

RECEIVED

JUN 9 - 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

1. Name of Applicant JOHN F. FREDRICKSON Co. Phone (208) 766-2598
Mailing address c/ Loyd Briggs, Mgr., PO Box 5, Malad City, ID 83252
2. Source of water supply deep water well (Groundwater) ~~which is a tributary of~~
3. Location of point of diversion is Township 14S Range 35E Sec. 21 in the SE 1/4,
NE 1/4, NW 1/4, Govt. Lot _____, B.M., Oneida County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 4.76 cfs for crop irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 4.76 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 water well turbine pump and
mainline
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ 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? _____; 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. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of 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	
14S	35E	21	40	40				33	35	40	16	8							212
14S	35E	22						26											26

Total number of acres to be irrigated 238

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

11. a. Who owns the property at the point of diversion? 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: Permit application for parcel known as Deschamps, currently in either CRP or dry land agriculture

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

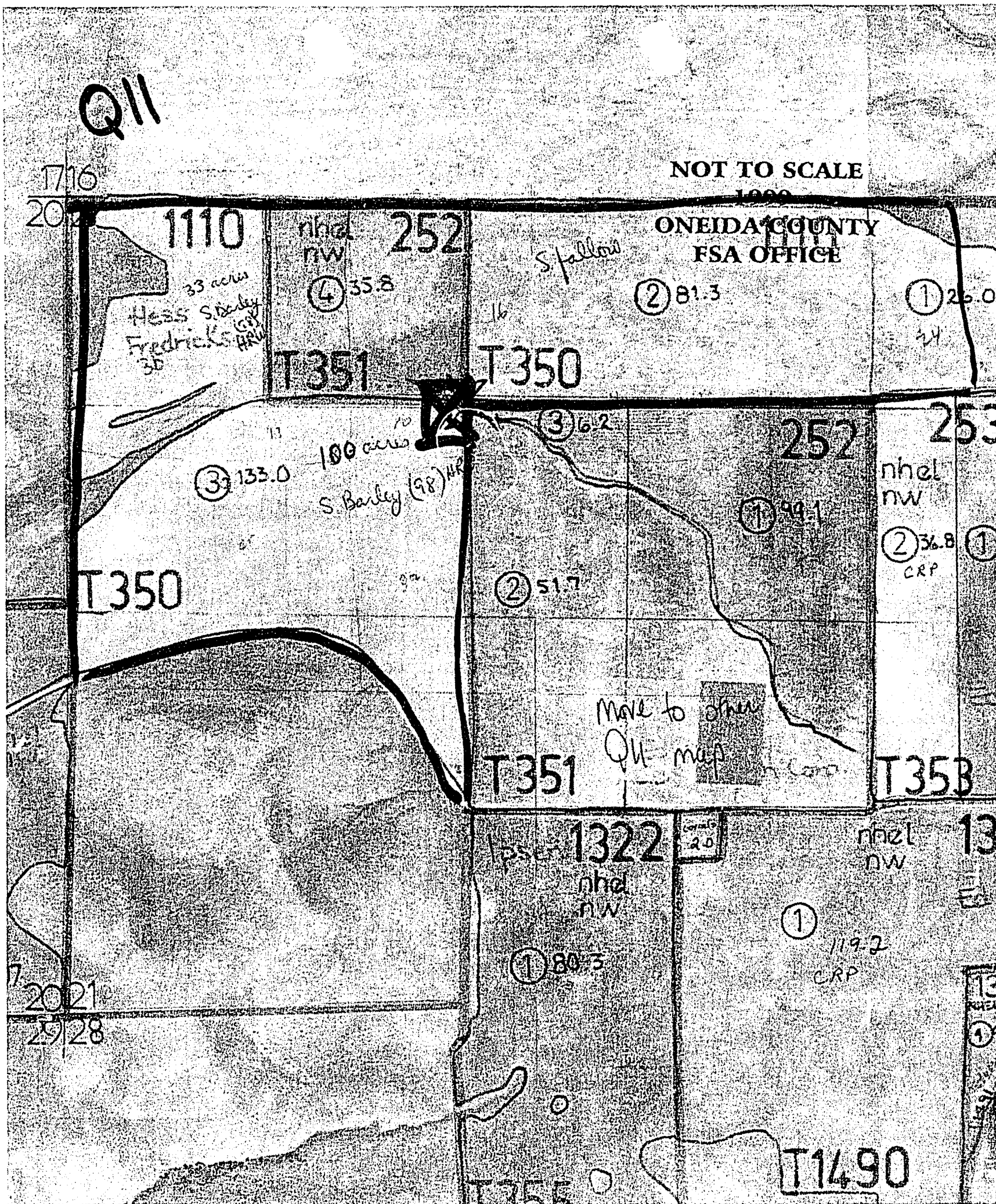
JOHN F. FREDRICKSON Co.
by Peter F. Jacoby, Vice President/Treasurer
Signature of Applicant (and title, if applicable)

