

FORM 202

2/96

RECEIVED

FEB 14 2001

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 15-7192

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Jeffery J. Thomas Phone 766-2765
Mailing address 2705 West 2000 N Malad Id. 83252
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is Township 145 Range 35E Sec. 28 in the SW 1/4, NE 1/4, _____ 1/4, Govt. Lot _____, B.M., Onida County;
additional points of diversion if any: NW of SE
4. Water will be used for the following purposes:
Amount 9.60 for Irrigation purposes from 4/1 to 10/31 (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) 9.60 ~~2000~~ 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 Two wells to
common mainline to 3 center pivots and handlines
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 16 inches; proposed depth of well is 400 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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
145	35E	27							38			33	13						84
		28			40	39				33	35			17	40	40	40	40	324
		33	31	36	1	1	2												71
		34					1												1

Total number of acres to be irrigated 480

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? Jeffery J. THOMAS OR Lou Ann THOMAS

b. Who owns the land to be irrigated or place of use? Jeffery J. THOMAS OR Lou Ann THOMAS

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: PD POU in Arc View shapes "Thomas Farm and Ranch" and "Thomas Fire Wells" on d-drive PC Common of East 473

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.

Jeffery J. Thomas
Signature of Applicant (and title, if applicable)

Received by Bac Date 12/18/00 Time 1 PM Preliminary check by _____

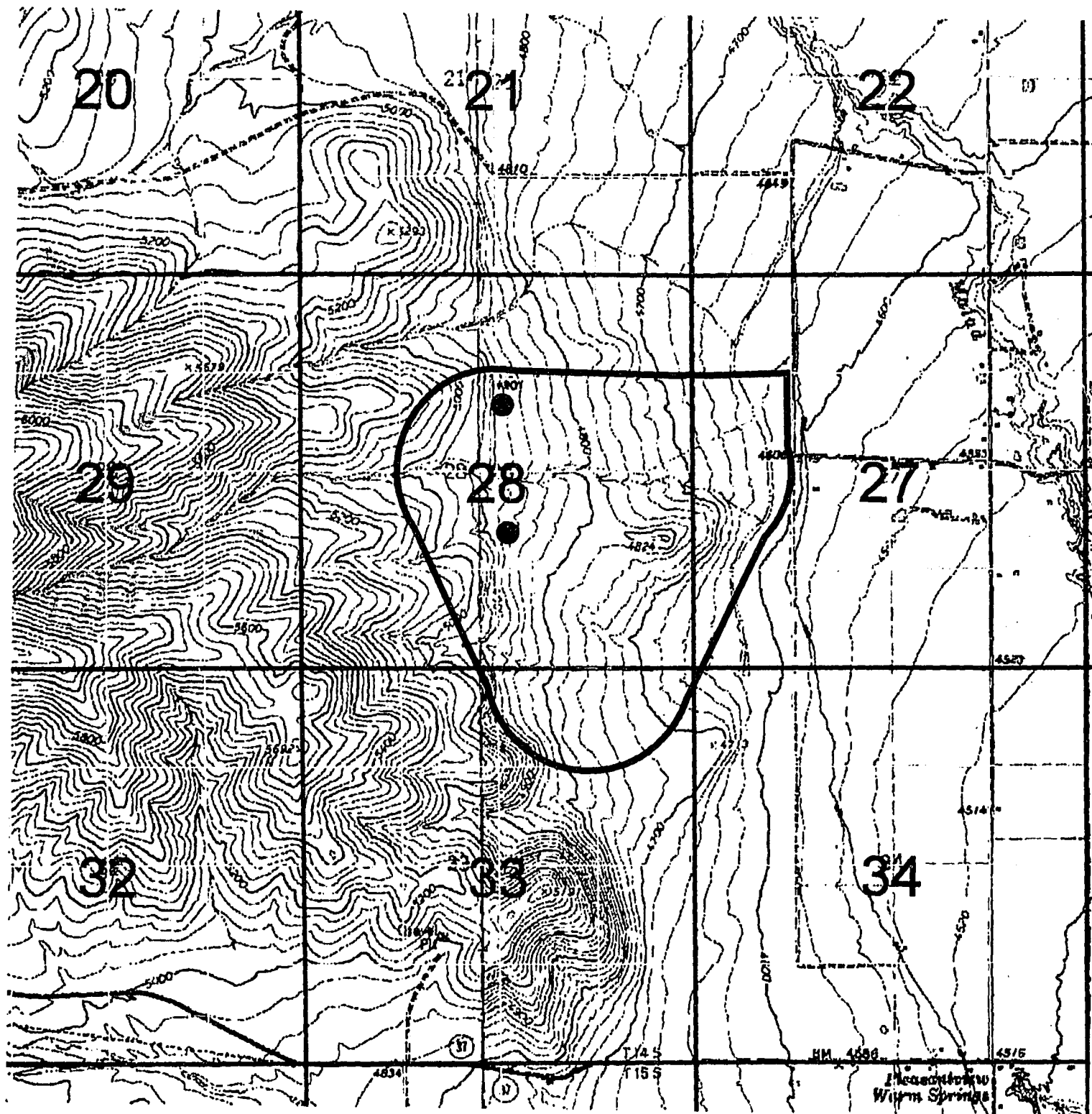
Fee \$ 610.00 Receipted by Bac # E026359 Date _____

Publication prepared by SL Date 1/18 & 1/25/01 Published in Idaho Enterprise

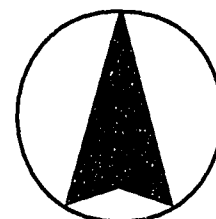
Publication approved SL Date 2/9/01

Application For Permit Thomas Farm and Ranches #2

Township 14S Range 35E Section 27, 28, 33



● Proposed Wells
■ Proposed Place of Use



121211

DEED

FOR VALUE RECEIVED, L. J. FARMS, INC.,

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto JEFFERY J. THOMAS and LOU ANN THOMAS, husband and wife

grantee, the following described real estate, to-wit:

Township 19 South, Range 35 East, Boise Meridian.

