FORM 202
2/96

fee 410.00

Ident. No. 15-7223

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Ralph Hughes Phone 208 766-2506
Mailing address 3141 West Samaria Road, Malad Idaho 83252
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 15S Range 35E Sec. 25, in the _____ 1/4, NE 1/4, SE 1/4, Govt. Lot _____, B.M., Oneida _____ County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 4.04 (cfs or acre-feet per annum) for Irrigation purposes from 4-1 to 10-31 (both dates inclusive)
Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 4.04 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Well & pump to a pressurized sprinkler system
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is 14" inches; proposed depth of well is 250' feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NO; Drilling firm Mt. West #543;
Well was drilled for (well owner) _____; Drilling Permit No. 77150-Tag #0021773
7. Time required for completion of works and application of water to proposed beneficial use is 3 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. _____

RECEIVED
FEB 26 2002
Department of Water Resources
Eastern Region

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	
15S	36E	19									1	8	37	12					58
	36E	30					15	34	29	18									96
15S	35E	24				4													4
		25	3			10									31				44

Total number of acres to be irrigated 202

10. Describe any other water rights used for the same purposes as described above. Shares of Samaria Irrigation

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 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.

Ralph Hughes

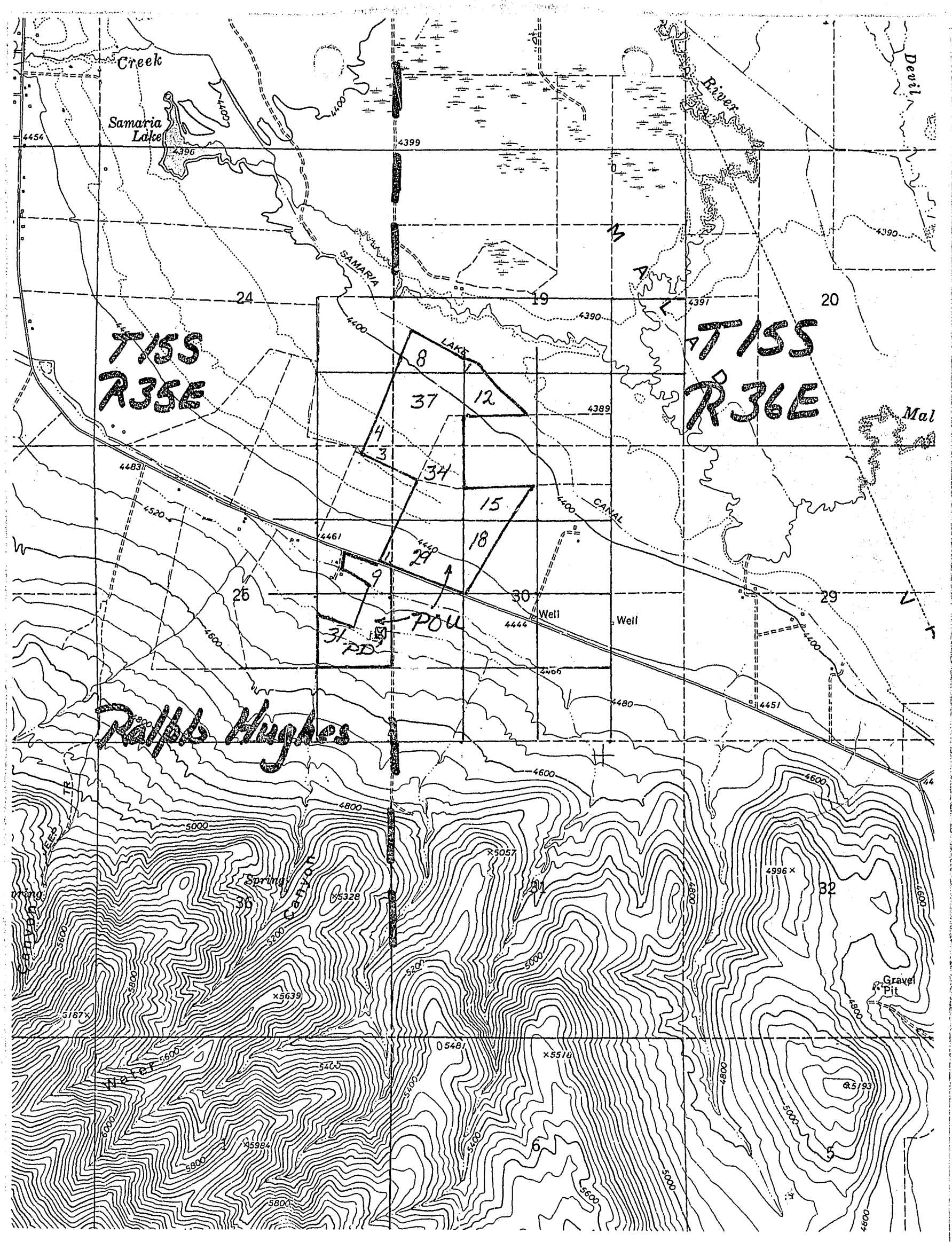
Signature of Applicant (and title, if applicable)

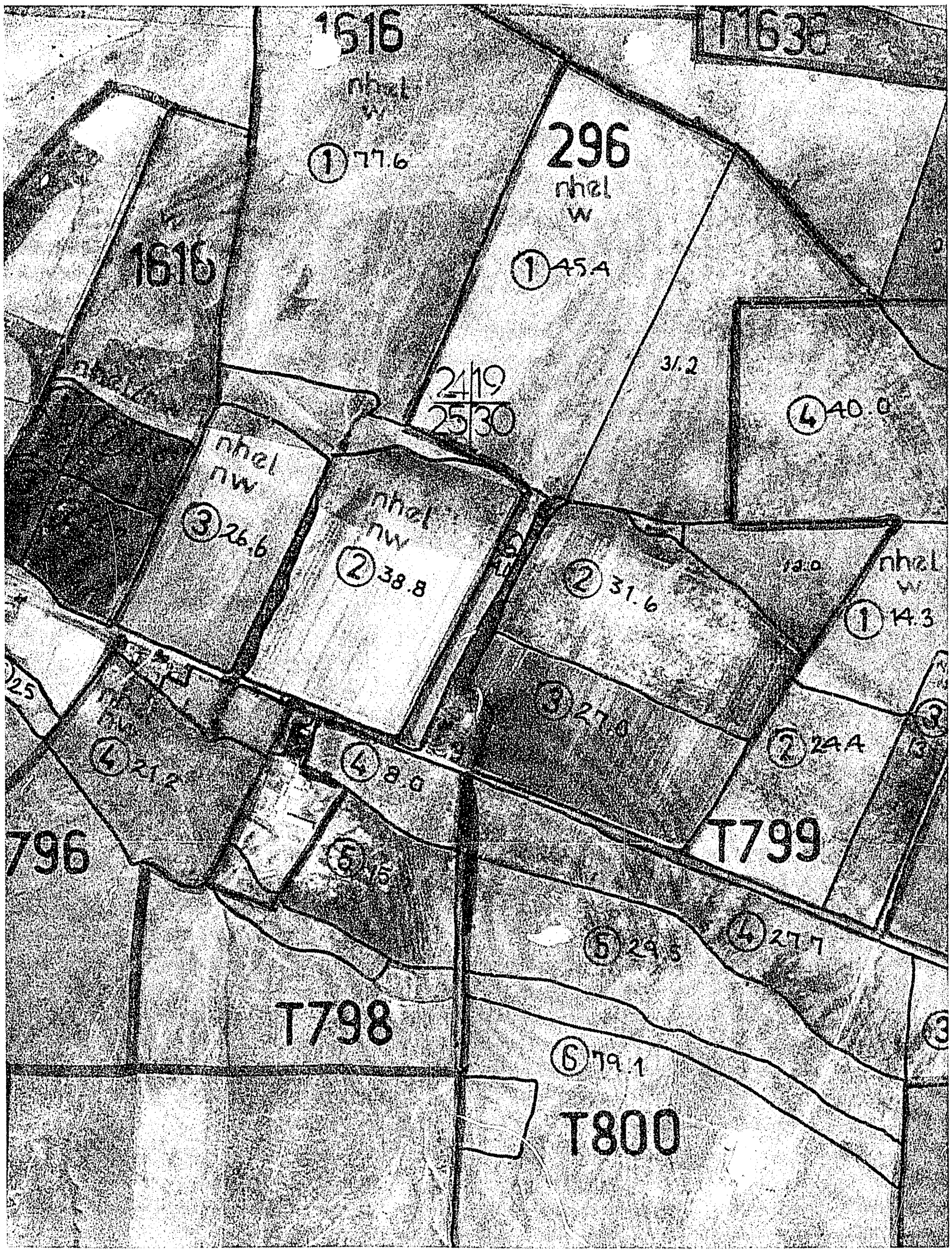
Received by HWJ Date 2-26-02 Time _____ Preliminary check by _____

Fee $ 410.00 Receipted by HWJ # E027480 Date 2-26-02

Publication prepared by SC Date 3/7 & 3/14/02 Published in Id. Enterprise

Publication approved _____ Date _____


Creek
Samaria Lake
4454
4396
4399
4400
Devil
River
4390
SAMARIA
LAKE
24
19
20
T 15 S
R 35 E
T 15 S
R 36 E
8
37
12
4
3
34
15
18
29
9
25
30
29
31
PD
POW
Well
Well
4444
4406
4480
4451
Ralph Hughes
4600
4800
5000
5057
Spring
Canyon
5328
5200
5000
5600
3800
5639
5167
5481
5516
5400
5600
5800
5984
4996
32
Gravel Pit
5193
5000
4800
4600
6
5


1616
nhel
W
1
77.6
1636
296
nhel
W
1
45.4
1616
nhel
nw
3
26.6
24
19
25
30
31.2
4
40.0
nhel
nw
2
38.8
2
31.6
nhel
W
1
14.3
3
27.0
2
24.4
4
21.2
4
8.0
5
15
796
T799
5
29.5
4
27.7
T798
6
19.1
T800

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

THOMAS C. WILLIAMS and MARCENE L. WILLIAMS, husband and wife, Plaintiffs, vs. RALPH HUGHES and DAVID G. HIGLEY and MARIE HIGLEY, husband and wife, Defendants.	Case No. CV-98-64 JUDGMENT

State of Idaho
County of Oneida } ss.
I hereby certify that the foregoing is a full, true and correct copy of the original in the above entitled matter.
Witness my hand and affix the seal of said court, this 15th day of March 1999.

Clerk of The District Court
By _____ Deputy

The above-entitled matter having been set for trial before the Court came on regularly before the Court for hearing pursuant to Order of the Court dated March 10, 1999, and Stipulated Settlement Agreement between the parties on March 12, 1999, at the hour of 10:00 a.m. in the Courtroom of the Oneida County Courthouse, Malad City, Idaho. The Honorable Peter D. McDermott, District Judge, presided.

Plaintiffs Thomas C. Williams and Marcene L. Williams, husband and wife, appeared in person and through their attorney of record, Steven R. Fuller. Defendants Ralph Hughes and David G. Higley and Marie Higley, husband and wife, appeared in person and through their attorney of record, Randall C. Budge of the firm Racine, Olson, Nye, Budge & Bailey, Chartered.

The parties presented to the Court an Agreement executed by the parties for the purpose of fully compromising, settling and resolving the differences and ending this litigation, together with a protest pending before the Idaho Department of Water Resources in the matter of the Application

for Transfer of Water Rights by Samaria Water & Irrigation Company, Transfer No. 5276. The Court having read the Agreement approves the same. Judgment should be entered in accordance therewith. Now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Agreement attached hereto is hereby approved by the Court and incorporated in this Judgment by reference as if set forth fully.

2. A certified copy of this Judgment and the attached Agreement will be recorded in the Office of the County Recorder of Oneida County, Idaho, and also filed with the Idaho Department of Water Resources for the purpose of establishing the rights, duties and obligations of all parties to the Agreement.

3. Plaintiffs' Complaint is dismissed with prejudice.

4. Each of the parties will bear their own attorney fees and costs incurred herein.

DATED this 12 day of March, 1999.

PETER D. McDERMOTT
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of March, 1999, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

STEVEN R. FULLER ATTORNEY AT LAW PO BOX 191 24 NORTH STATE STREET PRESTON, ID 83263	[ ] U.S. Mail Postage Prepaid [✓] Hand Delivery [ ] Overnight Mail [ ] Facsimile
RANDALL C. BUDGE RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. BOX 1391 POCATELLO, ID 83204-1391	[✓] U.S. Mail Postage Prepaid [ ] Hand Delivery [ ] Overnight Mail [ ] Facsimile
SAMARIA WATER AND IRRIGATION CO DAVID EDWARDS, PRESIDENT CHARLENE TUBBS, SECRETARY 310 SOUTH 5800 WEST MALAD, ID 83252	[✓] U.S. Mail Postage Prepaid [ ] Hand Delivery [ ] Overnight Mail [ ] fACSIMILE

Clerk

AGREEMENT

THIS AGREEMENT made this 12th day of March, 1999, by and between **THOMAS C. WILLIAMS and MARCENE L. WILLIAMS,** husband and wife, (hereinafter "Williams") and **ORILLA BARRY HUGHES,** a single person (hereinafter "Orilla") and **RALPH HUGHES**, a single person (hereinafter "Hughes") and **DAVID G. HIGLEY and MARIE HIGLEY**, husband and wife, (hereinafter "Higley").

WHEREAS, Orilla and Williams are the owners of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference together with appurtenant water rights consisting of 19-27/40ths shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, Hughes is the owner and Higley is the lessee-operator of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "B" attached hereto and incorporated herein by reference, together with appurtenant water rights consisting of 12-3/4 shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, a dispute has existed between the parties hereto with regards to the points of diversion and places of use of their respective water rights described which has resulted in litigation pending in Case No. CV-98-64 in the Sixth Judicial District of the State of Idaho in and for the County of Oneida, together with a protest pending before the Idaho Department of Water Resources (hereinafter "IDWR") in the matter of the application for transfer of water right by Samaria Water and Irrigation Company, Transfer No.5276; and

WHEREAS, the parties desire to enter into this agreement for the purpose of fully compromising, settling and resolving their differences and ending the aforesaid litigation and protest pending between them.