Received by 7/6/00 Date 4-18-00 Time _____ Preliminary check by _____
Fee \$ 180.00 Received by HWS # E025757 Date 4-18-00
Publication prepared by SC Date 5/4 & 5/11/00 Published in Idaho Enterprise
Publication approved bc Date 6/9/00

Q11

NOT TO SCALE

ONEIDA COUNTY
FSA OFFICE



JOHN F. FREDRICKSON COMPANY

PO Box 5
185 South Main
Malad City, ID 83252

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

April 12, 2000

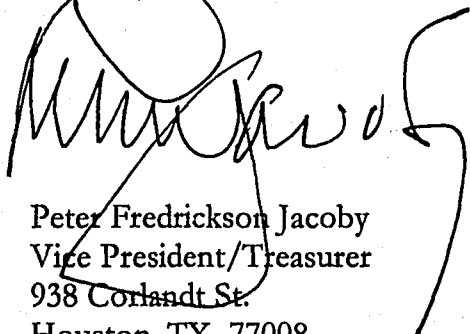
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Dr.
Idaho Falls, ID 83401

Dear Sirs:

Please find attached applications and fees for water drilling permits in Oneida County on lands owned and operated by the John F. Fredrickson Co., an S-Corporation duly registered under the laws of the State of Idaho.

Also attached is a listing of corporate officers and directors. Should you have questions regarding any of these applications, please contact our local manager, Mr. Loyd Briggs, listed on the forms or me at my Texas address.

Sincerely,



Peter Fredrickson Jacoby
Vice President/Treasurer
938 Corlandt St.
Houston, TX 77008
(713) 880-8055

PFJ/

Encls.

JOHN F. FREDRICKSON COMPANY

PO Box 5
185 South Main
Malad City, ID 83252

Officers and Directors as of April 1, 2000

President: Mr. J. Michael Jacoby
33000 Stagecoach Dr.
Evergreen, CO 80439
(303) 674-6745
email: jmjacoby@earthlink.com

Vice President/
Treasurer: Mr. Peter Fredrickson Jacoby
938 Cortlandt St.
Houston, TX 77008
(713) 880-8055
email: pfj@quik.com

Secretary: Mr. Christopher Jacoby
33000 Stagecoach Dr.
Evergreen, CO 80439
(970) 522-6827

Directors: Mr. J. Michael Jacoby
Mr. Peter F. Jacoby
Mr. Christopher Jacoby
Mrs. J. Michael Jacoby

FAX
713-880-5897

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07184

Priority: April 17, 2000

Maximum Diversion Rate:

4.76 CFS

This is to certify, that JOHN F FREDRICKSON CO

C/O LOYD BRIGGS

PO BOX 5

MALAD CITY ID 83252

has applied for a permit to appropriate water from: GROUND WATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 10/31

4.76 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENENW , Sec. 21, Township 14S, Range 35E
ONEIDA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
14S	35E	21	NENE	40.0	NWNE	40.0	NWNW	33.0	
			SWNW	35.0	SENE	40.0	NESW	16.0	
			NWSW	8.0					212.0
	22		NWNW	26.0					26.0

Total number of acres irrigated:

238.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before June 1, 2005.
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. 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.
6. 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.
7. This parcel is known as Deschamps.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07184

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

19 th day of June, 2000.


