

Apr 11 02 03:00p

IDWR Eastern Region

(208) 525-7177

P. 1

FORM 202

2/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 16 2002

AMENDED

To appropriate the public waters of the State of Idaho

Department of Water Resources 766 3314

766-3091 - Cell

1. Name of Applicant DAVIS Farms Ltd Co Gary Davis Phone 208-766-4292
Mailing address 3190 W 2000 N. Malad ID 83252
2. Source of water supply Well which is a tributary of SE *
3. Location of point of diversion is Township 14S Range 36E Sec. 30, in the 14W 1/4, NE 1/4, 1/4, Govt. Lot Oneida, B.M., Oneida County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
(cfs or acre-feet per annum) Amount 25 cfs for Irrigation purposes from March to November (both dates inclusive)
(cfs or acre-feet per annum) Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 5.2 ^{GD} 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 sprinkles
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is 16 inches; proposed depth of well is 300 feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? _____; Drilling firm Mountain West Drilling;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. _____

* Gary Davis date 7-30-02

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APR 24 2002
Department of Water Resources
Eastern Region

Apr 11 02 03:00p

IDWR Eastern Region

(208) 525-7177

p. 2

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	
14S	36E	30		~~30~~		30*										70			30
															11	30	32	11	84

* Henry Davis date 7-30-02

Total number of acres to be irrigated 100
114

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

11. a. Who owns the property at the point of diversion? DAVIS Farms LTD.

b. Who owns the land to be irrigated or place of use? DAVIS Farms LTD

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: Gary Davis - Mgr. } comprise Davis Farms LTD
Brent Davis - }

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Brent Davis
Signature of Applicant (and title, if applicable)

Received by HWT Date 4-26-02 Time _____ Preliminary check by _____

Fee \$ 290.00 Receipted by HWT # E027686 Date 4-26-02

Publication prepared by SC Date May 16 2002 Published in Idaho Enterprise

Publication approved SC Date 7/8/02

Apr 11 02 03:00p

IPWR Eastern Region

(208) 525-7177

p. 1

FORM 202

2/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 15-7224

RECEIVED

APR 16 2002

Department of Water Resources 66 3314

1. Name of Applicant DAVIS Farms Ltd Co Gary Davis Phone 208-766-4292
Mailing address 3190 W. 2000 N. Malad ID 83252
2. Source of water supply Well which is a tributary of _____
3. Location of point of diversion is Township 14S Range 36E Sec. 30, in the NW 1/4, NE 1/4, _____ 1/4, Govt. Lot _____, B.M., Oneida County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 25 cfs for Irrigation purposes from March to November (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 5.2 ^{GD} and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Well & pump to sprinklers
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is 16 inches; proposed depth of well is 300 feet
d. Is ground water with a temperature of greater than 85°F being sought? no
e. If well is already drilled, when? _____; Drilling firm Mountain West Drilling;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 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
APR 24 2002
Department of Water Resources
Eastern Region

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ID# Eastern Region

(208)525-7177

p.2

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
14S	36E	30		30												70			30
															11	30	32	11	84

Total number of acres to be irrigated ~~100~~
114

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

- Who owns the property at the point of diversion? DAVIS Farms LTD.
- Who owns the land to be irrigated or place of use? DAVIS Farms LTD

