

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

Ident. No.

15-7230

RECEIVED

AUG 19 2002

Department of Water Resources

1. Name of Applicant Thayne Daniels (208) Phone 766-4243
Mailing address 537 Bannock St, Malad Id 83252
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is Township 14 S Range 35 E Sec. 25, in the _____ 1/4,
SW 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 5.56 cfs for IRRIGATION purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 5.56 cfs 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 mainline to center pivot and laterals with sprinklers
b. Height of storage dam _____ feet; acute 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 _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	35E	25												22	39	1	40	40	142
		36	38	40	33	14	7									4			136

Total number of acres to be irrigated 278

10. Describe any other water rights used for the same purposes as described above. Shares in St Johns IRR

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.

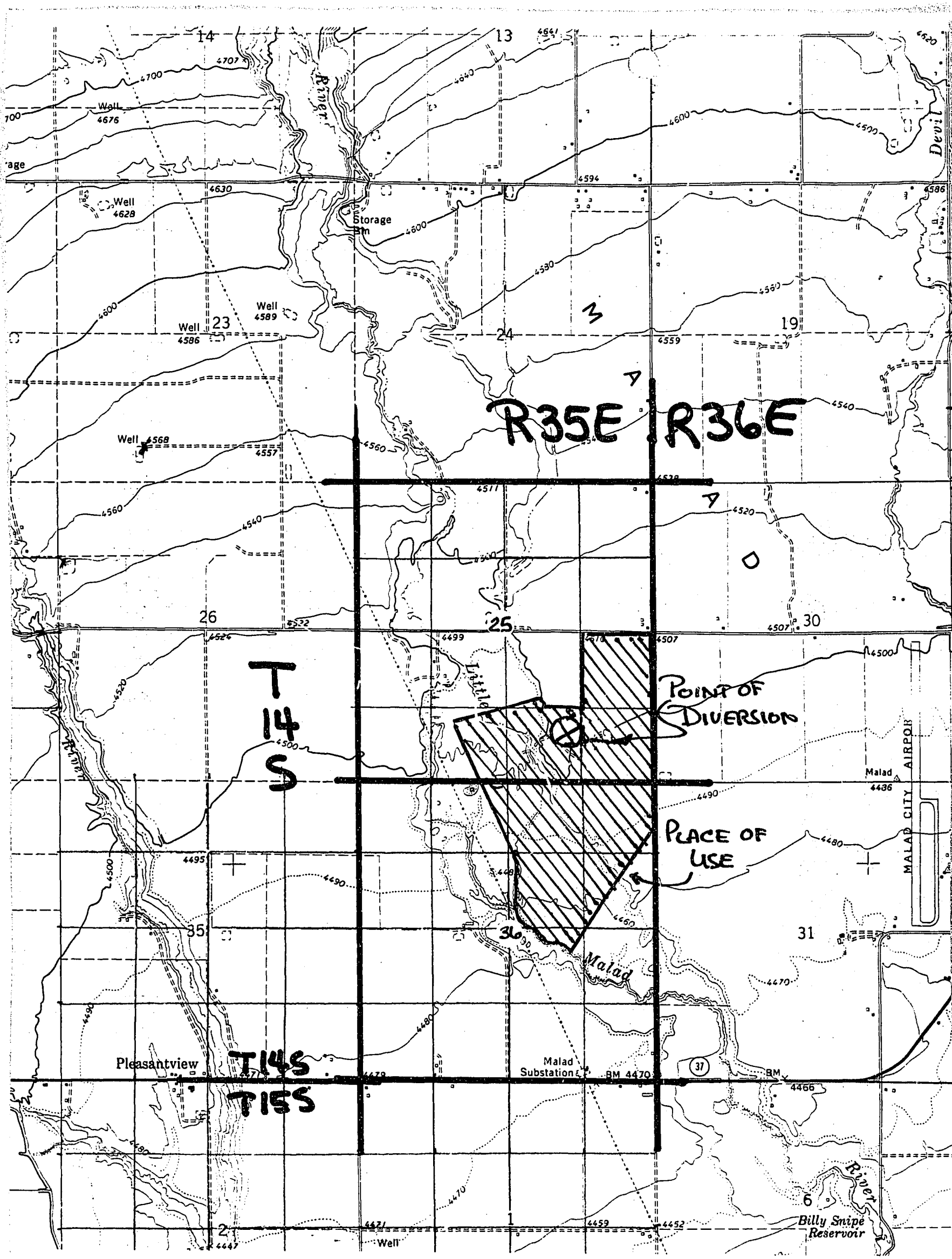

Signature of Applicant (and title, if applicable)

Received by KCW Date 7/8/2002 Time 1539 hrs Preliminary check by _____

Fee \$ 450⁰⁰ Received by KCW # E027931 Date 7/8/2002

Publication prepared by SC Date 7/18 & 7/25/02 Published in Idaho Enterprise

Publication approved SC Date 8/13/02



State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 15-07230

Priority: 07/08/2002

Maximum Diversion Rate: 3.40 CFS

This is to certify, that THAYNE O DANIELS
537 BANNOCK ST
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:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

RATE OF DIVERSION

3.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SE1/4 Sec. 25, Twp 14S, Rge 35E, B.M. ONEIDA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 35E 25									22.0	39.0	1.0	40.0	40.0				142.0
