

RECEIVED

AUG 10 2000

Department of Water Resources

Ident. No. 15-07188

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: MARILYN G MOORE 208-000-0000
Address: 5225 W 2000 N
MALAD CITY ID 83252
AND/OR
Name: GARY R MOORE 208-000-0000
Address: 5225 W 2000 N
MALAD CITY ID 83252
2. Source: GROUND WATER Trib. to:
3. Location of Point of Diversion: SESE Sec. 10, Township 14S, Range 35E
ONEIDA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	0.200		
5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP AND PIPELINES FOR IRRIGATION
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is 8 inches; proposed depth of well is 250
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

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Page 2

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
14N	35E	10	SESE 10			10

S

Total number of acres irrigated: 10

9. 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.

10. Remarks:
Additional \$125 collected at the time of submittal to cover
additional fees for irrigation use from domestic well.

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

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

X Mary R Moore
Applicant

Received by PM Date 6-9-00 Time 11:38 Preliminary check by _____

Fee \$ 50% fee Receipted by PM # E025888 Date 6-9-00

Publication prepared by SC Date 7/10/00 Published in Idaho Enterprise

Publication approved SC Date 8/7/00

Sec. 10

UTILITY EASEMENTS

FRONT AND BACK LOT LINES : 12 FEET
SIDE LOT LINES : 6 FEET

15-0-38728-8

Microfilm No. **127895**
18 Day June 19 99
At 4:50 O'clock P M.
Shirley Blum
Oneida Co. Recorder
Fee \$ 3.00 Deputy
Recorded at Request of E. R. Scott

WARRANTY DEED

For Value Received, **ROBERT L. HARRISON, Trustee of the Nephi L. Harrison Family Trust**, the Grantor, does hereby grant, bargain, sell and convey unto **GARY R. MOORE and MARILYN G. MOORE**, husband and wife, whose current address is 3211 South 2850 West, Ogden, Utah, 84401, the Grantees, the following described premises in Oneida County, Idaho, to-wit:

Lots 6 and 7 of the SANDRIDGE RANCHES SUBDIVISION, located in Section 10, Township 14 South, Range 35 East, Boise Meridian, Oneida County, Idaho, as the same appears upon the plat thereof on file in the office of the County Recorder of Oneida County

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that said trust is the owner in fee simple of said premises; that they are free from all encumbrances and that he will Warrant and Defend the same from all lawful claims.

Dated June 18, 1999, .

RLH

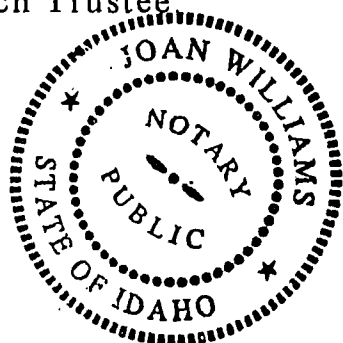
THE NEPHI L. HARRISON FAMILY TRUST

By Robert L. Harrison (Trustee)
ROBERT L. HARRISON, Trustee

STATE OF IDAHO
COUNTY OF ONEIDA,

ss

On this 18th day of June, 1999, before me, a Notary Public in and for said State, personally appeared **ROBERT L. HARRISON**, known to me to be the person whose name is subscribed to the within instrument as Trustee of the **NEPHI L. HARRISON FAMILY TRUST** and acknowledged to me that he executed the same as such Trustee.



Joan Williams
Notary Public
Residing at Malad City, Idaho
My Commission Expires 5-6-2003

15-07188

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07188

Priority: June 9, 2000

Maximum Diversion Rate:

0.20 CFS

This is to certify, that MARILYN G MOORE

GARY R MOORE

5225 W 2000 N

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 10, 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	10	SESE	10.0		10.0

Total number of acres irrigated: 10.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before August 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. Point of diversion is located within Lot 6, Sandridge Ranches Subdivision.
8. Place of use is located within Lots 6 and 7, Sandridge Ranches Subdivision.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07188

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, 2000

Karl J. Dreher

Karl J. Dreher, Director

for



NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07188

MOORE, MARILYN G
MOORE, GARY R
5225 W 2000 N
MALAD CITY, ID 83252

Source: GROUNDWATER

Diversion Pt: SESE Sec 10 T 14S R 35E in ONEIDA County.

