

FORM 202

2/96

RECEIVED

NOV 26 1997

Ident. No.

177148

RECEIVED

JAN 14 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

NOV 12 1997

Department of Water Resources

Department of Water Resources
Eastern Region

1. Name of Applicant Don Eliason Phone 208-698-3333
Mailing address 23005 W. Old Hwy 37 Holbrook Id 83243
2. Source of water supply Ground Water Source which is a tributary of _____
3. Location of point of diversion is Township 14 S Range 33 E Sec. 30 in the SE 1/4, SE 1/4, _____ 1/4, Govt. Lot _____, B.M., Omeida County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
 * Amount 0.04 CFS for Domestic purposes from Jan 1 to Dec 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) 0.04 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 1 HP. Submersible
 b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 c. Proposed well diameter is 6" inches; proposed depth of well is 90' feet
 d. Is ground water with a temperature of greater than 85°F being sought? NO
 e. If well is already drilled, when? 1960; Drilling firm Gardner
 Well was drilled for (well owner) no; Drilling Permit No. unknown
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. 1 = in-house use only.
 e. Other; describe fully. _____

* per Application Processing Memo #47. 1/15/98 cz.

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	33E	30																D	

Total number of acres to be irrigated _____

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? Don Eliason

b. Who owns the land to be irrigated or place of use? Don Eliason

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 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.

