

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. 15-72420App. Id. 70455

RECEIVED

MAY 21 2003

RECEIVED
MAY 03 2003
Department of Water Resources
Eastern Region

1. Name of Applicant Verlin W. and/or Annette T Williams Phone 208 766 4691
 Mailing address 2141 West 500 South Malad Idaho 83252
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 14S Range 36E Sec. 30, in the _____ 1/4,
SE 1/4, NE 1/4, Govt. Lot _____, B.M., Onida County;
 additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | | | |
|---|-----------------------|---|------------------------|
| Amount <u>.14</u>
(cfs or acre-feet per annum) | for <u>Irrigation</u> | purposes from <u>4-1</u> to <u>10-31</u> | (both dates inclusive) |
| Amount <u>.02</u>
(cfs or acre-feet per annum) | for <u>Stockwater</u> | purposes from <u>1 Jan</u> to <u>31 Dec</u> | (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) .14 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 and pump to a sprinkler system. 6" well 7.5 Hp pump
- 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? late 60s ^{early 70s}; Drilling firm unknown;
 Well was drilled for (well owner) unknown; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. 15 cow-calf units year round

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				7/8													7

Total number of acres to be irrigated 7

10. Describe any other water rights used for the same purposes as described above. none *

11. a. Who owns the property at the point of diversion? 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: The applicant bought the home several years ago with the understanding there were water rights. They attempted to determine through the power company and county records when the well was drilled. The home is much older.

* March 31, 2003 I spoke with Mrs Williams at 8:14 AM. She said the individual whom they bought the property from had always irrigated from the well. She also said that they don't have shares for the surface water and never used surface water to irrigate. Dennis M. Dunn

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.

Debra W Williams
Signature of Applicant (and title, if applicable)

