

Ident. No. 15-07116

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: TED D. MACFARLANE
Address: P.O. BOX 159
RIVERSIDE, UT 84334
801-458-3595
2. Source: SPRING
Trib. to: DEEP CREEK
3. Location of Point of Diversion: NWNENE Sec. 10, Township 14S, Range 36E
ONEIDA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
RECREATION	01/01	12/31			1.00
5. Total quantity appropriated is:
CFS (and/or) 1.00 AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
FROM SPRING TO PIPELINE AND POND AND THEN OVERFLOW TO CREEK
 - 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 groundwater with a temperature greater than 90F 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.
8. Description of proposed uses:
RECREATION POND
9. Place of Use: RECREATION

TWN RGE SEC
14S 36E 10 NENE
10. Describe any other water rights used for the same purposes.
NONE- PERMIT 15-07106 ON ADJACENT GROUND

Ident. No. 15-07116
Page 2

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:

13. Map of proposed point of diversion and place of use attached? ☒

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.

[Signature]
Applicant

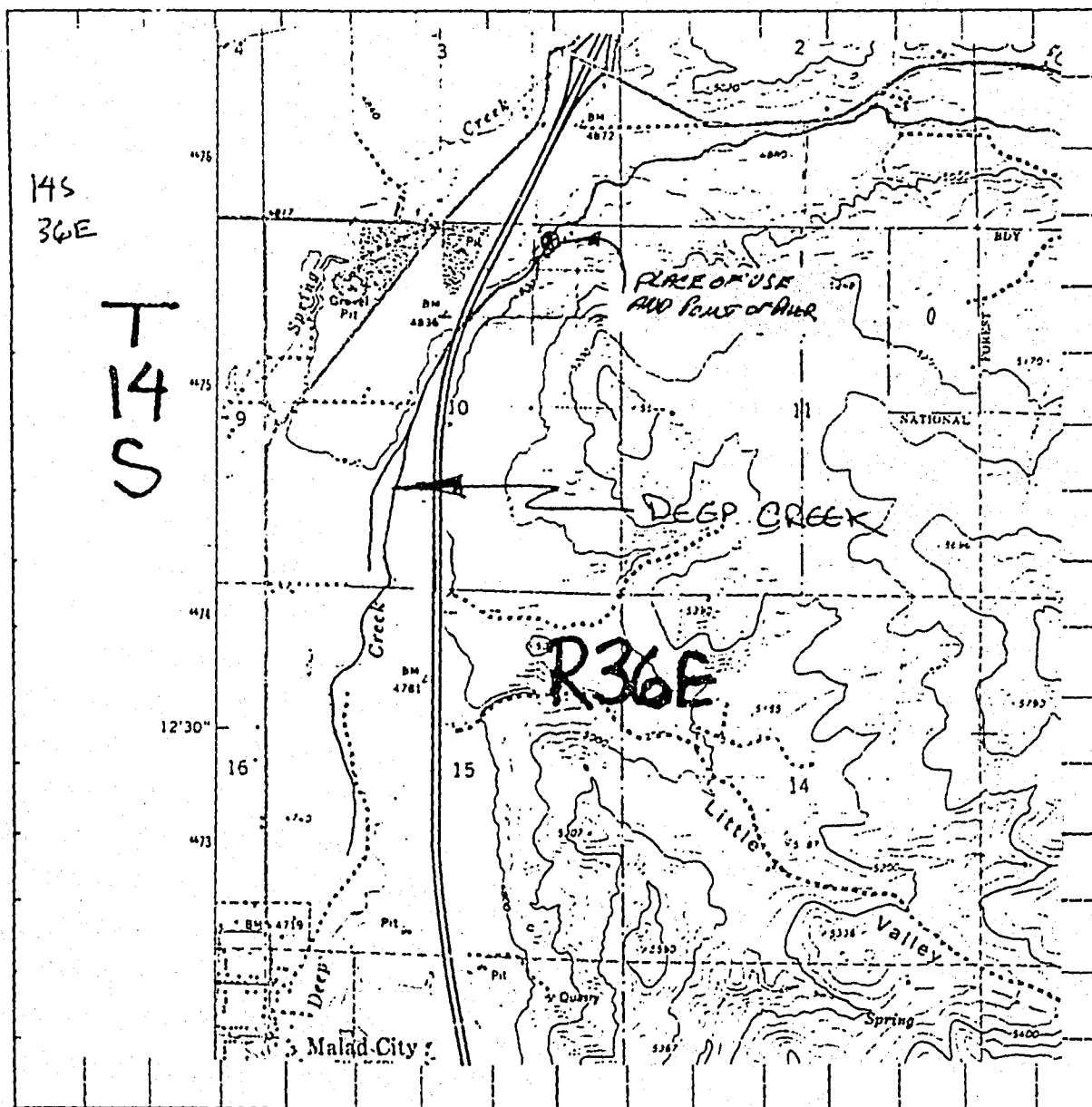
Received by HWS Date 2-27-90 Time 11:18 AM Preliminary check by [Signature]

Fee \$ 20.00 Receipted by HWS # 201271 Date 2-27-90

Publication prepared by RB Date 5-3-90 Published in ID Enterprise

Publication approved [Signature] Date 6-14-90

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



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.