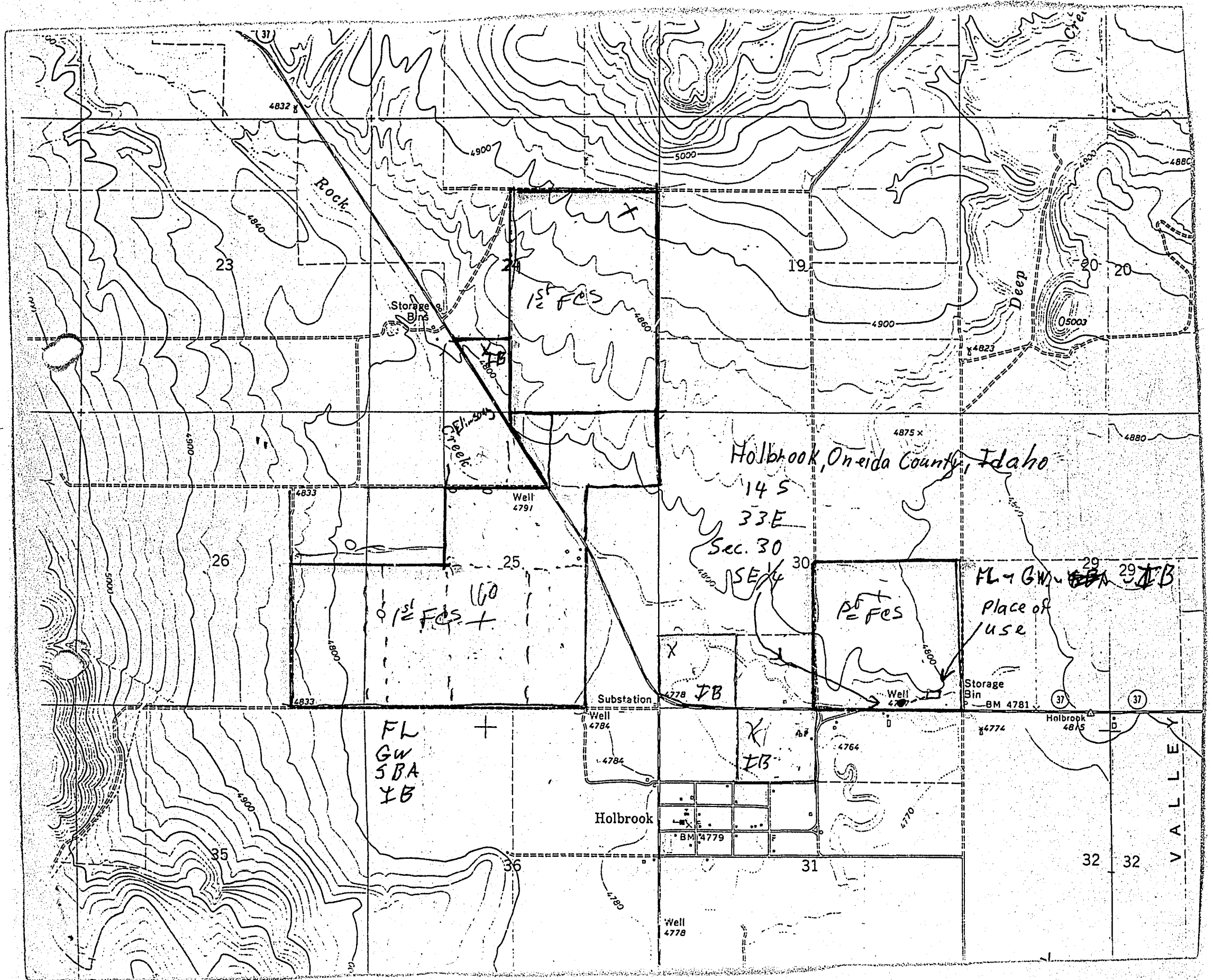
DEPARTMENT OF WATER RESOURCES

Don Eliason

Signature of Applicant (and title, if applicable)

Received by RB Date 11-12-97 Time 1:05 Preliminary check by HUT
 Fee \$ 95.00 + 50.00 Received by RB # E023769 Date 11-12-97
 Publication prepared by RB Date 12-18-97 Published in Idaho Enterprise
 Publication approved RB Date 1-8-98

10-3712



State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 17-07148

Proposed Priority: November 12, 1997 Maximum Diversion Rate: 0.02 CFS

This is to certify, that **DON ELIASON**
23005 W OLD HWY 37
HOLBROOK ID 83243
has applied for a permit to appropriate water from: **GROUNDWATER**
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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.02 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 30, Township 14S, Range 33E
ONEIDA County

PLACE OF USE: DOMESTIC

TWN RGE SEC

14S 33E 30

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1999.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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

15th day of January, 1998.

Karl J. Dreher
for
Karl J. Dreher, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 10, 1997

DON ELIASON
23005 W OLD HWY 37
HOLBROOK ID 83243

RE: Notice of Application for Permit No. 17-07148

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on Dec. 18 & 24, 1997. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

17-07148

ELIASON, DON
23005 W OLD HWY 37
HOLBROOK, ID 83243

Source: GROUNDWATER

Diversion Pt: SESE Sec 30 T 14S R 33E in ONEIDA County.

Use: DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 11/12/1997

In: ONEIDA County	
T14S R33E S30	SESE

2383

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 being published in the county aforesaid, and in the vicinity thereof, an advertisement, a copy of which is attached hereto in said newspaper once a week for 2 in the regular and entire issue of said newspaper of time of publication, and was published proper and not a supplement; that said newspaper has been established and regularly published for more than ten consecutive weeks prior to the date of first publication.

Such notice was published in the issue of Dec. 18, 1997
 the issue of Dec. 25

Kristine D. Smith

STATE OF IDAHO)
)
 COUNTY OF ONEIDA)

On this 2 day of January in 1997
 before me, Susan J. Wittman
 personally appeared Kristine D. Smith
 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 for Idaho
 Residing at Malad, Idaho
 My commission expires: 2-9-2000

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
 15-07165
 MESSENGER, LYNN D
 5025 W 3300 S
 HOOPER, UT 84315
 Source: GROUNDWATER
 Diversion Pt: NESW Sec 11 T 15S R 35E in ONEIDA County
 Use: IRRIGATION (0.800 CFS)
 Total Diversion: (0.800 CFS)
 Date Filed: 12/9/1997
 In: ONEIDA County
 T15S R35E S11 NWNE SWNE
 40.0 ACRES TOTAL
 17-07148

ELIASON, DON
 23005 W OLD HWY 37
 HOLBROOK, ID 83243
 Source: GROUNDWATER
 Diversion Pt: SESE Sec 30 T 14S R 33E in ONEIDA County
 Use: DOMESTIC (0.040 CFS)
 Total Diversion: (0.040 CFS)
 Date Filed: 11/12/1997