NOW, THEREFORE, for and in exchange of the mutual covenants, promises and terms contained herein, the parties hereto agree as follows:

1. The parties agree and recognize that each owns certain water rights associated with shares of stock owned in the Samaria Water and Irrigation Company (hereinafter "Samaria") as set forth below:

Orilla Barry Hughes . . . . . 7-27/40 shares

Thomas C. Williams and Marcene Williams . . . . . 12 Shares

Total . . . . . 19-27/40 shares

Ralph Hughes . . . . . 8-27/40 shares

David G. Higley and Marie Higley . . . . . 4 shares

Total . . . . . 12-27/40 shares

2. The pending protest to Application No. 5276 by Hughes with the Idaho Department of Water Resources against the inclusion of Williams' real property in the designated place of use for Samaria shall be withdrawn by Hughes and IDWR will be authorized and directed to issue the pending Transfer No. 5276 without further notice or hearing. The parties will execute such documents and take such further action as may be required to insure that all of the parties' above described properties are included within the authorized place of use of Samaria in accordance with their applications on file with IDWR.

3. Samaria's existing canal, which presently ends in the NE1/4 of the NW1/4 of Section 25, Township 15 South, Range 35 East, B. M., will be extended to include the private lateral ditch presently utilized by the parties running from the described end of the Samaria Canal in a southeasterly direction through the NE1/4 of Section 25 to a point near the intersection with the East section line where the respective headgates of Williams and Hughes divert water into their private ditches. The parties hereby transfer and convey to Samaria all of their rights, title and interests and an easement for access, maintenance and repair in and to the described ditch. Samaria will thereafter have the sole and exclusive ownership and control of their extended canal and be solely responsible to operate and maintain the canal and to measure and deliver the respective water rights of the parties as described in this agreement, all in accordance with the usual practices and procedures of Samaria.

4. Samaria will cause to be designed and properly installed locking headgates with measuring devices that comply with IDWR specifications at the point where the Hughes (1) and

Williams' (1) headgates are currently located near the East Section line of Section 25, Township 16 South, Range 35 East of the Boise Meridian, and also where Orilla's (2) headgates are located approximately 1/8 mile upstream to the west to insure proper measurement and delivery of the parties' respective water rights. Hughes will pay for their headgate and Williams will pay for their headgate and Orilla's.

5. During the months of December, January and February each year, all water flowing in the lateral ditch servicing the properties of the parties shall be delivered to Hughes, except that Williams shall be provided sufficient water for their actual livestock watering needs, including such additional quantities necessary to insure delivery of stock water during periods of freezing but not to exceed a total of 50 miner's inches (1 cfs).

During the months of November and March each year, and also after the irrigation season commences April 1st and continuing until such time as Samaria begins active management and delivery of irrigation water to it's shareholders and delivery turns are commenced, one-half (½) of any available water flowing in the lateral ditch which services all the parties shall be delivered to Williams and Orilla and the other half shall be delivered to Hughes.

Once delivery turns have commenced, each party shall take any excess water available during that party's delivery turn, and the other party's irrigation water would be shut off. When neither party is taking a delivery turn, all excess irrigation water shall be delivered to Hughes. Once Samaria ceases administering the irrigation water through delivery turns in the fall, any excess water flowing in the lateral ditch shall be divided one-half (½) to Williams and Orilla and one-half (½) to Hughes through the end of November.

6. Notwithstanding any other provision of this agreement, Williams and Hughes shall be entitled to sufficient water from the lateral ditch to meet their reasonable livestock watering needs not to exceed fifteen (15) miner's inches each throughout the year to the extent there is water available from Samaria.

7. Any existing water rights pertaining to the well commonly known as the "Hughes Pump" located on the property of Hughes in the NE1/4 of the SE1/4 of Section 25, Township 15 South, Range 35 East, B.M., are deemed forfeited by the parties due to nonuse pursuant to Idaho Code § 42-222(2). Hughes may level the holding pond and any salvage proceeds received from

(water right 15-2066)

the pump, motor and electrical panel will be disbursed to the owners in accordance with their ownership interests.

8. In addition to the shares of stock each party owns in Samaria, the parties also recognize additional water rights as set forth below:

Orilla Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

Ralph Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

9. Each party agrees to not interfere with the delivery and use of each other's respective water rights described in this agreement; and, further will cooperate with Samaria and not interfere with the operation and maintenance of the lateral ditch and all diversion and measurement structures and facilities.

10. The parties hereby mutually release and discharge each other from all claims, demands or actions, that each may have whether known or unknown, arising directly or indirectly out of the subject matter of the aforesaid Case No. CV-98-64 in the Sixth Judicial District Court of the State of Idaho in and for the County of Oneida and/or IDWR Transfer No. 5276. This agreement is intended to be a compromise of disputed claims and is not to be construed as an admission by any party.

11. This agreement constitutes the entire agreement between the parties, shall not be modified or amended except in writing signed by the parties; and, shall be binding upon the parties hereto, together with their heirs, successors and assigns.

12. Upon execution this agreement will be filed with the Oneida County District Court in Case No. CV-98-64 and incorporated in a final Judgment dismissing the pending litigation with prejudice. Said Judgement will be recorded in the deed records of Oneida County and filed with IDWR. Williams and Hughes to each bear their own attorneys fees and costs incurred in such action.

DATED this 12th day of March, 1999.

THOMAS C. WILLIAMS

MARCENE L. WILLIAMS

ORILLA BARRY HUGHES

By: Marcene L. Williams
Marcene L. Williams
Guardian and Conservator of the
Estate of Orilla Hughes, an incapacitated
person.

DATED this 12th day of March 1999.

RALPH HUGHES

DAVID G. HIGLEY

MARIE HIGLEY

ACCEPTANCE AND AGREEMENT OF SAMARIA

Samaria Water and Irrigation Company hereby accepts and agrees to be bound by the terms and conditions of paragraphs 3 through 6 of the foregoing Agreement.

DATED this 16th day if March, 1999.

SAMARIA WATER AND IRRIGATION COMPANY

By: _____
David Edwards, President

Attested: _____
Secretary

STATE OF IDAHO)
) ss.
County of Oneida)

On this 16th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared David Edwards and Carlean Tubbs, **the President and Secretary respectively of Samaria Water and Irrigation Company,** known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

STEVEN R. FULLER NOTARY PUBLIC STATE OF IDAHO

_____
NOTARY PUBLIC for State of Idaho
Residing at: Preston, ID
Comm. Expires: 2/14/99

STATE OF IDAHO)
) ss.
County of Franklin)

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **THOMAS C. WILLIAMS** and **MARCENE L. WILLIAMS**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

R Budge
NOTARY PUBLIC for State of Idaho
Residing at: ~~Preston~~, Idaho
Comm. Expires: ~~2/19/05~~ 10/11/2000

STATE OF IDAHO)
)
County of Oneida)

On this 12th day of March, 1999, before me, the undersigned a Notary Public in and for said State, personally appeared **MARCENE L. WILLIAMS**, known to me to be the person whose name is subscribed to the within instrument as the Guardian and Conservator of the Estate of **ORILLA BARRY HUGHES** and acknowledged to me that she subscribed the name of **ORILLA BARRY HUGHES** thereto as principal, and her own name as Guardian and Conservator of Orilla Hughes.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

R Budge
NOTARY PUBLIC for State of Idaho
Residing at: ~~Preston~~, Idaho
Comm. Exp.: ~~2/19/05~~ 10/11/2000

STATE OF IDAHO)
) ss.
County of Oneida)

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **RAL[illegible]HES**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

R Budge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, Id.
Comm. Expires: 10/11/2000

STATE OF IDAHO)
) ss.
County of Oneida))

On this 12 day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **DAVID G. HIGLEY and MARIE HIGLEY**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

RANDALL C. RIDGE NOTARY PUBLIC STATE OF IDAHO

R U Ridge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, Id
Comm. Expires: 10/11/2000

EXHIBIT "A"

Property owned by Orilla Barry Hughes

Township 15 South, Range 35 East of the Boise Meridian:
Section 25: Commencing at a point 447.5 feet North along the section to the center of the County Road and North 70°00' West 1109.2 feet along said road from the East Quarter Corner of Section 25, and running thence South 20°00' West 1174.6 feet, thence South 88°30' West 167 feet, thence North 66°00' West 255 feet, thence South 1142.46 feet to the Sixteenth Line, thence West 2468.05 feet along the Sixteenth Line to a point 968 feet East of the West line of Section 25, thence North 12°35' East 371 feet, thence North 65°25' East 1730 feet, thence North 24°04'40" East 1557.37 feet to the center of County Road, thence South 70°00' East 1043.2 feet along said road to the point of beginning.

ALSO,

Township 15 South, Range 35 and 36 East of the Boise Meridian:
Sections 24, 25, 19, 30:
Commencing at a point 474.10 feet North to the North side of the County Road and North 70°00' West 430.15 feet along said road from the East Quarter corner of Section 25, and running thence North 70°00' West 1787.5 feet, more or less, along said road, thence North 23°00' East 1664 feet, thence West 135 feet, thence North 9°00' East 1359 feet, thence North 800 feet, thence North 89°21' East 1196 feet, thence South 62°06' East 163 feet, thence North 89°11' East 1310 feet, thence South 1°30' East 255 feet, thence South 89°21' East 630 feet, thence South 82°31' East 792.17 feet, thence South 17°21'50" West 1211.98 feet, thence West 80 feet, thence North 49°08'30" West 1124.96 feet, thence North 62°06' West 1055.72 feet, thence South 22°55'30" West 2445.9 feet, thence South 71°30' East 850 feet, thence South 28°13' West 1616.55 feet to the point of beginning.

Property owned by Thomas C. Williams and Marcene L. Williams

Township 14 South, Range 36 East of the Boise Meridian
Section 30: E½SW¼, NW¼SE¼.

Legal Description of Ralph Hughes Ranch - Samaria, Idaho

Exhibit "B"

105926

T-3599
Sec. 19,24,25,30
Twp.15 So.
Rge. 35 & 36 EBM

Township 15 South, Range 35 East of the Boise Meridian;
Section 25: Commencing at the East Quarter Corner of Section 25, and running thence North 447.5 feet along Section Line, to the center of County Road, thence North 70°00' West 908 feet along center of County Road, thence South 13°51' West 315.4 feet, thence South 60°27' East 260 feet, thence South 29°42'30" West 878.7 feet, thence North 62°00' West 346.6 feet, thence South 88°30' West 167 feet, thence North 66°00' West 255 feet, thence South 1142.46 feet to the Sixteenth Line, thence East 1843.95 feet to the Section Line, thence North 1320 feet along the Section Line to the place of beginning.

ALSO,

Township 15 South, Ranges 35 and 36 East of the Boise Meridian; Sections 24, 25, 19, 30: Commencing at a point 474.10 feet North of the North side of the County Road from the East Quarter Corner of Section 25, and running thence North 70°00' West 430.15 feet along said Road, thence North 28°13' East 1616.55 feet, thence North 71°30' West 850 feet, thence North 22°55'30" East 2445.9 feet, thence South 62°06' East 1055.72 feet, thence South 49°08'30" East 1124.96 feet, thence East 80 feet, thence North 17°21'50" East 1211.98 feet, thence South 82°31' East 1152.83 feet, thence South 1°17' East 1047 feet, thence South 87°58' West 2410 feet, thence South 00°37' East 1283 feet, thence North 86°53' East 980.5 feet, thence South 30°30' West 2303 feet, more or less, to the North side of County Road, thence North 70°00' West 1390.39 feet, more or less, along said County Road to point of beginning.

TOGETHER WITH 8 27/40 shares of the capital stock of the Samaria Water and Irrigation Co.

ALSO, 2/7th interest in the irrigation pump known as Hughes Pump located in the NE¼ of the SE¼ of Sec.25, T.15S, R35 EBM, together with the right of use of holding reservoir in conjunction with said pump.

ALSO, 1/8 interest in and to the water of Alridge (Alred) and Big Canyon.

ALSO, ½ interest in and to the waters of Water Canyon.

Ralph Hughes

rm 235-1 (10/96)

Drilling Permit No.
Tag No. D0021773
Water Right Permit No. 15-2066
Injection Permit No. 77150
15

WELL DRILLER: PLEASE COMPLETE FOR VERBALS
IDWR Employee Issuing Verbal:_____
Verbal Issued Date:_____ Time:_____

Appt 868819
Well # 343473

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

Applicant (please print): Ralph Hughes

Mailing Address: 3141 West Samaria Road

City & State Malad ID Zip Code 83252 Telephone (208) 766-2506

[ ] Well Owner [ ] Well Operator [ ] Contractor or Other, specify_____

Proposed Well Location: Twp 15S, Rge 35E, Sec 25, NE 1/4 SE 1/4

Gov't Lot No. ____ County Oneida Lat ___:___:___ Long ___:___:___

Street Address of Well Site OFF West Samaria/County Road City Malad

Lot, block and subdivision New Well will be right next to old well which no longer works.

Proposed Use of Well:

[ ] DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head of less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: [X] Irrigation [ ] Municipal [ ] Industrial
[ ] Stock [ ] Test [ ] Other _____ (Describe)

[ ] INJECTION

[ ] MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

Well Construction Information: OLD well was drilled in 1947. Old well wasnt used for 18 years & has sized up & wont work. OLD WELL TO BE ABANDONED & SEALED. COURT ORDER

A. [ ] New Well [ ] Modify [X] Replace

B. Proposed Casing Diameter 14" Proposed Maximum Depth 250'

C. Anticipated bottom hole temperature:
[X] 85 F or less (Cold Water Well) [ ] 85 F to 212 F (Low Temp. Geo. Well) [ ] 212 F or more (Geothermal Well)

Construction Start Date: Oct. 18, 2001

Anticipated Well Driller: Mike Frandsen (MT. West) Driller's Lic. No. 543
NOTE: The actual well driller must be identified prior to drilling

Applicant's Signature: Ralph Hughes Date: Oct 11, 2001

Title: OWNER

ACTION OF THE DEPARTMENT OF WATER RESOURCES

s Permit is Approved Date 11 October 2001

Approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY.

