

RECEIVED

FEB 14 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Department of Water Resources

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 13 S. Range 35 E Sec. 36, in the _____ 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 8.80 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) ~~2.80~~ 8.8 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 Well to mainline
to center pivot 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	
135	35E	36	40	40	40	40	40			40	40			40	40	40	40		440

Total number of acres to be irrigated 440

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: POU & POW in ArcView, Shape Files
"Thomas Farm and Ranch 1" and "Thomas, F.R. Wells"
on d-drive PC common of East 473.

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.)

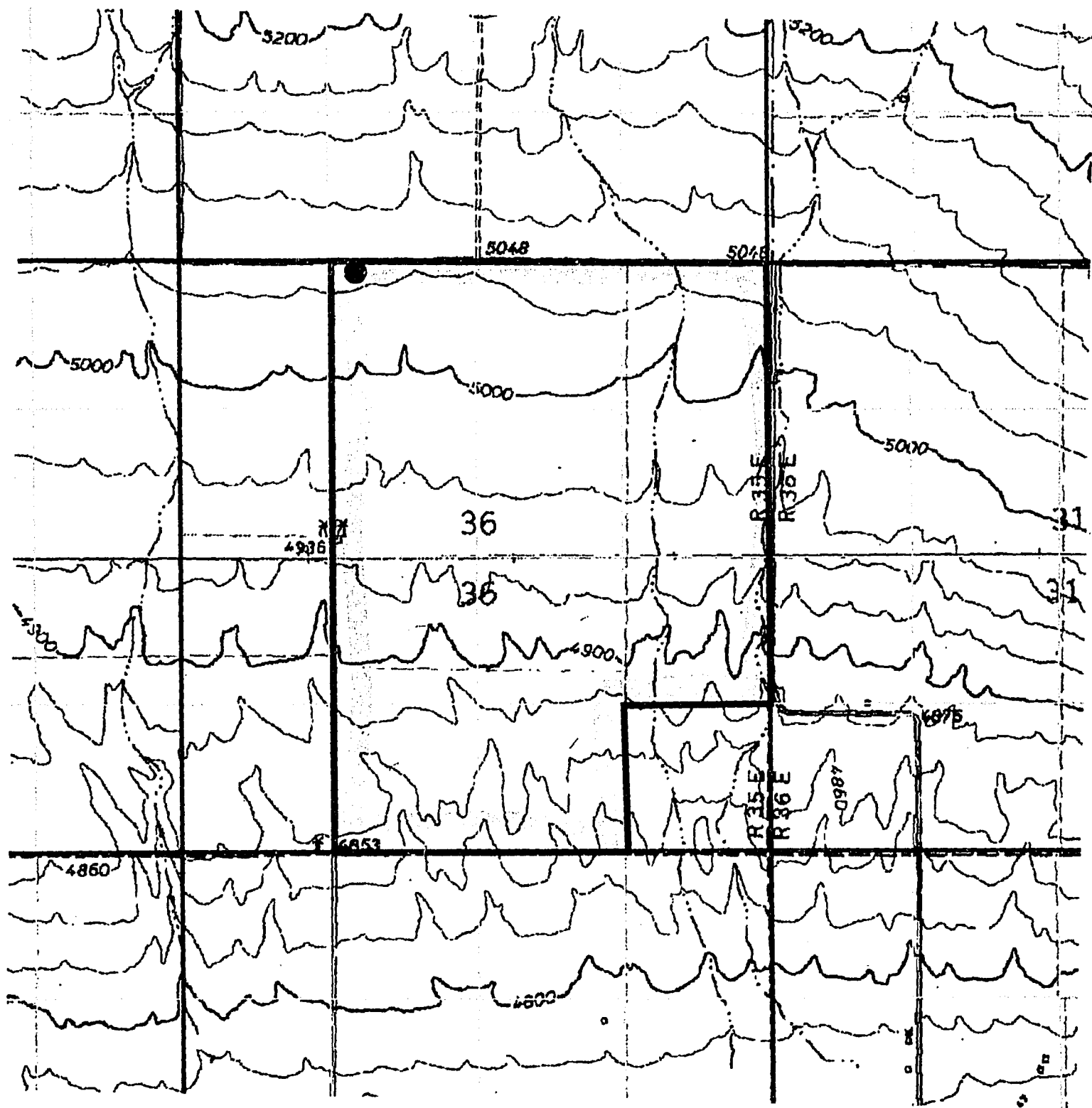
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