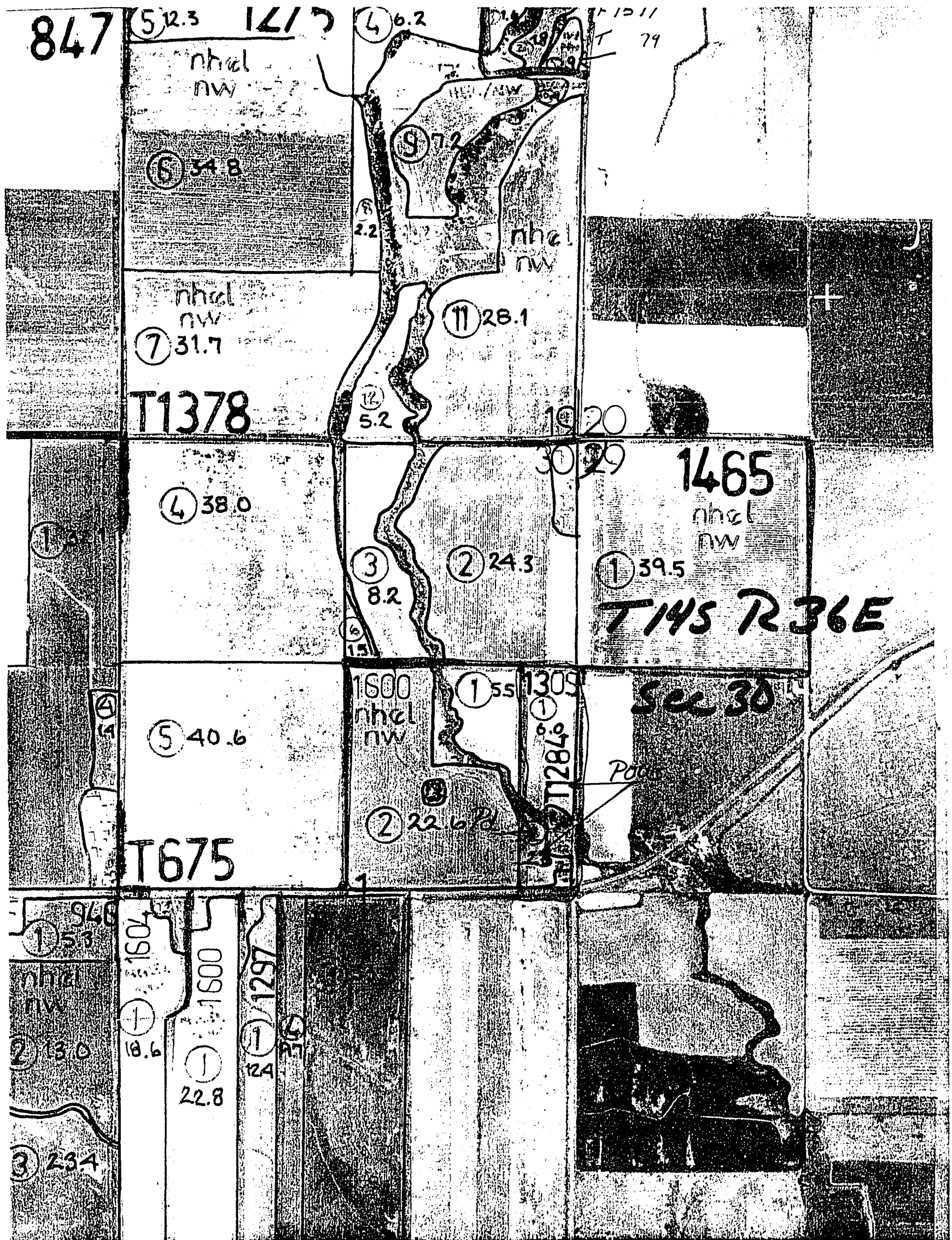
Debra Williams

Received by AMU Date 5 March 03 Time 12:00 PM Preliminary check by _____

Fee \$ 100.00 Receipted by AMU # E028534 Date 5 March 03

Publication prepared by SC Date 4/17 & 4/24/03 Published in Idaho Enterprise

Publication approved SC Date 5/1/03



LGAL -LEGAL

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF THE SE1/4NE1/4 OF SECTION
30, TOWNSHIP 14 SOUTH, RANGE 36 EAST, BOISE MERIDIAN; THENCE
RUNNING WEST 135 FEET; THENCE NORTH 184 FEET; THENCE EAST 135
FEET; THENCE SOUTH 184 FEET TO THE POINT OF BEGINNING.
EXCEPTING THEREFROM HIGHWAY RIGHT-OF-WAY. (A PART OF T-1986)

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07242

Priority: March 03, 2003

Maximum Diversion Rate: 0.14 CFS

This is to certify, that VERLIN WILLIAMS And/Or
ANNETTE WILLIAMS
2141 WEST 500 SOUTH
MALAD ID 83252

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.14 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) 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				7.0													7.0

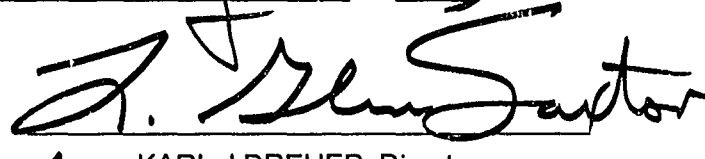
Total Acres: 7

PLACE OF USE: STOCKWATER – Same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 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 and applicable Well Construction Rules of the Department.
4. 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.
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. Stockwater use is for 30 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of May, 2003


for KARL J DREHER, Director

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

15-7242

VERLIN WILLIAMS
ANNETTE WILLIAMS
2141 WEST 500 SOUTH
MALAD ID 83252

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

Use: IRRIGATION	04/01 To 10/31 0.14 CFS
Use: STOCKWATER	01/01 To 12/31 0.02 CFS
Total Diversion:	0.14 CFS

Date Filed: 03/05/2003

Place Of Use: IRRIGATION and STOCKWATER

T14S R36E S30 SENE

Number of Acres 7

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 May 5, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 17 and 24, 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 09, 2003

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

RE: Application for Permit No. 15-7242

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 May 5, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
4/9/03
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

April 09, 2003

VERLIN WILLIAMS
2141 WEST 500 SOUTH
MALAD ID 83252

RE: Application for Permit No 15-7242

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 April 17 and 24, 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

2997

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 4-17-2003 and ending with the issue of 4-24-2003.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 5 day of May in the year of 2003
before me, Susan J. Wittman, a Notary Public,
personally appeared Kristine D. Smith, known or
identified to me, to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that she
executed the same.

