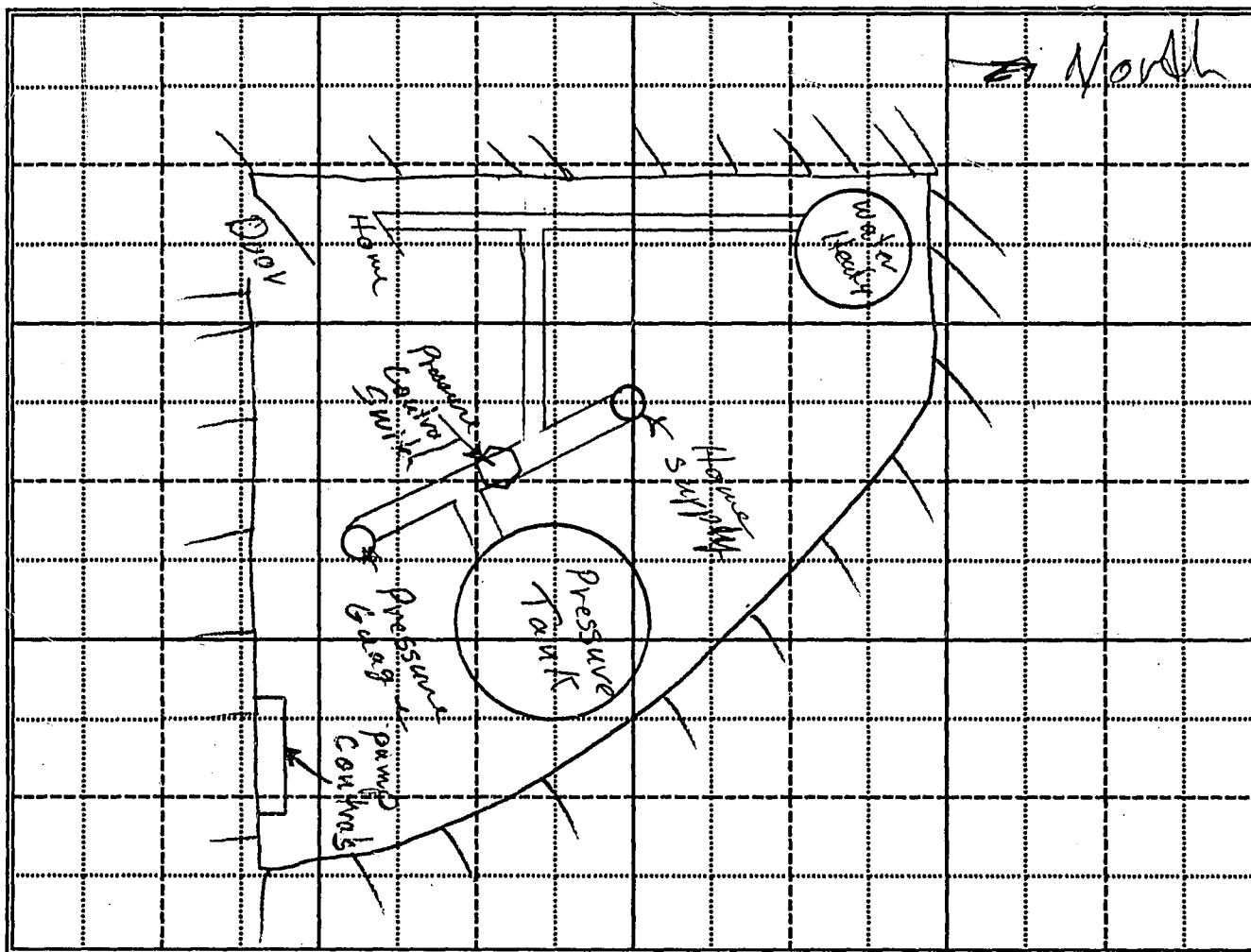
1. Domestic use is for 1 home.

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 17th day of MARCH, 1999.