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

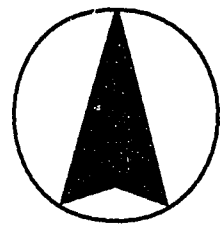
Received by BAC Date 12/18/00 Time 1 PM Preliminary check by _____
 Fee \$ \$570.00 Receipted by BAC # E026389 Date _____
 Publication prepared by BC Date 1/18 & 1/25/01 Published in Idaho Enterprise
 Publication approved BC Date 2/9/01

Application For Permit Thomas Farm and Ranches

Township 13S Range 35E Section 36



● Proposed Wells
■ Proposed Place of Use



REAL ESTATE MORTGAGE

120894

THIS MORTGAGE, made by Jeffrey J. Thomas and Lory Ann Thomas, husband and wife
of the County of Oneida, State of Idaho, as Mortgagor, and IRELAND BANK, a corporation,
at its office in Malad City, Idaho.

WITNESSETH:

That the said Mortgagor hereby grants, bargains, sells, and conveys unto the said Mortgagee, its successors and assigns
forever, the following described real property, situated in Oneida County, State of Idaho, to-wit:

PARCEL 1:
Township 17 North, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

PARCEL 2:
Township 13 South, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

PARCEL 3:
Township 13 South, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

PARCEL 4:
Township 13 South, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

PARCEL 5:
Township 13 South, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

PARCEL 6:
Township 13 South, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

PARCEL 7:
Township 13 South, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

PARCEL 8:
Township 13 South, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

PARCEL 9:
Township 13 South, Range 35 East, Boise Meridian;

Section 36: 34th & 35th SW 1/4

TOGETHER WITH all water, water rights, ditch, ditch rights, improvements, privileges and appurtenances thereunto belonging and the rents,
issues and profits thereof.

Said Mortgagor hereby warrants the title in said land and appurtenances against all persons whomsoever and agrees to defend the same.

This grant is intended as a mortgage:

(1) To secure the payment of the principal sum of Two hundred thousand and 00/100 - - - - -

DOLLARS (\$ 200,000.00) lawful money of the United States of America, evidenced and according to the terms of a Promissory note executed and
delivered on the 9th day of September, 1994, by Mortgagor as maker, to the Mortgagee herein as payee, with both principal and interest
being payable at the Mortgagee's office as hereinafter provided, with the final payment, if not sooner paid, to be due and payable on the 1st day of
November, 2003.

(2) To secure the payment of any and all further sums as may be hereafter loaned or advanced by Mortgagee to Mortgagor during the existence of this
Mortgage, whether represented by notes, open accounts, drafts, or otherwise, it being the express intention of the parties that this mortgage shall stand as
continuing security for all such loans, together with interest thereon and all costs, disbursements and attorney fees that may become payable by Mortgagor hereunder.

Mortgagor covenants and agrees to keep the building located upon the premises insured, in a company satisfactory to Mortgagee, for at least
\$ 0- with loss payable to Mortgagee, and further that each policy or renewal thereof shall be delivered to said Mortgagee. In the
event Mortgagee fails to insure or fails to pay the insurance premiums when due, Mortgagee may insure said building.

Mortgagor hereby covenants and agrees to pay before the same becomes delinquent, all taxes and assessments levied or assessed upon or against
the above described premises, including all personal taxes, and in the event of Mortgagor's failure to pay the same when due, the Mortgagee may make the
payments.

Mortgagor agrees not to commit or permit waste upon the mortgaged properties and shall maintain the properties in as good condition as at present,
reasonable wear and tear excepted.

Failure to pay, when due, any sum herein covenanted to be paid or secured hereby or the failure to comply with any of the terms and conditions hereof
shall constitute a default and shall cause the whole debt to become immediately due and collectable at the option of the Mortgagee, without notice, including all
monies paid by the said Mortgagee for taxes, assessments, insurance premiums, and any sum paid in protection of the lien of this mortgage shall bear interest
from the date of such payment at the maximum rate of interest allowed by law.