[Signature]
(Applicant)

No 1218

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 11 1990

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

ss.

County of Oneida

Sandra Strub

being duly sworn,
deposes and says: That she is the secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; 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

May 3, 19 90, and ending
with the issue of May 10, 19 90

Sandra Strub

Fee \$ 35.42

Subscribed and sworn to before me this 10th day

of June, 19 90

Susan J. Wittman

Notary Public, Residing at Malad, Idaho

My Commission Expires 29, 19 94

Application Notice

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07118

MACFARLANE, TED D.

P.O. BOX 159

RIVERSIDE,

UT

84334

Source: SPRING

Tributary: DEEP CREEK

Diversion Pt:

NWNE Sec 10 T 14S R 36E

Use: RECREATION

(1.00 AF)

Total Diversion:

(1.00 AF)

Date Filed: 2/27/1990

In: T 14S R 36E S 10

NENE

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Department of
Water Resources, Eastern Region,
150 Shoup Avenue, Suite 15, Idaho
Falls, Idaho 83402 on or before May
21, 1990.

R. KEITH HIGGINSON

DIRECTOR

No. 1218

4-3-10 T2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07116

Proposed Priority: February 27, 1990

Maximum Storage Volume:

1.0 AF

This is to certify, that **TED D. MACFARLANE**

P.O. BOX 159

RIVERSIDE, UT 84334

has applied for a permit to appropriate water from:

SPRING

tributary of **DEEP CREEK**

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>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNENE

Sec. 10, Township 14S, Range 36E
ONEIDA County

PLACE OF USE: RECREATION

TWN RGE SEC

14S 36E 10

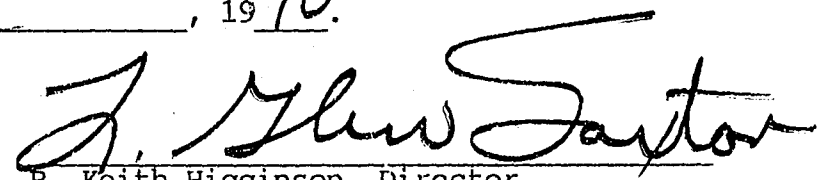
NENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1991**.
2. Subject to all prior water rights.

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

9th day of July, 1990.

for 
R. Keith Higginson, Director

15-07116

MACFARLANE, TED D.
P.O. BOX 159
RIVERSIDE, UT 84334

Source: SPRING

Tributary: DEEP CREEK

Diversion Pt: NWNENE Sec 10 T 14S R 36E

Use: RECREATION

Total Diversion:

{ 1.00 AF)

{ 1.00 AF)

Date Filed: 2/27/ 1990

In: T14S R36E S10

NENE

01-May-1990

TED D. MACFARLANE
P.O. BOX 159
RIVERSIDE, UT 84334

RE: Application for Permit No. 15-7116

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 IDAHO ENTERPRISE on MAY 3 & 10, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

07-May-1990

DEPT. OF FISH & GAME
1515 LINCOLN RD.
IDAHO FALLS, ID 83401

RE: Application for NO. 15-7116, 29-7886, 75-7503, 29-7896

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is May 21, 1990, 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
Water Rights Supervisor

HWJ/rb
enc.

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
July 11, 1990

TED D. MACFARLANE
P.O. BOX 159
RIVERSIDE, UT 84334

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07116

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

We have enclosed 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 for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

138589
May 31, 1991

TED D. MACFARLANE
P.O. BOX 159
RIVERSIDE, UT 84334

PROOF DUE NOTICE
RE: PERMIT NO. 15-07116

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 August 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

Form 217
07/90

RECEIVED
JUN 12 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 100.00
Date 6-12-91
Receipt No. 1020801
Received by Gfj

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 15-07116 Telephone No. 801-458-3595

2. Name(s) of Permit Holder(s): Ted D. Macfarlane

3. Post Office Address: Box 159 Riverside, UT 84334

4. Source of Water: Spring

a. If ground water, well driller's name: _____ Date drilled: _____

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

5. Extent of Use:

Domestic 0 (No. of households) Irrigation 6 (No. of acres)

Stockwater 0 (No. and type of stock) Other fish pond

will bird habitat

6. Total rate and/or volume for which proof is submitted currently dry due to drought - approved cfs 1.0 acre/feet for

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

Measuring device: Required? Yes XNo Installed? Yes No

OR

Flow Measurement Port: Required? Yes XNo Installed? Yes No

8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Ted D. Macfarlane 801-458-3595
Name Telephone No.