Acting for KARL J. DREHER, Director

[illegible]

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



Scale: 1" = _____

____ Copy of USGS Quadrange 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
Domestic	SEARS	3/4	390.28121 1079L	SEARS	opacat Pump 38"

*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
None						

2. Measurements:

E. NARRATIVE/REMARKS/COMMENTS

The well is on the south side of the Doon, and has a 3/4 hp Sears pump and motor install. Outside supply is by the well. The outside supply waters much less than 1/2 acre. The pressure tank and pump controls are in a room on the North side of the Doon.

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

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

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:****H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01/01</u>	<u>12/31</u>	<u>0.02 0.04</u>	<u>1.2</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.02 0.04</u>	<u>1.2</u>

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. Summers

Date

8/14/98

Reviewer

J. W. Jones

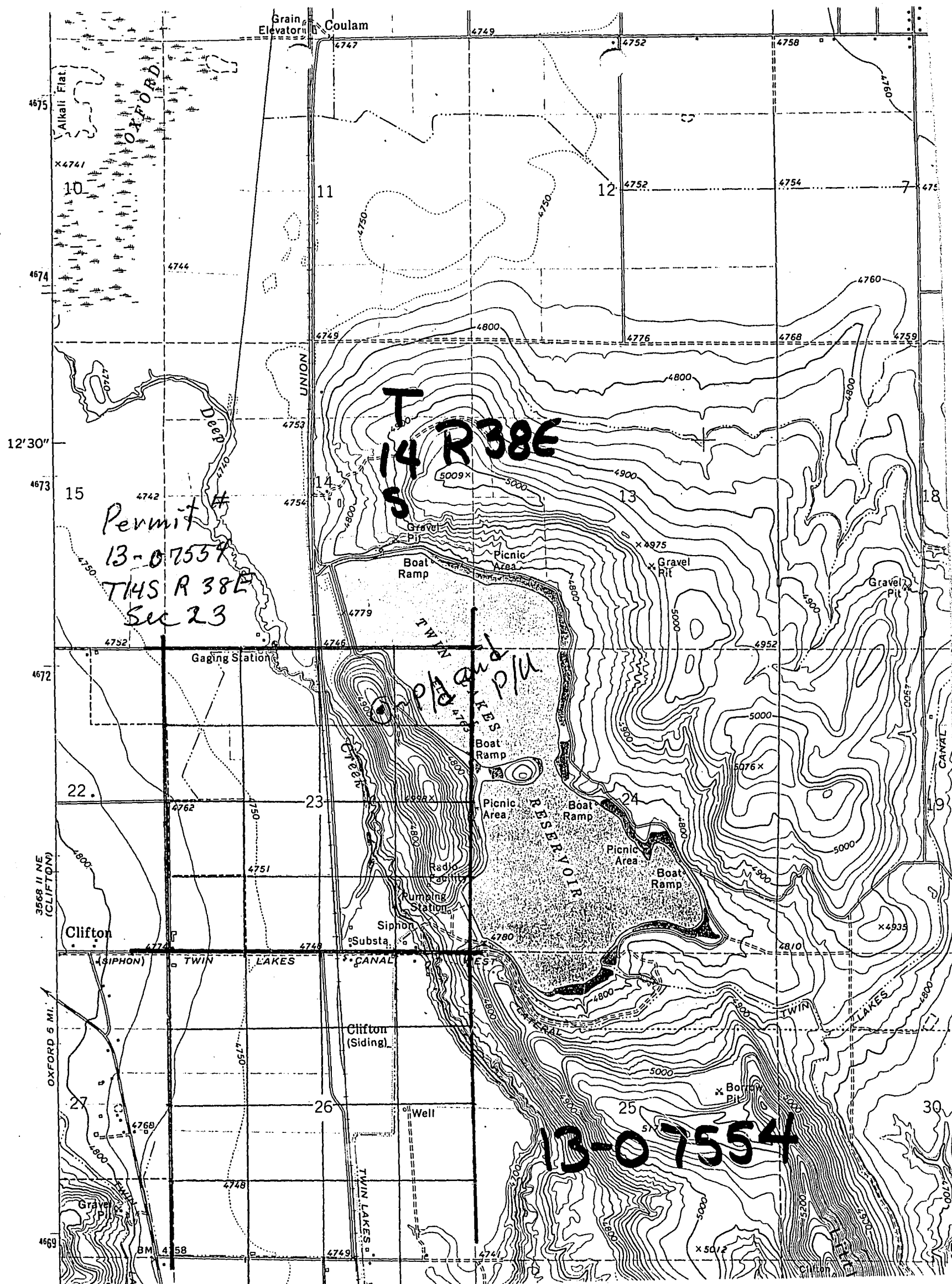
Date

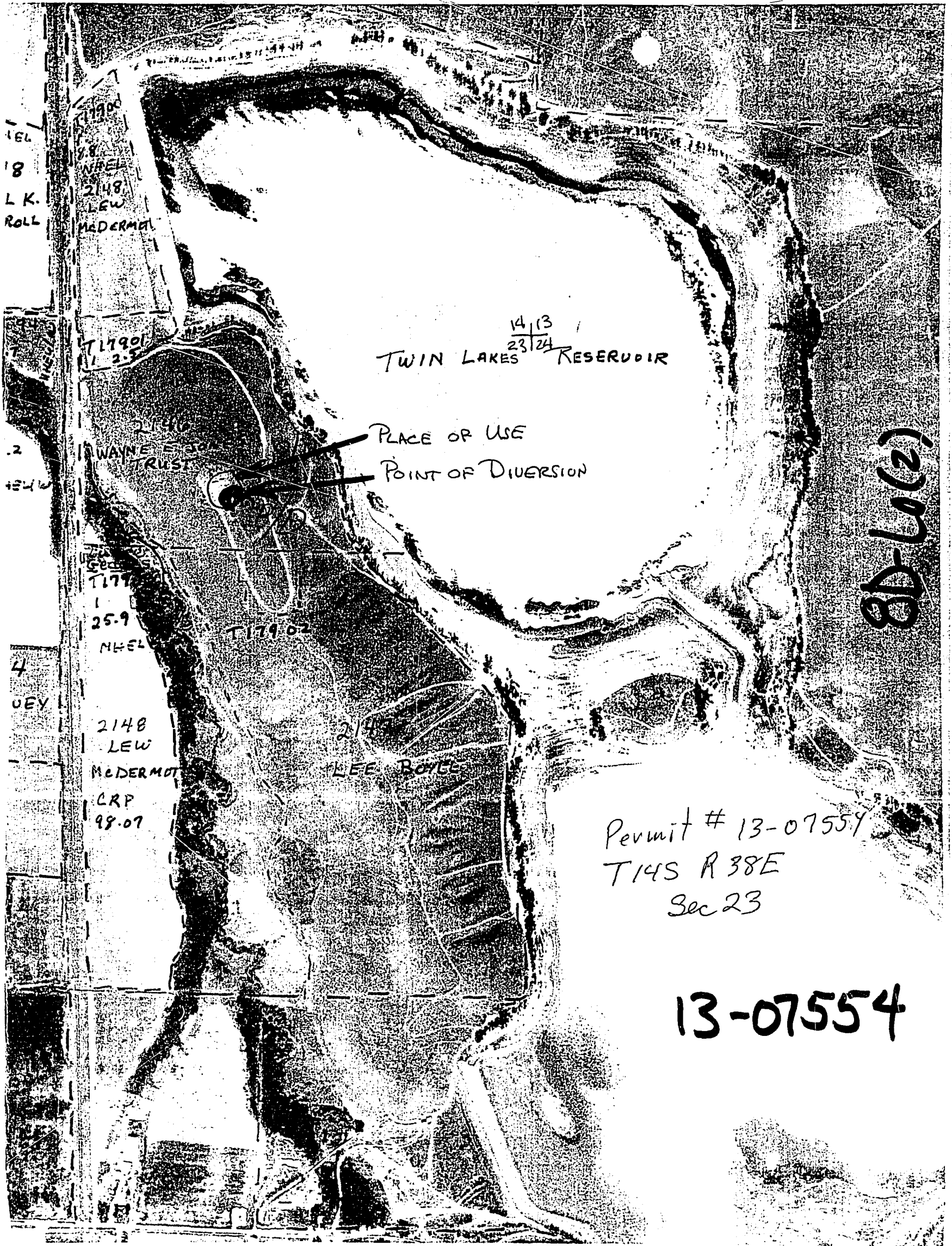
2-3-99

SEAL

FEB 16 1999

RECEIVED





(2) 07-48

Permit # 13-07554
T14S R 38E
Sec 23

13-07554



looking South at pump
and outside supply

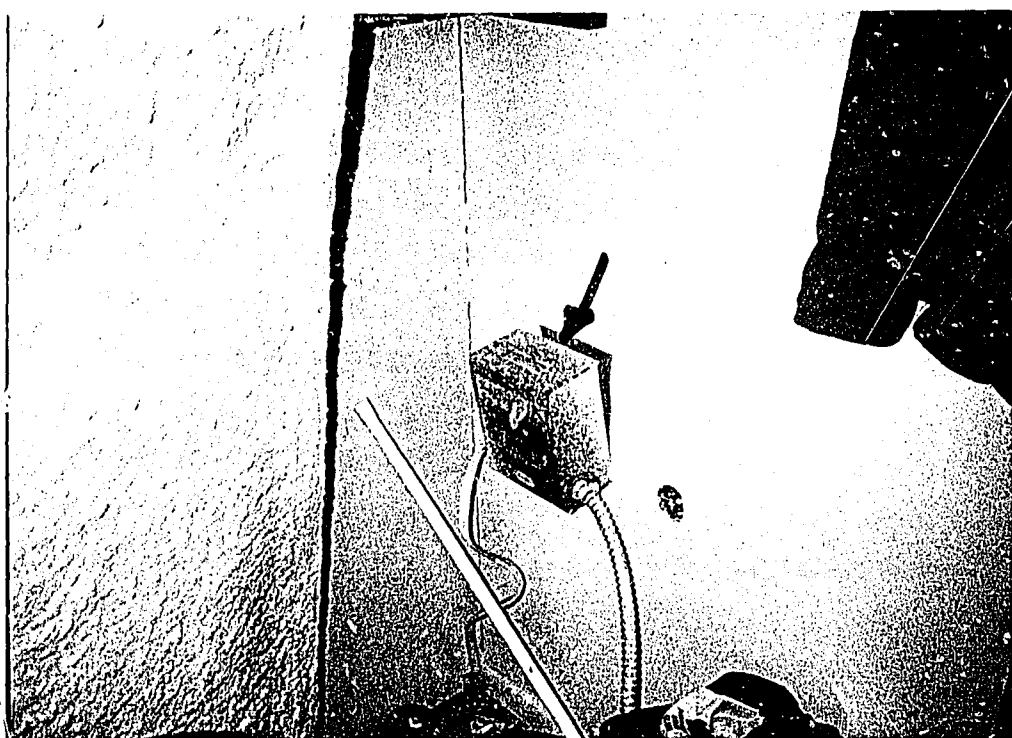


looking at
Pressure tank on
North side of
home

Permit # 13-07554



looking
North
East



Permit # 13-07554
Pump Control Box

13-07559

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

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

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PETITION FOR RECONSIDERATION

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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

March 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NATHANIEL WHARTON
SALLY WHARTON
PO BOX 27
CLIFTON ID 83228

RE: WATER RIGHT NO. 13-07554

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

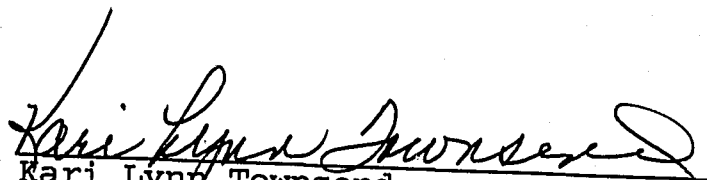
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of March, 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. 13-07554

NATHANIEL WHARTON
SALLY WHARTON
PO BOX 27
CLIFTON ID 83228


Kari Lynn Townsend
Secretary