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

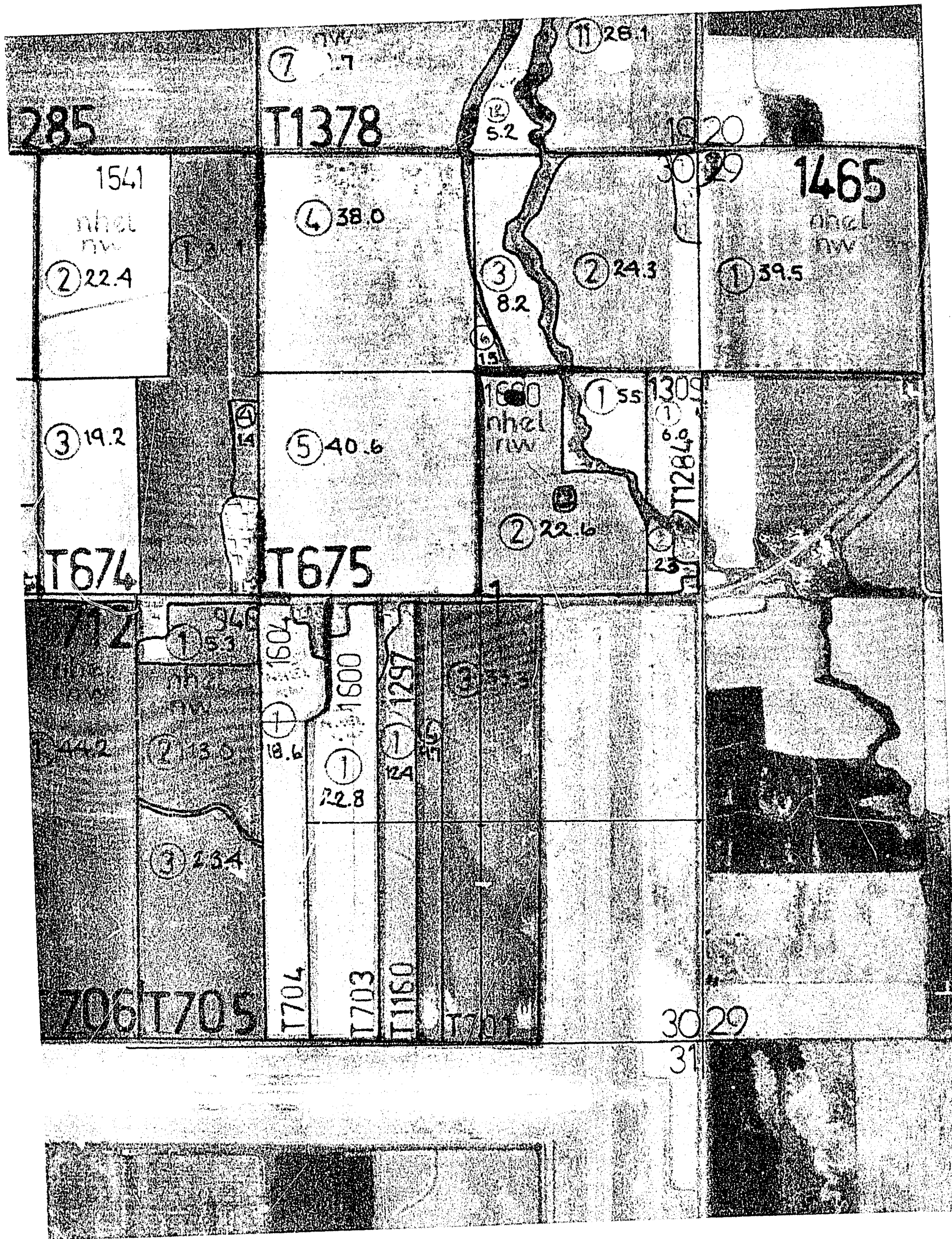
12. Remarks: Gary Davis - Mgr. } comprise Davis Farms LTD
Brent Davis - }

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

[Signature]
Signature of Applicant (and title, if applicable)

Received by HWT Date 4-26-02 Time _____ Preliminary check by _____
Fee \$ 290.00 Receipted by HWT # FO27686 Date 4-26-02
Publication prepared by SC Date May 16 2003 Published in Idaho Enterprise
Publication approved SC Date 7/8/02



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07224

Priority: 04/26/2002

Maximum Diversion Rate: 2.00 CFS

This is to certify, that DAVIS FARMS LTD
C/O GARY DAVIS
3190 W 2000 N
MALAD CITY ID 83252

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	2.00 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, Twp 14S, Rge 36E, B.M., ONEIDA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 36E 30				30.0									11.0	30.0	32.0	11.0	114.0

