

RECEIVED

OCT 12 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

15-07174

RECEIVED

AUG 27 1999

Department of Water Resources
Eastern Region

1. Name of Applicant Lloyd W. Briggs Phone 208-766-2598
Mailing address 410 North 2100 West, Malad City, Idaho 83252
2. Source of water supply groundwater which is a tributary of n/a
3. Location of point of diversion is Township 14 S. Range 36 EBM Sec. 19, in the SE 1/4, SE 1/4, SE 1/4, Govt. Lot _____, B.M., Oneida County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>2.80 cfs</u> for <u>Irrigation</u>	purposes from <u>Mar 15</u> to <u>Nov 15</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u>.04 cfs</u> for <u>stockwater</u>	purposes from <u>Jan 1</u> to <u>Dec 31</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u>.04 cfs</u> for <u>domestic</u>	purposes from <u>Jan 1</u> to <u>Dec 31</u> (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) 2.88 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 deep-well turbine pump at well site, size of pump & motor depends on well depth, etc.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 20 inches; proposed depth of well is 250 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. 300 beef cattle
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 2 households
 - 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	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	
14 S.	36 E	19													40	40	40	40	160
		19													D			D	

Total number of acres to be irrigated 160

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

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 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.)

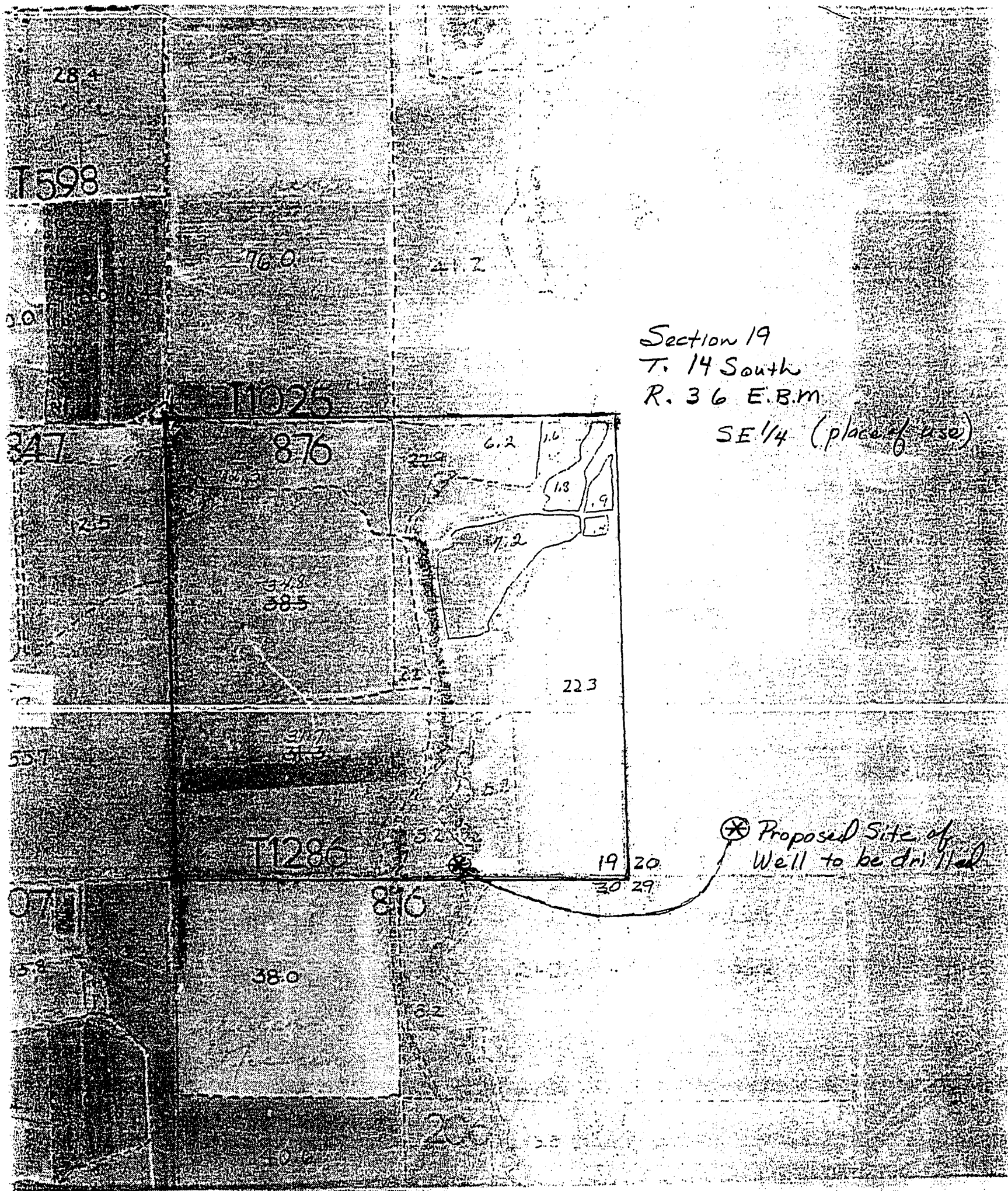
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
Signature of Applicant (and title, if applicable)