In: ONEIDA County
 T14S R33E S30 SESE
 17-07149
 GUNNELL, PAUL
 690 E 2ND S
 WELLSVILLE, UT 84339
 Source: GROUNDWATER
 Diversion Pt: NESE Sec 27 T 16S R 36E in ONEIDA County
 Use: IRRIGATION (6.000 CFS)
 Total Diversion: (6.000 CFS)
 Date Filed: 12/2/1997
 In: ONEIDA County
 T16S R36E S26 NENW NWNW SWNW SENW
 NESW NWSW SWSW SESW S27 NESE SESE
 316.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JANUARY 5, 1997.

KARL J. DREHER, Director
 L. 2383 12-18-12-25-97 - T2

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 15, 1998

PHILIP E. BATT
GOVERNOR

DON ELIASON
23005 W OLD HWY 37
HOLBROOK ID 83243

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 17-07148

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

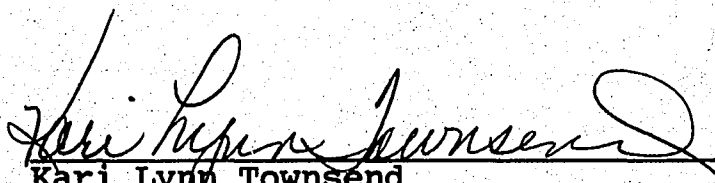
SK:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 17-07148

DON ELIASON
23005 W OLD HWY 37
HOLBROOK ID 83243


Kari Lynn Townsend
Secretary

NOV

FOR OFFICE USE ONLY
Amt. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 16 1998

PROOF OF BENEFICIAL USE 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 who has been appointed by the department.

1. Permit No. # 17-07148 Telephone No. 208-698-3333
2. Name(s) of Permit Holder(s): Don Eliason
3. Mailing Address: 23005 W Old Hwy 37, Holbrook, Id. 83243
4. Source of Water: _____ If GROUNDWATER (well), Date Drilled: mo. _____ yr. 1964
 - a. Well Driller: _____ Drilling Permit Number: _____
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 50 cows
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 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 _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No _____
	Has the measurement port been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ 0 (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: Don Eliason Telephone Number: 208-698-3333
Address: 23005 W Old Hwy 37, Holbrook, Id. 83243
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.
Signature of permit holder: Don Eliason Date: 3-6-98
(include your title, if on behalf of company or organization)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 20, 1998

Don Eliason
23005 W Old HWY 37
Holbrook ID 83243

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 17-07148

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 conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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.

If you have questions concerning the field examination, please contact the department's EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 17-07148

Priority: November 12, 1997

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.6 AF

This is to certify, that DON ELIASON
23005 W OLD HWY 37
HOLBROOK ID 83243

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated November 12, 1997; and
has submitted Proof of Beneficial Use on March 16, 1998. An examination indicates
that the works have a diversion capacity of 0.040 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 30, Township 14S, Range 33E
ONEIDA County

PLACE OF USE: DOMESTIC

TWN RGE SEC

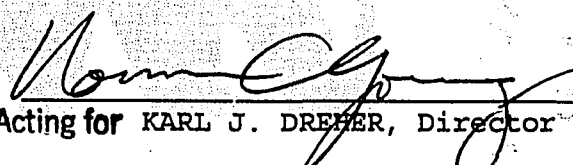
14S 33E 30

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
The water right confirmed by this license is subject to all prior water rights
and shall be administered in accordance with Idaho law and applicable rules of
the Department of Water Resources. Signed and sealed this 29th day of
MARCH, 1999.