Section 16: N $\frac{1}{2}$ S $\frac{1}{2}$ E $\frac{1}{2}$, Together with a right of roadway 33 feet in width along the East line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 16 leading from the County Road

Section 19: All that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of the County Road (T-3120)

Section 20: All that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying South of the County Road (T-3121)

Section 26: SW $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{2}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; ALSO, Commencing at a point 471.52 feet West of the center of said Section 26; thence running West 843.48 feet, more or less, to the Southwest Corner of the SE $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{2}$; thence North 3300 feet; thence East 843.48 feet; thence South 3300 feet to the point of beginning. (T-3533 and T-3534)

Section 28: N $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{2}$, S $\frac{1}{4}$ SE $\frac{1}{4}$

Section 29: N $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$

Section 30: All that part of the N $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$ lying South of the County Road (T-3122)

Section 33: E $\frac{1}{4}$; E $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: W $\frac{1}{4}$ SW $\frac{1}{4}$

Section 35: NE $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{2}$

EXCEPT ROADWAYS, and subject to existing easements and the right of T. D. Jones, his heirs, successors and assigns to a 35% interest in and to two deep irrigation wells situated upon the above premises together with right of ingress and egress thereto for the purpose of maintenance, and the right to convey the water therefrom to the adjoining property

ALSO, 19.9 shares Samaria Water & Irrigation Company

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 31st day of December, 1994

L. J. FARMS, INC.

By

K. P. Thomas PRESIDENT.

ATTEST:

Olivia M. Ward SECRETARY.

(Corporate Seal)



STATE OF IDAHO, COUNTY OF ONEIDA

On this 31st day of December, 1994, I, the undersigned, a notary public in and for said State, personally appeared K. P. THOMAS and

OLIVIA M. WARD, known to me to be the President and Secretary of the corporation that executed this instrument, and acknowledged the instrument as being executed by said corporation, and acknowledged to me that such officers executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, my office being the day of the month of December, 1994.

[Signature]
Notary Public
Idaho

STATE OF IDAHO, COUNTY OF Lincoln

I hereby certify that this instrument was filed for record at the request of *E. J. Shott*

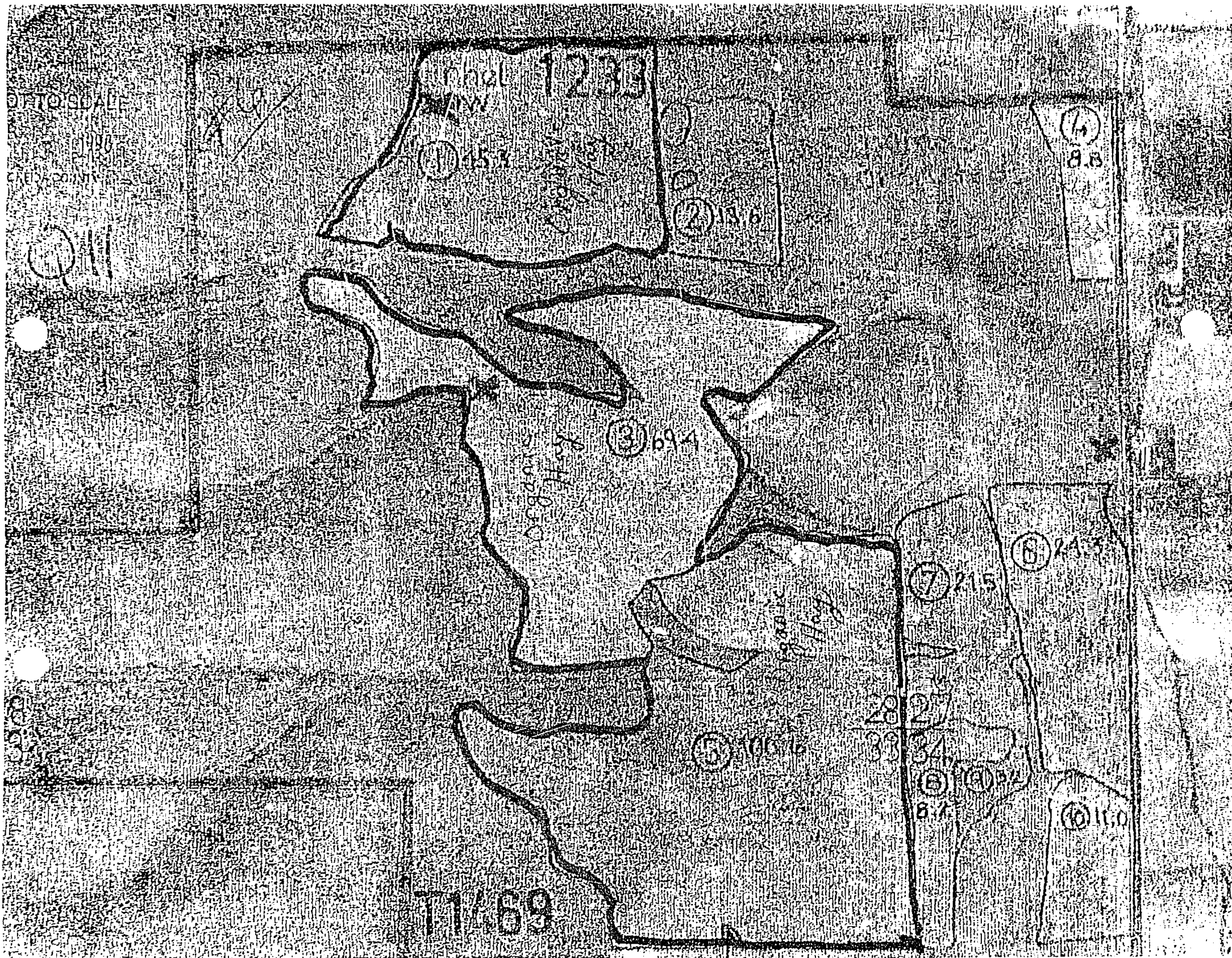
at *Twenty* minutes past *Two* o'clock p.m., this *21st* day of *January*, 1995, in my office, and duly recorded in Book of Deeds at page *121211*