Mortgagee's failure to enforce its rights upon breach of default of any of the terms hereof shall not thereby waive its rights in case of any subsequent
breach of default.

In the event this Mortgage is foreclosed by Mortgagee, as provided by law, Mortgagor agrees to pay a reasonable attorney's fee, the same to be a lien
upon the said premises due and payable when suit is begun. The plaintiff in such suit of foreclosure shall be entitled, without notice, to the appointment of a receiver,
to collect and receive the rents, issues and profits of the mortgaged premises, and exercise such other power as the Court shall confer. It is agreed that should
this mortgage be foreclosed the property described in the decree of foreclosure entered in such action may be offered and sold in mass, or as lots or parcels at
the option of the Mortgagee.

Should the property herein mortgaged be sold, transferred or assigned by Mortgagee, the entire unpaid sum then due hereon or secured hereby shall
become immediately due and payable.

This mortgage and the note secured hereby shall be governed and construed according to the laws of the State of Idaho.

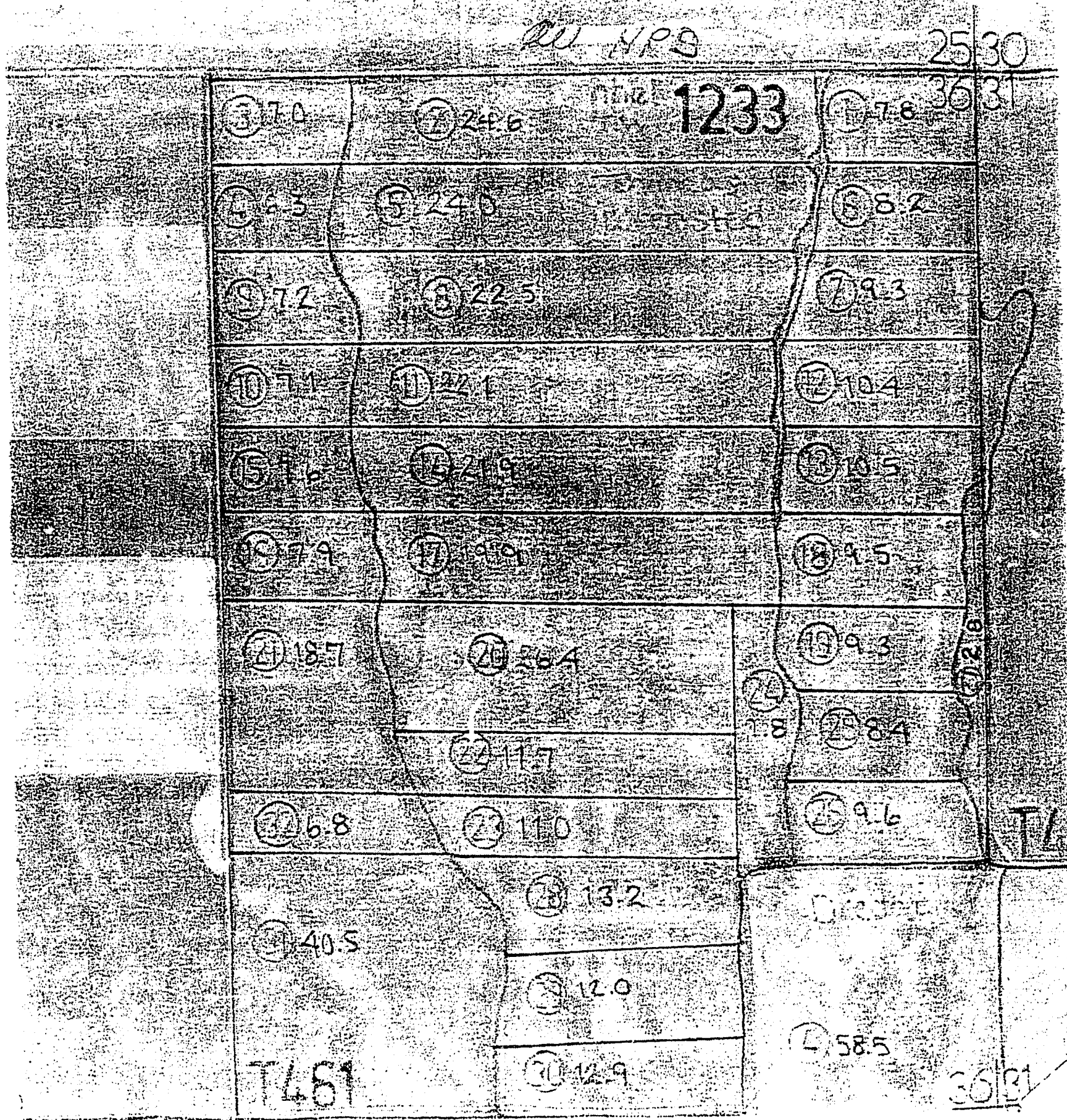
The word "mortgagee" and the language of this instrument shall, where there is more than one mortgagee, be construed as plural and be binding equally
on all mortgagees; and the word "mortgagor" shall be construed as including any lawful holder hereof; and both the words "mortgagor" and "mortgagee" shall be
construed as including the heirs, executors, administrators, personal representatives, successors and assigns of each as the case may be.