NERAL CONDITIONS:

This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year rom the approval date for completion of the well unless extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply well must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.

The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

ECIFIC CONDITIONS:

ALL SURFACE WATER RIGHTS MUST BE USED BEFORE WELL USED FOR IRRIGATION

THIS IS A supplemental well to surface water rights.

Dennis W Dewey Sr Water Resource Agent

nature of Authorized Department Representative Title

---

eipt No. E027175 Receipted by DN Fee 300.00 Date Oct 11, 2001

EXTENSION OF DRILLING PERMIT

ension approved by _____ Approval Date _____

s extension expires _____

Printed 10/11/2001
Ident No. 771550
Well Tag No. D0021773
Well ID # 343473
Receipt # E027175
Approved Date 10/11/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT

Relationship: Owner/Operator Phone: (208) 766 2506
Name: RALPH HUGHES
Address: 3141 WEST SAMARIA ROAD
MALAD ID 83252

Proposed Well Location: Township 15S, Range 35E, Section 25, NE, SE
COUNTY ONEIDA

Street Address of Well Site: OFF WEST SAMARIA/COUNTY LINE ROAD
MALAD CITY ID

Proposed Use of Well: Irrigation

Well Construction Information:

A. Replacement
B. Proposed Surface Diameter: 14 Inches. Proposed Depth 250 Feet.
C. Anticipated Bottom Hole Temperature: 85F and less

Construction Start Date: Oct 18 2001

Anticipated Well Drilling Company: MOUNTAIN WEST (No. 543)

Applicant's Signature: _____ Date _____

Title: _____

Well ID # 343473

Well Tag No. D0021773

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved on Thursday, October 11, 2001.

Signature of Authorized Dept. Representative

Title

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

THOMAS C. WILLIAMS and MARCENE L. WILLIAMS, husband and wife, Plaintiffs, vs. RALPH HUGHES and DAVID G. HIGLEY and MARIE HIGLEY, husband and wife, Defendants.	Case No. CV-98-64

JUDGMENT

State of Idaho } ss
County of Oneida }

I hereby certify that the foregoing is a full, true and correct copy of the original in the above entitled matter.
Witness my hand and affix the seal of said court, this 15th day of March 1999.

Clerk of The District Court

By Karen Wheatley
Deputy

The above-entitled matter having been set for trial before the Court came on regularly before the Court for hearing pursuant to Order of the Court dated March 10, 1999, and Stipulated Settlement Agreement between the parties on March 12, 1999, at the hour of 10:00 a.m. in the Courtroom of the Oneida County Courthouse, Malad City, Idaho. The Honorable Peter D. McDermott, District Judge, presided.

Plaintiffs Thomas C. Williams and Marcene L. Williams, husband and wife, appeared in person and through their attorney of record, Steven R. Fuller. Defendants Ralph Hughes and David G. Higley and Marie Higley, husband and wife, appeared in person and through their attorney of record, Randall C. Budge of the firm Racine, Olson, Nye, Budge & Bailey, Chartered.

The parties presented to the Court an Agreement executed by the parties for the purpose of fully compromising, settling and resolving the differences and ending this litigation, together with a protest pending before the Idaho Department of Water Resources in the matter of the Application

for Transfer of Water Rights by Samaria Water & Irrigation Company, Transfer No. 5276. The Court having read the Agreement approves the same. Judgment should be entered in accordance therewith. Now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Agreement attached hereto is hereby approved by the Court and incorporated in this Judgment by reference as if set forth fully.

2. A certified copy of this Judgment and the attached Agreement will be recorded in the Office of the County Recorder of Oneida County, Idaho, and also filed with the Idaho Department of Water Resources for the purpose of establishing the rights, duties and obligations of all parties to the Agreement.

3. Plaintiffs' Complaint is dismissed with prejudice.

4. Each of the parties will bear their own attorney fees and costs incurred herein.

DATED this 12th day of March, 1999.

PETER D. McDERMOTT
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of March, 1999, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

STEVEN R. FULLER ATTORNEY AT LAW PO BOX 191 24 NORTH STATE STREET PRESTON, ID 83263	[ ] [✓] [ ] [ ]	U.S. Mail Postage Prepaid Hand Delivery Overnight Mail Facsimile
RANDALL C. BUDGE RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. BOX 1391 POCATELLO, ID 83204-1391	[✓] [ ] [ ] [ ]	U.S. Mail Postage Prepaid Hand Delivery Overnight Mail Facsimile
SAMARIA WATER AND IRRIGATION CO DAVID EDWARDS, PRESIDENT CHARLENE TUBBS, SECRETARY 310 SOUTH 5800 WEST MALAD, ID 83252	[✓] [ ] [ ] [ ]	U.S. Mail Postage Prepaid Hand Delivery Overnight Mail fACSIMILE

Clerk

AGREEMENT

THIS AGREEMENT made this 12th day of March, 1999, by and between **THOMAS C. WILLIAMS and MARCENE L. WILLIAMS,** husband and wife, (hereinafter "Williams") and **ORILLA BARRY HUGHES**, a single person (hereinafter "Orilla") and **RALPH HUGHES**. a single person (hereinafter "Hughes") and **DAVID G. HIGLEY and MARIE HIGLEY**, husband and wife, (hereinafter "Higley").

WHEREAS, Orilla and Williams are the owners of certain real property located in Oneida County, Idaho. and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference together with appurtenant water rights consisting of 19-27/40ths shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, Hughes is the owner and Higley is the lessee-operator of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "B" attached hereto and incorporated herein by reference, together with appurtenant water rights consisting of 12-3/4 shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, a dispute has existed between the parties hereto with regards to the points of diversion and places of use of their respective water rights described which has resulted in litigation pending in Case No. CV-98-64 in the Sixth Judicial District of the State of Idaho in and for the County of Oneida, together with a protest pending before the Idaho Department of Water Resources (hereinafter "IDWR") in the matter of the application for transfer of water right by Samaria Water and Irrigation Company, Transfer No.5276; and

WHEREAS, the parties desire to enter into this agreement for the purpose of fully compromising, settling and resolving their differences and ending the aforesaid litigation and protest pending between them.

NOW, THEREFORE, for and in exchange of the mutual covenants, promises and terms contained herein, the parties hereto agree as follows:

1. The parties agree and recognize that each owns certain water rights associated with shares of stock owned in the Samaria Water and Irrigation Company (hereinafter "Samaria") as set forth below:

Orilla Barry Hughes . . . . . 7-27/40 shares

Thomas C. Williams and Marcene Williams . . . . . 12 Shares

Total . . . . . 19-27/40 shares

Ralph Hughes . . . . . 8-27/40 shares

David G. Higley and Marie Higley . . . . . 4 shares

Total . . . . . 12-27/40 shares

2. The pending protest to Application No. 5276 by Hughes with the Idaho Department of Water Resources against the inclusion of Williams' real property in the designated place of use for Samaria shall be withdrawn by Hughes and IDWR will be authorized and directed to issue the pending Transfer No. 5276 without further notice or hearing. The parties will execute such documents and take such further action as may be required to insure that all of the parties' above described properties are included within the authorized place of use of Samaria in accordance with their applications on file with IDWR.

3. Samaria's existing canal, which presently ends in the NE1/4 of the NW1/4 of Section 25, Township 15 South, Range 35 East, B. M., will be extended to include the private lateral ditch presently utilized by the parties running from the described end of the Samaria Canal in a southeasterly direction through the NE1/4 of Section 25 to a point near the intersection with the East section li where the respective headgates of Williams and Hughes divert water into their private ditches. The parties hereby transfer and convey to Samaria all of their rights, title and interests and an easement for access, maintenance and repair in and to the described ditch. Samaria will thereafter have the sole and exclusive ownership and control of their extended canal and be solely responsible to operate and maintain the canal and to measure and deliver the respective water rights of the parties as described in this agreement, all in accordance with the usual practices and procedures of Samaria.

4. Samaria will cause to be designed and properly installed locking headgates with measuring devices that comply with IDWR specifications at the point where the Hughes (1) and

Williams' (1) headgates are currently located near the East Section line of Section 25, Township 16 South, Range 35 East of the Boise Meridian, and also where Orilla's (2) headgates are located approximately 1/8 mile upstream to the west to insure proper measurement and delivery of the parties' respective water rights. Hughes will pay for their headgate and Williams will pay for their headgate and Orilla's.

5. During the months of December, January and February each year, all water flowing in the lateral ditch servicing the properties of the parties shall be delivered to Hughes, except that Williams shall be provided sufficient water for their actual livestock watering needs, including such additional quantities necessary to insure delivery of stock water during periods of freezing but not to exceed a total of 50 miner's inches (1 cfs).

During the months of November and March each year, and also after the irrigation season commences April 1st and continuing until such time as Samaria begins active management and delivery of irrigation water to it's shareholders and delivery turns are commenced, one-half (½) of any available water flowing in the lateral ditch which services all the parties shall be delivered to Williams and Orilla and the other half shall be delivered to Hughes.

Once delivery turns have commenced, each party shall take any excess water available during that party's delivery turn, and the other party's irrigation water would be shut off. When neither party is taking a delivery turn, all excess irrigation water shall be delivered to Hughes. Once Samaria ceases administering the irrigation water through delivery turns in the fall, any excess water flowing in the lateral ditch shall be divided one-half (½) to Williams and Orilla and one-half (½) to Hughes through the end of November.

6. Notwithstanding any other provision of this agreement, Williams and Hughes shall be entitled to sufficient water from the lateral ditch to meet their reasonable livestock watering needs not to exceed fifteen (15) miner's inches each throughout the year to the extent there is water available from Samaria.

7. Any existing water rights pertaining to the well commonly known as the "Hughes Pump" located on the property of Hughes in the NE1/4 of the SE1/4 of Section 25, Township 15 South, Range 35 East, B.M., are deemed forfeited by the parties due to nonuse pursuant to Idaho Code § 42-222(2). Hughes may level the holding pond and any salvage proceeds received from

852-2860

Oneida

CA-98-64

Tom Z

Williams v Hewes & Hight

766-2682 Ralph

766-2506

Fogle

766-2569

the pump, motor and electrical panel will be disbursed to the owners in accordance with their ownership interests.

8. In addition to the shares of stock each party owns in Samaria, the parties also recognize additional water rights as set forth below:

Orilla Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

Ralph Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

9. Each party agrees to not interfere with the delivery and use of each other's respective water rights described in this agreement; and, further will cooperate with Samaria and not interfere with the operation and maintenance of the lateral ditch and all diversion and measurement structures and facilities.

10. The parties hereby mutually release and discharge each other from all claims, demands or actions, that each may have whether known or unknown, arising directly or indirectly out of the subject matter of the aforesaid Case No. CV-98-64 in the Sixth Judicial District Court of the State of Idaho in and for the County of Oneida and/or IDWR Transfer No. 5276. This agreement is intended to be a compromise of disputed claims and is not to be construed as an admission by any party.

11. This agreement constitutes the entire agreement between the parties, shall not be modified or amended except in writing signed by the parties; and, shall be binding upon the parties hereto, together with their heirs, successors and assigns.

12. Upon execution this agreement will be filed with the Oneida County District Court in Case No. CV-98-64 and incorporated in a final Judgment dismissing the pending litigation with prejudice. Said Judgement will be recorded in the deed records of Oneida County and filed with IDWR. Williams and Hughes to each bear their own attorneys fees and costs incurred in such action.

DATED this 12th day of March, 1999.

THOMAS C. WILLIAMS

MARCENE L. WILLIAMS

ORILLA BARRY HUGHES

By: Marcene L. Williams
Marcene L. Williams
Guardian and Conservator of the
Estate of Orilla Hughes, an incapacitated
person.

DATED this 12th day of March, 1999.

RALPH HUGHES

DAVID G. HIGLEY

MARIE HIGLEY

ACCEPTANCE AND AGREEMENT OF SAMARIA

Samaria Water and Irrigation Company hereby accepts and agrees to be bound by the terms and conditions of paragraphs 3 through 6 of the foregoing Agreement.

DATED this 16th day if March, 1999.

SAMARIA WATER AND IRRIGATION COMPANY

By: David Edwards
David Edwards, President

Attested: Carlean C. Tubbs
Secretary

STATE OF IDAHO)
) ss.
County of Oneida)

On this 16th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared David Edwards and Carlean Tubbs, **the President and Secretary respectively of Samaria Water and Irrigation Company,** known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

STEVEN R. FULLER
NOTARY
PUBLIC
STATE OF IDAHO

Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, ID
Comm. Expires: 2/19/99

STATE OF IDAHO)
) ss.
County of Franklin)

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **THOMAS C. WILLIAMS and MARCENE L. WILLIAMS**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

R Budge
NOTARY PUBLIC for State of Idaho
Residing at: ~~Preston~~, Idaho
Comm. Expires: ~~2/19/05~~ 10/11/2000

STATE OF IDAHO)
)
County of Oneida)

On this 12th day of March, 1999, before me, the undersigned a Notary Public in and for said State, personally appeared **MARCENE L. WILLIAMS,** known to me to be the person whose name is subscribed to the within instrument as the Guardian and Conservator of the Estate of **ORILLA BARRY HUGHES** and acknowledged to me that she subscribed the name of **ORILLA BARRY HUGHES** thereto as principal, and her own name as Guardian and Conservator of Orilla Hughes.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

R Budge
NOTARY PUBLIC for State of Idaho
Residing at: ~~Preston~~, Idaho
Comm. Exp.: ~~2/19/05~~ 10/11/2000

STATE OF IDAHO)
) ss.
County of Oneida)

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **RALPH HUGHES**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

R Budge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, Id.
Comm. Expires: 10/1/2000

STATE OF IDAHO)
) ss.
County of Oneida____)

On this 12 day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **DAVID G. HIGLEY and MARIE HIGLEY**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

RANDALL C. BUDGE NOTARY PUBLIC STATE OF IDAHO

R U Budge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, ID
Comm. Expires: 10/11/2000

EXHIBIT "A"

<u>Property owned by Orilla Barry Hughes</u>

Township 15 South, Range 35 East of the Boise Meridian:
Section 25: Commencing at a point 447.5 feet North along the section to the center of the County Road and North 70°00' West 1109.2 feet along said road from the East Quarter Corner of Section 25, and running thence South 20°00' West 1174.6 feet, thence South 88°30' West 167 feet, thence North 66°00' West 255 feet, thence South 1142.46 feet to the Sixteenth Line, thence West 2468.05 feet along the Sixteenth Line to a point 968 feet East of the West line of Section 25, thence North 12°35' East 371 feet, thence North 65°25' East 1730 feet, thence North 24°04'40" East 1557.37 feet to the center of County Road, thence South 70°00' East 1043.2 feet along said road to the point of beginning.