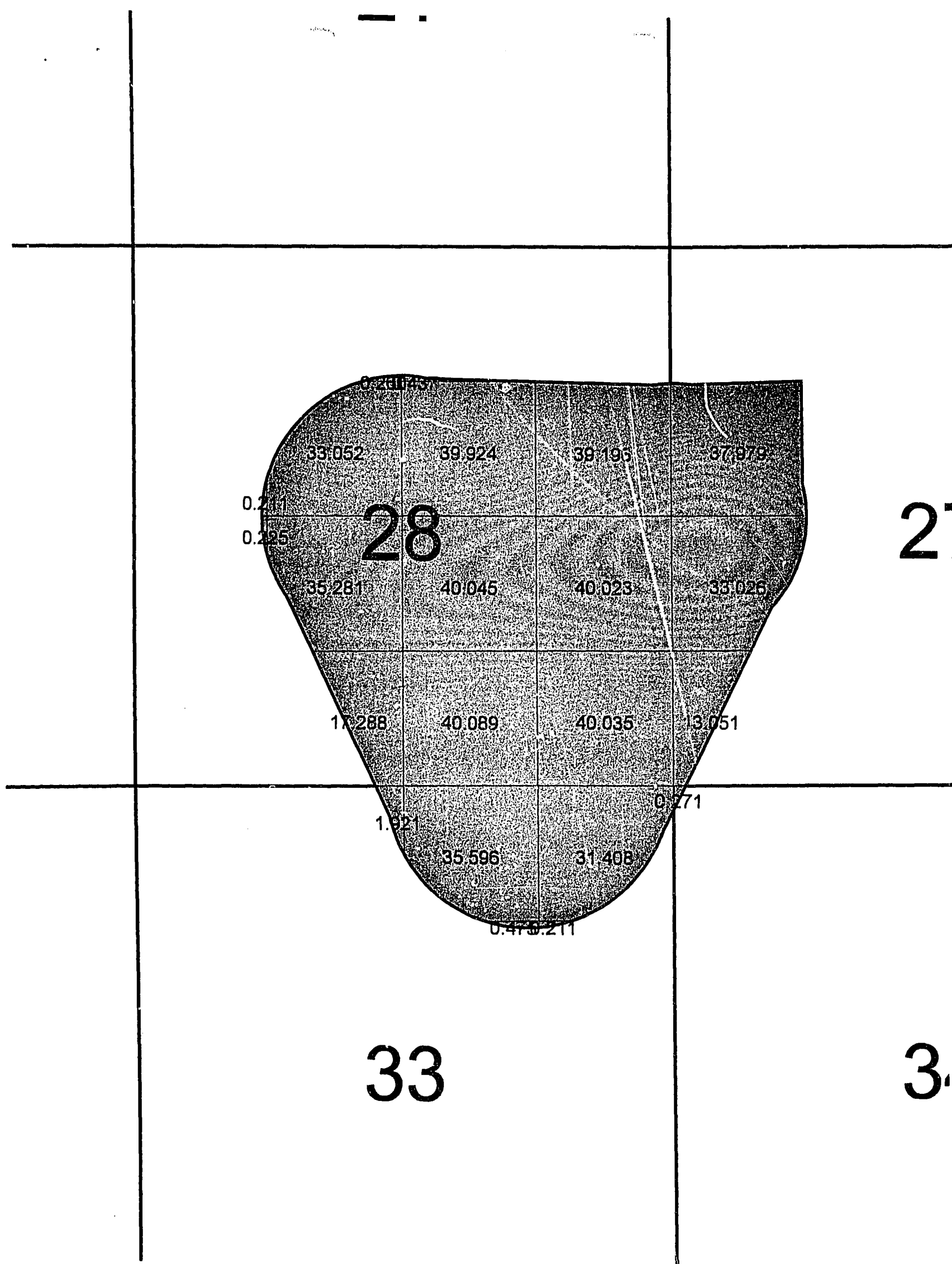
Ex-Officio Recorder

By

[Signature] Deputy.
Fees \$ *3.00*
Mail to:

INSTRUMENT NO. 121211





State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07192

Priority: 12/18/2000

Maximum Diversion Rate: 9.60 CFS

This is to certify, that JEFFERY THOMAS
2705 W 2000 N
MALAD ID 83252

has applied for a permit to appropriate water from:

Source: 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	9.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 28, Twp 14S, Rge 35E, B.M.	ONEIDA County
GROUND WATER	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 28, Twp 14S, Rge 35E, B.M.	ONEIDA County

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 35E 27							38.0				33.0	13.0					84.0
14S 35E 28			40.0	39.0				33.0	35.0			17.0	40.0	40.0	40.0	40.0	324.0
14S 35E 33	31.0	36.0	1.0	1.0	2.0												71.0
14S 35E 34					1.0												1.0

Total Acres: 480

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2006**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
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.

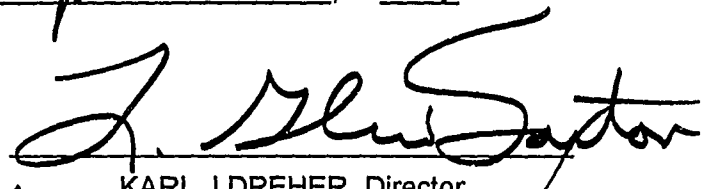
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07192

CONDITIONS OF APPROVAL

6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of April, 2001.


for KARL J DREHER, Director

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

15-7192

JEFFERY THOMAS
2705 West 2000 North
Malad Id 83252

Diversion Point SWNE Sec 28 T14S R35E and NWSE Sec 28 T14S R35E in ONEIDA County

Source: GROUND WATER

Use: IRRIGATION (04/01 To 10/31 9.6 CFS)

Total Diversion: (9.6 CFS)

Date Filed: 12/18/2000

PLACE OF USE: IRRIGATION

T14S R35E Sec 27 SWNW NWSW SWSW

T14S R35E Sec 28 SWNE SENE SENW NESW SESW NESE NWSE SWSE SESE

T14S R35E Sec 33 NENE NWNE SWNE SENE NENW

T14S R35E Sec 34 NENW

Number of Acres 480

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 12-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 for each application on or before February 5, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,
Director

Published in the Idaho Enterprise on January 18 and 25, 2001.