IN WITNESS WHEREOF, the Mortgagors have hereunto set their hands 5 this 9th day of
September, 1994.

(X) Jeffrey J. Thomas
(X) Lory Ann Thomas

59

NOT TO SCALE
2000
ONEIDA COUNTY
FSA OFFICE



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07193

Priority: 12/18/2000

Maximum Diversion Rate: 8.80 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	8.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, Twp 13S, 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	
13S	35E	36	40.0	40.0	40.0	40.0	40.0					40.0	40.0		40.0	40.0	40.0	40.0	440.0

Total Acres: 440

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.
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.

Karl J Dreher
for KARL J DREHER, Director

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

15-7193

JEFFERY THOMAS

2705 West 2000 North

Malad ID 83252

Diversion Point NENW Sec 36 T13S R35E in ONEIDA County

Source GROUND WATER

Use: IRRIGATION (04/01 To 10/31 8.8 CFS)

Total Diversion: (8.8 CFS)

Date Filed: 12/18/2000

PLACE OF USE: IRRIGATION

T13S R35E Sec 36 NENE NWNE SWNE SENE NENW SENW NESW SESW NESE
NWSE SWSE

Number of Acres 440

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

mailed
01/10/01
sc

~ 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

2715

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

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
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15-7193
JEFFERY THOMAS
2705 West 2000 North
Malad ID 83252
Diversion Point NENW Sec 36 T13S R35E in ONEIDA County
Source GROUND WATER
Use: IRRIGATION (04/01 To 10/31 8.8 CFS)
Total Diversion: (8.8 CFS)
Date Filed: 12/18/2000
PLACE OF USE: IRRIGATION
T13S R35E Sec 36 NENE NWNE SWNE SENE NENW SENW NESW SESW NESE NWSE SWSE
Number of Acres 440
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
L. #2715 1/18/01-1/25/01-2T