Acting for KARL J. DREHER, Director

Permit No. 17-07148'

3. Source: Groundwater tributary to N/A

2. Other water rights with the same point of diversion: None

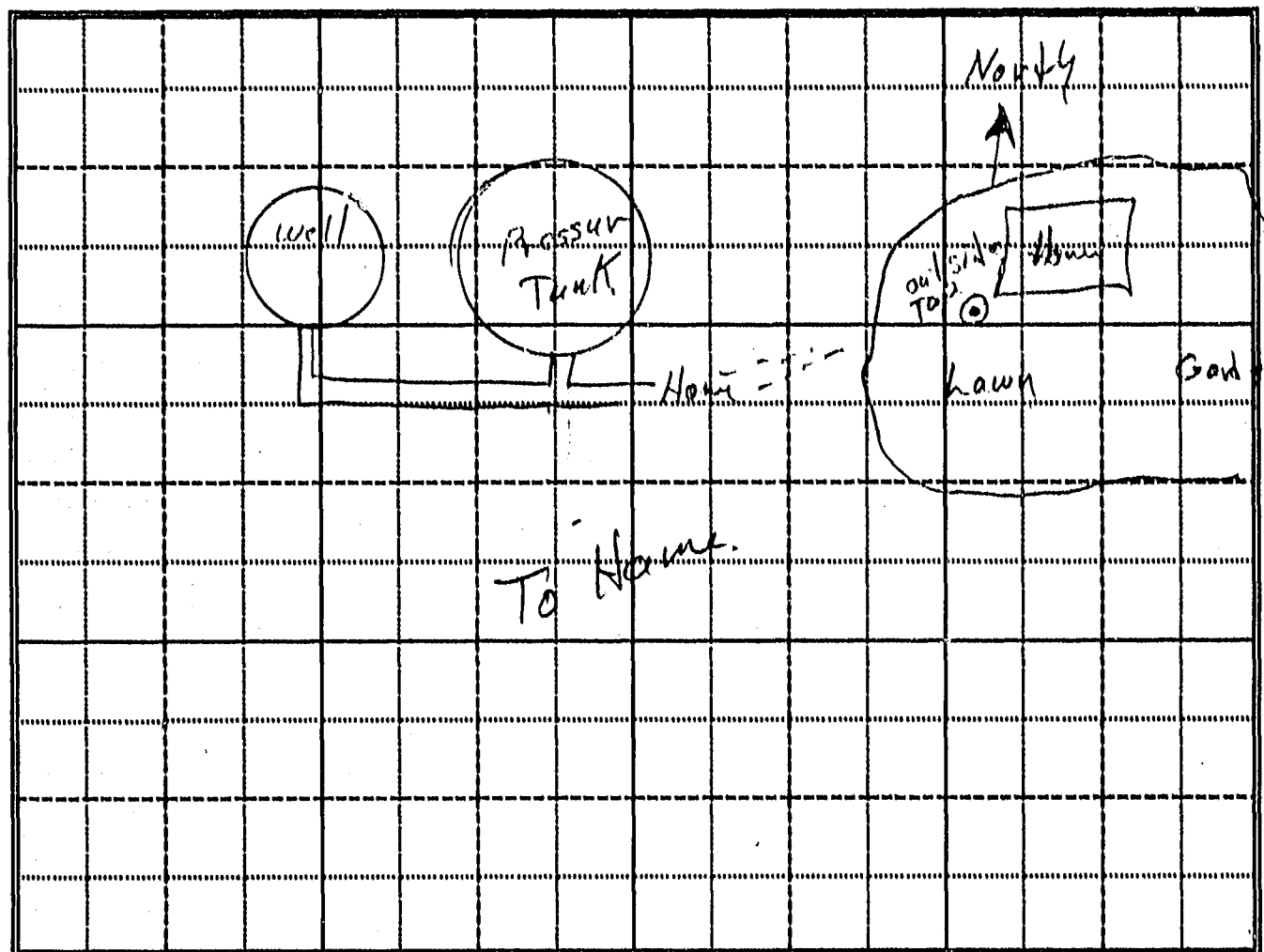
1. Point(s) of Diversion:

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for litigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	1	2801074910	Sip	NA

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None - use theoretical calculations

E. NARRATIVE/REMARKS/COMMENTS

Pump is located approx 100 yds west of home - and is used to water stock in fall for about 2 weeks.