ALSO,

Township 15 South, Range 35 and 36 East of the Boise Meridian:
Sections 24, 25, 19, 30:
Commencing at a point 474.10 feet North to the North side of the County Road and North 70°00' West 430.15 feet along said road from the East Quarter corner of Section 25, and running thence North 70°00' West 1780.5 feet, more or less, along said road, thence North 23°00' East 1664 feet, thence West 135 feet, thence North 9°00' East 1359 feet, thence North 800 feet, thence North 89°21' East 1196 feet, thence South 62°06' East 163 feet, thence North 89°11' East 1310 feet, thence South 1°30' East 255 feet, thence South 89°21' East 630 feet, thence South 82°31' East 792.17 feet, thence South 17°21'50" West 1211.98 feet thence West 80 feet, thence North 49°08'30" West 1124.96 feet, thence North 62°06' West 1055.72 feet, thence South 22°55'30" West 2445.9 feet, thence South 71°30' East 850 feet, thence South 28°13' West 1616.55 feet to the point of beginning.

<u>Property owned by Thomas C. Williams and Marcene L. Williams</u>

Township 14 South, Range 35 East of the Boise Meridian
Section 30: E½SW¼, NW¼SE¼.

Legal Description of Ralph Hughes Ranch - Samaria, Idaho

Exhibit "B"

105926

T-3599
Sec. 19,24,25,30
Twp.15 So.
Rge. 35 & 36 EBM

Township 15 South, Range 35 East of the Boise Meridian;
Section 25: Commencing at the East Quarter Corner of Section 25, and running thence North 447.5 feet along Section Line, to the center of County Road, thence North 70°00' West 908 feet along center of County Road, thence South 13°51' West 315.4 feet, thence South 60°27' East 260 feet, thence South 29°42'30" West 878.7 feet, thence North 62°00' West 346.6 feet, thence South 88°30' West 167 feet, thence North 66°00' West 255 feet, thence South 1142.46 feet to the Sixteenth Line, thence East 1843.95 feet to the Section Line, thence North 1320 feet along the Section Line to the place of beginning.

ALSO,

Township 15 South, Ranges 35 and 36 East of the Boise Meridian; Sections 24, 25, 19, 30: Commencing at a point 474.10 feet North of the North side of the County Road from the East Quarter Corner of Section 25, and running thence North 70°00' West 430.15 feet along said Road, thence North 28°13' East 1616.55 feet, thence North 71°30' West 850 feet, thence North 22°55'30" East 2445.9 feet, thence South 62°06' East 1055.72 feet, thence South 49°08'30" East 1124.96 feet, thence East 80 feet, thence North 17°21'50" East 1211.98 feet, thence South 82°31' East 1152.83 feet, thence South 1°17' East 1047 feet, thence South 87°58' West 2410 feet, thence South 00°37' East 1283 feet, thence North 86°53' East 980.5 feet, thence South 30°30'West 2303 feet, more or less, to the North side of County Road, thence North 70°00' West 1390.39 feet, more or less, along said County Road to point of beginning.

TOGETHER WITH 8 27/40 shares of the capital stock of the Samaria Water and Irrigation Co.

ALSO, 2/7th interest in the irrigation pump known as Hughes Pump located in the NE¼ of the SE¼ of Sec.25, T15S, R35 EBM, together with the right of use of holding reservoir in conjunction with said pump.

ALSO, 1/8 interest in and to the water of Alridge (Alred) and Big Canyon.

ALSO, ½ interest in and to the waters of Water Canyon.

Ralph Hughes

766-2682 Receipt # E027531

Thomas C. Williams
2643 West Samaria Road
Malad, Idaho 83252

RECEIVED
MAR 12 2002
Department of Water Resources
Eastern Region

March 8, 2002

Director, Dept. of Water Resource
Eastern Region
900 North Skyline Dr. Ste. A
Idaho Falls, Idaho 83402

Director of Water Resources:

There are several issues as to the protest of this permit 15-7223 for Ralph Hughes of Samaria, Idaho. One being the natural springs directly above and below this property he will drill on.

Secondly there is an abandon well of which we were 5/7 owner, Mr. Hughes being 2/7 owner, 20 feet from his proposed well site. This well has not been used for more than two decades.

The main reason for the agreement with Mr. Hughes to abandon this well was the effect it may have on the springs and also our irrigation well within one half mile from his proposed site, if this well was to be reclaimed. My well is in Section 30 and in the past 15 years I have been plagued by low water table. Several culinary wells in this area have had to be either drilled deeper or new ones established because of lowering water tables.

If the permit is allowed, it is feared that the stream coming out of Water Canyon, directly above proposed site, will completely dry up. It at one time, was a large stream flowing all year long, but in 1991 it was piped and several watering troughs placed in order that cattle and wildlife have places to water.

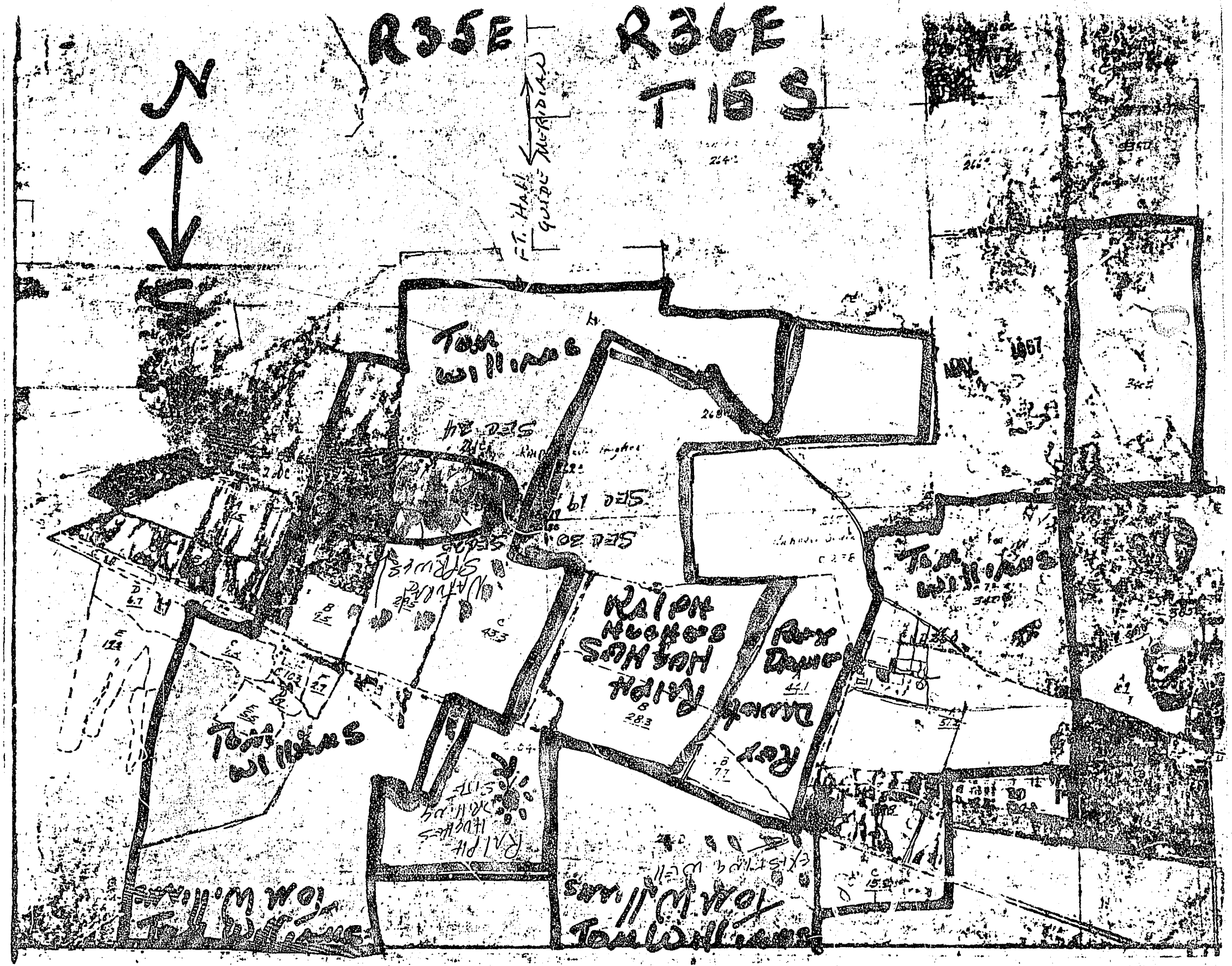
There is meadow land directly below this site with several springs which support the wildlife in this area that could also be affected by this well.

Sincerely,

Thomas C. Williams

Copy mailed to Ralph Hughes

E027531


R35E
R36E
T16S
Ft. Hall
Pocatello
N
Twin Falls
Raft River
Rock Creek
Twin Falls
Twin Falls
Twin Falls
Twin Falls
Twin Falls

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 15-7223 IN THE NAME OF RALPH HUGHES	)))	**PRELIMINARY ORDER**

A hearing was conducted on June 27, 2002 for the above contested matter. Based on the evidence presented at the hearing, the hearing officer finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Ralph Hughes (Hughes) filed application to appropriate water no. 15-7223 on February 26, 2002. The application was protested by Thomas C. Williams (Williams).

2. Application no. 15-7223 proposes the following:

Source: Ground Water
Flow Rate: 4.04 cfs
Purpose of Use: Irrigation
Point of Diversion: NESE, Section 25, T15S, R35E

				Acres
Place of Use:	T15S, R35E,	Section 24	SENE	4
		Section 25	NENE	3
			SENE	10
			NESE	31
	T15S, R36E	Section 19	NESW	1
			NWSW	8
			SWSW	37
			SESW	12
		Section 30	NENW	15
			NWNW	34
			SWNW	29
			SENW	18
			Total Acres	202

Season of Use: April 1 – October 31

3. The place of use is also irrigated with surface water supplied by the Samaria Water and Irrigation Company (Samaria Co.). Hughes testified that he owns 8.5 shares of

Samaria Co. stock. Williams testified that four shares of stock represent the right to delivery of 100 miner's inches (2 cubic feet per second) of water for one day (presumably in a week). Williams also testified that eight shares of stock represent the right to delivery of 100 miner's inches of water for two days. Using this same formula, 8.5 shares of stock would represent the right to divert 100 miner's inches of water for 51 hours each week.

4. Without justification for the need for a higher diversion rate, the statutorily authorized maximum flow rate that can be diverted for irrigation of 202 acres is 4.04 cubic feet per second. Surface water delivered by Samaria Co. supplies less than half this amount.

5. The irrigation season for the Malad Valley recognized by IDWR begins on April 1 and extends through October 31. The irrigation season is 214 days or approximately 31 weeks. If a full irrigation supply is available from Samaria Co., Hughes would be able to divert 2.0 cfs for approximately 1,581 hours. A full supply of water from Samaria Co. would provide approximately 264 acre-feet.

6. In the Malad Valley, IDWR will allow a maximum annual diversion volume of 3.5 acre-feet per acre, if needed. If the full annual diversion volume from all sources of water were diverted for irrigation of the Hughes 202 acres, Hughes could divert up to 707 acre-feet of water.

7. Hughes testified that there is insufficient surface water to supply his irrigation needs. The difference between the volume of water provided by Hughes' Samaria Co. shares and the maximum allowable volume confirms Hughes' testimony.

8. In 1947 a well was drilled in the NESE, Section 25, T15S, R35E near the location for the well proposed by this water right application. For purposes of this decision, the well will be referred to as the "old irrigation well." The old irrigation well produced approximately 120 miners inches of water (2.4 cfs).

9. In 1948 or 1949, Hughes purchased some of the property irrigated by the well. In the 1970's Williams acquired property that was also irrigated from the well.

10. Williams discontinued irrigating from the well after he acquired the land because he owned other surface and ground water rights. Diverting water under these other water rights was cheaper than diverting water from the old irrigation well. Hughes or his renters irrigated from the old irrigation well until 1979 or 1980. Hughes' renters ceased diverting water from the old irrigation well in approximately 1980 because the old irrigation well was too expensive to operate.

11. No water right claims were filed documenting beneficial use from the old irrigation well.

12. Hughes and Williams were parties to a lawsuit in which water use by Hughes and Williams was disputed. The parties settled the lawsuit by agreeing, in writing to certain terms and conditions. The court incorporated the agreement into its judgment and order. A portion of the agreement addressed the use of water from the old irrigation well. The parties agreed that all

ground water rights that may have been perfected through beneficial use of water from the old irrigation well had been forfeited.

13. The old irrigation well has not been used for approximately 20 years. No information was presented about any future use of the old well. The old irrigation well should be abandoned unless Hughes can justify use of water from the well under an existing water right.

14. Hughes owns a domestic well located approximately 300 yards north of the old irrigation well. Hughes testified that his domestic well is about 80 feet deep, and that the water level in the well is approximately 40 feet below land surface. Hughes testified that his domestic well was not affected by pumping water from the old well for irrigation.

15. Williams expressed concern that pumping from the proposed well would dry up springs along the Samaria bench along the north section line of Section 25, T15S, R35E. Hughes testified that he filed on these springs in 1988 for stockwater and irrigation uses. The records of IDWR do not reveal any filings by Williams for springs located in Sections 24 or 25.

16. Williams stated that wildlife habitat might be lost if the springs dry up. There was no further evidence presented regarding the use of the springs by wildlife.

17. Williams stated that pumping from the new well might negatively impact nearby domestic wells. He testified that a well owned by Orilla Hughes had failed during the mid-1990's.