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:

15-07184

JOHN F FREDRICKSON CO
C/O LOYD BRIGGS, MGR
PO BOX 5
MALAD CITY, ID 83252

Source: GROUNDWATER

Diversion Pt: SENENW Sec 21 T 14S R 35E in ONEIDA County.

Use: IRRIGATION (4.760 CFS)
Total Diversion: (4.760 CFS)

Date Filed: 4/17/2000

In: ONEIDA County
T14S R35E S21

NENE
SENW
NWNW

NWNE
NESW

NWNW
NWSW

SWNW

S22

238.0 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 MAY 22, 2000.

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: 5/ 4/2000 & 5/11/2000



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

APRIL 25, 2000

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

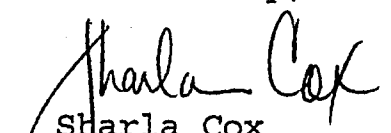
Dear Legal Dept.:

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 MAY 22, 2000.

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

April 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN F FREDRICKSON CO
C/O LOYD BRIGGS, MGR
PO BOX 5
MALAD CITY ID 83252

RE: Applications for Permit #15-07180, 15-07181, 15-07182, 15-07183, 15-07184 and 15-07185

Dear Applicant:

This office is currently in the process of advertising the applications in the Idaho Enterprise on May 4 and 11, 2000. 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

21039

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 5-4-2000, and ending with the issue of 5-11-2000

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 1 day of June in the year of 2000, 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.

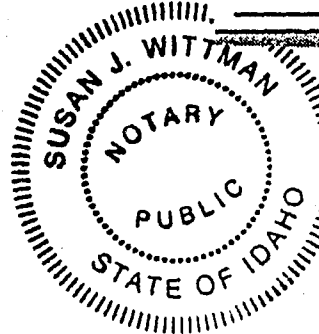
Susan J. Wittman

Notary public for Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2006

15-07184
JOHN F FREDRICKSON CO
C/O LOYD BRIGGS, MGR
PO BOX 5
MALAD CITY, ID 83252
Source: GROUNDWATER
Diversion Pt: SENENWSec 21 T
14S R 35E in ONEIDA County.
Use: IRRIGATION (4.760 CFS)
Total Diversion: (4.760 CFS)
Date Filed: 4/17/2000
In: ONEIDA County
T14S R35E S21 NENE NWNE
NWNW SWNW SENW NESW
NWSW
S22 NWNW
238.0 ACRES TOTAL

15-07185
JOHN F FREDRICKSON CO
C/O LOYD BRIGGS, MGR
PO BOX 5
MALAD CITY, ID 83252
Source: GROUNDWATER
Diversion Pt: SENWNE Sec 27 T
13S R 35E in ONEIDA County.
Use: IRRIGATION (4.480 CFS)
Total Diversion: (4.480 CFS)
Date Filed: 4/17/2000
In: ONEIDA County
T13S R35E S27 NENW
NWNW SWNW SENW
NESW NWSW SWSW SESW
S28 NENE SENE
224.0 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 MAY 22, 2000, 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: 5/4/2000 & 5/11/2000
L # 2639 5/4-5/11/2000-2T



RECEIVED
JUN 05 2000
Department of Water Resources
Eastern Region

June 6, 2000

MEMORANDUM

To: Jeff Peppersack
Through: Bob Sutter
From: Shane Bendixsen & Bill Ondrechen
Subject: Large Scale Ground Water Development in the Malad Basin; Applications 15-07180 through 1507185.

It is our understanding that six new permits to divert ground water in the Malad Basin (Basin 15) have been applied for. Attachment #1 presents the points of diversion and corresponding flow rates. The total diversion rate for the combined six new permits is 28.14 cfs to irrigate 1,407 acres. Based upon the agreed upon depletion rate of 1.18 acre feet per acre (AF/A) by the Bear River Compact, this amounts to a total ground water depletion of 1,660 acre feet per year (AF/Y).

