

410

Ident. No. 15-7257

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

RECEIVED

FEB 24 2003

Department of Water Resources

1. Name of Applicant Jeffery J and/or LeAnn Thomas Phone 208-766-2765
Mailing address 2705 West 2000 North Malad Idaho 83252
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 14S Range 35E Sec. 28, in the _____ 1/4,
NE NW 1/4, SE 1/4, Govt. Lot _____, B.M., Owelda County;
additional points of diversion if any: SW NE Sec 28 14S 35E.
4. Water will be used for the following purposes:
- | | | |
|--|---|------------------------|
| Amount <u>4.90</u> for <u>Irrigation</u> | purposes from <u>1 April</u> to <u>31 Oct</u> | (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) 4.90 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 & sprinkler system
Two wells 20" diameter 250' & 300' deep
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? 2001; Drilling firm Vollmer Well Drilling & Mt West Drilling;
Well was drilled for (well owner) Thomas -; Drilling Permit No. 20021845/14877
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):
- Hydropower; show total feet of head and proposed capacity in kW.
 - Stockwatering; list number and kind of livestock.
 - Municipal; show name of municipality.
 - Domestic; show number of households.
 - 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	34						40	40			40	40	40					200
		33													20			25	45

Total number of acres to be irrigated 245

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

Pleasant View 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: _____

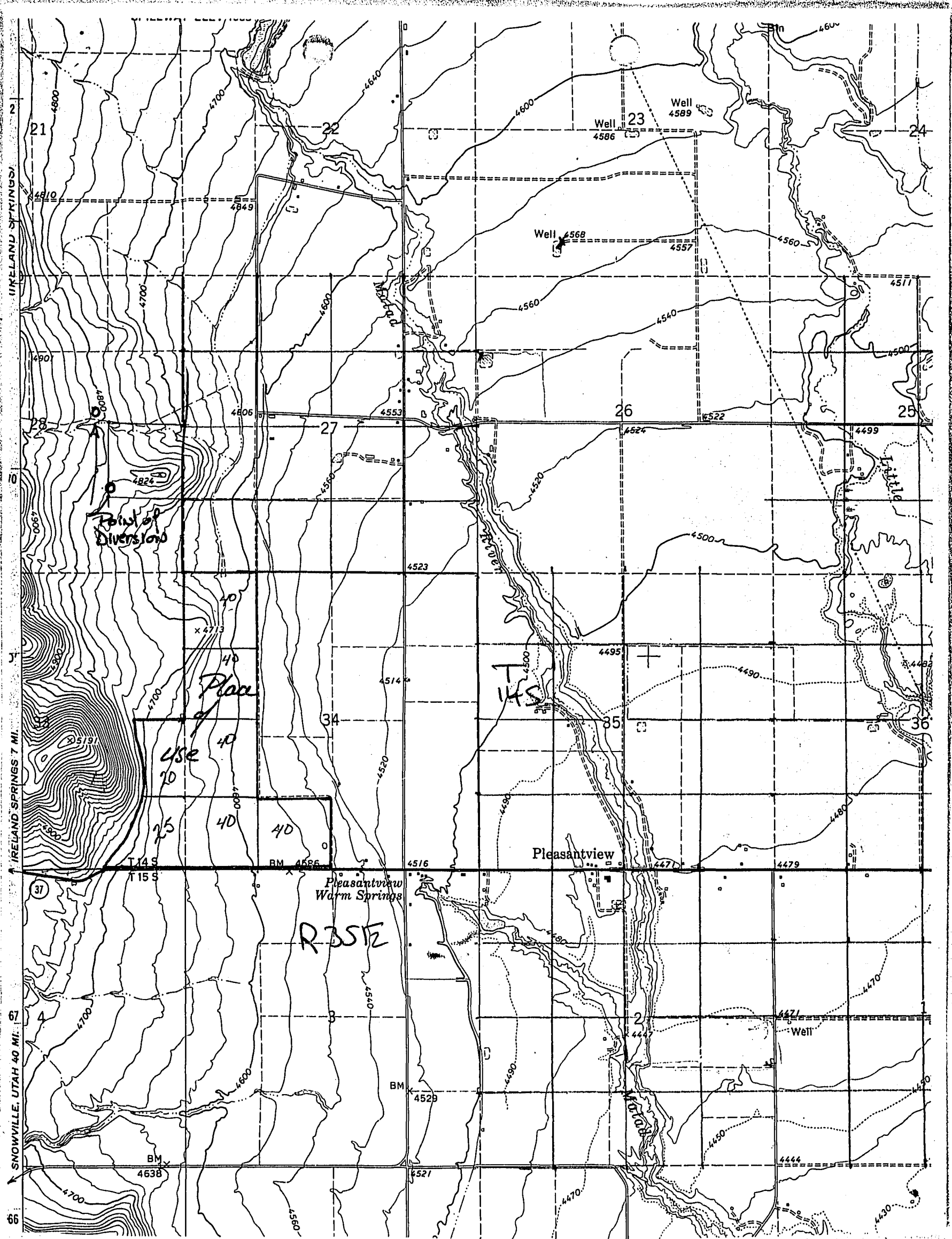
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