Use: IRRIGATION	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 6/ 9/2000

In: ONEIDA County
T14S R35E S10 SESE

10.0 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 JULY 24, 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: 7/ 6/2000 & 7/13/2000



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

JUNE 27, 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 JULY 24, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.

*Mailed
6/27/00
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

June 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARILYN G AND/OR GARY R MOORE
5225 W 2000 N
MALAD CITY ID 83252

RE: Application for Permit # 15-07188

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on July 6 and 13, 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

2666

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 7-6-2000, and ending with 7-13-2000

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 3 day of Aug in the year of 2000
before me, Lisa D. Lewis, a Notary Public,
personally appeared Kristine 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: 2-03-02

NOTICE OF APPLICATION FOR
WATER RIGHT

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

15-07188

MOORE, MARILYN G

MOORE, GARY R

5225 W 2000 N

MALAD CITY, ID 83252

Source: GROUNDWATER

Diversion Pt: SESE Sec 10 T

14S R 35E in ONEIDA County

Use: IRRIGATION (0.200 CFS)

Total Diversion: (0.200 CFS)

Date Filed: 6/9/2000

In: ONEIDA County

T14S R35E S10 SESE

10.0 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 JULY 24, 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: 7/6/2000 & 7/13/2000
L: #2666 7/6/2000-7/13/2000-2T

RECEIVED

AUG 07 2000

Department of Water Resources
Eastern Region



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 29, 2000

GARY R MOORE
MARILYN G MOORE
5225 W 2000 N
MALAD CITY ID 83252

RE: Application for Permit No. 15-07188

Dear Mr. and Mrs. Moore:

I am reviewing your application for permit to appropriate water from a well for irrigation purposes and I need some information from you relating to the use of surface water for the same purpose.

Our computer records list a water right for the St. John Irrigating Co. diverted from the Little Malad River for irrigation of the entire SE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 10. Do you have surface water shares through the irrigating company that are used on your property? Has surface water ever been used on your ten acres in that tract? If you do have shares that you are assessed for but you do not use the surface water on your property, when did you stop using the surface water and why?

Your answers to the above questions will help us in preparing the permit approval with all applicable conditions. I ask that you provide this information within 30 days so that we can proceed with the permitting process.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

Sharla Curtis
Sr. Water Resource Agent

RECEIVED

OCT 16 2000

Department of Water Resources

Gary & Marilyn Moore
5225 West 2000 North
Malad, Idaho 83252

October 9, 2000

State of Idaho
Dept. of Water Resources
Attn: Sharla Curtis
P. O. Box 83720
Boise, Idaho 83720-0098

RE: Application for Permit No. 15-07188

Dear Ms. Curtis:

Thank you for your correspondence concerning our application for a well permit to irrigate our 10 acres.

Only 35 acres of the Section 10 you referred to in your letter was sub-divided. When we purchased the land it was with the understanding that there was no water rights. We do not have any shares and have not used any surface water on our property. The water must have been kept with the balance of the property owned by the Harrisons.

Please let us know if there is any more information that we can supply to expedite our permit (for next years use).

Sincerely,

Marilyn Moore
Marilyn Moore

**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

October 19, 2000

MARILYN G MOORE
GARY R MOORE
5225 W 2000 N
MALAD CITY ID 83252

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07188

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.

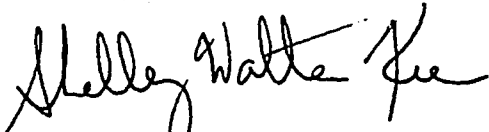
The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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.

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 to obtain the proper reporting form.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

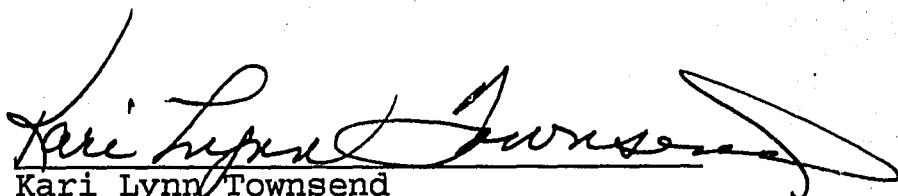
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of October, 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. 15-07188

MARILYN G MOORE
GARY R MOORE
5225 W 2000 N
MALAD CITY ID 83252


Kari Lynn Townsend
Secretary