Attachment #2 presents ground water elevations and flow directions based on various measurements since 1950. No mass measurement has been recorded so measurements over time were combined to provide enough data. While only a generalization, it is seen the flow direction is south out of the basin into Utah.

Attachment #3 presents ground water hydrographs. Four are currently monitored by the USGS and one was discontinued in 1992. As presented, ground water levels fluctuate seasonally and with dry and wet periods, but are still at approximately the same level as they were in the mid 1940's.

Pluhowski (1968), estimated that approximately 100,000 acre feet of surface and ground move into the basin each year as recharge. Burnham and others (1969), showed that while the limited amount of data prevents a precise estimate, this was a good estimate. Burnham and other's also stated that approximately 50,000 acre feet was ground water left the basin as underflow. This was based on Darcy's equation with an assumed transmissivity and gradient.

Kramber and others (1993), estimated that approximately 52,177 acres was being irrigated with surface and ground water. Assuming the depletion rate of 1.18 AF/Y, the total depletion is approximately 62,000 AF/Y. If it is assumed that the majority of water leaving the basin is underflow, Pluhowski's 100,000 AF/Y estimate of recharge and

Burnham and others estimate of 50,000 AF/Y leaving the basin as underflow closely fits the total depletion rate of 62,000 AF/Y.

The added depletion of 1,660 AF/Y therefore amounts to an increase of approximately two to three percent total depletion (1,660 divided by 62,000). Burnham and others (1968) also estimated that water in storage in the upper 300 feet of the aquifer was 1.8 million acre feet. Therefore the increased depletion to aquifer storage will not be measurable.

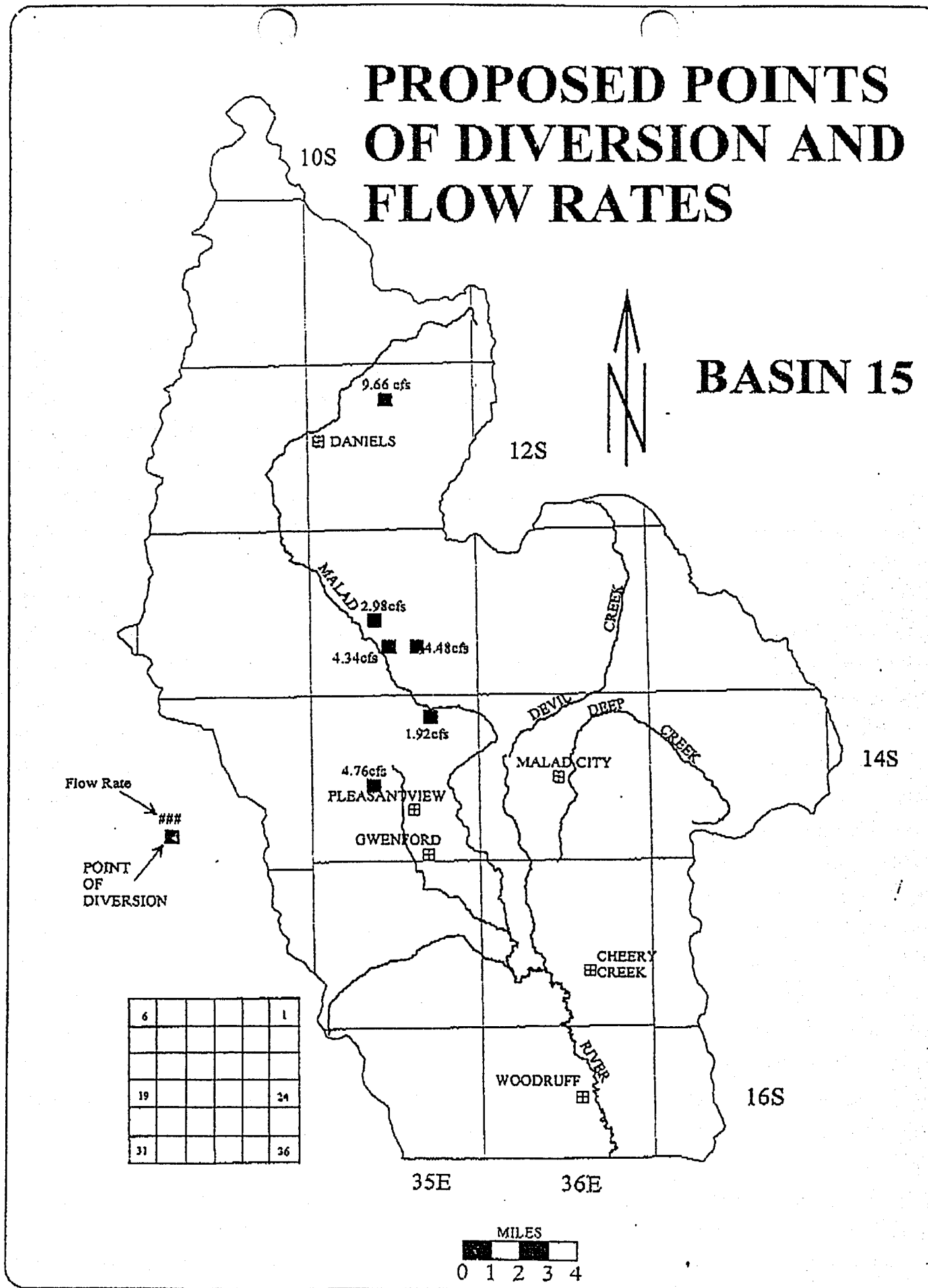
Based on our discussions with the State of Utah concerning delivery of natural and stored flow across the state line in the main Bear River, the topic of Idaho's use in the Malad has never been a concern to Utah. Both the surface and ground water in the Utah portion of the Malad Basin become more saline as you move south, and they have stated there is limited use of those waters. Most use is made of the relatively cleaner Bear River water.

