

RECEIVED

SEP 10 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

Ident. No. 15-07168

RECEIVED

MAY 18 1998

Department of Water Resources
Eastern Region

1. Name of Applicant Edward Pitcher AND/or Pitcher Phone 208-684-3355
Mailing address 802 W. 40S. Blackfoot Idaho 83221 766-2874
2. Source of water supply UNNAMED DRAINAGE SPRING which is a tributary of Heath Hollow
3. Location of point of diversion is Township 13S Range 36E Sec. 23 in the NW 1/4, NW 1/4, Govt. Lot —, B.M., Oneida County;
additional points of diversion if any: none
4. Water will be used for the following purposes:
- | | |
|---|------------------------------|
| Amount <u>0.0045 cfs</u> for <u>domestic / elect power</u> purposes from <u>year</u> to <u>12-31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>0.01 cfs</u> for <u>Domestic</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>0.01 cfs</u> for <u>Power</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>0.01 cfs</u> for <u>Wildlife</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive) | (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) 0.0045 (2.91/min) and/or (b) N/A
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 Spring developed by SCS 1991. 3200 gal CISTER. 3" Line to house gravity flow. 900' Run. 200' head.
- b. Height of storage dam N/A feet; active reservoir capacity 3200 gal CISTER acre-feet; total reservoir capacity N/A acre-feet
- 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? NO
- e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is one years (minimum 1 year)
completed Oct. 1991.
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. 200 ft. Head. 0.18 kw/hr.
- b. Stockwatering; list number and kind of livestock. None @ present time.
- c. Municipal; show name of municipality. —
- d. Domestic; show number of households. one
- e. Other; describe fully. wild-life water source. 600 gal stock water tank.

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	36E	23					D												
							P												
							W												

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. none.

11. a. Who owns the property at the point of diversion? Edward & Barbara Pitcher

b. Who owns the land to be irrigated or place of use? Edward & Barbara Pitcher

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: This spring was developed in Oct 1991 by SCS in Molod City, (208-766-4748). At that time flow was estimated @ 1/2 gal/min. Now flow @ ~ 2.0 gal/min. 3200 gal cistern will be buried to hold water for domestic and hydroelectric use. Drainage of spring is ephemeral and runs dry by June after Spring run off. Spring itself remains perennial. Stock tank (600gal) for wildlife.

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.

Edward Pitcher
Signature of Applicant (and title, if applicable)

Received by HLW Date 5-19-98 Time _____ Preliminary check by _____
Fee \$ 50.00 Received by HLW # E024130 Date 5-19-98
Publication prepared by SC Date 6/4 & 6/11/98 Published in Idaho Enterprise
Publication approved AC Date 7/8/98