Same as above

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

10/une 91
Date

Ted D Macfarlane
Signature (and title if on behalf of a company or organization)

June 14, 1991

TED D. MACFARLANE
P O BOX 159
RIVERSIDE UT 84334

Dear Mr. MacFarlane:

Re: Permit No. 15-7116

The department received the proof of beneficial use form and your check for a \$100 on June 12, 1991. No fee is required. I have initiated the paperwork for a refund. The refund should come to you in several weeks.

The permit was issued for the diversion of 1 acre-foot for recreational use only. This permit does not cover the irrigation of six acres. If you haven't already, you may need to file an application for permit to cover the six acres.

The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Eastern Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: region
Fiscal Section

WHITE -- State Auditor
YELLOW -- Remittance Advice
PINK -- State Auditor then Agency
GOLDENROD -- Agency Copy

EXPENDITURE VOUCHER

STATE OF IDAHO
Office of State Auditor

AUDITOR USE

AGENCY USE	
Date	5563
Code	06/17/91
	193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY

TO

TED D. MACFARLANE
PO BOX 159
RIVERSIDE, UT 84334

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	05 30 122	1238	8831		REFUNDS PER RITA FLECK WR #15-7116 RECEIPT #C020801 6/14/91 100.00	100.00	
TOTAL						100.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 15-07116

Priority: February 27, 1990

Maximum Diversion Rate:
Maximum Diversion Volume:

0.03 CFS
0.1 AF

This is to certify, that TED D MACFARLANE
PO BOX 66

MALAD ID 83252 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 27, 1990; and
has submitted Proof of Beneficial Use on June 12, 1991. An examination indicates
that the works have a diversion capacity of 0.030 cfs of water from:

SPRING tributary to DEEP CREEK

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>
RECREATION STORAGE	01/01 to 12/31		0.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.03 CFS	
Totals		0.03 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION: NWNENE, Sec. 10, Township 14S, Range 36E
ONEIDA County

PLACE OF USE: RECREATION STORAGE
TWN RGE SEC
14S 36E 10 NENE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation.
6. Recreation storage is for a fish pond and wildlife habitat.

PAGE 2

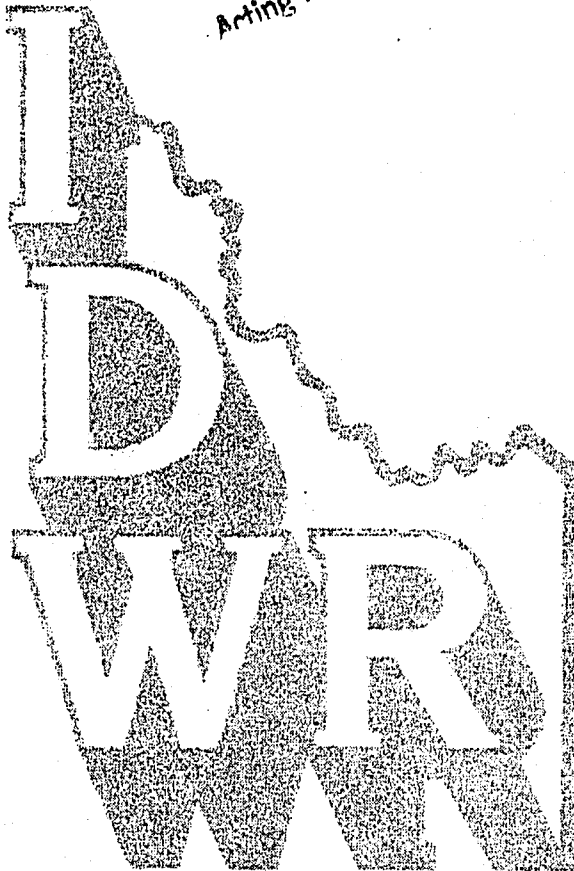
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 15-07116

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 31st
day of MARCH, 1997.