In closing, ground water levels are approximately the same as they were in the early 1940's. Recharge to the basin is approximately 100,000 AF/Y. Approximately half is lost to evapotranspiration and the other half leaves as underflow. The added two to three percent increase in total depletion will not be significant relative to the overall Malad Basin water supply.

REFERENCES

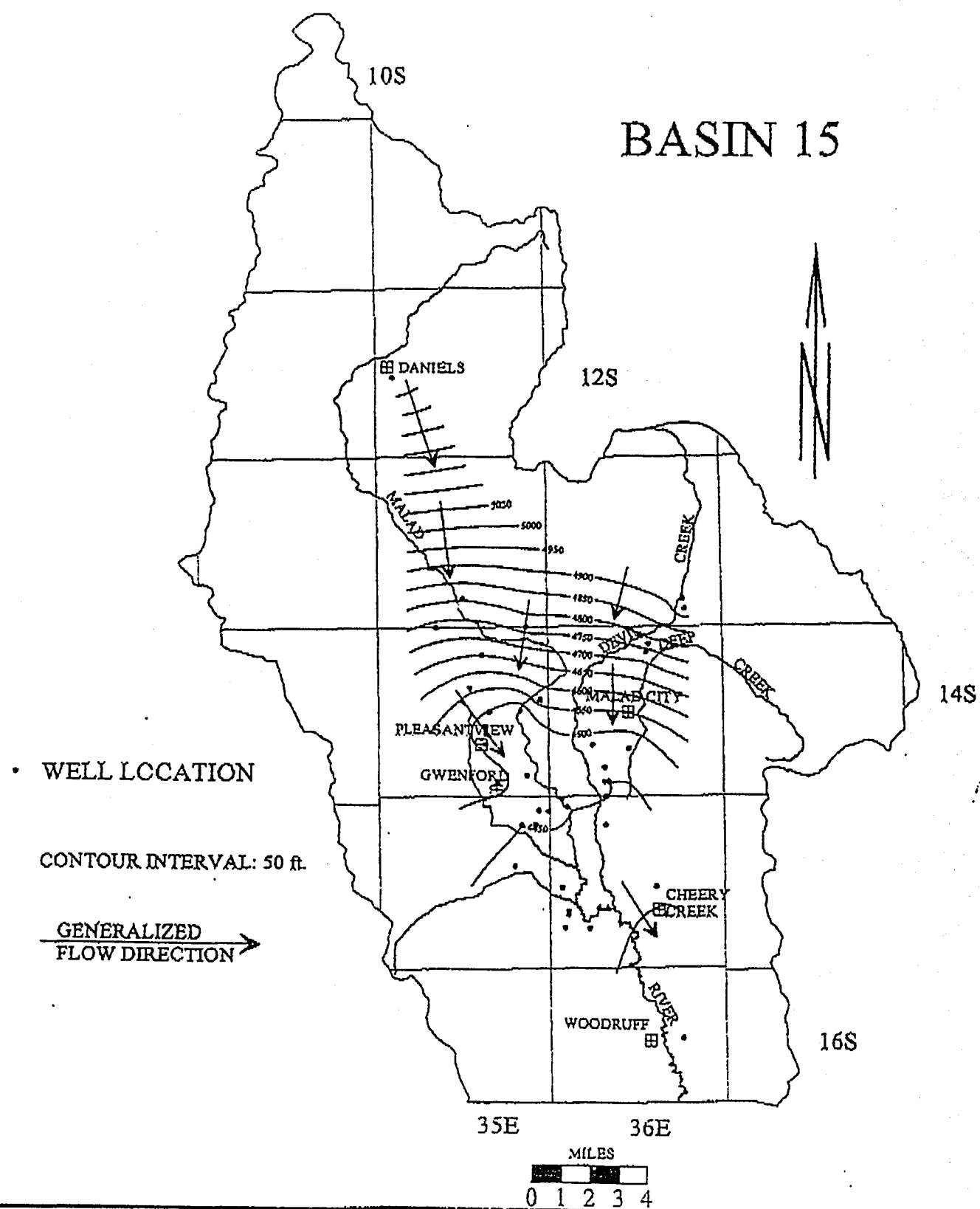
- Burnham, W.L., Harder, A.H., and Dion, N.P. Dion, 1969, Availability of Ground Water for Large Scale Use in the Malad Valley-Bear River Areas of Southeaster Idaho, An Initial Assessment: U.S. Geological Survey Open File Report.
- Hill, H.W., et al. 1989 Duty of Water Under the Bear River Compact: Field Verification of Empirical Methods for Estimating Depletion. Research Report 125. Utah Agricultural Experiment Station, Utah State University, Logan Utah.
- Kramber, W.J., and others, 1993, Idaho's System of Water Use in the Bear River Basin, published in Geo Info Systems , May 1993, p.48.
- Pluhowski, E.J., 1968, Hydrology of the Upper Malad River, Southeastern Idaho: U.S. Geological Survey open file report.