Received by HWT Date 8-30-99 Time _____ Preliminary check by HWT
 Fee \$ 140.00 Receipted by HWT # E025257 Date 8-30-99
 Publication prepared by SC Date 9/16/99 Published in Idaho Enterprise
 Publication approved g Date 10/4/99

Lloyd W. Briggs 41 N. 2100 W. - Malad City, Id. 83252

Oroida C^y, Idaho



State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 15-07174

Priority: August 27, 1999

Maximum Diversion Rate:

2.88 CFS

This is to certify, that LOYD W BRIGGS
410 N 2100 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>
IRRIGATION	04/01 to 10/31	2.80 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	2.88 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 19, Township 14S, Range 36E
ONEIDA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S 36E 19	NESE 40.0	NWSE 40.0	SWSE 40.0	
	SESE 40.0			160.0

Total number of acres irrigated: 160.0

PLACE OF USE: STOCKWATER

<u>TWN RGE SEC</u>	<u>ACRES</u>
14S 36E 19	NESE SESE

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
7. Stockwater use is for 300 range cattle.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07174

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

19th day of October, 1999.

K. J. Dreher
for Karl J. Dreher, Director



NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07174

BRIGGS, LOYD W
410 N 2100 WEST
MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: SESESE Sec 19 T 14S R 36E in ONEIDA County.

Use: IRRIGATION	(	2.800 CFS)
STOCKWATER	(	0.040 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	2.880 CFS)

Date Filed: 8/27/1999

In: ONEIDA County
T14S R36E S19 NESE NWSE SWSE SESE
160.0 ACRES TOTAL

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before OCTOBER 4, 1999. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/16/1999 & 9/23/1999



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 8, 1999

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

Dear Legal Dept.:

Enclosed you will find legal notices 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.

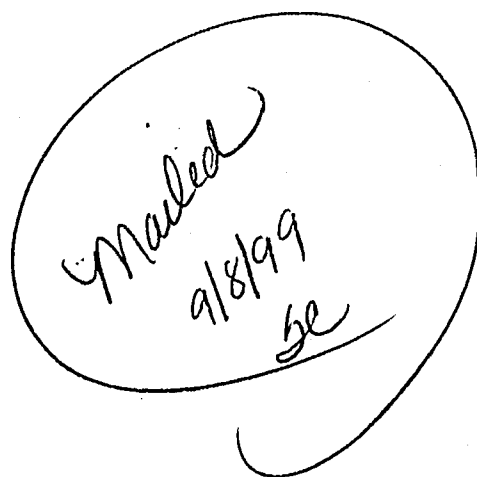
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 4, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.





**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 11, 1999

LOYD W BRIGGS
410 N 2100 WEST
MALAD CITY ID 83252

RE: Application for Permit #15-07174

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on September 16 and 23, 1999. 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

2570

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 21 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 the issue of 9-16, 1999, and ending with the issue of 9-23, 1999.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 1 day of October in the year of 1999, 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:

15-07174

BRIGGS, LOYD W
410 N 2100 WEST
MALAD, ID 83252
Source: GROUNDWATER
Diversion Pt: SESESE Sec 19 T
14S R 36E in ONEIDA County
Use: IRRIGATION (2.800 CFS)
STOCKWATER (0.040 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (2.880 CFS)
Date Filed: 8/27/1999
In: ONEIDA County
T14S R36E S19 NESE NWSE
SWSE SESE
160.0 ACRES TOTAL