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,

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

Sharla Curtis
Sr. Water Resource Agent

Enclosure



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

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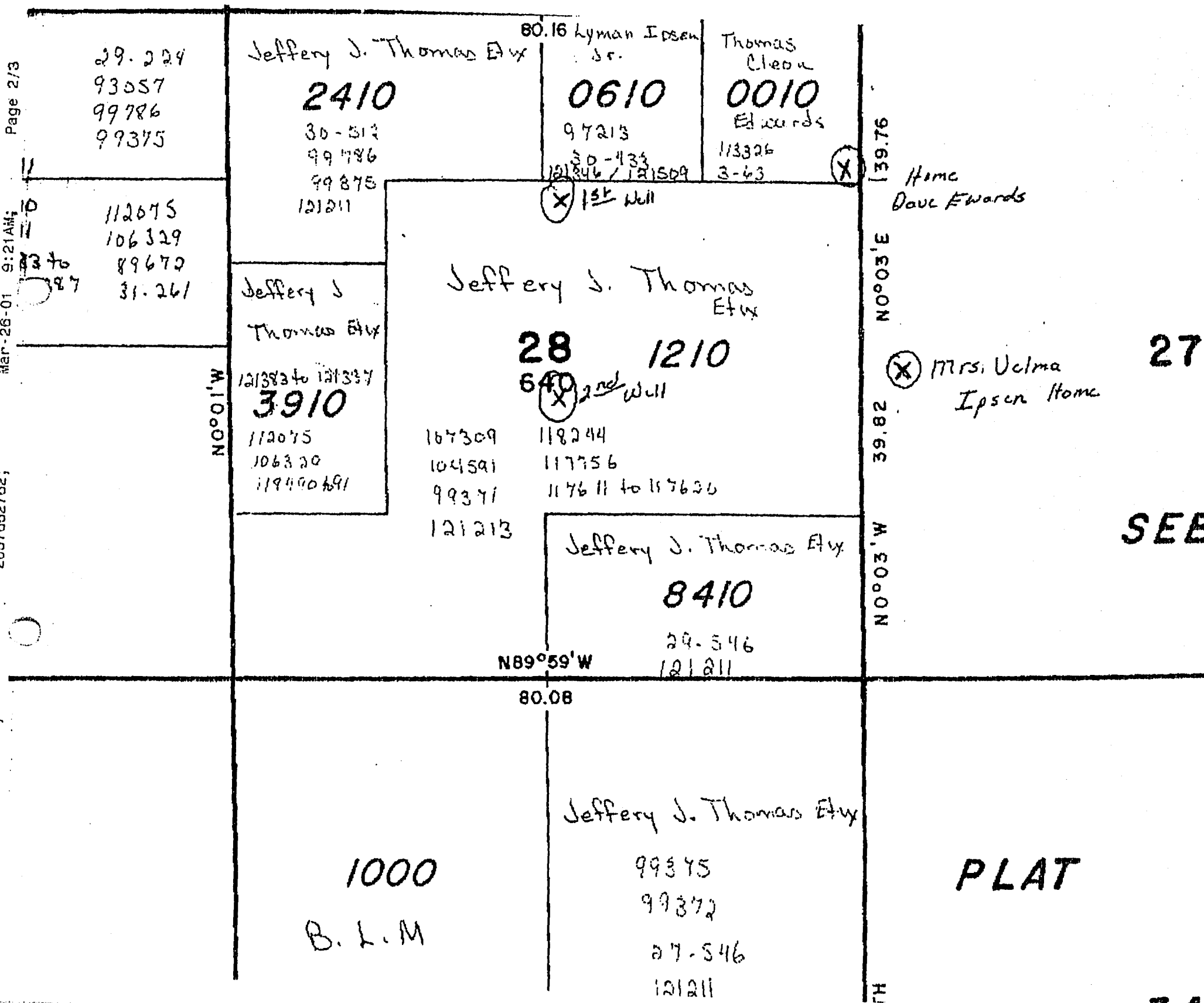
Sincerely,