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

January 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Enterprise
PO Box 205
Malad City ID 83252

RE: Application for Permit No 15-7192 and 15-07193

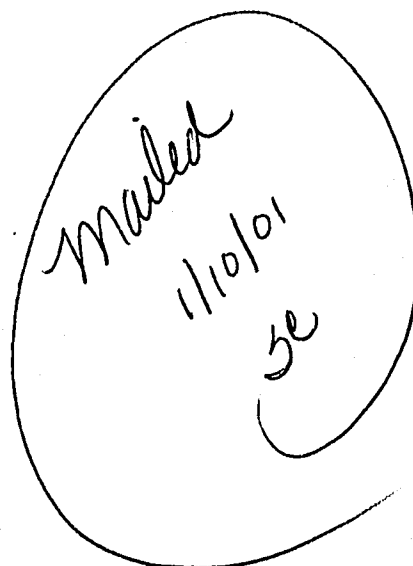
Dear Legal Notice Department:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before February 5, 2001. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant



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



**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

January 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Jeffery J Thomas
2705 West 2000 North
Malad ID 83252

RE: Applications for Permit 15-07192 and 15-07193

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on January 18 and 25, 2001. 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
Harold W. Jones
Water Right Supervisor

HWJ::sc

715

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 1-18, 2001, and ending with the issue of 1-25, 2001.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 2 day of February in the year of 2001
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: 2-9-2002

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

15-7192

JEFFERY THOMAS
2705 West 2000 North
Malad Id 83252

Diversion Point SWNE Sec 28
T14S R35E and NWSE Sec 28

T14S R35E in ONEIDA County

Source: GROUND WATER

Use: IRRIGATION (04/01 To 10/31
9.6 CFS)

Total Diversion: (9.6 CFS)

Date Filed: 12/18/2000

PLACE OF USE: IRRIGATION

T14S R35E Sec 27 SWNW NWSW
SWSW

T14S R35E Sec 28 SWNE SENE

SENEW NESW SESW NESE

NWSE SWSE SESE

T14S R35E Sec 33 NENE NWNE

SWNE SENE NENW

T14S R35E Sec 34 NENW

Number of Acres 480

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 12-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 for each application on or before February 5, 2001. The protestant must also send a copy of the protest to the

MEMORANDUM

To: File 15-07192

From: Sharla Curtis

Date: March 6, 2001

Re: Surface Water Overlap

The POU comparison report lists two licenses in the name of Samaria Water & Irrigation Co. which show acres irrigated in Sections 27 and 34. On this date, I spoke with the applicant, Mr. Thomas, and he told me that all of the acres in the two applications he recently filed (15-07192 and 15-07193) have never been irrigated with surface water. They pay an assessment for surface shares on other nearby property and he is going to file an application to get supplemental groundwater for those acres at a later date, but the groundwater for the two applications being reviewed is the only source of water for the acres identified therein.



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

March 13, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JEFFERY THOMAS
2705 W 2000 N
MALAD ID 83252

Applications for Permit Nos. 15-7192 and 15-7193

Dear Applicant(s):

The Department of Water Resources is currently reviewing your applications for permit. Preliminary review of the applications indicates that additional information is required to complete the application process. The required information for each application is described below.

Appropriation Rule 40.05.c information is requested (a copy of the statute is enclosed).

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

Sincerely,

Sharla Curtis

Sharla Curtis
Sr. Water Resource Agent

Enclosure

*3/16 per telecon, Mr Thomas plans no special design,
Construction or operating techniques to reduce impact
on other pts because there aren't other uses in
close proximity and he will send map/diagram
of #1 area ASAP.*



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

March 13, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JEFFERY THOMAS
2705 W 2000 N
MALAD ID 83252

Applications for Permit Nos. 15-7192 and 15-7193

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The Department of Water Resources is currently reviewing your applications for permit. Preliminary review of the applications indicates that additional information is required to complete the application process. The required information for each application is described below.

Appropriation Rule 40.05.c information is requested (a copy of the statute is enclosed).

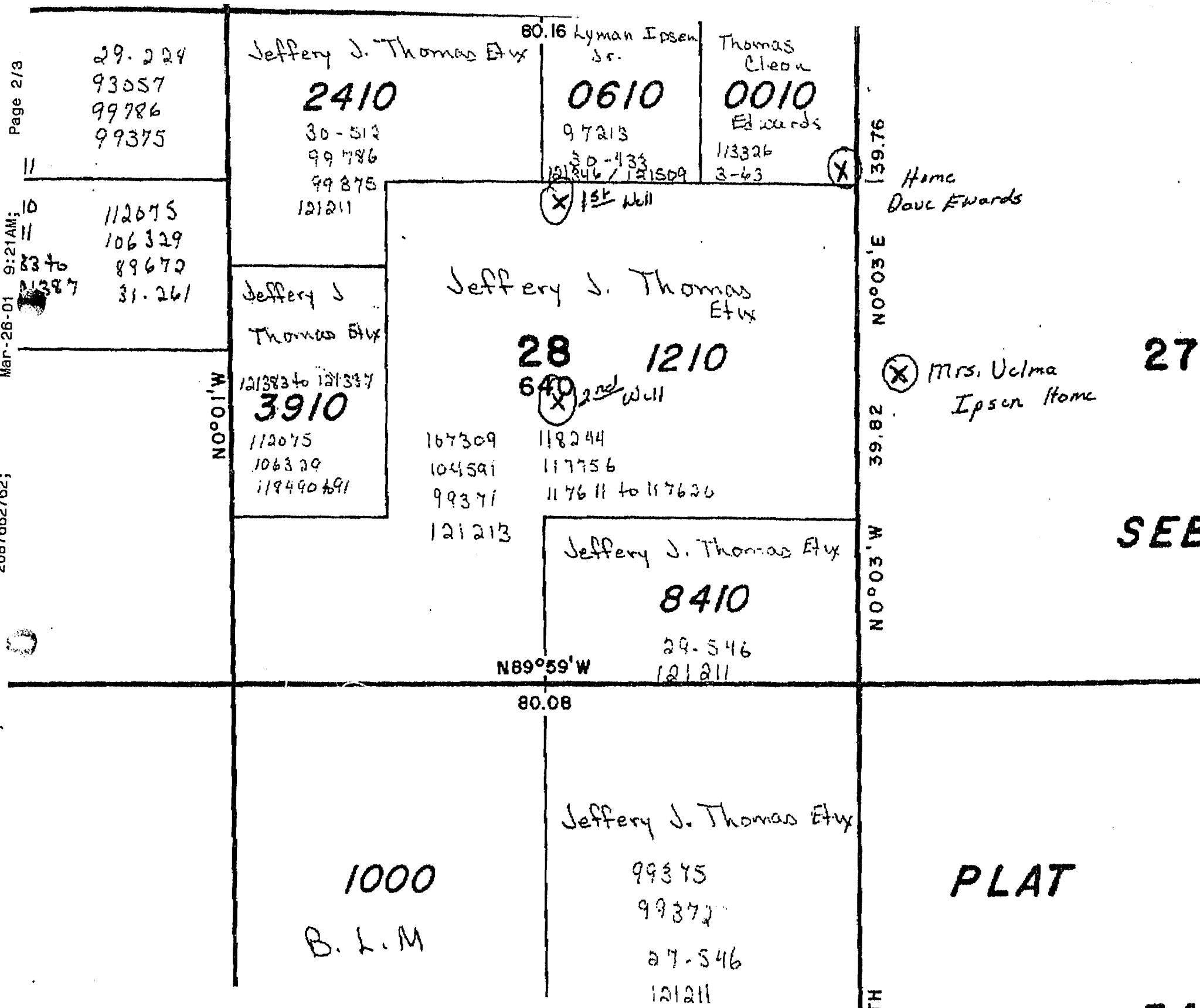
Please feel free to contact this office if you have any questions.