[Signature] Dec 6 2002
 Signature of Applicant (and title, if applicable)

Received by SMS Date 6 Dec 2002 Time 12:04 Preliminary check by _____

Fee \$ 410.00 Receipted by SMS # E028361 Date 6 Dec 2002
 Publication prepared by SC Date 1/27/03 Published in Tetrah Enterprise
 Publication approved SC Date 2/7/03



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07237

Priority: December 06, 2002

Maximum Diversion Rate: 4.90 CFS

This is to certify, that JEFFERY J THOMAS And/Or
LU ANN THOMAS
2705 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	4.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 35E 33														20.0		25.0	45.0
14S 35E 34					40.0	40.0			40.0	40.0	40.0						200.0
Total Acres:																	245.0

CONDITIONS OF APPROVAL

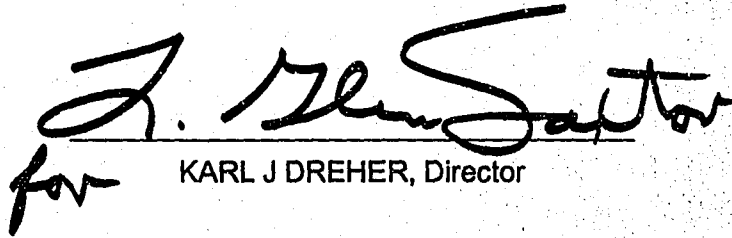
1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2005**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. 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 make full use of all appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right.
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.

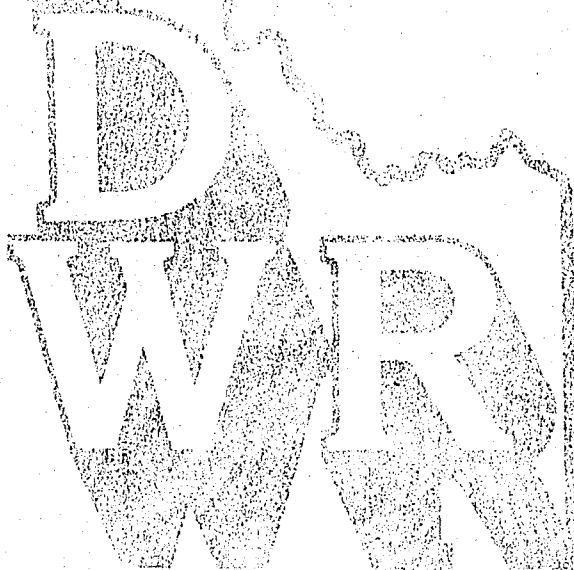
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State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 15-07237

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 10th day of March, 2003


for KARL J DREHER, Director



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

15-7237

JEFFERY J THOMAS
LU ANN THOMAS
2705 W 2000 N
MALAD CITY ID 83252

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

Use: IRRIGATION 04/01 To 10/31 4.9 CFS
Total Diversion: 4.9 CFS

Date Filed: 12/11/2002

Place Of Use: IRRIGATION

T14S R35E S33 NESE SESE

T14S R35E S34 NWNW SWNW NWSW SWSW SESW

Number of Acres 245

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 January 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 2 and 9, 2003



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
December 20, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

RE: Application for Permit No. 15-7235, 15-7236, 15-7237, 15-7238

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 January 21, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
12/20/02
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

December 20, 2002

JEFFERY J THOMAS
LU ANN THOMAS
2705 W 2000 N
MALAD CITY ID 83252

RE: Application for Permit No 15-7235, 15-7237

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 January 2 and 9, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
 COUNTY OF ONEIDA)

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

Such notice was published in the issue beginning with the issue of 1-2 to 1-9 and ending with 1-9 to 1-9 2003.