Sharla Curtis

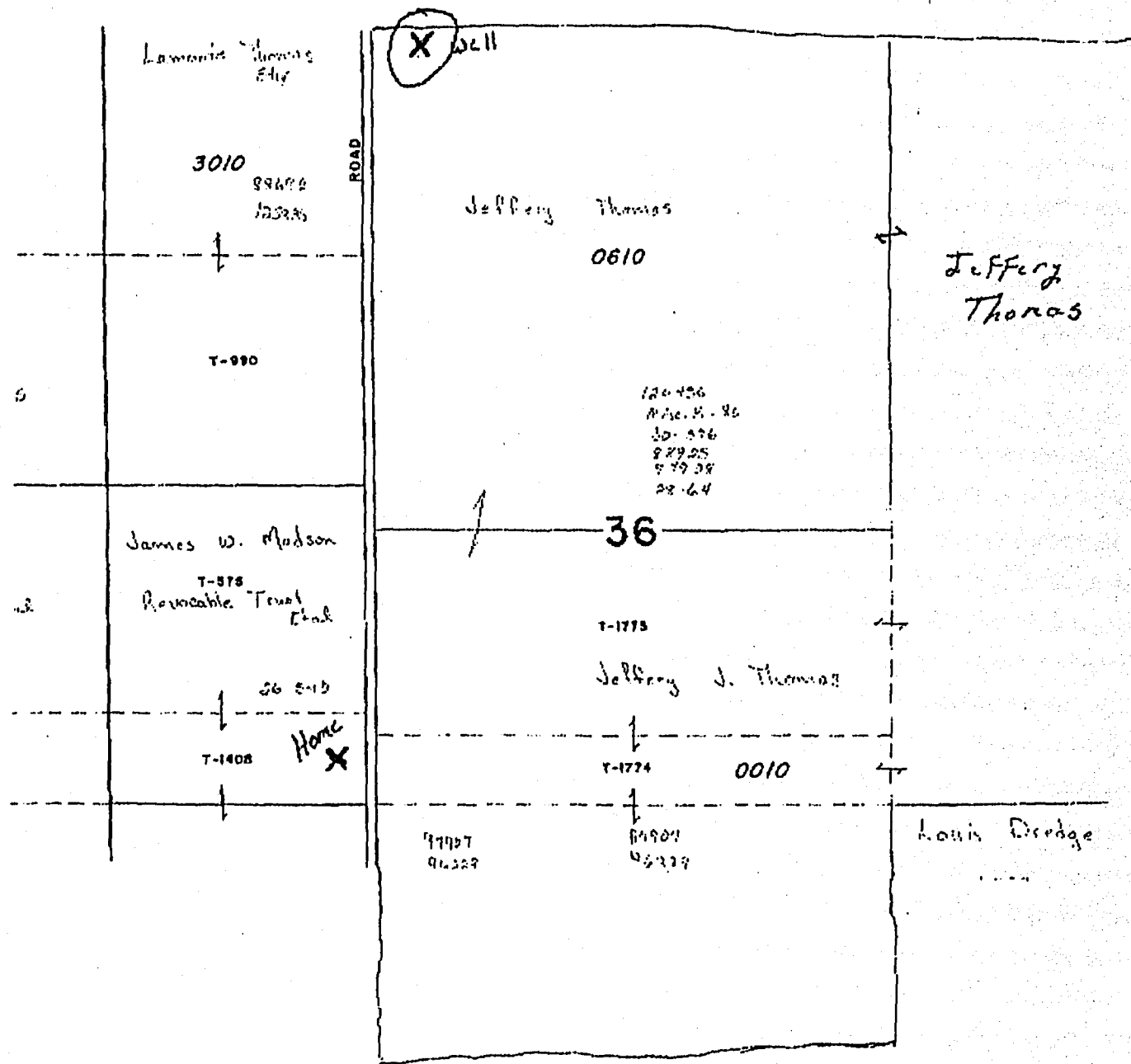
Sharla Curtis
Sr. Water Resource Agent

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.

**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

April 3, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JEFFERY THOMAS
2705 W 2000 N
MALAD ID 83252

RE: Permit No. 15-7193

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.

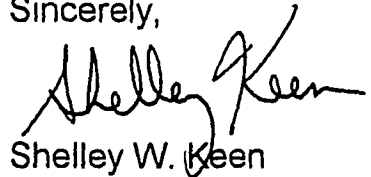
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,

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

Shelley W. Keen
Water Rights Supervisor

SWK:klt

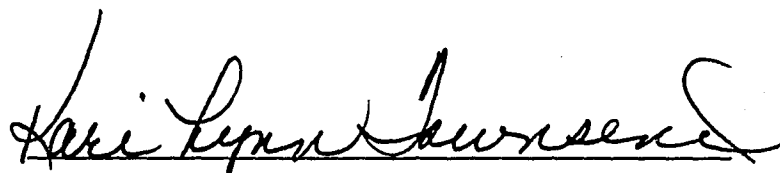
Enclosure(s)

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. 15-7193

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

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

DEC 14 2001

Department of Water Resources
Name of Applicant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR AMENDMENT OF A PERMIT (#69531)

Fee \$0.00
 Receipt E027242
 Received by HWT
 Date 11-2-01

Name of Applicant Jeffery Thomas Phone 766-2765
Mailing address 2705 W. 2000 N Malad, ID

I am the owner and the holder of Permit to appropriate the Public Waters of the State of Idaho No. 15-07193, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: _____ Change point of diversion ~~X~~ Add point of diversion
Change place of use Change nature of use Change period of use Other

