

DEBRA

Ident. No. 15-725 RECEIVED

JAN 13 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant George & Deborah Copeh Phone 766-4002
Mailing address 690 N. 300 E Malad City 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 30 E Sec. 22, in the SE $\frac{1}{4}$,
NW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Oneida County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.42 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) 0.42 and/or (b) 13.5
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 pump wheel & hand lines
from existing well.
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? unknown, Drilling firm _____;
Well was drilled for (well owner) Malad City; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1-2 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

DEC 04 2003

Department of Water Resources
Eastern Region

3. 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	22					9.4	10.3		1									20.7

Total number of acres to be irrigated 20.7

10. Describe any other water rights used for the same purposes as described above. 17 shares Deep Creek Reservoir Irrigation Company.

11. a. Who owns the property at the point of diversion? George & Debbie Connel
b. Who owns the land to be irrigated or place of use? George & Debbie Connel
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

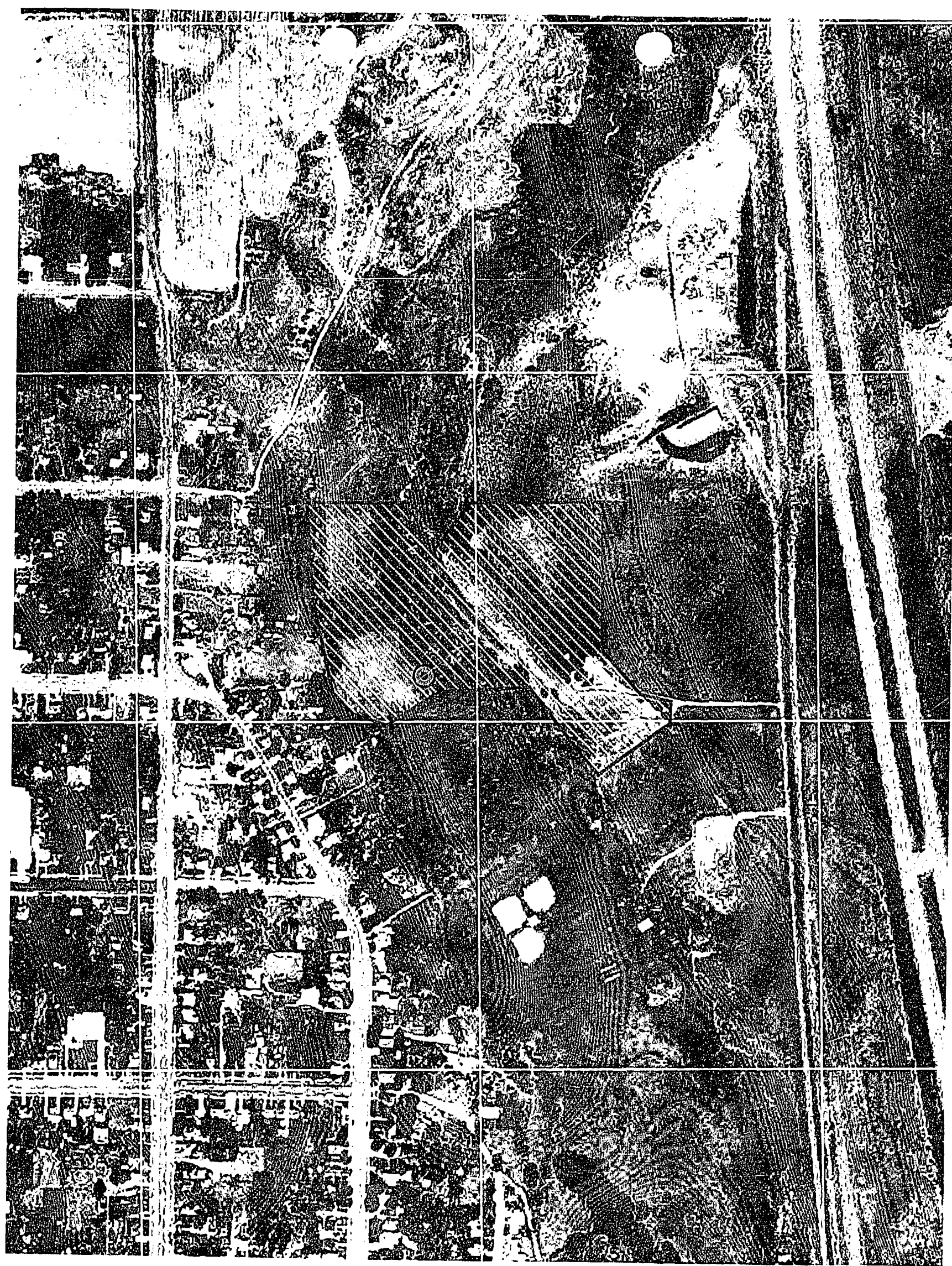
12. Remarks: The well has been abandoned for over 5 years or longer. Deep Creek Reservoir was drained last fall.

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.

Debbie Connel
Signature of Applicant (and title, if applicable)

Received by M.H. Date 12-04-03 Time 10:00 AM Preliminary check by James Dunn
Fees \$ 250 Received by LF # ED19394 Date 12-4-03
Publication prepared by SC Date 12-18-03 Published in Idaho Enterprise
Publication approved SC Date 12-18-03



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07255

Priority: December 04, 2003

Maximum Diversion Rate: 0.42 CFS

This is to certify, that GEORGE COUCH And/Or DEBRA COUCH
690 N 300 E
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	0.42 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, 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 22					9.4	10.3		1.0									20.7

Total Acres: 20.7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2006**.
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 and applicable Well Construction Rules of the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 72.5 af at the field headgate for the lands above.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized 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.