15-07175

ANDERSON FOUNDATION INC
M.J. DAVIS MEMORIAL LIMITED
PARTNERSHIP
2525 HIMALAYA CT
COLORADO SPRINGS, CO 80919

Source: GROUNDWATER
Diversion Pt: SWSE Sec 14 T
15S R 35E in ONEIDA County
Use: IRRIGATION (0.300 CFS)
STOCKWATER (0.020 CFS)
Total Diversion: (0.320 CFS)
Date Filed: 8/30/1999
In: ONEIDA County
T15S R35E S14 SWSE
15.0 ACRES TOTAL

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before OCTOBER 4, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published: 9/16/1999 & 9/23/1999
L: #2570 9/16/99-9/23/99-2T

OCT 04 1999

Department of Water Resources
Eastern Region

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) 327-7366

October 20, 1999

DIRK KEMPTHORNE
GOVERNOR

LOYD W BRIGGS
410 N 2100 W
MALAD ID 83252

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07174

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,

for Shelley W. Keen
Water Rights Supervisor

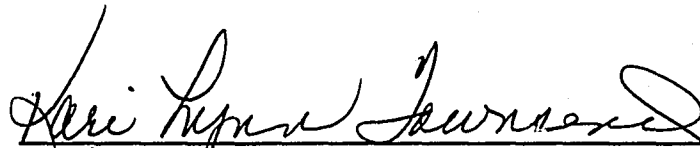
SK:klt

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of October, 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. 15-07174

LOYD W BRIGGS
410 N 2100 W
MALAD ID 83252


Kari Lynn Townsend
Secretary

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 15-07174

Priority: August 27, 1999

Maximum Diversion Rate: 2.88 CFS

This is to certify, that LOYD W BRIGGS
410 N 2100 W
MALAD CITY ID 83252

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	2.80 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Twp 14S, Rge 36E, B.M. ONEIDA Coun'y

PLACE OF USE: IRRIGATION

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	36E	19													40.0	40.0	40.0	40.0	160.0

Total Acres: 160

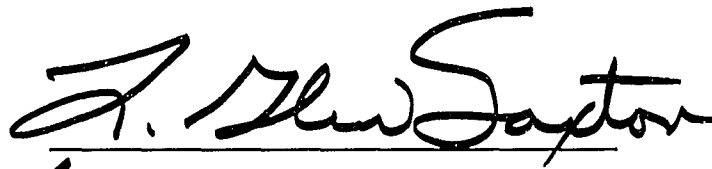
PLACE OF USE: STOCKWATER

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	36E	19													X				X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2004.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
7. Stockwater use is for 300 range cattle.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of June, 2002.


for KARL J DREHER, Director

Apr 05 02 11:03a

IDWR Eastern Region

(208) 525-7177

p.2

Form 211
10/93

(Internet)

RECEIVED
Receipt No. E027645
Received By HWS
Date APR 16 2002

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

JUN 11 2002 APPLICATION FOR AMENDMENT OF A PERMIT

DEPARTMENT OF WATER RESOURCES

Applicant Loyd W. Briggs Phone (208)-766-2598Address 410 North 2100 West, Malad City, Idaho 83252I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 15-7174, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: ☒ Change point of diversion ☐ Add point of diversion
☐ Change place of use ☐ Change nature of use ☐ Change period of use ☐ Other1. Point of diversion: NW 1/4 SE 1/4 NE 1/4, Section 19, Township 14S, Range 36 E, B.M.,
County of Oneida. Other points of diversion _____

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.80 cfs for Irrigation purposes from 4/01 to 10/31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount 0.040 cfs for Stockwater purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount 0.040 cfs for domestic purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	36E	19													40.0	40.0	40.0	40.0	160
		19													D			D	

Total number of acres to be irrigated = 160

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated at the 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: _____

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

See Attached
Aerial

[illegible]

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 12th day of April, 2002.