1. Point of diversion: 1/4 NE 1/4 NW 1/4, Section 36, Township 13S, Range 35E, B.M.,
County of Oneida. Other points of diversion (Original) NENE Sec 36 T13S R35E
2 wells in same 1/4 of 1/4

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

Amount 8.80 cfs for Irrigation purposes from 4/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

Amount _____ 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:

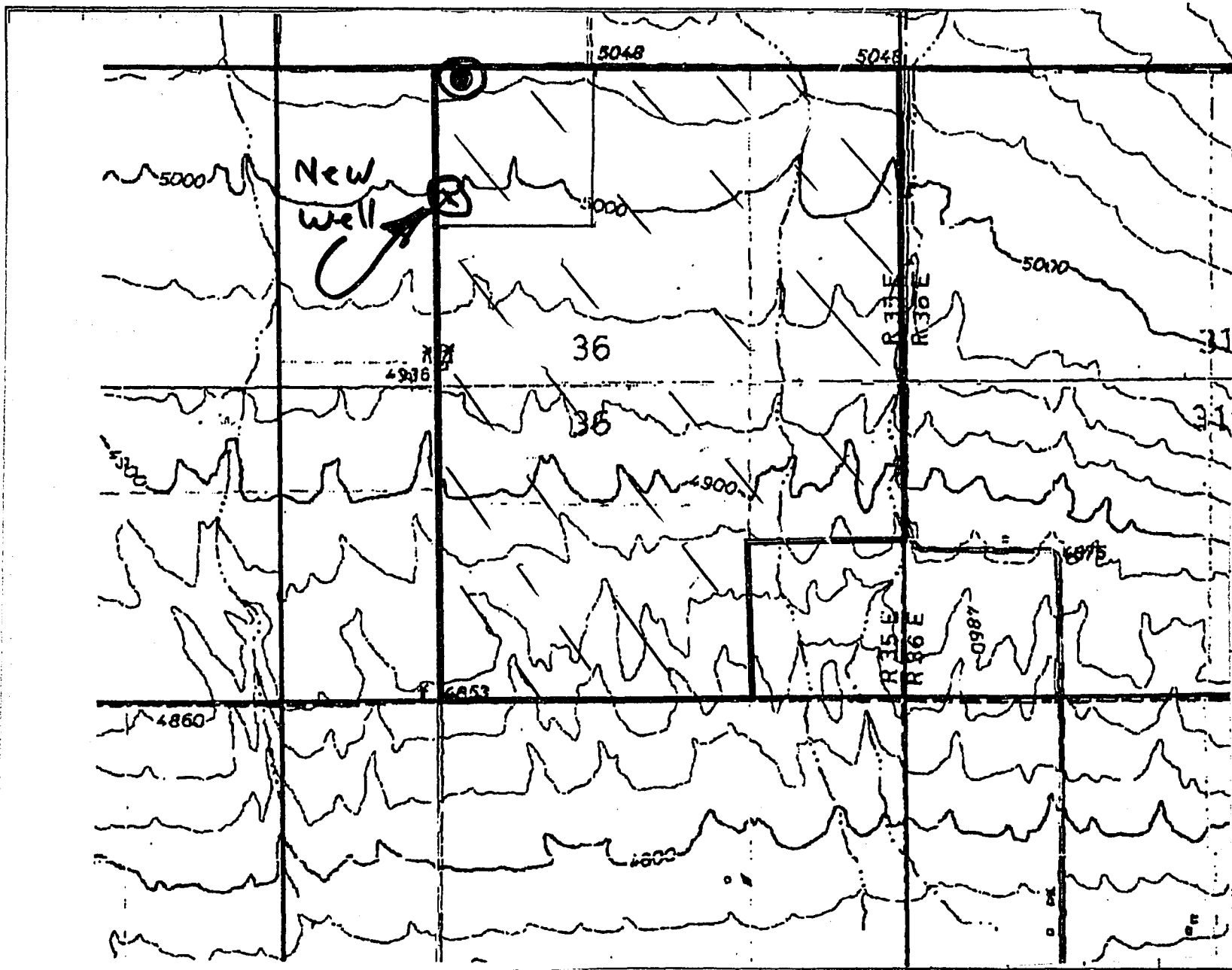
No Change

[illegible]

Total number of acres to be irrigated 440

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated at the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 160 acres)



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 2 day of Nov, 20 01.