Total Acres: 114

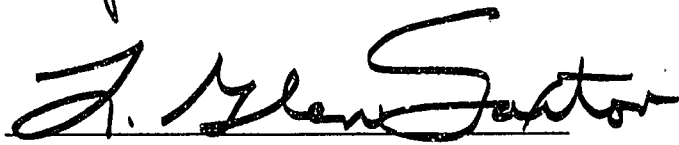
CONDITIONS OF APPROVAL

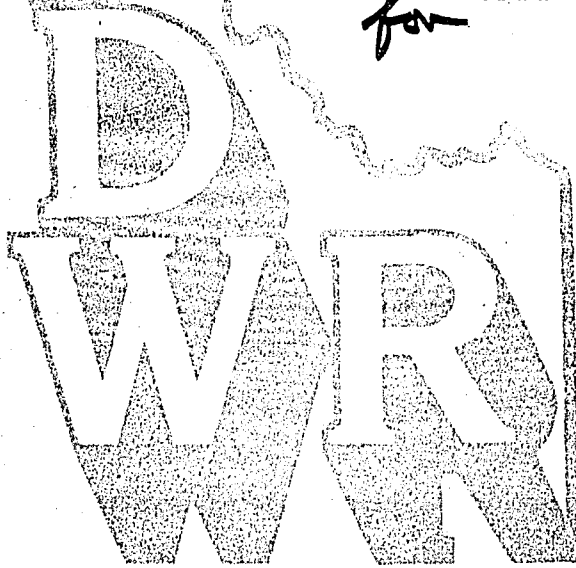
1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2004**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 15-07224

7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15th day of August, 2002


for KARL J DREHER, Director



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

15-7224

DAVIS FARMS LTD
3190 W 2000 N
C/O GARY DAVIS
MALAD CITY ID 83252

Point(s) of Diversion: NWNE S30 T14S R36E, ONEIDA County
Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 2 CFS
Total Diversion: 2 CFS

Date Filed: 04/29/2002

Place Of Use: IRRIGATION

T14S R36E S30 NWNE NESE NWSE SWSE SESE

Number of Acres 114

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 June 3, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 16, 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

May 08, 2002

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

RE: Application for Permit No. 15-7224

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 June 3, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
5/8/02
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

May 08, 2002

DAVIS FARMS LTD
3190 W 2000 N
C/O GARY DAVIS
MALAD CITY ID 83252

RE: Application for Permit No 15-7224

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Idaho Enterprise on May 16 and 23, 2002. Submittal of protests to this application will be allowed for a period ending ten days (June 3, 2002) after the second publication.

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

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

#

2374

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 17 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with
the issue of 5-16-2002 and ending with
5-16-2002

Kristine D. Smith

STATE OF IDAHO)

COUNTY OF ONEIDA)

On this 3 day of June, 2002
before me, Lisa D. Lewis, Notary Public,
personally appeared Kristine D. Smith, known or
identified to me to be the person whose name is subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that she
executed the same.

Lisa D. Lewis
Notary public for Idaho
Residing at Malad ID
My commission expires: 2-5-08

NOTICE

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

15-7224

DAVIS FARMS LTD

3190 W 2000 N

C/O GARY DAVIS

MALAD CITY ID 83252

Point(s) of Diversion: NWNE S30

T14S R36E, ONEIDA County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/

312 CFS

Total Diversion: 2 CFS

Date Filed: 04/29/2002

Place Of Use: IRRIGATION

T14S R36E S30 NWNE NESE

NWSE SWSE SESE

Number of Acres: 114

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 June 3, 2002. The prot-
estant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director

Published on May 16, 2002

L. #2874 5/16/02-1T

RECEIVED
JUN 05 2002
Department of Water Resources
Eastern Region

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

15-7224

Davis Farms Ltd

C/O Gary Davis

3190 W 2000 N

Malad ID 83252

Point(s) of Diversion: NWNE S30 T14S R36E, ONEIDA County

Source GROUNDWATER

Use: IRRIGATION 04/01 To 10/31 2.0 CFS

Total Diversion: 2.0 CFS

Date Filed: 04/29/2002

Place Of Use: IRRIGATION

T14S R36E S30 NWNE NESE NWSE SWSE SESE

Number of Acres 114

Permits will be subject to all prior water right. 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, Department 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 July 8, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 20 and 27, 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

June 12, 2002

Idaho Enterprise
PO Box 205
Malad ID 83252

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before July 8, 2002.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.