14S 35E 36	38.0	40.0	33.0	14.0	7.0								4.0				136.0

Total Acres: 278

CONDITIONS OF APPROVAL

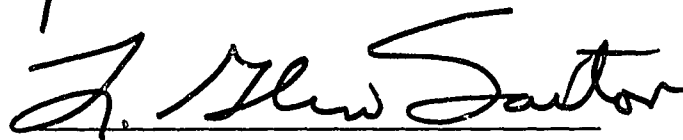
1. Proof of application of water to beneficial use shall be submitted on or before September 01, 2007.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of 170 acres within the place of use described above in a single irrigation season.
4. Right holder shall comply with 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. 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. 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.

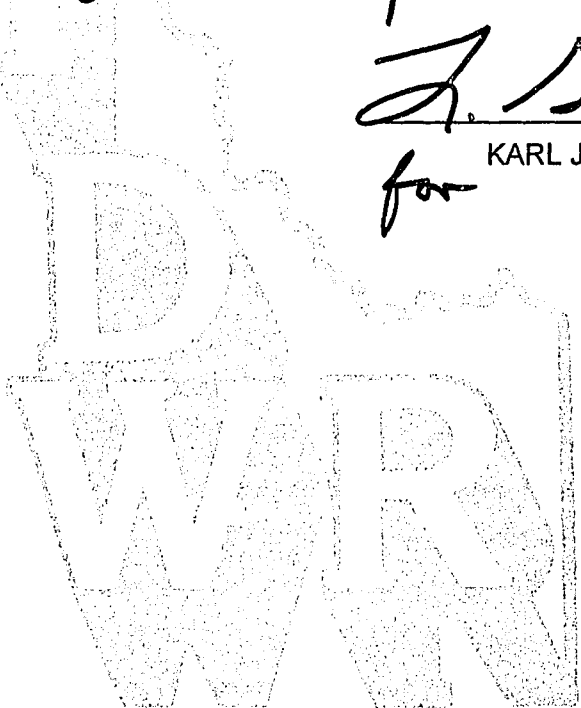
Permit to Appropriate Water

NO. 15-07230

8. 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.
9. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of September, 2002


for KARL J DREHER, Director



15-7230

Point(s) of Diversion: SWSE S25 T14S R35E, ONEIDA County
Source GROUND WATER

Date Filed: 07/09/2002

Place Of Use: IRRIGATION

T14S R35E S25 SESW NESE NWSE SWSE SESE

T14S R35E S36 NENE NWNE SWNE SENE NENW NWSE

Number of Acres 278

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 August 5, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 18 and 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

July 10, 2002

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

RE: Application for Permit No. 15-7230

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 August 5, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
7/10/02
se*



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

July 10, 2002

THAYNE O DANIELS
537 BANNOCK ST
MALAD CITY ID 83252

RE: Application for Permit No 15-7230

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 July 18 and 25, 2002. Submittal of protests to this application will be allowed for a period ending ten days (**August 6, 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.