Jeff J. Thomas
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by SC Publication prepared by SC Date 11/7/01

Published in Tahoe Enterprise Publication dates 11/15 & 11/22/01

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 20 _____.

SIGNATURE

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 15-07193

Priority: December 18, 2000

Maximum Diversion Rate: 8.80 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	8.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 36, Twp 13S, Rge 35E, B.M.	ONEIDA County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 36, Twp 13S, 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		
13S 35E 36	40.0	40.0	40.0	40.0	40.0				40.0	40.0				40.0	40.0	40.0	40.0	440.0

Total Acres: 440

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. 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.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of December 2001.

Karl J Dreher
for KARL J DREHER, Director



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 07, 2001

Jeffery Thomas
2705 W 2000 N
Malad City ID 83252

RE: Application to Amend Permit No 15-7193

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 15 and 22, 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 unprotested application is about <eight> weeks.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

The following application has been filed to amend Permit to Appropriate Water
15-7193

JEFFERY THOMAS
2705 W 2000 N
MALAD CITY ID 83252

Point(s) of Diversion: NENW S36 T13S R35E, ONEIDA County
Source GROUND WATER

Point(s) of Diversion: NENW S36 T13S R35E, ONEIDA County
Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 8.8 CFS
Total Diversion: 8.8 CFS

Date Filed: 11/05/2001

Place Of Use: IRRIGATION

T13S R35E S36 NENE NWNE SWNE SENE NENW SENW NESW SESW NESE NWSE SWSE

Number of Acres 440

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 December 3, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on November 14 and 22, 2001



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 07, 2001

Legal Notice Department

Idaho Enterprise

PO Box 205

Malad City ID 83252

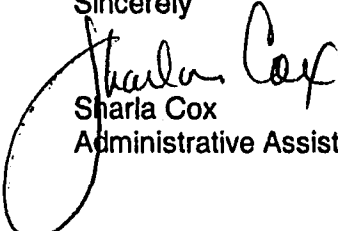
RE: Application to Amend Permit No. 15-7193

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 December 3, 2001. Your cooperation is appreciated.

Sincerely


Sharla Cox
Administrative Assistant

*boxed
11/7/01
1:30 p.m.
SC*

2819
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.

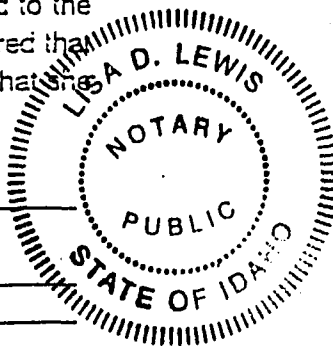
Such notice was published in the issue beginning with 11-15 1920, and ending with the issue of 11-22 1920

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 30 day of Nov in the year of 2001
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: 2-5-08



NOTICE
The following application has
been filed to amend Permit to Ap-
propriate Water
15-7193
JEFFERY THOMAS
2705 W 2000 N
MALAD CITY ID 83252
Point(s) of Diversion: NENW S36
T13S R35E, ONEIDA County
Source GROUND WATER
Use: IRRIGATION 04/01 To 10/
31 8.8 CFS
Total Diversion: 8.8 CFS
Date Filed: 11/05/2001
Place Of Use: IRRIGATION
T13S R35E S36 NENE NWNE
SWNE SENE NENW SENW
NESW SESW NESE NWSE
SWSE
Number of Acres 440
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

RECEIVED
DEC 04 2001

Department of Water Resources
Eastern Region

**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

December 18, 2001

JEFFERY J THOMAS
2705 W 2000 N
MALAD CITY ID 83252

RE: Permit 15-07193

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

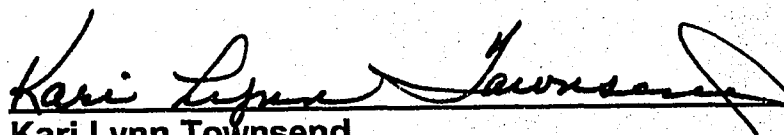
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on December 18, 2001 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 15-07193

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


**Kari Lynn Townsend
Secretary**