Kristine D. Smith

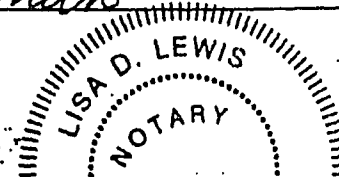
STATE OF IDAHO)
)
 COUNTY OF ONEIDA)

On this 6 day of Feb in the year of 2003
 before me, Lisa D. Lewis, a Notary Public,
 personally appeared Kristine D. Smith, known
 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.

Notary public for Idaho

Residing at

My commission expires:



Malad, ID
2-5-08

NOTICE

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

15-7235
 JEFFERY J THOMAS
 LU ANN THOMAS
 2705 W 2000 N
 MALAD CITY ID 83252
 Point(s) of Diversion SWNW S26
 T14S R35E, ONEIDA County
 Source GROUND WATER
 Use: IRRIGATION 04/01 To 10/31 0.6 CFS

Total Diversion: 0.6 CFS
 Date Filed: 12/10/2002
 Place Of Use: IRRIGATION
 T14S R35E S26 NWSW SWSW
 T14S R35E S35 NWNW
 Number of Acres 30
 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 January 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
 Published on January 2 and 9, 2003

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

15-7236
 JENKIN T PALMER
 EDNA PALMER
 3798 W 500 S
 MALAD ID 83252
 Point(s) of Diversion SENW S36
 T14S R35E, ONEIDA County
 Source GROUND WATER
 Use: IRRIGATION 04/01 To 10/31 0.2 CFS
 Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.2 CFS
 Place Of Use: IRRIGATION and DOMESTIC
 T14S R35E S35 SENW
 Number of Acres 10
 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 January 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
 Published on January 2 and 9, 2003

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

15-7237
 JEFFERY J THOMAS
 LU ANN THOMAS
 2705 W 2000 N
 MALAD CITY ID 83252
 Point(s) of Diversion: SWNE S28

T14S R35E and T14S R35E, ONEIDA County
 Source GROUND WATER
 Use: IRRIGATION 04/01 To 10/31 4.9 CFS

Total Diversion: 4.9 CFS
 Date Filed: 12/11/2002
 Place Of Use: IRRIGATION
 T14S R35E S30 NESE SESE
 T14S R35E S34 NWNW SWN
 NWSW SWSW SESW
 Number of Acres 245
 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 January 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
 Published on January 2 and 9, 2003

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

15-7238
 SUZY WOOZLEY
 BOX 246
 MALAD ID 83252
 Point(s) of Diversion: NWSW S1
 T14S R35E, ONEIDA County
 Source GROUND WATER
 Use: IRRIGATION 04/01 To 10/31 3.4 CFS

Total Diversion: 3.4 CFS
 Date Filed: 12/16/2002
 Place Of Use: IRRIGATION
 T14S R35E S12 NESW NWSW
 SESW SWSE SESE
 Number of Acres 170
 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 January 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
 Published on January 2 and 9, 2003

L. #2826 1/2/03-1/8/03-2T

Original is
 in file
 15-7235

MEMORANDUM

Date: March 10, 2003
To: Water Right File 15-7237
From: S. Keen *SK*
Re: Use of Surface Water

Today I spoke on the phone with Lu Ann Thomas about the use of surface water for irrigation on the place of use described in this application. She told me that water from Samaria Water and Irrigation Company is available for a small portion of the proposed place of use in Section 34. The water right database shows Samaria Water and Irrigation Companys place of use includes 10 acres in the NWNW of Section 34. Therefore, this right, if approved, will be primary on most of the proposed place of use.

MEMORANDUM

Date: March 04, 2003
To: Water Right File 15-7237
From: dgibson
Re: Permit Review

Review of this application reveals that the right holder has an unknown amount of water shares with Pleasant View Irrigation. Therefore, this permit will be issued with the surface water shares to be the primary source of water and the groundwater to be a secondary source.

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 11, 2003

JEFFERY J THOMAS
LU ANN THOMAS
2705 W 2000 N
MALAD CITY ID 83252

RE: Permit No. 15-7237

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.

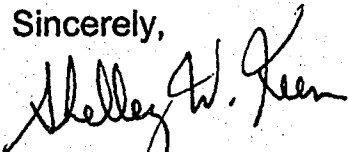
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

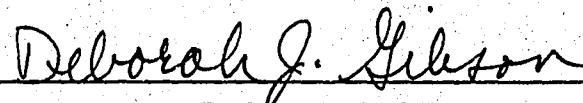
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 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. 15-7237

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



**Deborah J. Gibson
Administrative Assistant**