18. Hughes testified that the well owned by Orilla Hughes had been a problem well for a long time, and that the problem with water availability was related to the condition of the well.

19. After the hearing, the hearing officer compiled well logs in the vicinity of the proposed well. The hearing officer also gathered hydrographs of water well depth measurements for nearby wells and reports about the ground water resources prepared by IDWR staff. The hearing officer distributed these documents to the parties and informed them he would use the information in reaching a decision.

20. The proposed well is located on upland ground that buffers the hills southwest of Samaria from the Malad River bottom. The first 50 feet of strata from ground surface is comprised of clays or a mixture of clay beds. Water is encountered in wells drilled on the bench at a depth of 50 to 200 feet. Well driller logs for wells located in the northern part of Section 25 report water depths of approximately 60 feet from ground surface.

21. There is an unsaturated zone between ground surface and the aquifer in the vicinity of the springs located by Williams along the north section line of Section 25, T15S, R35E. Based on information available to the hearing officer, the springs are not hydraulically connected to the aquifer from which Hughes proposes to appropriate water. Shallow irrigation return flows probably percolate into the shallow subsurface and resurface as springs. Casing and sealing through the shallow subsurface clay layers (approximately 40 feet) will prevent reduction of the spring flows.

22. IDWR recently reviewed whether there is sufficient ground water in the Malad Basin to sustain additional appropriation. IDWR staff concluded that there is excess water that can be beneficially used. IDWR staff also concluded that water levels have not declined significantly over the period of record.

23. A drilling permit was mistakenly issued to Hughes prior to consideration of this application for permit. Hughes hired a driller who was beginning to drill when IDWR recognized the error. IDWR told the driller and Hughes that the well could not be drilled without a valid water right.

CONCLUSIONS OF LAW

1. Idaho Code § 42-203A states in pertinent part:

> In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefore, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. The applicant bears the burden of proof for the factors IDWR must consider in Idaho Code § 42-203A.

3. Diversion of water as proposed will not injure other water rights because:

a. There is no filing representing a water right diverted from the springs in Section 25, T15S, R35E.

b. There is a hydraulic separation between the springs and the ground water proposed for diversion by this application.

c. Past diversion from the "old irrigation well" did not negatively affect other wells.

4. IDWR evaluations indicate that there is sufficient water for appropriation of water as proposed by this application.

5. The application is not filed for purposes of speculation and delay. Hughes is anxious to drill the well as indicated by the hiring of a driller and commencement of drilling.

6. The hiring of a driller and the commencement of drilling is evidence Hughes has sufficient financial resources to complete the drilling of a well and irrigation with ground water as proposed.

7. The proposed use of water is in the public interest. Increased irrigation will contribute to better crops and enhanced financial benefit to the applicant and those who work his land. There was no evidence presented to show that the proposed well will negatively affect the springs.

8. The proposed use of water is consistent with principles of conservation of water use in the state of Idaho if the surface water is used first.

ORDER

IT IS HEREBY ORDERED that application to appropriate water no 15-7223, in the name of Ralph Hughes, is **APPROVED** subject to the following conditions:

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2004.

2. Subject to all prior water rights.

3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.

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. 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.

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.

8. The well shall be cased with solid steel casing and sealed to prevent water withdrawal from the first 40 feet of the strata from the ground surface. The annular space

between the casing and the outer borehole shall be filled with a sealing material approved by IDWR.

9. The old irrigation well, located in the NESE, Section 25, T15S, R35E, shall be properly abandoned by a well driller licensed in the state of Idaho unless the permit holder can establish that water from the well will be diverted for a beneficial use authorized by an existing water right.

Dated this 20th day of November 2002.

Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of November 2002, I mailed a true and correct copy, postage prepaid, of this Preliminary Order to the following:

Sue Taylor
Senior Secretary

THOMAS WILLIAMS
2643 W SAMARIA RD
MALAD ID 83252

RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 15-07223

Priority: February 26, 2002 Maximum Diversion Rate: 4.04 CFS

This is to certify, that RALPH HUGHES
3141 W SAMARIA RD
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:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 10/31	4.04 CFS

LOCATION OF POINT OF DIVERSION:
GROUND WATER NE¼SE¼ Sec. 25, Twp 15S, 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	
15S 35E 24				4.0													4.0
15S 35E 25	3.0			10.0									31.0				44.0
15S 36E 19									1.0	8.0	37.0	12.0					58.0
15S 36E 30					15.0	34.0	29.0	18.0									96.0

Total Acres: 202

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2004.**
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
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. 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.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 15-07223

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.
8. The well shall be cased with solid steel casing and sealed to prevent water withdrawal from the first 40 feet of the strata from the ground surface. The annular space between the casing and the outer borehole shall be filled with a sealing material approved by IDWR.
9. The old irrigation well, located in the NESE, Section 25, T15S, R35E, shall be properly abandoned by a well driller licensed in the state of Idaho unless the permit holder can establish that water from the well will be diverted for a beneficial use authorized by an existing water right.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of September, 2003.

Gary Spackman

KARL J DREHER, Director

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

15-7223

RALPH HUGHES
3141 W. SAMARIA ROAD
MALAD ID 83252

Point(s) of Diversion: NESE S25 T15S R35E, ONEIDA County
Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 4.04 CFS

Total Diversion: 4.04 CFS

Date Filed: 02/27/2002

Place Of Use: IRRIGATION

T15S R35E S24 SENE

T15S R35E S25 NENE SENE NESE

T15S R36E S19 NESW NWSW SWSW SESW

T15S R36E S30 NENW NWNW SWNW SENW

Number of Acres 202

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, 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 March 25, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on March 7 and 14, 2002

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2002

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

RE: Application for Permit No. 15-7223

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 March 25, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
2/28/02
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

February 28, 2002

Ralph Hughes
3141 W Samaria Rd
Malad ID 83252

RE: Application for Permit #15-07223

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on March 7 and 14, 2002. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ::sc

FAX

March 11, 2002

To: Sharla Cox - IDWR - Eastern Regional Office
Fax # (208) 525-7177

From: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3839

Re: Application for Permit No. 15-07223, Ralph Hughes

Hi Sharla:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report dated March 4, 2002 (copy attached).

Our MTP (copy attached) shows:

POUs: T15S R36E S19 NWSW and SWSW may be missing lot #s.

T15S R36E S30 NWNW and SWNW may be missing a lot #'s.

BLM does not have a problem with this claim, we are just providing this for your information.

Thank you.

Have a nice day!!

cc: Deena Teel - BLM - Idaho Falls FO
Fax # (208) 524-7505

Pages 4 (includes cover sheet)

2843

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 2 I 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 3-7 2002 and ending with the issue of 3-14 2002

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 29th day of March in the year of 2002 before me, Lugene P. Hill 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.

LUGENE P. HILL NOTARY PUBLIC STATE OF IDAHO

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

NOTICE

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

15-7223
RALPH HUGHES
3141 W. SAMARIA ROAD
MALAD ID 83252
Point(s) of Diversion: NESE S25 T15S R35E, ONEIDA County
Source GROUND WATER
Use: IRRIGATION 04/01 To 10/
314.04 CFS
Total Diversion: 4.04 CFS
Date Filed: 02/27/2002
Place Of Use: IRRIGATION
T15S R35E S24 SENE
T15S R35E S25 NENE SENE NESE T15S R36E S19 N E S W NWSW SWSW SESW T15S R36E S30 NENW NWNW SWNW SENW
Number of Acres 202
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, 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 March 25, 2002.

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 03, 2002

THOMAS C WILLIAMS
2643 W SAMARIA RD
MALAD CITY, ID 83252

Application to Permit No. 15-7223

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

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. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones

Harold W Jones
Water Right Supervisor

HWJ:sc

cc: 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

April 03, 2002

RALPH HUGHES
3141 W. SAMARIA ROAD
MALAD ID 83252

Application to Permit No. 15-7223

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

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. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W Jones

Harold W Jones
Water Right Supervisor

cc: State Office

HWJ:sc

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 15-07223 IN THE NAME OF RALPH HUGHES	)))	**NOTICE OF HEARING**

On February 26, 2002 Ralph Hughes filed Application 15-07223. The application was protested on March 12, 2002 by Thomas Williams.

THE DEPARTMENT HAS NOW SCHEDULED THE MATTER FOR HEARING ON JUNE 27, 2002, AT 9:30 A.M., AT THE POCATELLO AIRPORT CONFERENCE ROOM IN POCATELLO, ID.

The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within ten (10) days prior to the hearing.

Dated this 28 day of June, 2002.

RONALD D. CARLSON
Regional Manager

NOTICE OF HEARING

CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of June, 2002, I mailed a true and correct copy, postage prepaid, of foregoing **NOTICE OF HEARING** to the following:

Thomas C Williams
2643 W Samaria Rd
Malad ID 83252

Ralph Hughes
3141 W Samaria Rd
Malad ID 83252

Randall Budge
PO Box 1391
Pocatello ID 83204-1391

Sharla Cox

SHARLA COX
Administrative Assistant

CERTIFICATE OF SERVICE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THOMAS C WILLIAMS
2643 W SAMARIA RD
MALAD ID 83252

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* | B. Date of Delivery 6/4/03

C. Signature
X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
XX Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 2510 0007 6760 2732

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RALPH HUGHES
3141 W SAMARIA RD
MALAD ID 83252

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Ralph Hughes | B. Date of Delivery 5-31-03

C. Signature
X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 2510 0007 6760 2725

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Andrew Menner | B. Date of Delivery 6 JUN 2003

C. Signature
X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 2510 0007 6760 2718

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ATTN: 15-7223

RECEIVED
JUN 05 2002
Department of Water Resources
Eastern Region

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ATTN: 15-7223

RECEIVED
JUN 03 2002
Department of Water Resources
Eastern Region

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ATTN: 15-7223

RECEIVED
JUN 04 2002
Department of Water Resources
Eastern Region

Ralph Hughes
3141 West Samaria Rd.
Malad, Idaho 83252

RECEIVED
APR 08 2002
Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources
900 North Skyline Dr.
Suite A
Idaho Falls, Idaho 83402-1718

Attn: Harold W. Jones

Dear Sir:

In reguardes to your letter of 03 April 2002 Re: Application to Permit No. 15-7223.

We feel that our application to drill a new well to suppliment our existing water right to the Samaria Water and Irrigation Company is very necessary. We feel there will be no adverse effect on the existing water right of our neighbors or enviroment as a well in the same quarter section over twenty years ago had a marked improvement on the enviroment adding to water supply in the meadows and no effect on the canyon stream flow; lack of heavy snow fall effect the canyon streams more than any other single cause.

As for as the abandom well that hadn't been pumped in over twenty years, the late Levi Hughes, Thomas C. Williams' father in-law, owned controlling interest in that well and chose not to irrigate even the ground he owned seperate from the ground he owned with his brother, Ralph Hughes. The bouls seased from non use.

Ralph Hughes, having been sued by Thomas C. Williams and Maurcine Williams over use of water in the Samaria Water and Irrigation Company in the past, finds it not possible to come to an agreement on the drilling of this new well. There fore Mr. Hughes has no other recoarse than to use formal proceedings with the help of your office.

Please advise as to your schedule for a formal proceeding so we can notify Randy Budge of the date.

Thank You

Clarence R. Hughes
For Ralph Hughes

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 15-07223 IN THE)	**NOTICE OF**
NAME OF RALPH HUGHES)	**HEARING**

On February 26, 2002 Ralph Hughes filed Application 15-07223. The application was protested on March 12, 2002 by Thomas Williams.

THE DEPARTMENT HAS NOW SCHEDULED THE MATTER FOR HEARING ON JUNE 27, 2002, AT 9:30 A.M., AT THE POCATELLO AIRPORT CONFERENCE ROOM IN POCATELLO, ID.

The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within ten (10) days prior to the hearing.

Dated this 21 day of June, 2002.

RONALD D. CARLSON
Regional Manager

NOTICE OF HEARING

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of June, 2002, I mailed a true and correct copy, postage prepaid, of foregoing **NOTICE OF HEARING** to the following:

Thomas C Williams
2643 W Samaria Rd
Malad ID 83252

Ralph Hughes
3141 W Samaria Rd
Malad ID 83252

Randall Budge
PO Box 1391
Pocatello ID 83204-1391

SHARLA COX
Administrative Assistant

CERTIFICATE OF SERVICE

Hearing for Applic # 15-7223

Applic Exhibits 1,2,3 offered - Received

TAPE #

22-750 Ralph Hughes - Testimony

755-969 Ralph Hughes - Cross examine

1005-1418 Tom Williams Testimony

1427-1734 Tom Williams - Cross examine

1741-2059 " " - Gary's Questions

2060- Garys Statements

Hearings - Applic 95-7223

NAME	ADDRESS
Thomas & W. Williams Thomas E Williams	2648 W. Samaria Rd. Meld. ID. 83252
Marcene Williams	2643 W. Samaria Rd. Meland, Id. 83252
Randall D. Bridge	P.O. Box 1381 Boc., ID 83204 - Attorney For Applicant
[illegible]	3141 West Samaria R 83252 Meld, Idaho 83252
Clarence R Hughes	4030 West Samaria Rd 83252 Meld, Idaho 83252

rm 235-1 (10/96)

Drilling Permit No. _____
Tag No. D0021773
Water Right Permit No. 15-2066
Injection Permit No. _____

WELL DRILLER: PLEASE COMPLETE FOR VERBALS
IDWR Employee Issuing Verbal: _____
Verbal Issued Date: _____ Time: _____

EXHIBIT A

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

Applicant (please print): Ralph Hughes

Mailing Address: 3141 West Samaria Road

City & State Malad ID Zip Code 83252 Telephone (208) 766-2506

[ ] Well Owner [ ] Well Operator [ ] Contractor or Other, specify _____

Proposed Well Location: Twp 15S, Rge 35E, Sec 25, NE 1/4 SE 1/4

Gov't Lot No. _____ County Oneida Lat ___:___:___ Long ___:___:___

Street Address of Well Site OFF West Samaria/County Road City Malad

Lot, block and subdivision New Well will be right next to old well which no longer works.