Sincerely,

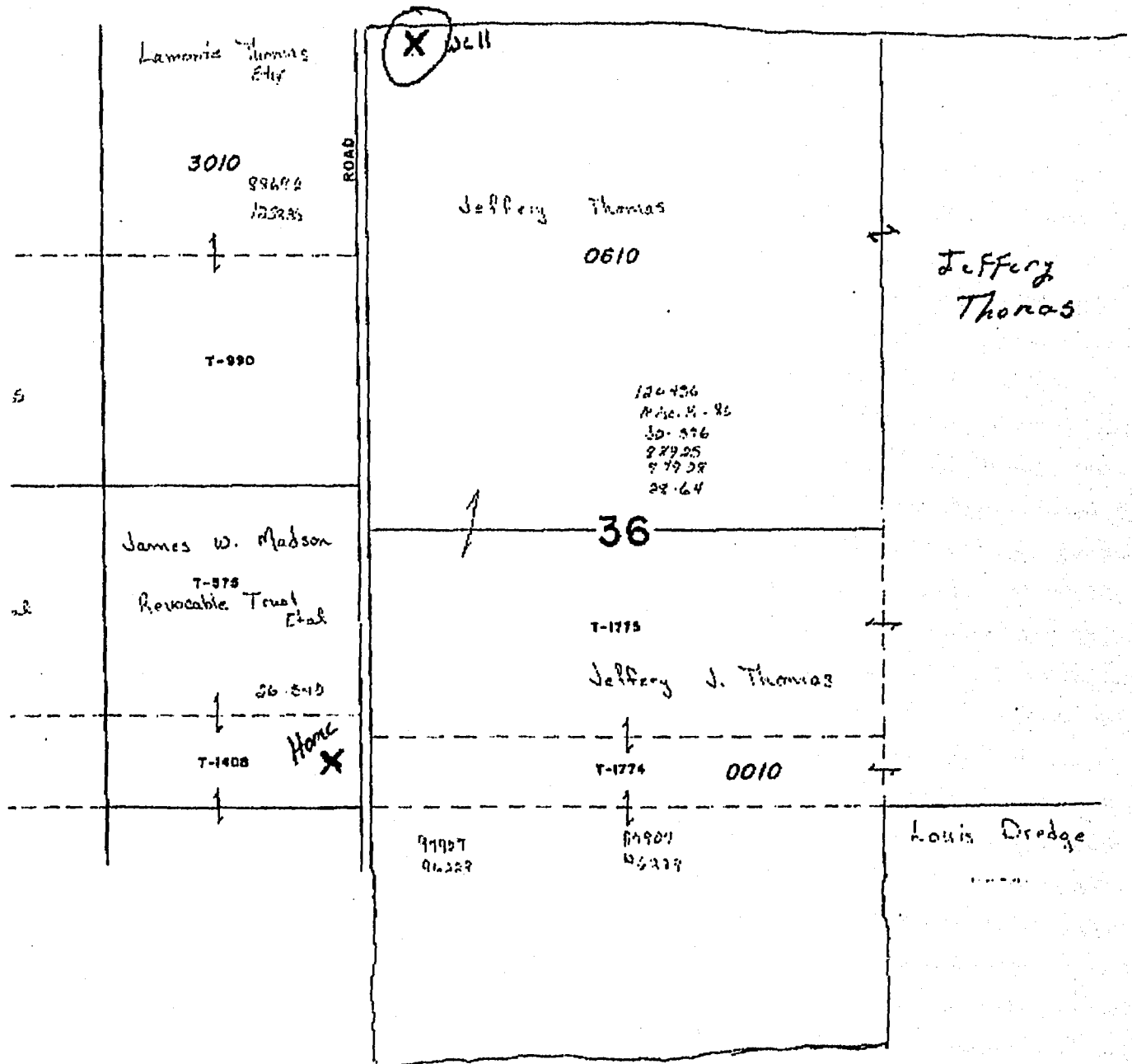
Sharla Curtis
Sharla Curtis
Sr. Water Resource Agent

Enclosure

To: Sharla
From Jeff Thomas
2 pages



There is only 1 home $\frac{3}{4}$ of mile away



MEMORANDUM

To: Files 15-07192 and 15-07193

From: Sharla Curtis

Date: March 29, 2001

Re: Rule 40.05.c Information

In response to my letter requesting information under Rule 40.05.c (large diversions), Mr. Thomas faxed me two plat maps identifying the location of other wells in the surrounding area. The maps show no wells closer than 1/2 mile to the applicant's proposed wells.

On 3/16 Mr. Thomas spoke with me concerning part iii of the above referenced rule which requires information concerning design, construction, or operation techniques to eliminate or reduce impact on other rights. Mr. Thomas reiterated that there are no other wells within 1/2 mile of his and no other water diversions and uses occurring that could be impacted by his diversion and use. A search of the database confirms that there are no other diversions within the entire sections identified in his applications.

Based on the above, I recommend that the information provided by the applicant be considered acceptable and that the permits be issued.

2/16/01

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	SWNW	NWSW	SWSW	Total
Right	15 2025	SAMARIA WATER & IRRIGATION CO.	MALAD RIVER	14S35E27	20	25	25	70
Right	15 2024	SAMARIA WATER & IRRIGATION CO.	WARM SPRINGS	14S35E27	20	25	25	70

No other fld's in entire sections
for either app 7192 or 7193

2/16/01

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENW	Total
Right	15 2025	SAMARIA WATER & IRRIGATION CO.	MALAD RIVER	14S35E34	35	35
Right	15 2024	SAMARIA WATER & IRRIGATION CO.	WARM SPRINGS	14S35E34	35	35

**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

April 3, 2001

JEFFERY THOMAS
2705 W 2000 N
MALAD ID 83252

RE: Permit No 15-7192

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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.