Larry W. Bruy
Permit Holder

Patient Name

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____

Published in Idaho Enterprise Publication dates May 2 & 9, 2002

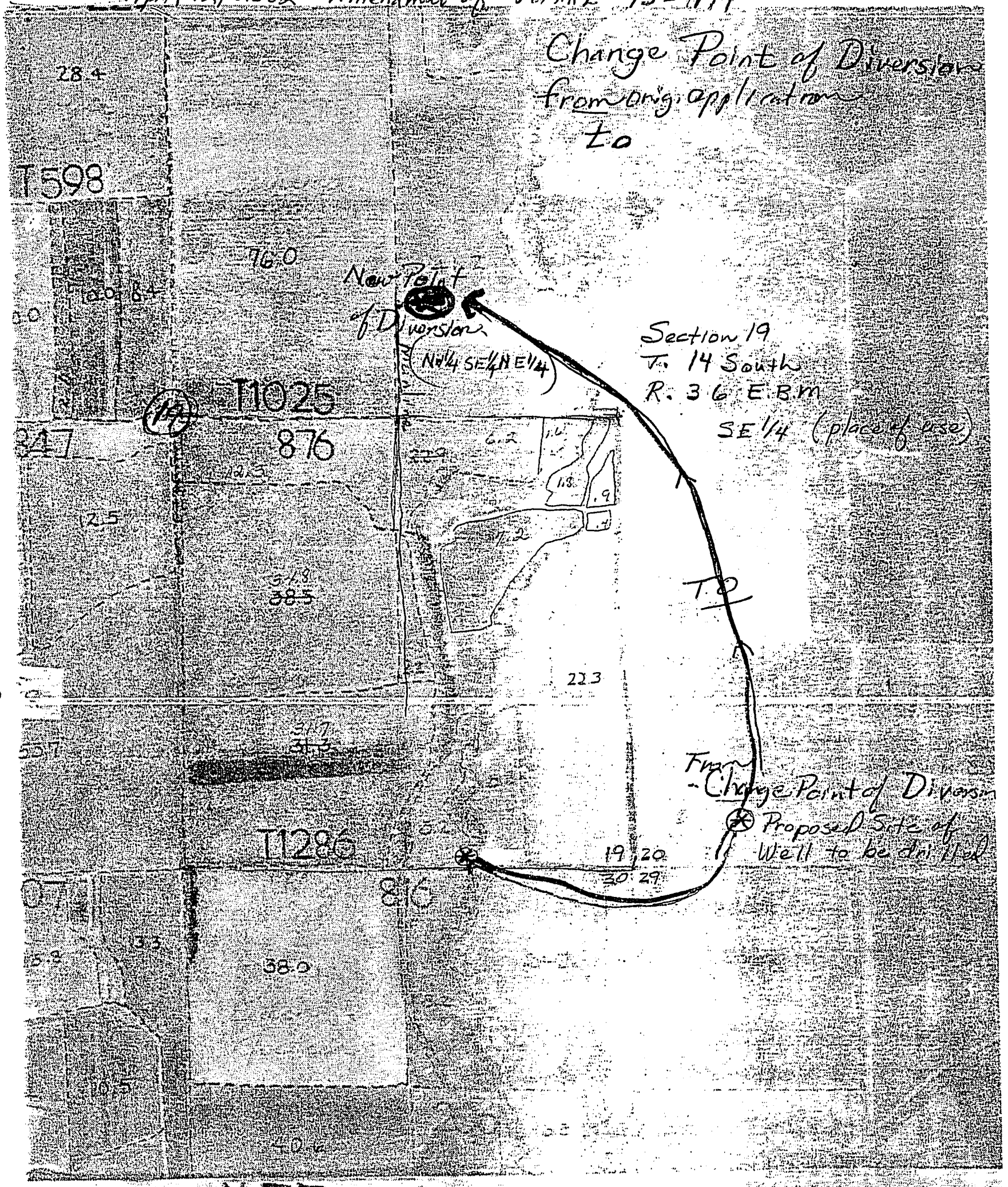
I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____

SIGNATURE

Oroida Co. Idaho
Logd W. Briggs 4. N. 2100 W. - Malad City, Id. 83252
April 12, 2002 - Amendment of Permit #15-7174

Change Point of Diversion
from orig. application
to



**NOTICE OF APPLICATION
FOR AMENDMENT OF PERMIT**

Notice is given that the Loyd W Briggs, 410 N 2100 W, Malad ID 83252, has applied to the Department of Water Resources to change the point of diversion of the following permit in Oneida County:

RECORDED RIGHT

Permit No.: 15-07174 Source: Groundwater Amount: 2.88 cfs

Point(s) of Diversion: SWSE SEC14 T15S R35E, ONEIDA COUNTY
The water is used for irrigation for 160 acres, stockwater and domestid.