*Mailed
6/12/02
se*

2890

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 27 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with 6-26-2002 and ending with the issue of 6-27-2002

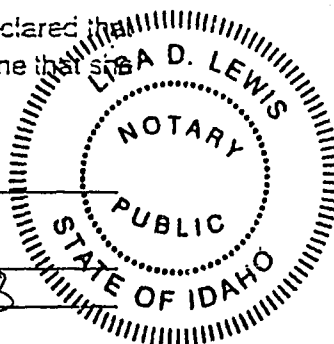
Kristine D. Smith

STATE OF IDAHO)

COUNTY OF ONEIDA)

On this 3 day of July in the year of 2002
before me, Lisa D. Lewis, a Notary Public,
personally appeared Kristine Smith, known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that she
executed the same.

Lisa D. Lewis
Notary public for Idaho
Residing at Malad ID
My commission expires: 2-05-08



NOTICE

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

15-7224

Davis Farms Ltd
C/O Gary Davis
3190 W 2000 N
Malad ID 83252
Point(s) of Diversion: NWNE S30
T14S R36E, ONEIDA County
Source GROUNDWATER
Use: IRRIGATION 04/01 To 10/
312.0 CFS

Total Diversion: 2.0 CFS

Date Filed: 04/29/2002

Place Of Use: IRRIGATION

T14S R36E S30 NWNE NESE

NWSE SWSE SESE

Number of Acres 114

Permits will be subject to all prior water right. 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, Department of Water Resources, 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 July 8, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 20 and 27, 2002

L #2890 6/20/02-6/27/02-2T

RECEIVED
JUL 08 2002
Department of Water Resources
Eastern Region

MEMORANDUM

To: File 15-7224

From: Sharla

Date: July 24, 2002

Re: Point of Diversion & Place of Use

The application form lists the NWNE as the point of diversion and a place of use. The map, however, shows the point of diversion and place of use in the SENE. I spoke with Skip Jones at Eastern Region and he confirmed it should be described as the SENE. He will not re-advertise and asked that we approve the permit with this change.

On this date, I spoke with Gary Davis and his son Brent Davis (Brent is the one who filled out the paperwork and filed the app) about these findings. Brent said the place of use is tied together with just the road dividing them and that it was probably just a paperwork error. They agreed that the map is correct and the permit should be approved accordingly.

I also verified with them that there is surface water also used on these acres.

Type	WR #	Owner	Source	TRS	SENE	NESE	NWSE	SWSE	SESE	Total
Right	15 2081	MALAD VALLEY IRRIGATING CO,	DEVIL CREEK	14S36E30	40	12	40	33	11	136
Permit	15 7224	DAVIS FARMS LTD,	GROUND WATER	14S36E30	30	11	30	32	11	114

15-7224

This application
appears to be supplemental
to Malad Valley Irrigation Co.
S. Keen



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

July 25, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVIS FARMS LTD
C/O GARY DAVIS
3190 W 2000 N
MALAD ID 83252

RE: Application for Permit 15-7224

Dear Mr. Davis:

Enclosed is an amended copy of the application you submitted. I have marked the changes we spoke about on the telephone and I ask that you sign the form where I have indicated and return it to me at your earliest convenience. We have to get the applicant's written approval on any amended changes that occur, so this will serve as your written agreement to the changes and then we can issue the permit accordingly.

I apologize for any inconvenience this may cause. If you have any questions, please give me a call.

Sincerely,

Sharla Curtis
Senior Water Resource Agent.

Enclosure

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2002

DAVIS FARMS LTD
C/O GARY DAVIS
3190 W 2000 N
MALAD CITY ID 83252

RE: Permit No. 15-7224

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

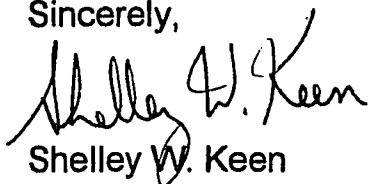
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

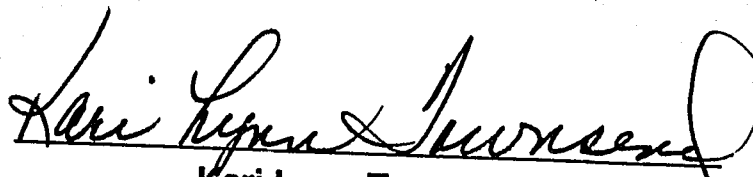


CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2002 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. 15-7224

**DAVIS FARMS LTD
C/O GARY DAVIS
3190 W 2000 N
MALAD CITY ID 83252**


**Kari Lynn Townsend
Secretary**