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

NOTICE

The following application(s) have
been filed to appropriate the pub-
lic waters of the State of Idaho:
15-7242

VERLIN WILLIAMS
ANNETTE WILLIAMS
2141 WEST 500 SOUTH
MALAD ID 83252
Point(s) of Diversion: SENE S30
T14S R36E, ONEIDA County
Source GROUND WATER
Use: IRRIGATION 04/01 TO 10/
31 0.14 CFS
USE: STOCKWATER 01/01 To
12/31 0.02 CFS

Total Diversion: 0.14 CFS
Date Filed: 03/05/2003
Place Of Use: IRRIGATION and
STOCKWATER
T14S R36E S30 SENE

Number of Acres 7
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 applica-
tion on or before May 5, 2003.
The protestant must also send a
copy of the protest to the appli-
cant.

KARL J DREHER, Director
Published on April 17 and 24,
2003.
#2997 4/17/24/03 - T2

Received
5/7/03



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

May 29, 2003

VERLIN WILLIAMS
ANNETTE WILLIAMS
2141 WEST 500 SOUTH
MALAD ID 83252

RE: Permit No. 15-7242

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.

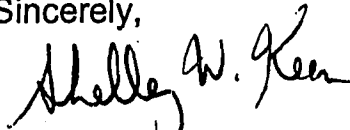
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

Enclosure(s)

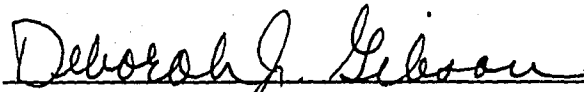
CERTIFICATE OF SERVICE

I hereby certify that on May 29, 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.

15-7242

**ANNETTE WILLIAMS
VERLIN WILLIAMS
2141 WEST 500 SOUTH
MALAD ID 83252**



**Deborah J. Gibson
Administrative Assistant**

**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.

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C073474
Receipt By: MC
Date Received: 4/13/04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

APR 13 2004

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 15-7242 Telephone No. 208-766-4691
2. Name of Permit Holder(s): Verlin W. and/or Annette T. Williams
3. Mailing Address: 2141 West 500 South
City Malad State ID Zip 83252
4. Source of Water: well If GROUNDWATER (well), Date Drilled: mo. 7 / yr. 03
Well Driller: Mountain West Well Drilling Drilling Permit Number: 849
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 15 cows & calves
Irrigation (No. of acres): 7 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .14 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes ✓ or No ✓
There is a 2" pipe welded on casing to measure with tape or measuring device
8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Verlin W. Williams Telephone Number: 208 766-4691
Address: 2141 West 500 South Malad ID 83252
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Verlin W. Williams Date: 4-8-04
(include your title, if on behalf of company or organization)
Annette Williams

March 31, 2004

VERLIN WILLIAMS
ANNETTE WILLIAMS
2141 W 500 S
MALAD CITY, ID 83252

PROOF DUE NOTICE

RE: PERMIT NO. 15-7242

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

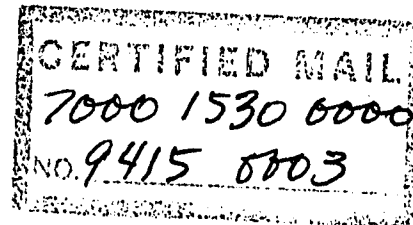
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





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

April 19, 2004

VERLIN & ANNETTE WILLIAMS
2141 WEST 500 SOUTH
MALAD ID 83252

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 15-7242

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions about the field examination, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)