path
ring

5716

x

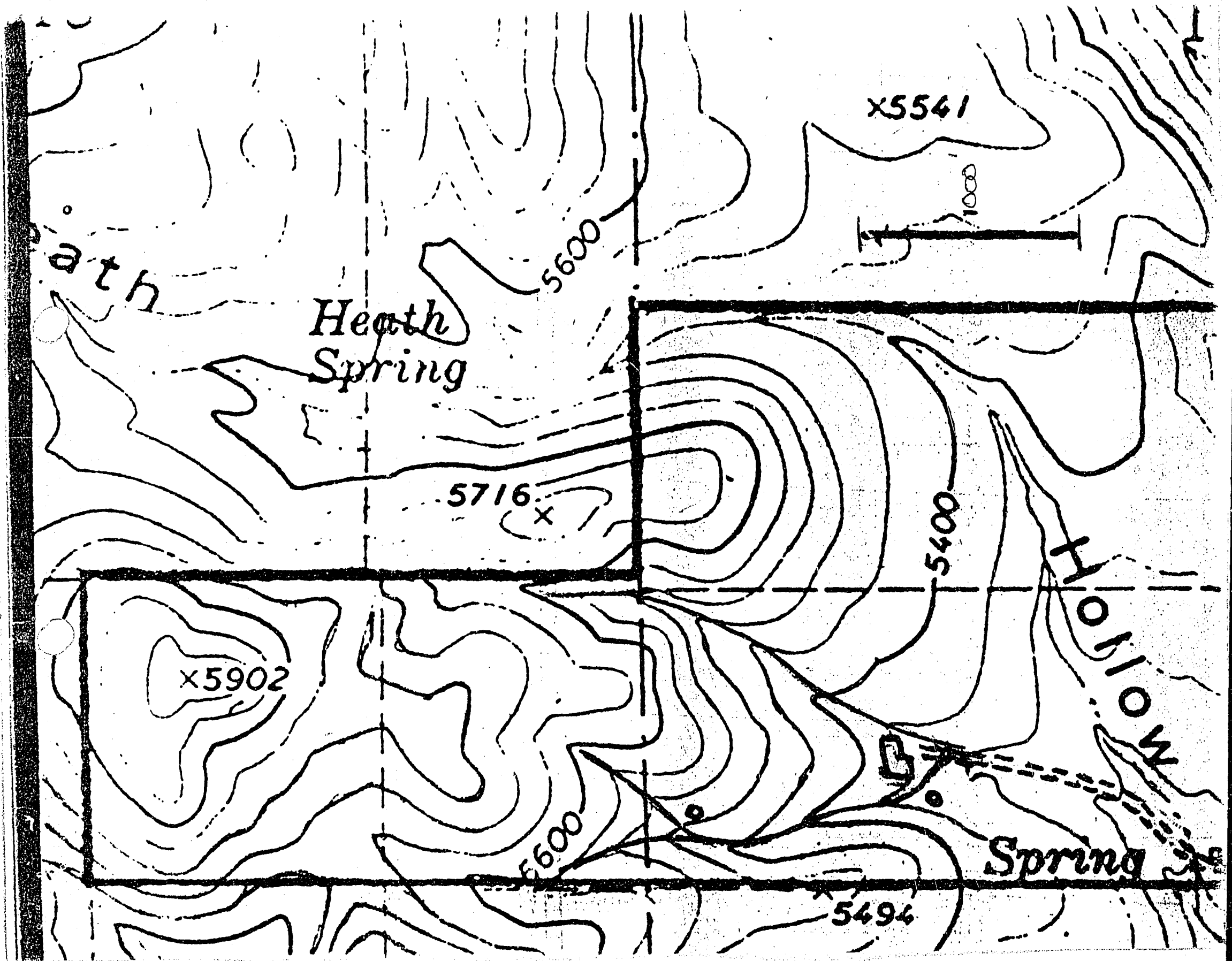
5400

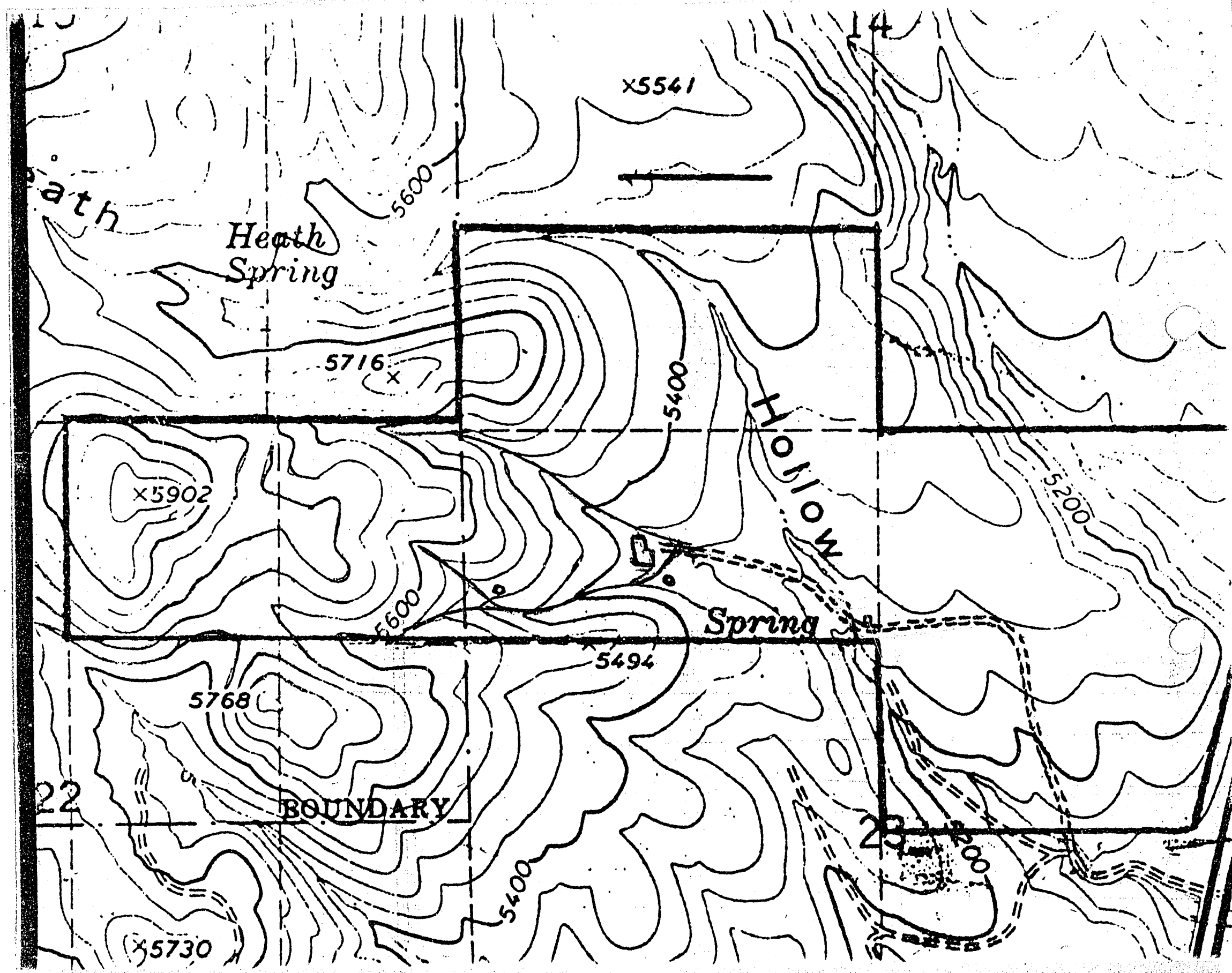
Hollow

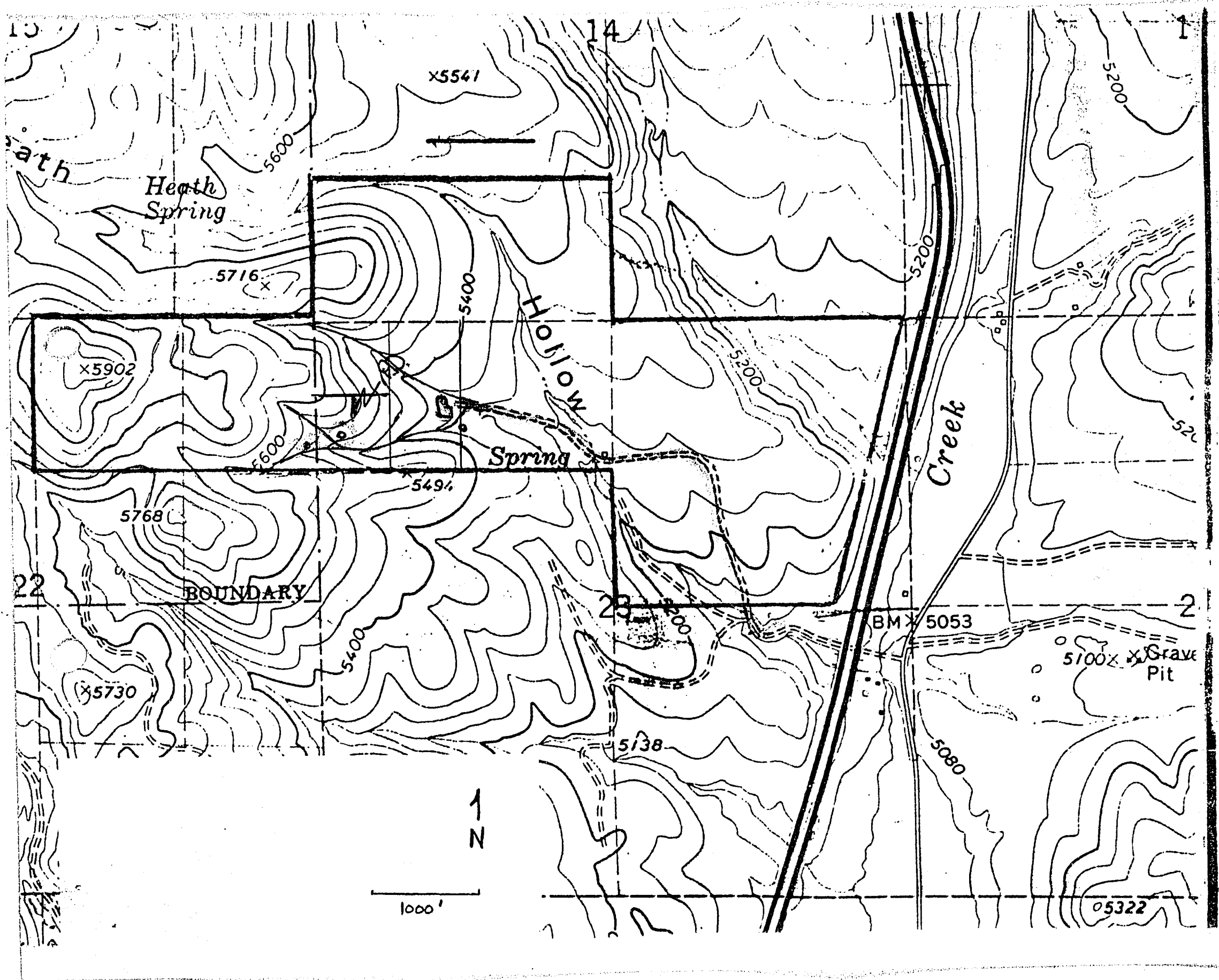
5600

Spring

5494







State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 15-07168

Priority: May 19, 1998

Maximum Diversion Rate:

0.01 CFS

This is to certify, that EDWARD PITCHER
BARBARA PITCHER
802 W 40 S
BLACKFOOT ID 83221

has applied for a permit to appropriate water from:
SPRING tributary of HEATH HOLLOW

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>
WILDLIFE	01/01 to 12/31	0.01 CFS
POWER	01/01 to 12/31	0.01 CFS
DOMESTIC	01/01 to 12/31	0.01 CFS
	Totals	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNWNW , Sec. 23, Township 13S, Range 36E
ONEIDA County

PLACE OF USE: WILDLIFE

TWN RGE SEC

13S 36E 23 NWNW

PLACE OF USE: POWER, same as WILDLIFE use

PLACE OF USE: DOMESTIC, same as WILDLIFE use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before September 1, 2000.
2. Subject to all prior water rights.
3. The water right acquired under this permit 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 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.
4. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07168