KARL J. DREHER, Director
Acting for



RECEIVED
APR 1936
Department of Natural Resources

Permit No. 15-07116

1. Owner: TED D. MAC FARLANE

Phone No. (801) 458-3595

Current Address: P.O. Box 66, 482 N. DEVIL CK. RD., MALAD, IDAHO

2. Accompanied by: OWNER

EXAM DATE: 6/14/95

Address: N/A

Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: SPRING

tributary to DEEP CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 15-07106 (DOM. + ILL)

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

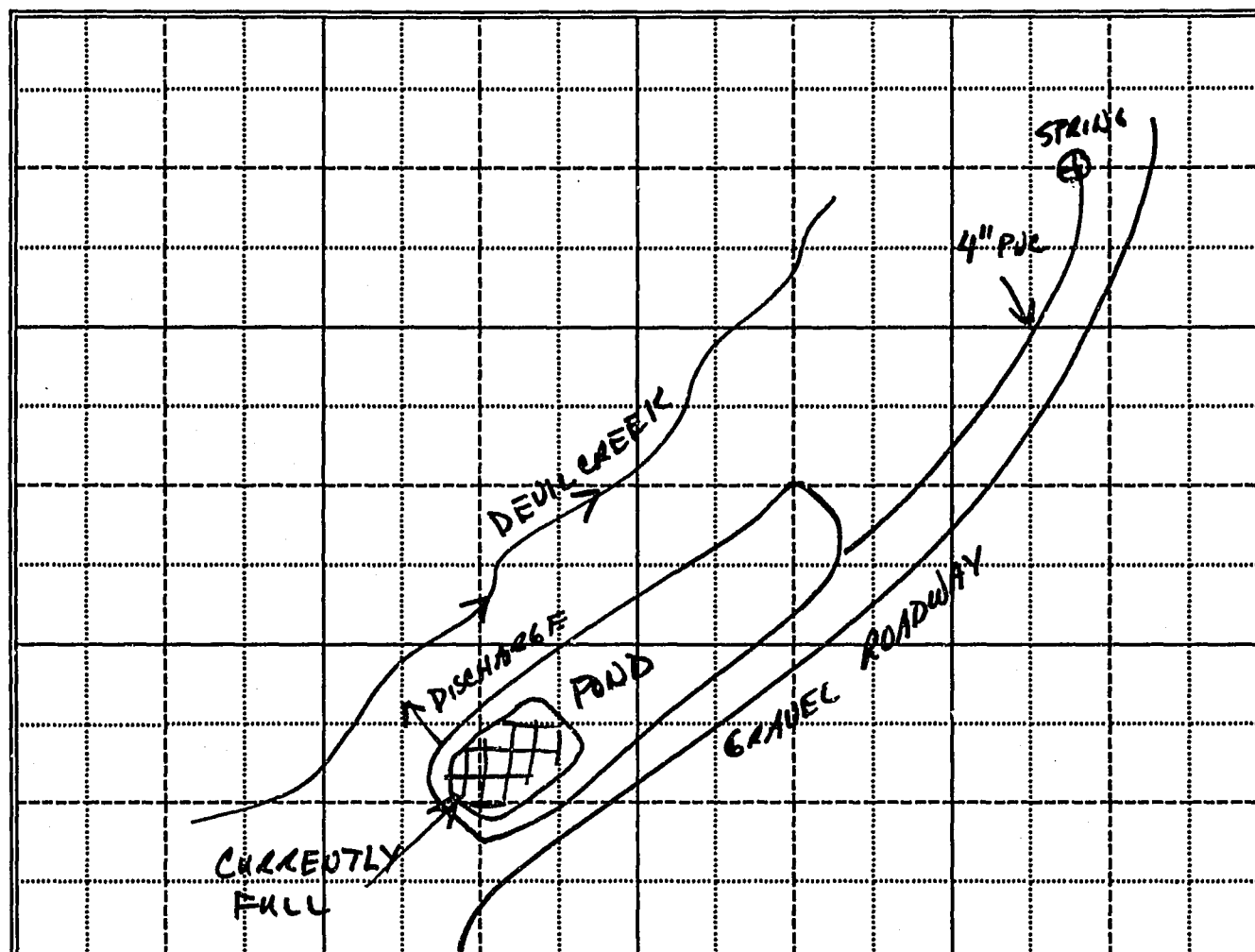
[illegible]

2. Place(s) of Use:

Indicate Method of Determination ON SITE INSP.