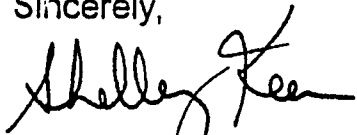
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water 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 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 forms and instructions.

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

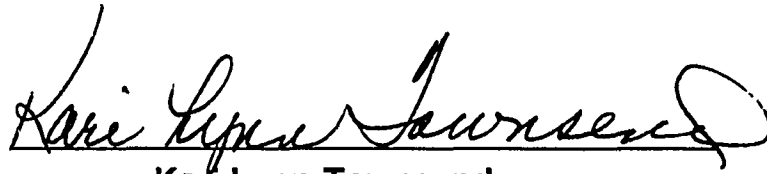
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on April 3, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 15-7192

**JEFFERY THOMAS
2705 W 2000 N
MALAD ID 83252**


**Kari Lynn Townsend
Secretary**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR AMENDMENT OF A PERMIT

Fee _____
Receipt _____
Received by _____
Date _____

Name of Applicant Jeffery Thomas Phone 208 766 2765
Mailing address 2705 W 2000 N Malad Idaho 83252

I am the owner and the holder of Permit to Appropriate the Public Waters of the State of Idaho No. 15-7192 and request that the permit and permit map be amended and/or changed as follows:

MAR 11 2002

Purpose of Amendment: 1 Change point of diversion _____ Add point of diversion _____
_____ Change place of use _____ Change nature of use _____ Change period of use _____ Department of Water Resources

1. Point of diversion: 1/4 SW 1/4 SE 1/4, Section 28, Township 14S, Range 35E, B.M.,
County of Oneida. Other points of diversion SW NE Sec. 28 T14S R35E

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

Amount 9.60 for Irrigation purposes from 04-01 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

3. Place of use or land to be irrigated:

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	35E	27							38			33	13						84
		28			40	39			33	35			17	40	40	40	40	324	
		33	31	36	1	1	2	Int.										78	
		34					1											1	

Total number of acres to be irrigated 478 Int.

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 the amendment. Show ¼ ¼, section, township, range and ditches. (the smallest subdivision represents 40 acres)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85															

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 12 day of October, 20 01

Jeff J. Thomas
Permit Holder

E027182 50⁰⁰
ΔmD

ACTION OF THE DEPARTMENT OF WATER RESOURCES

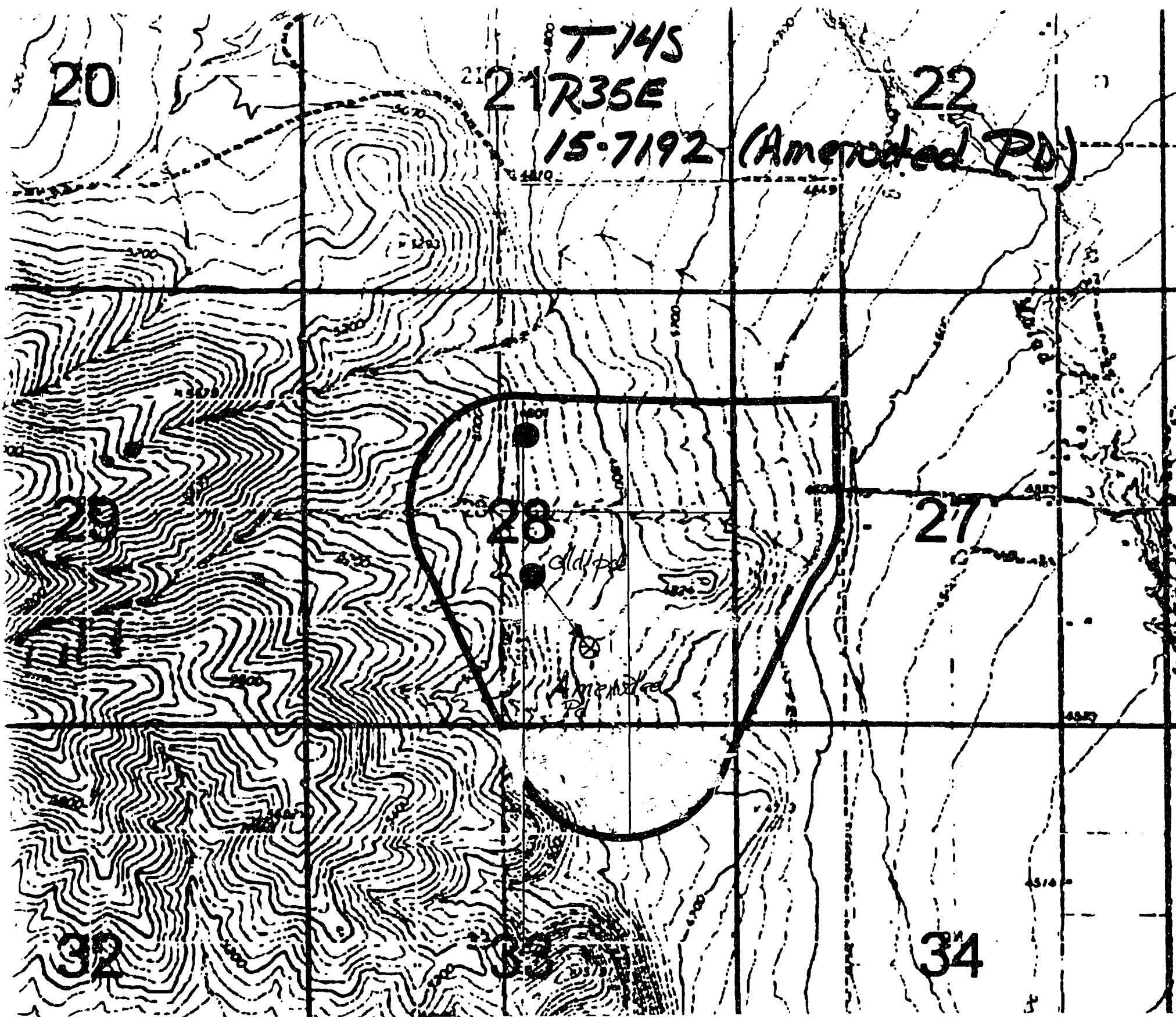
Preliminary check by _____ Publication prepared by _____ Date _____