Proposed Use of Well:

[ ] DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head of less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: [X] Irrigation [ ] Municipal [ ] Industrial
[ ] Stock [ ] Test [ ] Other _____ (Describe)

[ ] INJECTION

[ ] MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

Well Construction Information: OLD well was drilled in 1947. Old well wasnt used for 18 years & has sized up & won't work. OLD WELL TO BE ABANDONED & SEALED. COURT ORDER

A. [ ] New Well [ ] Modify [X] Replace

B. Proposed Casing Diameter 14" Proposed Maximum Depth 250'

C. Anticipated bottom hole temperature:
[X] 85 F or less (Cold Water Well) [ ] 85 F to 212 F (Low Temp. Geo. Well) [ ] 212 F or more (Geothermal Well)

Construction Start Date: Oct. 18, 2001

Anticipated Well Driller: Mike Frandsen (MT. West) Driller's Lic. No. 543
NOTE: The actual well driller must be identified prior to drilling

Applicant's Signature: Ralph Hughes Date: Oct 11, 2001

Title: OWNER

ACTION OF THE DEPARTMENT OF WATER RESOURCES

s Permit is Approved Date 11 October 2001

pproved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY.

NERAL CONDITIONS:

This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year rom the approval date for completion of the well unless extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply well must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.

The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

ECIFIC CONDITIONS:

ALL SURFACE WATER RIGHTS MUST BE USED BEFORE WELL USED FOR IRRIGATION

THIS IS A supplemental well to surface water rights.

Dennis M Dexter Sr Water Resource Agent

nature of Authorized Department Representative Title

---

ceipt No. E027175 Receipted by DN Fee 300.00 Date Oct 11, 2001

EXTENSION OF DRILLING PERMIT

ension approved by _____ Approval Date _____

s extension expires _____

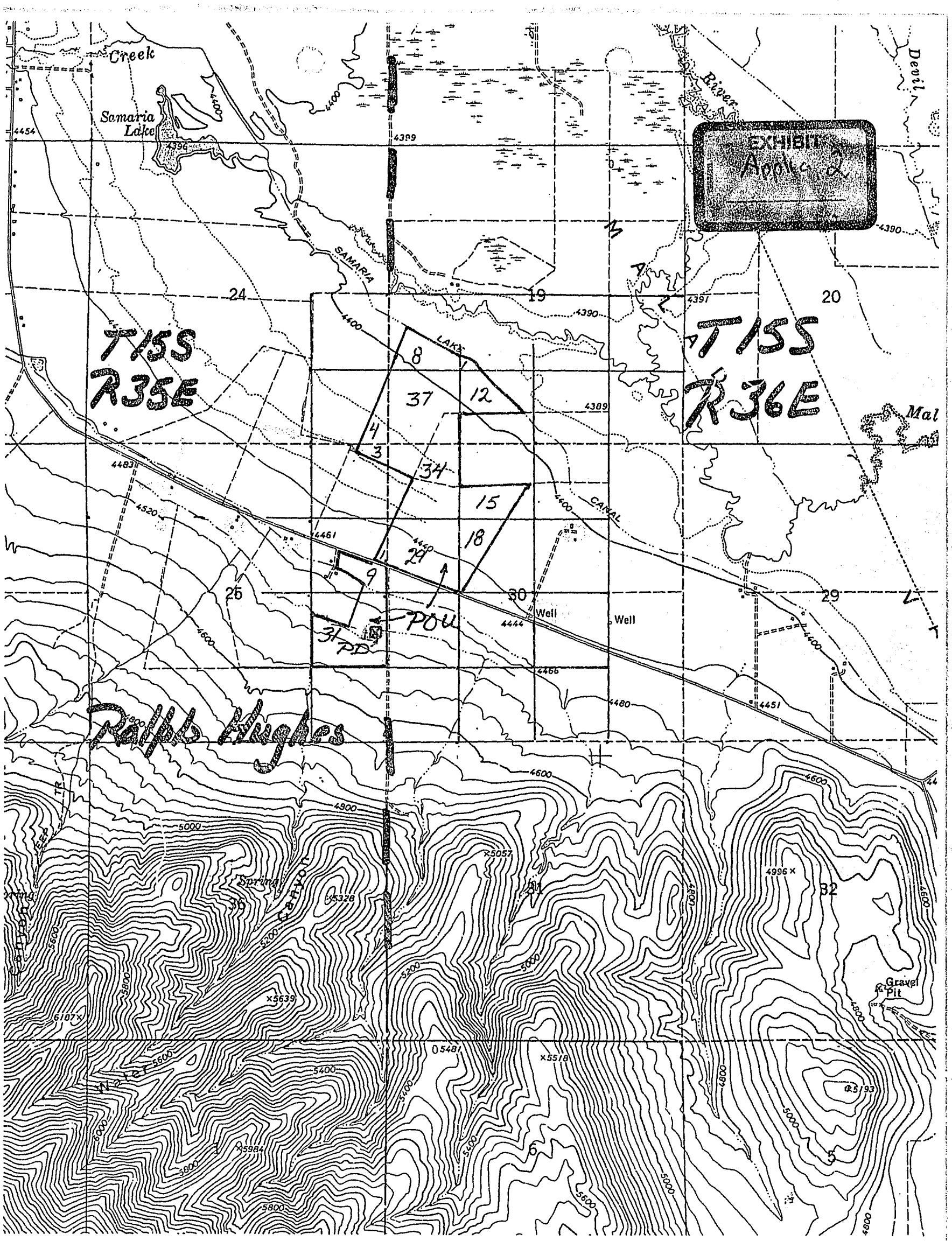

Creek
Samaria Lake
4454
4396
4400
4399
Devil
River
EXHIBIT
Applic. 2
4390
SAMARIA
24
19
20
4391
T15S
R35E
T15S
R36E
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Well
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POU
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4480
4451
Ralph Hughes
4600
4900
5000
5057
Spring
Canyon
5328
36
31
32
4996
5200
5000
5600
5800
6107
5639
5481
5518
5984
5400
4800
Gravel Pit
5193
6
5

EXHIBIT
Applic 13

IDAHO DEPARTMENT
OF
WATER RESOURCE
DOCUMENT
DO NOT REMOVE

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

September 10, 2002

Randall Budge
Attorney at Law
P.O. Box 1391
Pocatello, ID 83204-1391

Thomas C. Williams
2643 West Samaria Road
Malad, ID 83252

Re: Protested Application for Water Right no. 15-7223 in the name of Ralph Hughes

Gentlemen:

At the close of the hearing for protest against application for water right no. 15-7223, conducted on June 27, 2002, I stated that I would review the records of the Idaho Department of Water Resources (IDWR) to determine if there was data that would help me consider whether the application should be approved or rejected. I asked IDWR's hydrology section to produce any monitoring well information in the area. I also asked for previous reports prepared by hydrology staff that would help me determine water availability and whether the proposed diversion of water would injure other water rights. Finally, I searched the well drillers reports for information about existing well construction and the geologic formations encountered while drilling.

Enclosed are copies of well drillers' reports for wells drilled in Section 25, T15S, R35E. I also searched for well logs in Section 30, T15S, R35E, but couldn't find any.

Also enclosed are two brief reports written by Shane Bendixson of IDWR. Finally, enclosed is a page of hydrographs of data from wells monitored in T15S, R35E.

I intend to use the information forwarded to you in writing a decision.

Sincerely,

Gary Spackman

Encl.

Cc: Ralph Hughes
Harold Jones, Eastern Region

MEMORANDUM

December 7, 2000

To: Norm Young and Dennis Dunn
Through: Bob Sutter
From: Shane Bendixsen & Bill Ondrechen
Subject: Large Scale Ground Water Development in the Malad Basin (Basin 15).

It is our understanding that that in the years 2000 and 2001there have been 31 applications amounting to 154 cfs to divert ground water in the Malad Basin and it is estimated this could increase to 200 cfs by 2002 (per communication Dennis Dunn, IDWR Eastern Office). It is also our understanding that only approximately one third of the new applications are for new development. The rest are for conversion from surface to ground water or supplemental to surface water. Concern has also been raised that the loss of recharge from the surface water delivery system will be lost

Attachment #1 presents the extent of the Malad Basin with ground water elevations and flow directions. No mass measurement has been completed so measurements over time were combined to provide enough data. While only a generalization, it is seen the flow direction is south out of the basin into Utah.

Attachment #2 presents ground water hydrographs. Four are currently monitored by the USGS and one has several 'spot' measurements since 1992 associated with water quality monitoring. As presented, ground water levels fluctuate seasonally and with dry and wet periods, but are still at approximately the same level as they were in the mid 1940's. Well 15S35E-01DAA1 does show a loss of approximately 10 feet, but has remained stable since 1960.

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

Kramber and others (1993), estimated that approximately 52,177 acres was being irrigated with surface and ground water. Assuming the depletion rate of 1.18 AF/Y (Hill, 1989), the total depletion is approximately 62,000 AF/Y. If it is assumed that the majority of water leaving the basin is underflow, Pluhowski's 100,000 AF/Y estimate of

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

Since it is estimated that approximately one third of the new applications are for bringing new land under irrigation this amounts to an additional use of 54 cfs or approximately 2,540 acres. This will create an additional consumptive use of 3,050 acre feet per year or an increase of approximately four percent. The total depletion rate will be 65,000 acre feet per year which is still far below the estimated recharge of 100,000 acre feet per year.

Recharge to the aquifer lost by the conversion from surface water to ground irrigation should be negligible because the surface water will still be used for irrigation on the remaining lands.

Burnham and others (1968) also estimated that water in storage in the upper 300 feet of the aquifer was 1.8 million-acre feet. Therefore the increased depletion to aquifer storage will not be measurable.

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

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

REFERENCES

Burnham, W.L., Harder, A.H., and Dion, N.P., 1969, Availability of Ground Water for Large Scale Use in the Malad Valley-Bear River Areas of Southeaster Idaho, An Initial Assessment: U.S. Geological Survey Open File Report.

Hill, H.W., et al. 1989 Duty of Water Under the Bear River Compact: Field Verification of Empirical Methods for Estimating Depletion. Research Report 125. Utah Agricultural Experiment Station, Utah State University, Logan Utah.

Kramber, W.J., and others,1993, Idaho's System of Water Use in the Bear River Basin, published in Geo Info Systems , May 1993, p.48.

Pluhowski, E.J., 1968, Hydrology of the Upper Malad River, Southeastern Idaho: U.S. Geological Survey open file report.

June 6, 2000

MEMORANDUM

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

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

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

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

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

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

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

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

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

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

REFERENCES

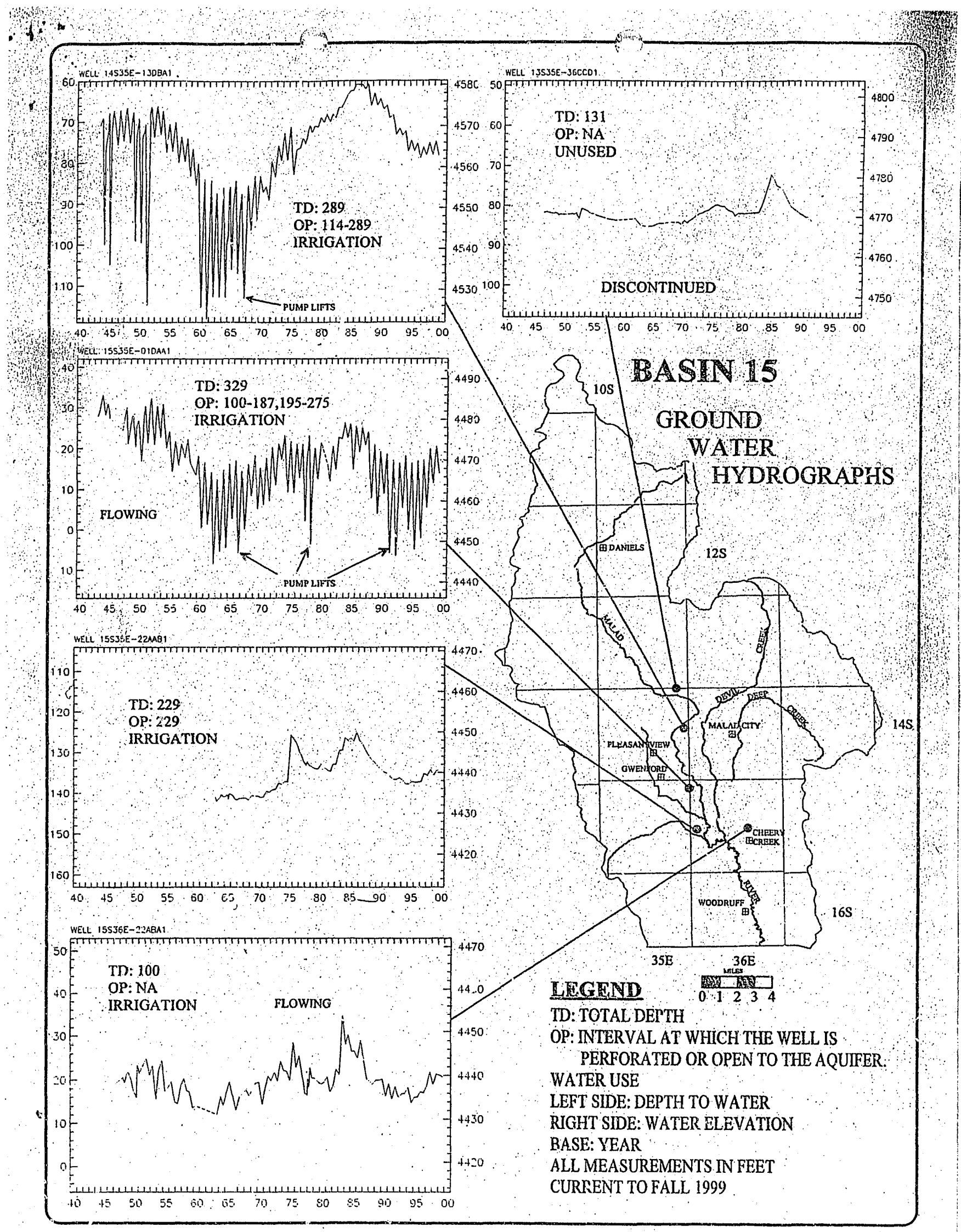
Burnham, W.L., Harder, A.H., and Dion, N.P. Dion, 1969, Availability of Ground Water for Large Scale Use in the Malad Valley-Bear River Areas of Southeaster Idaho, An Initial Assessment: U.S. Geological Survey Open File Report.