[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
N/A					

*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
POWLUS V FURROW FLUME						

2. Measurements: $(7.5 \text{ CM}) 42.5 \text{ L/M} = \frac{11.46 \text{ PH}}{448.8} = 0.025 \text{ CFS}$

E. NARRATIVE/REMARKS/COMMENTS

PERMIT IS FOR RECREATION FOR WILDLIFE HABITAT AND
A FISH POND. POND IS APPROXIMATE 30' X 70' WITH AN
AVERAGE DEPTH OF 3'.

$$\begin{array}{rcl} 30' \times 70' \times 3' & = & 6,300 \text{ CU. FT.} \\ & & \underline{43,560 \text{ CF/1AF}} \\ & & = 0.1 \text{ AF} \end{array}$$

SPRING HAS NOT RECOVERED FROM 7 YRS OF DROUGHT AT
THE TIME OF SPRING FLOW MEASUREMENT.

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q = 0.025 \text{ CFS}$$

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:

$$30' \times 70' \times 3' = \frac{6,300 \text{ cu ft}}{43,560 \text{ cu ft/Ac}} = 0.1 \text{ AFA}$$

$$0.025 \times 448.8 = 11.22 \text{ GPM} \times 60$$

$$673.2 \text{ GPM} \times 24 = 16,156.8 \text{ GPD} \times$$

$$365 = \frac{5,897,232 \text{ GAL/YR}}{325,850} = 18.09 \text{ AFA}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
RECREATION	1/1	12/31	0.01	0.1
Totals:			0.01 CFS	0.1 AFA