Published in Idaho Enterprise Publication dates 11/1 & 11/8/01

I, _____, of the Department of Water Resources hereby

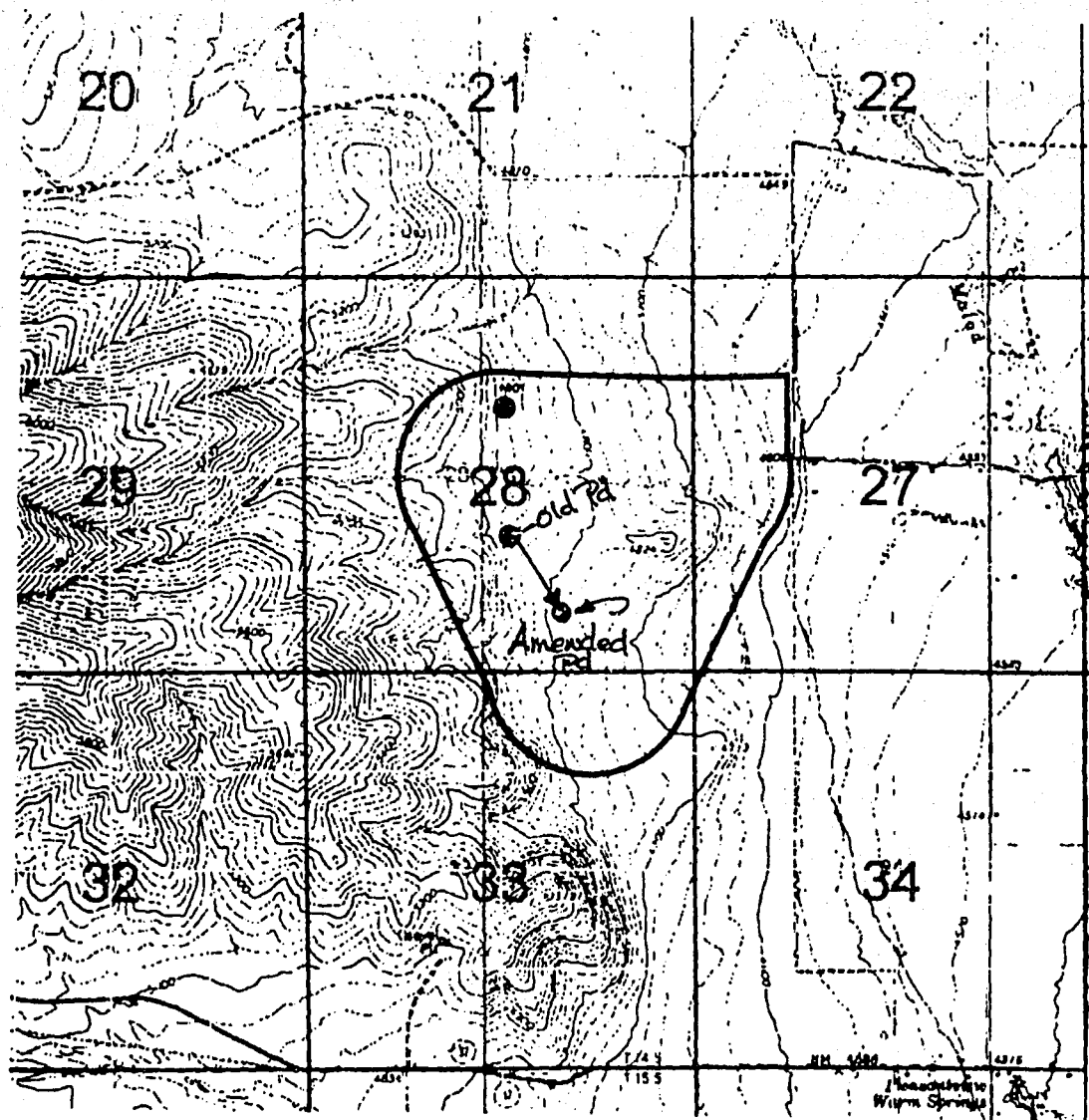
Witness my hand this _____ day of _____, 20_____

SIGNATURE

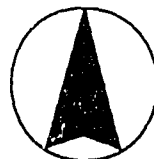


Application For Permit
Thomas Farm and Ranches #2

Township 14S Range 35E Section 27, 28, 33



● Proposed Well
■ Proposed Place of Use



State of Idaho
Department of Water Resources
Amendment of Permit

NO. 15-07192

Priority: December 18, 2000

Maximum Diversion Rate: 9.56 CFS

This is to certify, that JEFFERY J THOMAS
2705 W 2000 N
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	9.56 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 28, Twp 14S, Rge 35E, B.M.	ONEIDA County
GROUND WATER	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 28, Twp 14S, Rge 35E, B.M.	ONEIDA County

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 35E 27							38.0				33.0	13.0					84.0
14S 35E 28			40.0	39.0				33.0	35.0			17.0	40.0	40.0	40.0	40.0	324.0
14S 35E 33	31.0	36.0	1.0	1.0													69.0
14S 35E 34					1.0												1.0

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2006.
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.

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 18th day of March, 2002


for
KARL J DREHER, Director

The following application has been filed to amend Permit to Appropriate Water

15-7192

JEFFERY THOMAS
2705 W 2000 N
MALAD CITY ID 83252

Point(s) of Diversion: SWNE S28 T14S R35E, and SWSE S28 T14S R35E, ONEIDA County
Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 9.6 CFS

Total Diversion: 9.6 CFS

Date Filed: 10/16/2001

Place Of Use: IRRIGATION

T14S R35E S27 SWNW NWSW SWSW

T14S R35E S28 SWNE SENE SENW NESW SESW NESE NWSE SWSE SESE

T14S R35E S33 NENE NWNE SWNE SENE NENW

T14S R35E S34 NENW

Number of Acres 480

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 November 19, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on November 1 and 8, 2001



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

October 23, 2001

Legal Notice Department
Idaho Enterprise
PO Box 205
Malad City ID 83252

RE: Applications for Permit

Dear **LEGAL NOTICE DEPARTMENT**:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before November 19, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Filed
10/24/01
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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 23, 2001
Jeffery Thomas
2700 W 2000 N
Malad ID 83252

RE: Application to Amend Permit No 15-7192

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application to amend the permit number referenced above. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Idaho Enterprise on November 1 and 8, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

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

Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

HWJ:sc

2814

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 11/1 192001, and ending with the issue of 11/8 192001.