CONDITIONS OF APPROVAL AND REMARKS

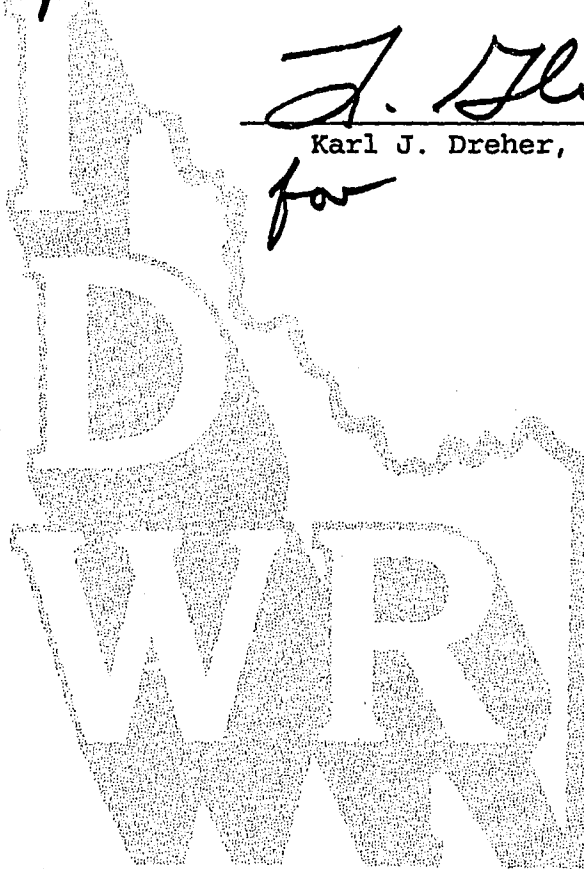
6. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
7. Domestic use is for 1 home.

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

16th day of September, 1999.

Karl J. Dreher
Karl J. Dreher, Director

for





State of Id.

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

May 27, 1998

EDWARD AND/OR BARBARA PITCHER
802 W 40 S
BLACKFOOT ID 83221

RE: Application for Permit #15-07168

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on June 4 and 11, 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
Water Right Supervisor

HWJ::sc

ACTION REQUIRED

FROM: H.W. Jones

TO: Pitcher Application

Applicant intends to run 2-4 gpm from spring into 3200 gallon storage tank. Valve will release 2000 gallons @ 10 gpm flow to power a Pelton wheel for approx. 4 hrs of electricity.

This storage to Pelton wheel has 200 ft. of head and will produce 180-190 watts/hr.

Remainder of water in storage tank is for Domestic + Wildlife use.

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 JUNE 22, 1998.

KARL J. DREHER, Director

Published: 6/ 4/1998 & 6/11/1998

15-07168

PITCHER, EDWARD
PITCHER, BARBARA
802 W 40 SOUTH
BLACKFOOT, ID 83221

Source: SPRING

Tributary: HEATH HOLLOW

Diversion Pt: SWNWNW Sec 23 T 13S R 36E in ONEIDA County.

Use: DOMESTIC	(	0.010 CFS)
POWER	(	0.010 CFS)
WILDLIFE	(	0.010 CFS)
Total Diversion:	(	0.010 CFS)

Date Filed: 5/19/1998

In: ONEIDA County
T13S R36E S23 NWNW

NOTICE OF APPLICATION FOR WATER RIGHT

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

MAY 27, 1998

Legal Notices Department
THE IDAHO ENTERPRISE
P.O. BOX 205
MALAD CITY, ID 83252

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.

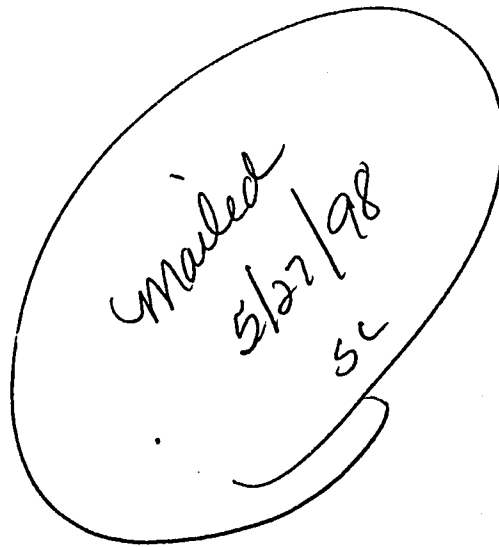
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 22, 1998.