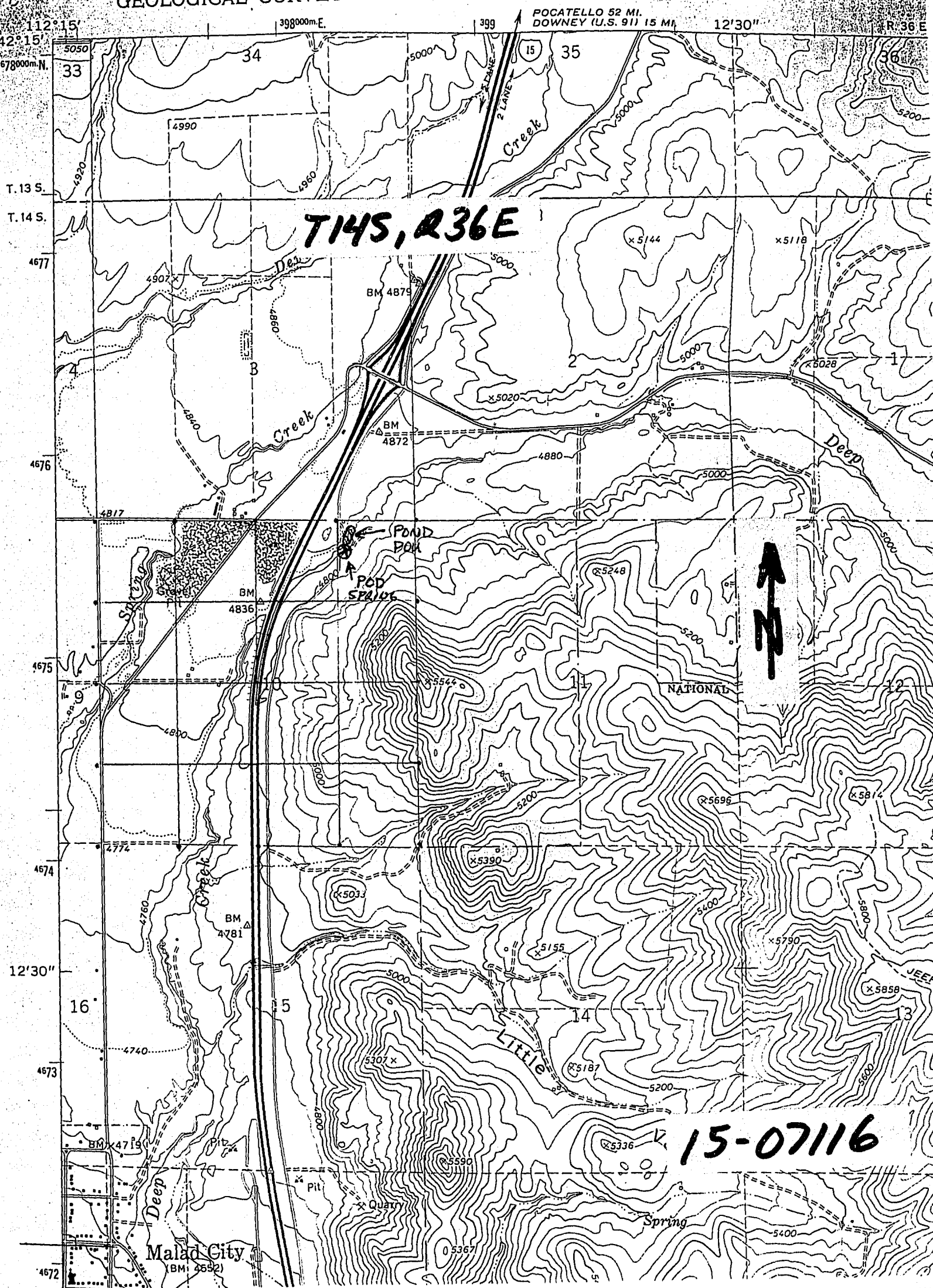
2. Recommended Amendments

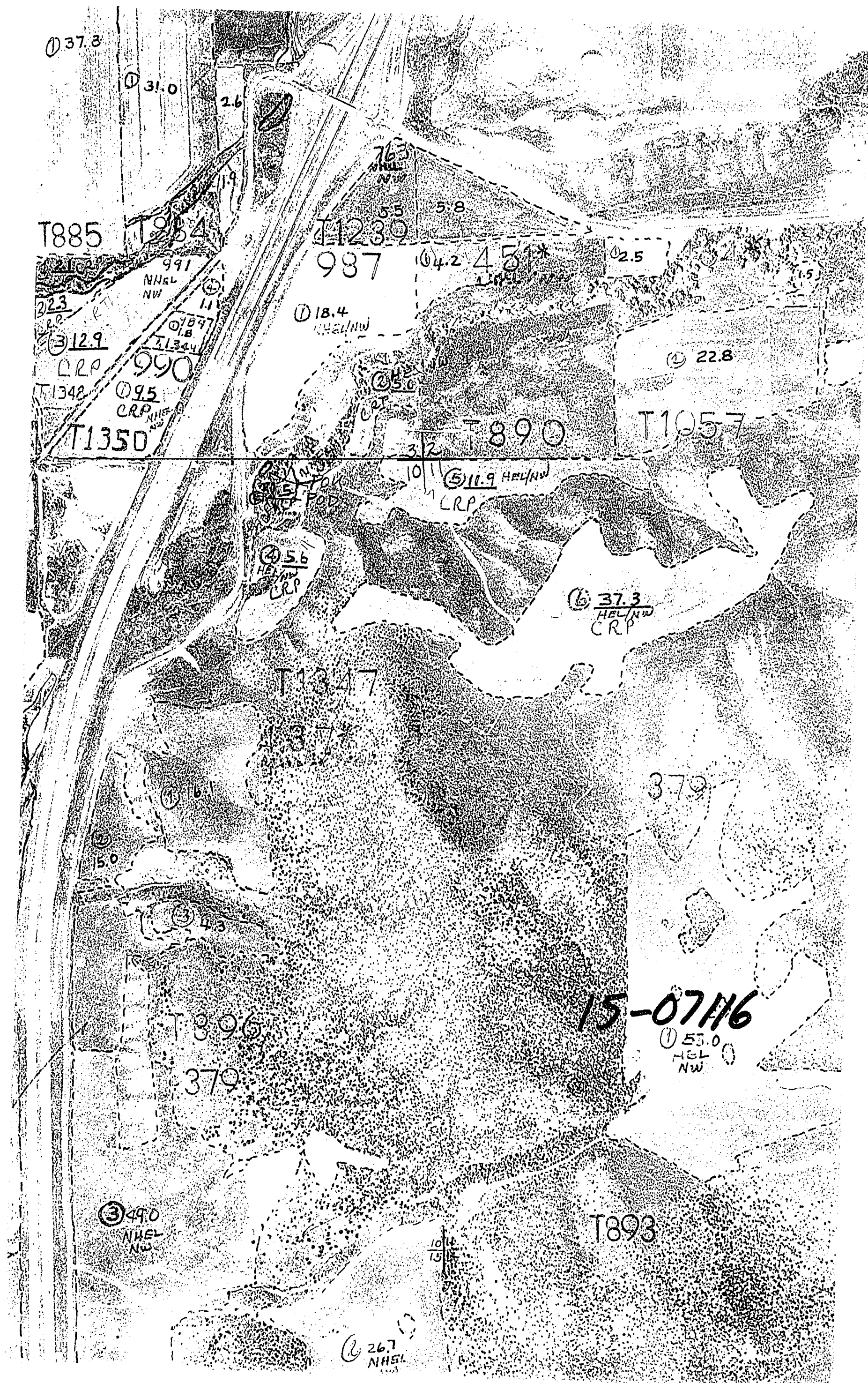
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name SIMPkins Date 1/16/96Reviewer [Signature] Date 3/1/96

SEAL

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





TED D. MACFARLANE
RECREATION

15/2



VIEW OF
POD AT
APPROXIMATE
SPRING LOCATION.