Kristine D. Smith
STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 26th day of OCTOBER in the year of 2001
before me, Eugene P. Hill 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.

Eugene P. Hill
Notary public for Idaho
Residing at 34 N. Main Malad, ID 83252
My commission expires: 5-13-2004

NOTICE
The following application has been filed to amend permit to appropriate Water
15-7192
JEFFERY THOMAS
2705 W 2000 N
MALAD CITY ID 83252
Point(s) of Diversion: SWNE S28 T14S R35E, and SWSE S28 T14S R35E, ONEIDA County
Source GROUND WATER
Use: IRRIGATION 04/01 To 10/31 9.6 CFS
Total Diversion: 9.6 CFS
Date Filed: 10/16/2001
Place of Use: IRRIGATION
T14S R35E S27 SWNW NWSW SWSW T14S R35E S28 SWNE SENE SENW NESW SESW NESE NWSE SWSE SESE T14S R35E S33 NENE NWNE SWNE SENE NENW T14S R35E S34 NENW
Number of Acres 480
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 November 19, 2001. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

RECEIVED

NOV 08 2001

Department of Water Resources
Eastern Region



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Snake River District
Pocatello Field Office
1111 North 8th Avenue
Pocatello, Idaho 83201-5789

RECEIVED

NOV 16 2001

Department of Water Resources
Eastern Region

In Reply Refer To:
2900

November 14, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
7001 0360 0002 3320 9086

Harold Jones
Idaho Department of Water Resources
900 N. Skyline Dr. STE A
Idaho Falls, Idaho 83402

Dear Mr. Jones:

This letter is for the purpose of protesting application for amendment of permit number 15-7192 filed by Jeffery Thomas. The place of use described as T14S, R35E, S33, NENW is land administered by the U.S. Dept. of the Interior, Bureau of Land Management (BLM). The applicant has no authorization from the BLM for use of this land or to claim it as a place of use.

If you have any questions please feel free to contact myself at 208-478-6340 or Matt^{AB} Rendace at the Malad Field Station, phone 208-766-4766. Thank you for your help in this matter. ✓

Sincerely,

Jeff S. Steele
Field Office Manager

EO27304



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

November 28, 2001

Bureau of Land Management
1111 N 8th Avenue
Pocatello ID 83201-5789

RE: Application for Amendment for a Permit No. 15-07192 – Jeffery Thomas

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?
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?

Page 2

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
Water Rights Supervisor

HWJ: sc

cc: IDWR - State Office



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

November 28, 2001

Jeffery Thomas
2705 W 2000 N
Malad ID 83252

RE: Application for Amendment of a Permit No. 15-07192

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?

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,


HAROLD W. JONES
Water Rights Supervisor

Enclosure

HWJ:sc

cc: IDWR - State Office



United States Department of the Interior RECEIVED

BUREAU OF LAND MANAGEMENT

Malad Field Station
138 South Main Street
Malad City, Idaho 83252-1346

DEC 10 2001

Department of Water Resources
Eastern Region

In Reply Refer To:

December 7, 2001

Harold Jones
Idaho Department of Water Resources
900 N. Skyline Dr. STE A
Idaho Falls, ID 83402

Dear Mr. Jones:

The U.S. Bureau of Land Management (BLM) protested an application for amendment of permit number 15-07192 filed by Jeffery Thomas. The place of use described as T14S, R35E, S33, NENW is administered by the BLM.

Mr. Thomas has agreed to amend his application to remove the above 40 acres parcel as a place of use. Once the application is amended to remove T14S, R35E, S33, NENW as a place of use the BLM will no longer protest the application.

If you require additional information please contact James Kumm of my staff at 208-766-4766.

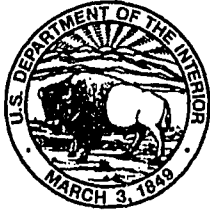
Sincerely,

James Kumm - Acting

Jeff S. Steele
Pocatello Field Office Manager

Jeffery Thomas

Jeffery Thomas



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Snake River District
Pocatello Field Office
1111 North 8th Avenue
Pocatello, Idaho 83201-5789

In Reply Refer To:
2900

February 27, 2002

RECEIVED

MAR 01 2002

Department of Water Resources
Eastern Region

Harold Jones
Idaho Department of Water Resources
900 N. Skyline Dr. STE A
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Due to the removal of the Bureau of Land Management (BLM) administered land from application for amendment of permit number 15-07192, the BLM wishes to withdraw it's protest.

Thank you for your help in this matter.

Sincerely,

Jeff S. Steele
Field Office Manager



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

March 5, 2002

JEFFREY THOMAS
2705 W 2000 NORTH
MALAD ID 83252

RE: Withdrawal of protest on Application for Permit No. 15-07192

Dear Sir:

This Department has received a withdrawal of protest from Bureau of Land Management.

Our office will continue to process your application.

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, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 5, 2002

United States Department of Interior
Jeff S Steele
Bureau of Land Management
1111 N 8th Ave
Pocatello ID 8320-5789

RE: Withdrawal of protest on Application for Permit No.: 15-07192

Dear Protestants:

This Department has received the withdrawal of protest against the application for James or Paula Whittaker. We will continue to process this application.

If you have any questions, please call our office.

Sincerely,


Harold W Jones
Water Rights Supervisor

HWJ:sc

**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

March 21, 2002

JEFFERY J THOMAS
2705 W 2000 N
MALAD CITY ID 83252

RE: Permit 15-07192

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,

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

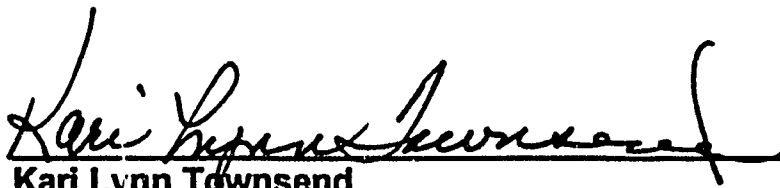
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on March 21, 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 15-07192

**JEFFERY J THOMAS
2705 W 2000 N
MALAD CITY ID 83252**


**Kari Lynn Townsend
Secretary**