Yours truly,

Rita Bodell
Secretary

Encl.



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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper 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 newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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 6-4, 1998, and ending with the issue of 6-11, 1998.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 2 day of July in the year of 1998,
before me, Susan J. Wittman, a Notary Public,
personally appeared Kristine D. Smith, known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that she
executed the same.

Susan J. Wittman
Notary public for Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07168

PITCHER, EDWARD
PITCHER, BARBARA
802 W. 40 SOUTH
BLACKFOOT, ID 83221
Source: SPRING Tributary: HEATH HOLLOW

Diversion Pt: SWNWNW Sec 23
T 13S R 36E In ONEIDA County.

Use: DOMESTIC (0.010 CFS)

POWER (0.010 CFS)

WILDLIFE (0.010 CFS)

Total Diversion: (0.010 CFS)

Date Filed: 5/19/1998

In: ONEIDA County

T13S R36E S23 NWNW

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 Skyline, Idaho Falls, Idaho 83402 on or before JUNE 22, 1998.

KARL J. DREHER, Director

Published: 6/4/1998 & 6/11/1998
#2448 6/4/11/98/T2

Receipt # E01196

MALAD VALLEY IRRIGATION CO.

Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Id. 83402-1718

Harold W. Jones
Water Rights Supervisor

Dear Harold,

The M. v.I. Co. protest the water fillings #15-07168 of Edward Pitcher and Barbara Pitcher.

The M. V. I. Co. has rights to spring water from Heath Hollow, It is used for winter storage and for Summer Irrigation.

Grant H. Jones
Malad Valley Irrigation Co.
Pres. Grant H. Jones

Grant H. Jones
2601 W. 500 S.
Malad, Idaho 83252

Phone #208-766-2771

C.C. To Edward Pitcher

RECEIVED

JUN 17 1998

Department of Water Resources
Eastern Region



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

July 8, 1998

EDWARD AND/OR BARBARA PITCHER
802 W 40 SOUTH
BLACKFOOT ID 83221

RE: Applications for Permit No. 15-07168

Dear Applicant:

Enclosed are copies of a protest filed against the issuance of the above referenced applications. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

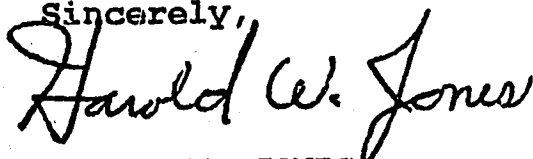
~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

HAROLD W. JONES
Water Rights Supervisor

Enclosure

HWJ: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

July 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GRANT JONES
MALAD VALLEY IRRIGATION CO
2601 W 500 S
MALAD ID 83252

RE: Application for PERMIT No. 15-07168 for Edward Pitcher

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

Page 2

5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,
Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc
pc: IDWR - State Office

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
BRENT R. KING
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FAX (208) 232-6109

ASSOCIATED WITH
McGRATH, MAROTZ
& SMITH
414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

August 24, 1998

IDAHO DEPARTMENT OF WATER RESOURCES
Eastern Division
Attention: Harold Jones
900 N. Skyline Drive
Idaho Falls, Idaho 83402

RE: Malad Valley Irrigation Company
Lawrence Ray Fransom/No. 15-07162
Edward and Barbara Pitcher/No. 15-07168

Dear Harold:

Malad Valley Irrigation Company has brought to my attention their recent protests to the captioned Applications for Permit. Would you kindly provide me with a copy of each Application and all supporting documents so I can review the same and evaluate MVI's belief that the applications may impair their existing prior rights and that there is not adequate water available for the proposed use.