cc Norm Young
Glenn Saxton

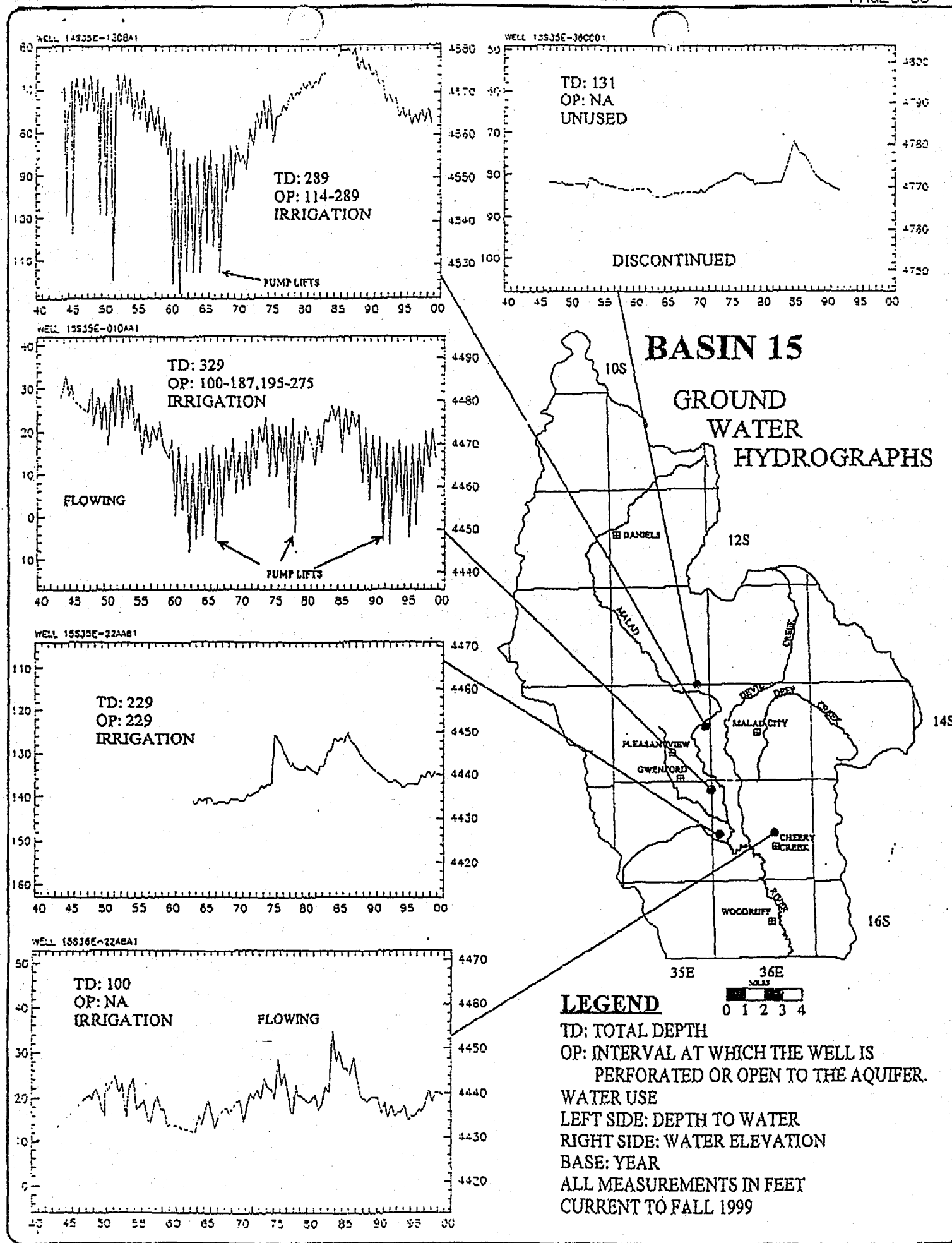


ATTACHMENT #1

GROUND WATER ELEVATIONS



ATTACHMENT #2



ATTACHMENT #3

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 20, 2000

JOHN F FREDRICKSON CO
C/O LOYD BRIGGS
PO BOX 5
MALAD CITY ID 83252

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07184

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,

Sharla Curtis

for Shelley W. Keen
Water Rights Supervisor

SK:klt

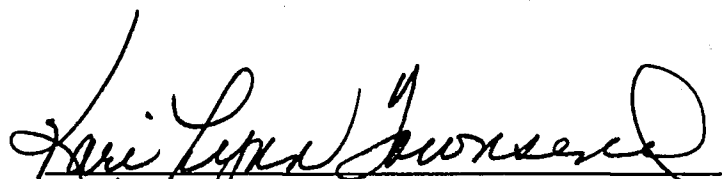
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of June, 2000, 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. 15-07184

JOHN F FREDRICKSON CO
C/O LOYD BRIGGS
PO BOX 5
MALAD CITY ID 83252


Kari Lynn Townsend
Secretary