Hill, H.W., et al. 1989 Duty of Water Under the Bear River Compact: Field Verification of Empirical Methods for Estimating Depletion. Research Report 125. Utah Agricultural Experiment Station, Utah State University, Logan Utah.

Kramber, W.J., and others,1993, Idaho's System of Water Use in the Bear River Basin, published in Geo Info Systems , May 1993, p.48.

Pluhowski, E.J., 1968, Hydrology of the Upper Malad River, Southeastern Idaho: U.S. Geological Survey open file report.

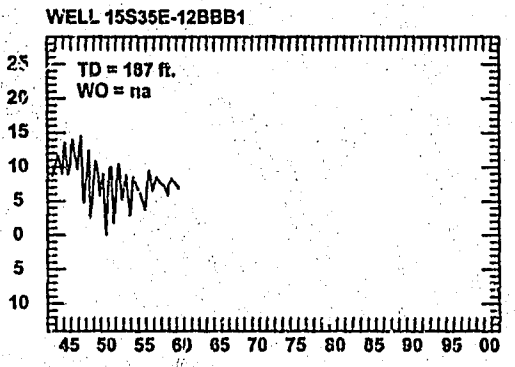
cc Norm Young
Glenn Saxton



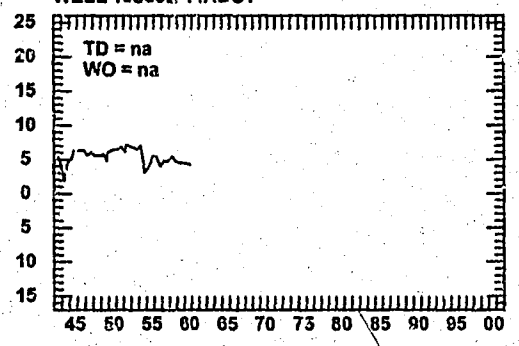
ATTACHMENT #3

Hydrographs of Observation Wells in Township 15 South, Range 35 East, B.M.

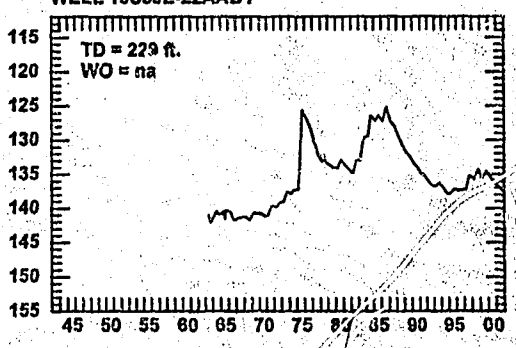
WELL 15S35E-12BBB1



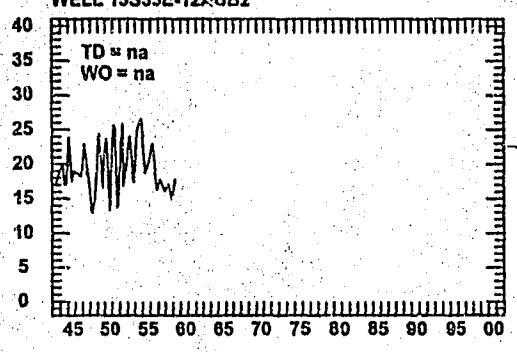
WELL 15S35E-14ADC1



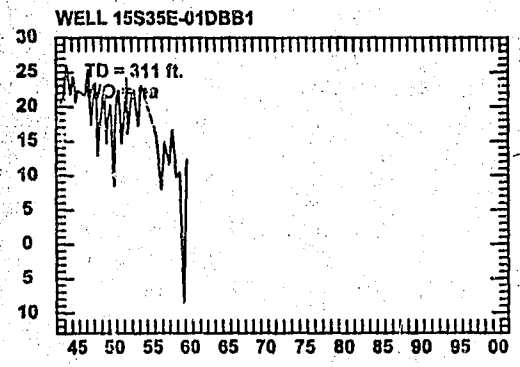
WELL 15S35E-22AAB1



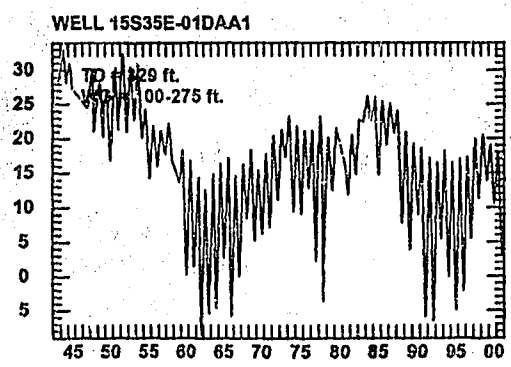
WELL 15S35E-12ABB2

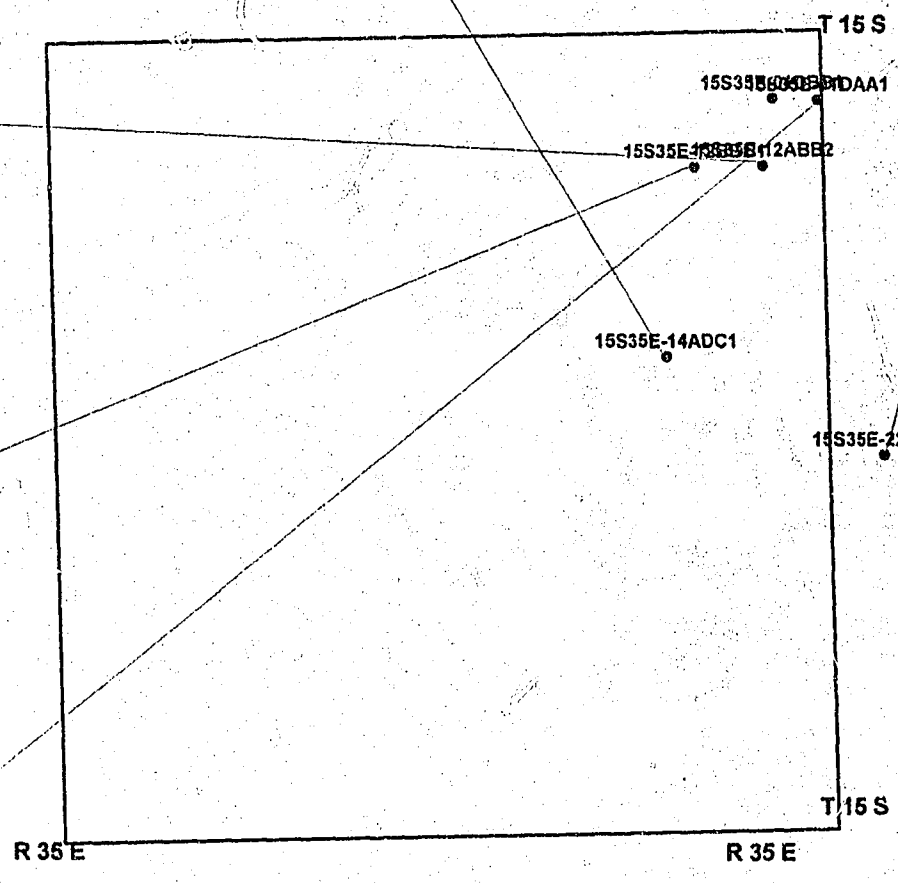


WELL 15S35E-01DBB1



WELL 15S35E-01DAA1





LEGEND
TD: TOTAL DEPTH
WO: INTERVAL AT WHICH THE WELL IS PERFORMATED OR OPEN TO WATER BEARING FORMATION
NA: NOT AVAILABLE
- - -: MORE THAN 1 YEAR BETWEEN DATA POINTS
LEFT SIDE: DEPTH TO WATER
BASE: YEAR
ALL MEASUREMENTS IN FEET

Map Scale (in miles)

0 1 2 3

IDWR HYDROLOGY SECTION
hlh, 9/9/02

Form 238-7
7/95

DMD

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp____ Rge____ Sec____
____1/4 ____1/4 ____1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 0.000-2685
Other IDWR No. 15-98-E-0036

2. OWNER:
Name TOM OLSEN
Address 4025 West SAWAR in Rd
City Meld State Id Zip

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 15 North [ ] or South [✓]
Rge. 35 East [✓] or West [ ]
Sec. 25 [ ] 10 acres 1/4 40 acres NW 1/4 160 acres SW 1/4
Gov't Lot ____ County ONEIDA
Lat: : : Long: : :
Address of Well Site SAME
City
(Give at least name of road + Distance to Road or Landmark)
Lt. ____ Blk. ____ Sub. Name ____

4. USE:
[✓] Domestic [ ] Municipal [ ] Monitor [ ] Irrigation
[ ] Thermal [ ] Injection [ ] Other

5. TYPE OF WORK check all that apply (Replacement etc.)
[✓] New Well [ ] Modify [ ] Abandonment [ ] Other

6. DRILL METHOD
[✓] Air Rotary [ ] Cable [ ] Mud Rotary [ ] Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
BENTONITE	0	20		OVERBORE

Was drive shoe used? [✓] Y [ ] N Shoe Depth(s) 220
Was drive shoe seal tested? [ ] Y [ ] N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	0	220	250	Steel	[✓]	[ ]	[✓]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]

Length of Headpipe ____ Length of Tailpipe ____

9. PERFORATIONS/SCREENS
[ ] Perforations Method
[ ] Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
	None					[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
102 ft. below ground Artesian pressure ____ lb.
Depth flow encountered ____ ft. Describe access port or control devices:

11. WELL TESTS:
[ ] Pump [ ] Bailer [✓] Air [ ] Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
5-10		220	1 hrs.

Water Temp. ____ Bottom hole temp. ____
Water Quality test or comments: ____
____ Depth first Water Encountered ____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
8	0	3	BROWN & TAN ROCK		✓
	3	20	" " "		
	20	80	" " "		
	80	160	" " "		
	160	180	VERY LARGE ROCKS		
	180	200	" "		
	200	220	SAND GRAVEL & ROCKS	✓	
	220	240	" " "	✓	

RECEIVED RECEIVED
MAR 22 1999 MAR 18 1999
Department of Water Resources Department of Water Resources Eastern Region

Completed Depth 240 (Measurable)
Date: Started 8-20-98 Completed 8-27-98

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Hawkstream Well Drilling Firm No. 118
Firm Official Reverd Hawkstream Date 8-27-98
and
Supervisor or Operator ____ Date ____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
6/95

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by
Twp Rge Sec
1/4 1/4 1/4
Lat: Long:

1. DRILLING PERMIT NO. 15-98-E-0015
Other IDWR No. D000 4716

2. OWNER:
Name Marlynn Holgate
Address 142 S Samaria Rd
City Malad City State ID Zip 83252

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 15 S North ☐ or South ☒
Rge. 35 East ☒ or West ☐
Sec. 25, NW 1/4 (10 acres) NW 1/4 (40 acres) ____ 1/4 (160 acres)
Gov't Lot ____ County ONEIDA
Lat: : : Long: : :
Address of Well Site 142 S SAMARIA
City ____
(Give at least name of road + Distance to Road or Landmark)

Lt. ____ Blk. ____ Sub. Name ____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other ____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other ____

6. DRILL METHOD
☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other ____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	20	6	Poured

Was drive shoe used? ☒Y ☐N Shoe Depth(s) 123'
Was drive shoe seal tested? ☐Y ☐N How? ____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+1	121.5	250	St-01	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe ____ Length of Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method ____
☐ Screens Screen Type ____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
45 ft. below ground Artesian pressure ____ lb.
Depth flow encountered ____ ft. Describe access port or control devices: ____

11. WELL TESTS:
☐ Pump ☒ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
20	None		

Water Temp. 68° Bottom hole temp. 68°
Water Quality test or comments: ____
Depth first Water Encountered ____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Wate: Quality & Temperature	Water Y	Water N
6	0	20	Top Soil - Clay & Gravel		✓
	20	30	Gravel		✓
	30	40	Clay		✓
	40	46	"		✓
	46	53	Cemented Gravel		✓
	53	60	Clay & Rock		✓
	60	75	Gravel		
	75	80	Gravel	✓	
	80	90	Clay & Gravel	✓	
	90	105	Gravel	✓	
	105	113	Sand	✓	
	113	123	Gravel	✓	

RECEIVED
JUN 08 1998
Department of Water Resources
Eastern Region

RECEIVED
JUN 19 1998
Department of Water Resources

Completed Depth 123 (Measurable)
Date: Started 5-27-98 Completed 6-2-98

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name A & I Well Drilling Firm. No. 585
Firm Official William T Adams Date 6-6-98
and
Supervisor or Operator William T Adams Date 6-6-98
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
3/95

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp____ Rge____ Sec____
____1/4____1/4____1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. D002 - 41.17
Other IDWR No. 15-98E-0018-000

2. OWNER:
Name Willard J Higley
Address 4010 San Pair Rd
City Sandpoint State Zip

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 15 North ☐ or South ☑
Rge. 3E East ☑ or West ☐
Sec. 25 , ____ 10 acres 1/4 NW 40 acres 1/4 SW 1/4 acres 1/4
Gov't Lot ____ County Bonner
Lat: : : Long: : :
Address of Well Site _____
City _____
(Give at least name of road + Distance to Hwy or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☑ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☑ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☑ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	20	12	Over Bore

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	0	200	250	Steel	☐	☐	☑	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
	NONE					☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
143 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
5-10		200	1/2 hr.