VIEW OF
OLD PIPELINE
AND SURFACE
DITCH

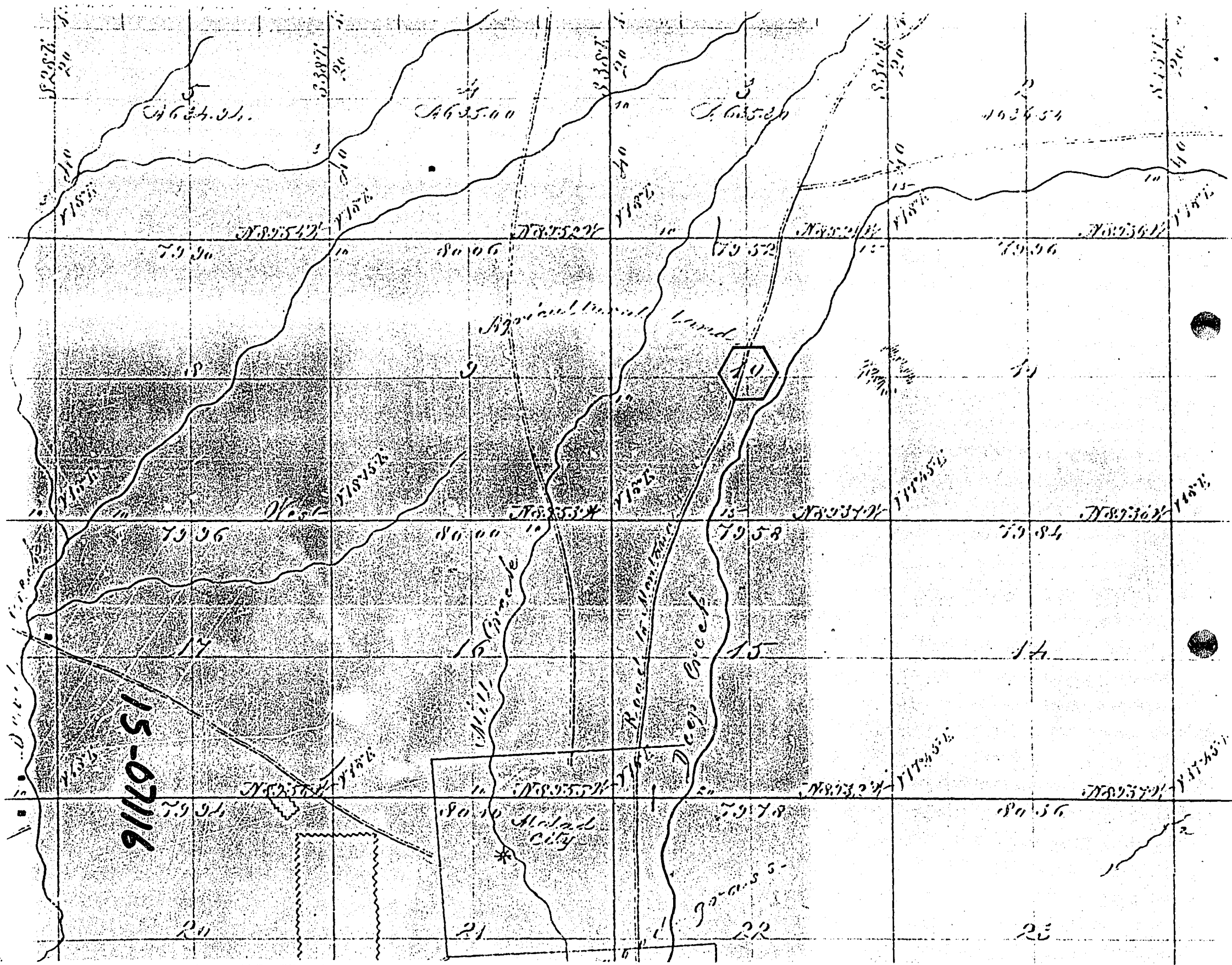
15-07116

RECREATION

212

 AREA LIMITS OF POND	<u>POND</u> <u>PLACE OF USE</u> SPRING RUNNING LOW DUE TO SEVERE DROUGHT LAST 7YRS.
	15-07116

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



POWLUS V FURROW FLUMES:

Discharge Equations for Sloping Wall Gauge

$$Q_{\text{gpm}} = 0.000143 (h - 1.5)^{2.63}$$

$$Q_{\text{cfs}} = [0.000143 (h - 1.5)^{2.63}] \div 448.8$$

Gage	Flow Rate		Gage	Flow Rate		Gage	Flow Rate		Gage	Flow Rate	
mm	gpm	cfs	mm	gpm	cfs	mm	gpm	cfs	mm	gpm	cfs
20	0.3	0.0007	50	3.9	0.0087	70	9.6	0.0214	90	18.9	0.0421
22	0.4	0.0009	51	4.1	0.0091	71	10.0	0.0223	91	19.4	0.0432
24	0.5	0.0011	52	4.3	0.0096	72	10.4	0.0232	92	20.0	0.0446
26	0.6	0.0013	53	4.5	0.0100	73	10.8	0.0241	93	20.6	0.0459
28	0.8	0.0017	54	4.8	0.0107	74	11.2	0.0250	94	21.2	0.0472
30	1.0	0.0022	55	5.0	0.0111	75	11.6	0.0258	95	21.8	0.0486
32	1.1	0.0025	56	5.3	0.0118	76	12.0	0.0267	96	22.4	0.0499
34	1.4	0.0031	57	5.5	0.0122	77	12.4	0.0276	97	23.1	0.0515
36	1.6	0.0036	58	5.8	0.0129	78	12.9	0.0287	98	23.7	0.0528
38	1.8	0.0040	59	6.1	0.0136	79	13.3	0.0296	99	24.3	0.0541
40	2.1	0.0047	60	6.4	0.0143	80	13.8	0.0307	100	25.0	0.0557
41	2.3	0.0051	61	6.6	0.0147	81	14.2	0.0316	101	25.7	0.0573
42	2.4	0.0053	62	6.9	0.0154	82	14.7	0.0328	102	26.4	0.0588
43	2.6	0.0058	63	7.2	0.0160	83	15.2	0.0339	103	27.1	0.0604
44	2.7	0.0060	64	7.6	0.0169	84	15.7	0.0349	104	27.8	0.0619
45	2.9	0.0065	65	7.9	0.0176	85	16.2	0.0361	105	28.5	0.0635
46	3.1	0.0069	66	8.2	0.0183	86	16.7	0.0372	106	29.2	0.0651
47	3.3	0.0074	67	8.6	0.0192	87	17.2	0.0383	107	30.0	0.0668
48	3.5	0.0078	68	8.9	0.0198	88	17.8	0.0397	108	30.7	0.0684
49	3.7	0.0080	69	9.3	0.0207	89	18.3	0.0408	109	31.5	0.0702

15-07116

MEMORANDUM

TO: File 15-07116

FROM: Sharla

DATE: March 20, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 15-07116 are based on the following:

H. RECOMMENDATIONS

Recreation Storage	1/1 - 12/31		0.1 afa
Div. to Storage	1/1 - 12/31	0.03 cfs	
	TOTALS	0 03 cfs	0.1 afa

A diversion to storage component is required since the pond is not on-stream.
The use of water is for recreation STORAGE in the pond.

Examiner: Don Simpkins
Exam Date: June 14, 1995



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

April 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TED D MACFARLANE
PO BOX 66
MALAD ID 83252

RE: WATER RIGHT NO. 15-07116

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 further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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 the 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 the 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.

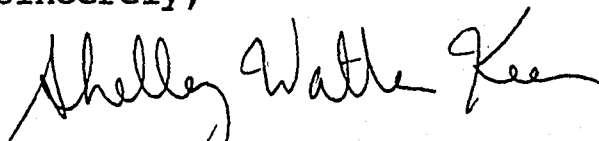
APPEAL OF FINAL ORDER TO DISTRICT COURT

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.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

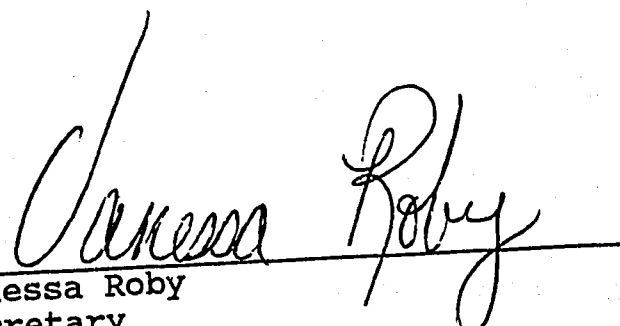
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of April, 1997, 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. 15-07116

TED D MACFARLANE
PO BOX 66
MALAD ID 83252



Vanessa Roby
Secretary