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

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

2901

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 21 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with 7-18 2002 and ending with the issue of 7-25 2002

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 2 day of Aug. in the year of 2002
before me, Kristine Smith Susan Wittman, 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.

Susan Wittman
Notary Public for Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2006

NOTICE

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

15-7230

THAYNE O DANIELS
537 BANNOCK ST
MALAD CITY ID 83252
Point(s) of Diversion: SWSE S25
T14S R35E, ONEIDA County
Source GROUND WATER
Use: IRRIGATION 04/01 To 10/
315.56 CFS

Total Diversion: 5.56 CFS

Date Filed: 07/09/2002

Place Of Use: IRRIGATION

T14S R35E S25 SESW NESE

NWSE SWSE SESE

T14S R35E S36 NENE NWNE

SWNE SENE NENW NWSE

Number of Acres 278

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 August 5, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published on July 18 and 25, 2002

L. #2901 7/18/02-7/25/02-2T

August 20, 2002

Thayne O Daniels
537 Bannock St
Malad City ID 83252

RE: Application for Permit 15-7230

Dear Mr. Daniels.

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

Appropriation Rule 40.05.c information: Request

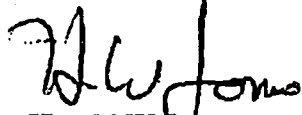
For applications appropriating groundwater, of 5 cfs or more, we would ask for the following:

1. A plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.
2. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.
3. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
4. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

Page 2 - Thayne O. Daniels

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

Sincerely,



Harold W. Jones
Water Right Supervisor

HWJ:sc

MEMORANDUM

DATE: September 5, 2002

TO: Water Right File 15-7230

FROM: Shelley W. Keen *SK*

RE: Reduction in diversion rate and acres

Today Thayne Daniels called to talk about Eastern Region's request for additional information under Rule 40.05.c. Rather than submit the information, Mr. Daniels said he intends to reduce his request to 3.40 cfs and 170 acres within a 278-acre permissible place of use.

Apr 05 02 02:32a

1-208-766-4345

p. 1

RECEIVED

SEP - 5 2002

Department of Water Resources

Attention: Mr. Shelley King

Date: 4/5/02

Company: Idaho Department of Water

Number of Pages: 2

Fax Number: 1-208-327-7866

Voice Number:

From:

Company:

Fax Number:

Voice Number:

Subject: Attention Mr. Shelley King

Comments:

n

Apr 05 02 02:32a

1-208-766-4345

p. 2

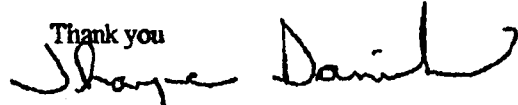
September 05/02

To: Mr. Shelley King
From: Thayne Daniels
Concerning: Application for Irrigation Well Permit

Attention Mr. Shelley King

As per our telephone conversation 9/05/02 I am requesting my application read as follows: I would like to reduce the number of acres from 278 to approximately 170 within the 278 boundaries and reduce the diversion from 5 cfs to 3.4 cfs to expedite this process.

Thank you



Thayne Daniels



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 6, 2002

THAYNE O DANIELS
537 BANNOCK ST
MALAD CITY ID 83252

RE: Permit No. 15-7230

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 *Deborah J. Giles*
Shelley W. Keen
Water Rights Supervisor

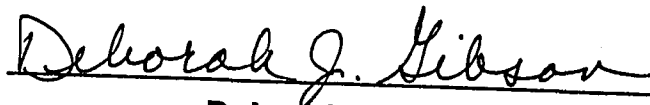
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 6th, 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. 15-7230

**THAYNE O DANIELS
537 BANNOCK ST
MALAD CITY ID 83252**



**Deborah J. Gibson
Secretary**