With respect to further hearings, proceedings and communications on these matters, would you kindly send them to me as MVI's attorney as well as to Grant Jones, President, whose address is 2601 W. 500 S., Malad, Idaho 83252.

Thank you for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

cc: Grant Jones, President
Lon Corbridge, Secretary

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AUG 25 1998

Department of Water Resources
Eastern Region

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SEP 03 1999

Department of Water Resources
Eastern Region

MALAD VALLEY IRRIGATION CO.

August 30, 1999

Idaho Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID. 83402-1718

Harold W. Jones
Water Rights Supervisor

Dear Harold,

The Malad Valley Irrigation Co. withdraws the Protest on
the Filling # 15-07168 of Edward and Barbara Pitcher.

Grant H. Jones
Pres. of M. V. I. Co.

Grant H. Jones

Grant H. Jones
2601 W. 500 S.
Malad, Idaho 83252

Phone # 208-766-2771



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 7, 1999

GRANT H JONES
MALAD VALLEY IRRIGATION CO
2601 W 500 S
MALAD ID 83252

RE: Withdrawal of protest on Permit No. 15-07168

Dear Protestants:

This Department has received your withdrawal of protest against the application of Edward Pitcher.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ/sc



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

September 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWARD PITCHER AND/OR BARBARA PITCHER
806 W 40 SOUTH
BLACKFOOT ID 83221

RE: Withdrawal of protest on Application of Permit No. 15-07168

Dear Sir:

This Department has received a withdrawal of protest from Malad Valley Irrigation Co.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,

A handwritten signature in cursive script that reads 'Harold W. Jones'.

Harold W Jones
Water Rights Supervisor

HWJ/sc

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 16, 1999

EDWARD PITCHER
BARBARA PITCHER
802 W 40 S
BLACKFOOT ID 83221

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07168

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

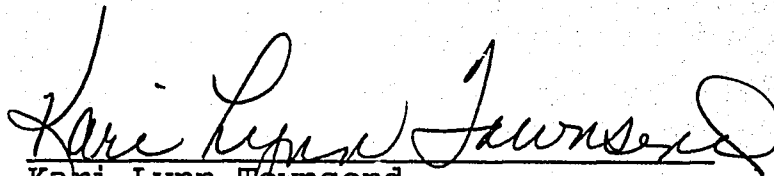
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of September, 1999, 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. 15-07168

EDWARD PITCHER
BARBARA PITCHER
802 W 40 S
BLACKFOOT ID 83221


Kari Lynn Townsend
Secretary

RECEIVED
MAR 13 2000
STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. E025655
Receipt By: KCW
Date Received: 3/8/2000

RECEIVED
MAR 08 '00

PROOF OF BENEFICIAL USE

Department of Water Resources:
Eastern Region

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. 15-07168 Telephone No. 208-766-2874
2. Name(s) of Permit Holder(s): EDWARD PITCHER / BARBARA PITCHER
3. Mailing Address: 6254 N. Old Hwy 191 Malad Id. 83252-6020
4. Source of Water: SPRING (tributary to Heath Hollow) GROUNDWATER (well), Date Drilled: mo. NA / yr. NA
 - a. Well Driller: N/A Drilling Permit Number: N/A
 - b. OPTIONAL:
Pump Horsepower: N/A Pressure (psi): N/A Dynamic pumping level (ft): N/A
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ONE Stockwater (No. and type of stock): undetermined
Irrigation (No. of acres): N/A Other: wildlife, hydropower
6. Total rate of diversion and/or volume for which proof is submitted: 0.01 cfs OR NA 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: \$ 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: Ed or BARBARA Telephone Number: 208-766-2874
Address: 6254 N. Old Hwy 191 Malad Id. 83252-6020
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: E. Pitcher Date: 3-6-00
(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

April 10, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Edward Pitcher
Barbara Pitcher
802 W 40 S
Blackfoot, ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 15-07168

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 Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah Drew-Ellis
Administrative Asst.
Water Allocation Bureau

c: IDWR - Regional Office