PROPOSED AMENDMENT

The applicant intends to amend his permit #15-07174 by changing the well location that will irrigate his 160 to the NWSENE SEC 19 T14S R36E.

The permit will be subject to all prior water rights. Any protests against approval must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published May 2 and 9, 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 25, 2002

Idaho Enterprise
PO Box 205
Malad
ID 83252

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 May 20, 2002.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 25, 2002

Loyd W Briggs
410 N 2100 W
Malad ID 83252

RE: Application for Amendment of a Permit #15-07174

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on May 2 and 9, 2002. 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

865

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 27 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 5-2-2002 and ending with the issue of 5-9-2002

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 3 day of June, in the year of 2002, before me, Lisa D. Lewis, 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.

Lisa D. Lewis
Notary public for Idaho
Residing at Malad, ID
My commission expires: 2-5-08

NOTICE OF APPLICATION
FOR AMENDMENT OF
PERMIT

Notice is given that the Loyd W Briggs, 410 N. 2100 W, Malad ID 83252, has applied to the Department of Water Resources to change the point of diversion of the following permit in Oneida County:

RECORDED RIGHT

Permit No.: 15-07174

Source: Groundwater

Amount: 2.88 cfs

Point(s) of Diversion: SWSE SEC14 T15S R35E, ONEIDA COUNTY

The water is used for irrigation for 160 acres, stockwater and domestic.

PROPOSED AMENDMENT

The applicant intends to amend his permit #15-07174 by changing the well location that will irrigate his 160 to the NWSENE SEC 19 T14S R36E.

The permit will be subject to all prior water rights. Any protests against approval must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published May 2 and 9, 2002

L. #2865 5/2/02-5/9/02-2T

Water Resources
Eastern Region

6/5/02

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 18, 2002

LOYD W BRIGGS
410 N 2100 W
MALAD CITY ID 83252

RE: Permit 15-7174

Dear Permit Holder(s):

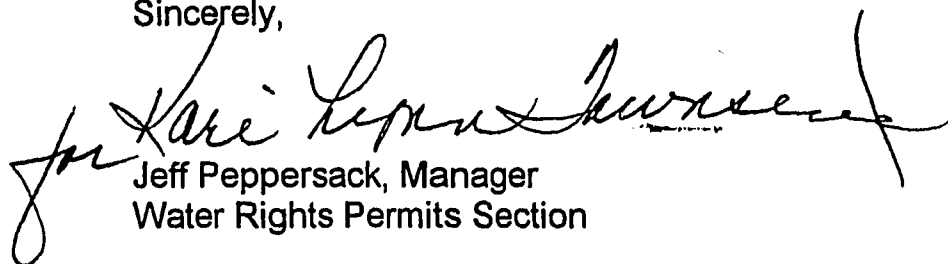
The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of 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.**

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet at <http://www.idwr.state.id.us> to obtain the proper reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7940.

Sincerely,


Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

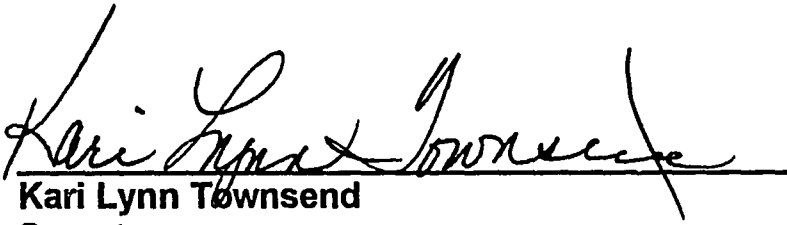
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2002 I mailed a true and correct copy, postage prepaid, of the forgoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

RE: AMENDMENT OF PERMIT 15-7174

**LOYD W BRIGGS
410 N 2100 W
MALAD CITY ID 83252**


**Kari Lynn Townsend
Secretary**