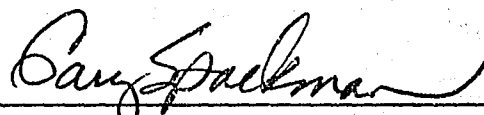
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State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07255

8. 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.
9. This right when combined with all other rights shall provide no 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 21st day of January, 2004.


Acting for KARL J DREHER, Director



The following application has been filed to amend Permit to Appropriate Water

15-7195

KIRK CORBRIDGE
2390 N 100 W
MALAD CITY ID 83252

Point(s) of Diversion: SENE S9 T14S R36E, NENE S9 T14S R36E, SESW S9 T14S R36E, ONEIDA County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 6.38 CFS

Use: STOCKWATER 01/01 To 12/31 0.2 CFS

Total Diversion: 6.4 CFS

Date Filed: 11/05/2003

Place Of Use: IRRIGATION

T14S R36E S16 NWNE SWNE NENW NWNW

T14S R36E S9 NENE NWNE SWNE SENE SWSW SESW

Number of Acres 339

Place Of Use: STOCKWATER

T14S R36E S16 NWNE

T14S R36E S9 NENE SESW

15-7255

GEORGE COUCH
DEBRA COUCH
690 NORTH 300 EAST
MALAD ID 83252

Point(s) of Diversion: SENWNW S22 T14S R36E, ONEIDA County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.42 CFS

Total Diversion: 0.42 CFS

Date Filed: 12/04/2003

Place Of Use: IRRIGATION

T14S R36E S22 NENW NWNW SENW

Number of Acres 20.7

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, 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 5, 2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on December 18 and 25, 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

December 10, 2003

Legal Notice Department
IDAHO ENTERPRISE
PO BOX 205
MALAD CITY ID 83252

RE: Application to Amend Permit No. 15-7195 and 15-7255

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 5, 2004. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
12/10/03
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

December 10, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GEORGE COUCH
690 N 300 E
MALAD ID 83252

RE: Application for Permit No 15-7255

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.

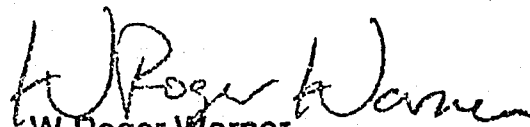
A legal notice of the application has been prepared and is scheduled for publication in the Idaho Enterprise on December 18 and 25, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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,


W Roger Warner
Water Rights Supervisor

WRW:sc

3087

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF ONEIDA)

Kristine D. Smith, being duly sworn, deposes and says: that she is the publisher of *The Idaho Enterprise*, a weekly newspaper published at Malad City, 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 City, 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 12-18, 2003, and ending with the issue of 12-25, 2003.

Kristine D. Smith
STATE OF IDAHO)
)

COUNTY OF ONEIDA)

On this 29th day of December in the year of 2003, before me, Eugene P. Hill, a Notary Public, personally appeared Kristine D. Smith, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Eugene P. Hill
Notary public of Idaho
Residing at 20 N. Main St Malad ID 83252
My commission expires: 5-13-2004

NOTICE

The following application has been filed to amend Permit to Apropriate Water

15-715

KIRK CORBRUGH

2390 N. 100 W

MALAD CITY ID 83252

Point(s) of Diversion SE 1/4

T14S R36E S22 NE 1/4

R36E S22 NE 1/4

ONEIDA County

Source GROUND WATER

Use IRRIGATION

31.638 CFS

Use STOCKWATER

12/31/02 CFS

Total Diversion 31.638 CFS

Date Filed 1/10/2004

Place of Use IRRIGATION

T14S R36E S22 NE 1/4

NEWLY OWNED

T14S R36E S22 NE 1/4

SWINE SEWAGE

Number of Acres 32

Place of Use STOCKWATER

T14S R36E S22 NE 1/4

T14S R36E S22 NE 1/4

15-715

GEORGE COOK

DEBRA COOK

690 NORTH 300 E

MALAD ID 83252

Point(s) of Diversion SE 1/4

S22 T14S R36E ONEIDA

County

Source GROUND WATER

Use IRRIGATION

31.042 CFS

Total Diversion 31.042 CFS

Date Filed 12/04/2003

Place of Use IRRIGATION

T14S R36E S22 NE 1/4

SENV.

Number of Acres 32

Permit was previously issued prior water right. This may be submitted based on the provisions of Sec 42-211, Idaho Code.

Any protest or other disapproval of this application may be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyway, Suite 200A,



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

January 21, 2004

GEORGE COUCH
DEBRA COUCH
690 N 300 E
MALAD ID 83252

RE: Permit No. 15-7255

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.

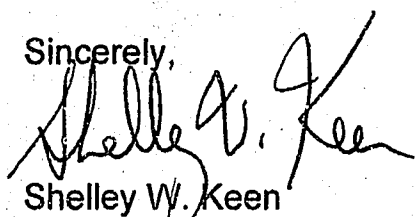
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,

A handwritten signature in dark ink, appearing to read "Shelley W. Keen", is written over the typed name.

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

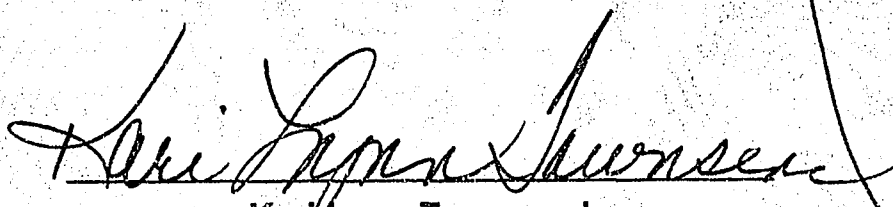
CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2004 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.

15-7255

**DEBRA COUCH
GEORGE COUCH
690 N 300 E
MALAD ID 83252**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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