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
8	0	30	Top Soil & Rocks		
6	30	50	Clay & Rocks Brown		
6	50	108	" " "		
6	108	150	Rocks & Gravel		
	150	180	Gravel And Sand	✓	
	180	200	Rocks & Clay	✓	

JUN 01 1998
Department of Water Resources
Northern Region

RECEIVED
JUN 09 1998
Department of Water Resources

Completed Depth _____ (Measurable)
Date: Started 4-18-98 Completed 4-25-98

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Jensen Stimac Well & Pump Firm No. 116
Firm Official Bruce Jensen Date 4-25-98
and
Supervisor or Operator _____ Date _____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7

DWR

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp____ Rge____ Sec ____
____1/4 ____1/4 ____1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 87-94-E-0008-000
Other IDWR No. _____

2. OWNER:
Name Willow Higley
Address 411 S Jonquil Rd
City _____ State ID Zip 83252

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 15 North ☐ or South ☒
Rge. 35 East ☒ or West ☐
Sec. 25 ____ ____ 1/4 (10 acres) NW 1/4 (40 acres) SW 1/4 (160 acres)
Gov't Lot ____ County _____
Lat: : : Long: : :
Address of Well Site Same
City _____
(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	?		Sky Pour

Was drive shoe used? ☒Y ☐N Shoe Depth(s) 135'
Was drive shoe seal tested? ☐Y ☒N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+1.5'	135'	.250	S-1	☒	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
☒ Perforations Method Pre cut
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
None ft. below ground Artesian pressure ____ lb.
Depth flow encountered ____ ft. Describe access port or control devices: _____

11. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
	None		

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
8	0	40	Brown cobbles clay		X
6	40	135'	" "		

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NOV 17 1997
Department of Water Resources
Eastern Region

RECEIVED
NOV 24 1997
Department of Water Resources

Completed Depth _____ (Measurable)
Date: Started 6-9-94 Completed _____

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name DB Drilling Firm No. 542
Firm Official _____ Date 11-2-97
and
Supervisor or Operator _____ Date _____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
3.96

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp____ Rge____ Sec____
____1/4 ____1/4 ____1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 15-96-E-0028-000
Other IDWR No. _____

2. OWNER:
Name CLARENCE R. HUGHES
Address 4030 W. SAMARIA RD.
City MALAD State ID Zip 83252

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 15 North ☐ or South ☒
Rge. 35 East ☒ or West ☐
Sec. 25, ____ 10 acres 1/4 NW 40 acres 1/4 SW 160 acres 1/4
Gov't Lot ____ County ONEIDA
Lat: : : Long: : :
Address of Well Site _____
_____ City _____
(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
BENTONITE	0	20	11 BAG	POURED IN AND HOLE

Was drive shoe used? ☒Y ☐N Shoe Depth(s) 199
Was drive shoe seal tested? ☐Y ☒N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	1	199	250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe — Length of Tailpipe —

9. PERFORATIONS/SCREENS
☒ Perforations Method TORCH
☐ Screens Screen Type —

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
180	180	12"	7	6"	STEEL	☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
163 ft. below ground Artesian pressure — lb.
Depth flow encountered _____ ft. Describe access port or control devices: —

11. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
30	—	—	2 hrs

Water Temp. COLD Bottom hole temp COLD
Water Quality test or comments: Good
Depth first Water Encountered 190

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
10"	0	19	COBBLE ROCK BROWN CLAY		X
7¾	19	118	COBBLE ROCK BROWN CLAY		X
	118	121	QUARTS BOULDER		X
	121	138	BROWN CLAY		X
	138	156	COBBLE ROCK BROWN CLAY		X
	156	208	BROKEN LIMESTONE	X	
	208	212	BROWN CLAY SAND	X	
	212	220	BROKEN LIMESTONE	X	

RECEIVED
NOV 12 1996
Department of Water Resources

RECEIVED
NOV 06 1996
Department of Water Resources
Eastern Region

Completed Depth 219 (Measurable)
Date: Started 10-23-96 Completed 10-30-96

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name TATE-NT DRILLING Firm No. 106
Without Prejudice UCC 1-207
Firm Official [signature] Date 10-31-96
Without Prejudice UCC 1-207
and
Supervisor or Operator — Date — —
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
3/95

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp.____ Rge____ Sec ____
____1/4 ____1/4 ____1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 15-95-E-0016-000
Other IDWR No.

2. OWNER:
Name EDWIN RUES
Address 5716 SACAJAWEA LANE
City MALAD State ID Zip 83252

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 15 North ☐ or South ☒
Rge. 35 East ☒ or West ☐
Sec. 25 NE 1/4 NW 1/4 ____ 1/4
Gov't Lot ____ County ONEIDA
Lat: : : Long: : :
Address of Well Site 5725 N. SACAJAWEA RD.
(Give at least name of road + Distance to Road Intersection)
City MALAD
Lt. ____ Blk ____ Sub Name ____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
BENTONITE	420	0	6/5TO	DROP HOLE

Was drive shoe used? ☒Y ☐N Shoe Depth(s) 98'
Was drive shoe seal tested? ☒Y ☐N How? AIR

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	87	250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe N/A Length of Tailpipe N/A

9. PERFORATIONS/SCREENS
☒ Perforations Method TORCH
☐ Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
68	85	12"	4	1/4		☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
52 ft. below ground Artesian pressure ____ lb.
Depth flow encountered 85 ft. Describe access port or control devices: TOP

11. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
	NONE		

Water Temp. COLD Bottom hole temp. COLD
Water Quality test or comments: NONE
Depth first Water Encountered 70'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
8"	0	10	CLAY, SOME COBBLE ROCK		✓
	10	19	GRAVEL		
	19	22	COBBLE ROCK		
	22	25	CLAY, GRAVEL		
	25	35	CLAY		
	35	40	GRAVEL, COBBLE ROCK		
	40	45	CLAY		
	45	48	GRAVEL, COBBLE ROCK		
	48	50	CLAY		
	50	52	COBBLE ROCK, GRAVEL		
	52	54	CLAY		
	54	57	COBBLE ROCK, GRAVEL		
	57	61	CLAY, GRAVEL, COBBLE R.		
	61	66	HARD LIMESTONE		
	66	72	BROKEN LIME, CLAY	X	
	72	85	CLAY, BROKEN ROCK		
	85	86	LIMESTONE		
	86	90	GRAVEL, CLAY, COBBLESTONE	X	
	90	100	GRAVEL, BROKEN LIME	✓	

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OCT 06 1995
Department of Water Resources
Eastern District Office

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NOV 24 1995
Department of Water Resources

Completed Depth 8" 100' (Measurable)
Date: Started 8-29-95 Completed 9-1-95

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name [illegible] Drilling Firm No. 104
Firm Official [illegible] Date 9-1-95
and
Supervisor or Operator [illegible] Date 9-1-95
(Sign copy if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name TOM OR DRILLER HUGHES
Address 433 SOUTH SAMARIA RD. PAYETTE ID 83661
Drilling Permit No. 15-92E-008
Water Right Permit No.

2. NATURE OF WORK
☐ New well ☐ Deepened ☑ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE
☑ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other ..... (specify type)

4. METHOD DRILLED
☑ Rotary ☑ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Casing schedule: ☑ Steel ☐ Concrete ☐ Other

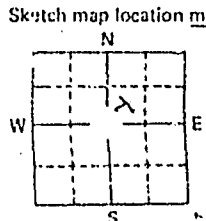
Thickness	Diameter	From	To
.250 inches	6 inches	+18" feet	126 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☑ Yes ☐ No
Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☑ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☑ Torch ☐ Gun
Size of perforation 1/4 inches by 2 inches

Number	From	To
45 perforations	90 feet	112 feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet
Gravel packed? ☐ Yes ☑ No ☐ Size of gravel
Placed from feet to feet
Surface seal depth 20 Material used in seal: ☐ Cement grout ☑ Bentonite ☐ Puddling clay ☑ CUTTINGS
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☑ Overbore to seal depth
Method of joining casing: ☐ Threaded ☑ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port

6. LOCATION OF WELL
Sketch map location must agree with written location.



Subdivision Name
Lot No. Block No.
County ONEIDA
SW ¼ NE ¼ Sec. 25, T. 15 N ☐ S ☑, R. 35 E ☑ W ☐

7. WATER LEVEL
Static water level 45 feet below land surface
Flowing? ☐ Yes ☑ No G.P.M. flow
Artesian closed-in pressure p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature °F Quality
Describe artesian or temperature zones below

8. WELL TEST DATA
☐ Pump ☐ Bailer ☑ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped
30		1½

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
9	0	25	BROWN CLAY		✓
6	25	40	BROWN CLAY & COURSE		
			ROCK BIG ROCK		✓
	40	65	GRAY CLAY		✓
	65	72	GRAVEL TRUTTLE WATER	✓	
	72	95	BROWN CLAY & ROCK		✓
	95	107	SAND	✓	
	107	126	GRAVEL & GRAY ROCK	✓	

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AUG 10 1992
Department of Water Resources
Eastern District Office

RECEIVED
AUG 21 1992
Department of Water Resources

10. Work started 6/15/92 finished 6/18/92

11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name DIBBE DRILLING & PUMP Firm No. 418
Address P.O. BOX 4165 POCATELLO ID 83205 Date 6/23/92
Signed by (Firm Official) MARK Hamble
and
(Operator) Burt Ruddington

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 15-4209

WATER RIGHT NUMBER: 15-4209

Owner Type	Name and Address
Current Owner	MARCENE L WILLIAMS 2643 W SAMARIA RD MALAD CITY, ID 83252 (208)766-2682
Current Owner	THOMAS C WILLIAMS 2643 W SAMARIA RD MALAD CITY, ID 83252 (208)766-2682

Priority Date: 01/01/1939

Basis: Statutory Claim

Status: Active

Source	Tributary
SPRING	SINKS

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	1/01 to 12/31	0.040 CFS	
	Total Diversion:	0.040 CFS	

Location of Point(s) of Diversion

SPRING NW1/4SE1/4 Sec. 36, Twp 15S, Rge 35E, B.M.

ONEIDA County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	35E	25																X	

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 15-4209

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Hearing Notes -

- Ralph Hughes - 15-7223

Ralph Hughes - 3141 West Sanara Rd.
born 3/4 mile from where he is at
farmer & rancher for 91 years
still owns land

Drilling permit - Exhibit #1
Department issued a drilling permit

Exhibit 3 - tag issued to him -
Attempted drilling 15-20 offset from
old well location

Exhibit 2 - map submitted with application
for water right.

New well located approximately ten feet
north of the old well

Old well drilled in 1947 -
~~He~~ Levi - his brother ~~Ed~~ was a partner
drilling the well - with someone else
Ralph states became a partner with Levi
in the well - bought ~~land~~ ranch where old well located
in 1948 - 1949

Used well for irrigation purpose

Electrical motor & centrifugal pump

Old Well was 190 feet deep -

Flood irrigated w/the well water

Irrigated lands west, east & north -

Irrigation of 700 acres - supplemented surface water delivered by Samaria Irrigation District

He & Elsie started pumping

Well output was about 120 inches in 1948-49 government measured.

Pumped well until 1980 shut off in 1979 or 1980 - Pumped well every year - Williams claimed control of well - Williams decided he controlled & ceased pump.

Hughes leased property at about the same time.

Always had adequate water

Always sufficient -

Never had to deepen the well

mechanical problems with pump no water when he quit

Started pumping in May - run pump all summer - never shut it off.

"My well" culinary well for Hughes
300 yds north of the old well
80 feet deep - water level is at
40 feet - never had inadequate water

Culinary — Higley owns well 300 yards to the north & west — not aware of problems with the Higley well — "We had a" dairy once supplied by the Higley well -

wife of brother Lewis — Rella Hughes lives nearby - 1/2 mile away north & west of the proposed well - His had some continuing problems but it was a poor well.

← Difference between 120 inches &

Needs more water

How much water purchased ← Has 8 1/2 shares of Sonora water

~~Located~~
well driller started drilling (Flanders)
Dept. told him to stop drilling

Old Hughes Rights are forfeited by Stipulation - paragraph 7 - Court decision

Has Canyon stream dried up -
Yes - Hughes

Hughes rented land W. Williams ceased water couldn't afford to pump

Williams
Well - not the point -
Not trying to be vindictive Concerned about his springs -
Shouldn't mess with the springs

Williams irrigation well located near the numerical 30 -
springs are located along north section line of Section 25 -
Williams lane - not concerned about his domestic well -

Higley ran for 2 years after
→ Higley is sole law - early 1980's -

X-Exams
Moved in 1973 -
Diesel electric mechanic - worked at Cenex
No training as an engineer -

Right to springs? What is the use

Observed any changes?

Water Canyon water rights?
owns 1/2 & Hughes owns half.
Taken out - one mile away & one thousand
feet higher in elevation

Williams well there when he bought property
in 1973 -
Owns 2/3 of the well -
Tubbs (~~Owns~~ owns other 1/4

Springs - 1988 filing - cattle (stock watering & irrigation)
Springs flows vary

Owns two wells Erella -

Erella Hughes well dried up - in the
mid 90's

Irrigation 150' deep 100-120 inches -

4 shares 100 a day -
8 shares 100 inches / 2 days

① Ralph Hughes filed application for permit to appropriate water ~~[illegible]~~ no. 15-07223 with the Idaho Department of Water Resources (IDWR). ~~Application no. 15-07223 sought to appropriate 4.04 cubic feet per second (cfs) for irrigation~~ The application was protested by

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3220 0006 2265 0139

Article Sent To:

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

THOMAS WILLIAMS
2643 W SAMARIA RD
MALAD ID 83252

...e for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3220 0006 2265 0146

Article Sent To:

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

...e for Instructions

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 21, 2002

RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

THOMAS WILLIAMS
2643 W SAMARIA RD
MALAD ID 83252

Re: Application for Water Right No. 15-7223

Dear Interested Parties:

The Department of Water Resources (department) has issued the enclosed **Preliminary Order** pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

If you have any questions, please call me at (208) 334-2190.

Sincerely,

Sue Taylor

Sue Taylor
Senior Secretary

Enclosures

CC: Norm Young
Glen Saxton
Dick Larson
Ralph Hughes
Harold Jones, Eastern

Responding to Preliminary Orders Issued
By the Idaho Department of Water Resources

The accompanying order is a **"Preliminary Order"** issued by the Idaho Department of Water Resources ("department") pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance or files exceptions and briefs as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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 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

September 22, 2003

RALPH HUGHES
3141 W SAMARIA RD
MALAD ID 83252

RE: Permit No. 15-7223

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,

for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2003 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. 15-7223

RALPH HUGHES
3141 W SAMARIA RD
MALAD ID 83252

Kari Lynn Townsend
Secretary

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.