User waters 1/2 acre and for domestic use

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ 7.1 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:****H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01/01</u>	<u>12/31</u>	<u>0.02</u>	<u>1.2</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.02</u>	<u>1.2</u>

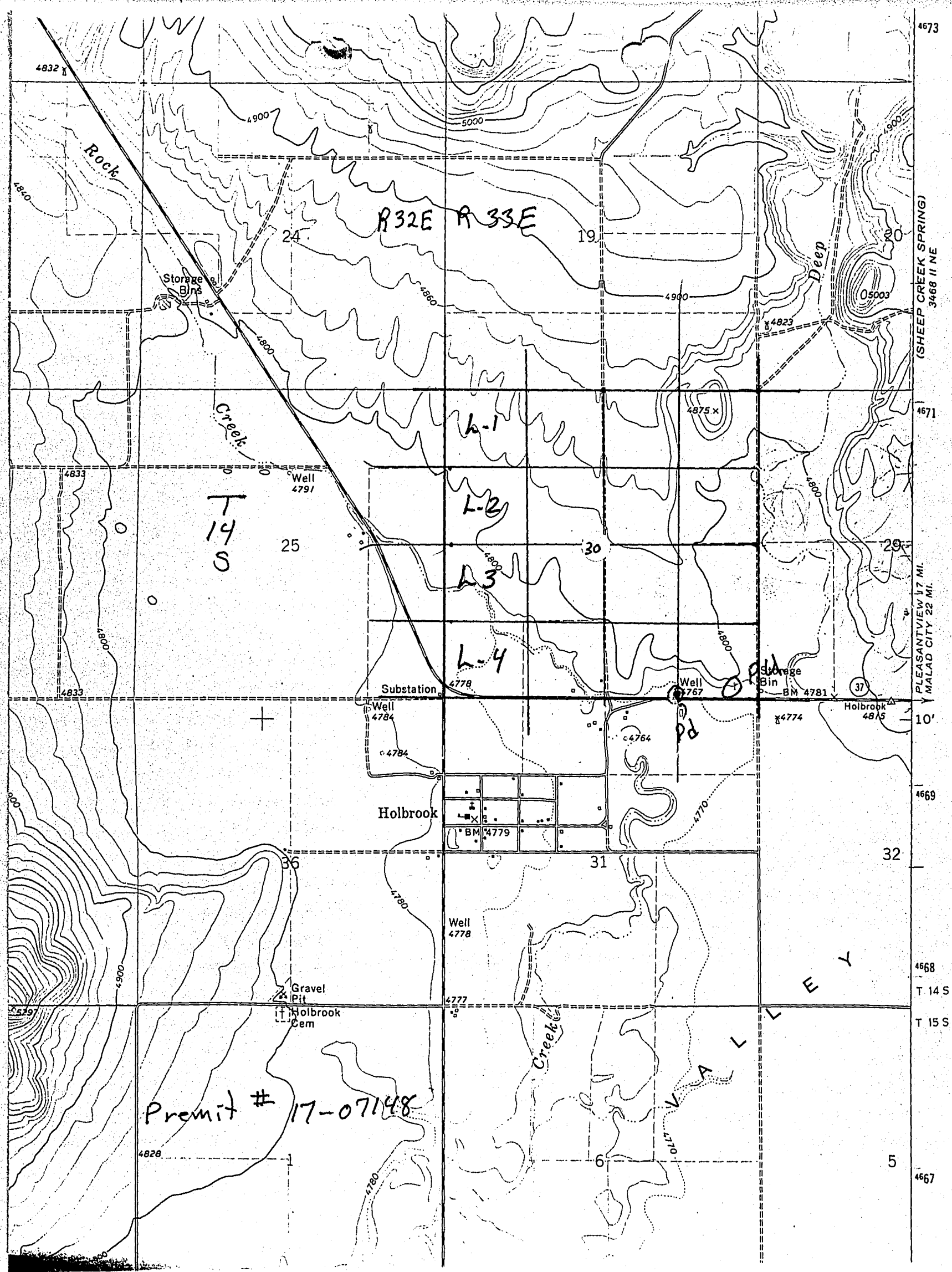
2. Recommended Amendments

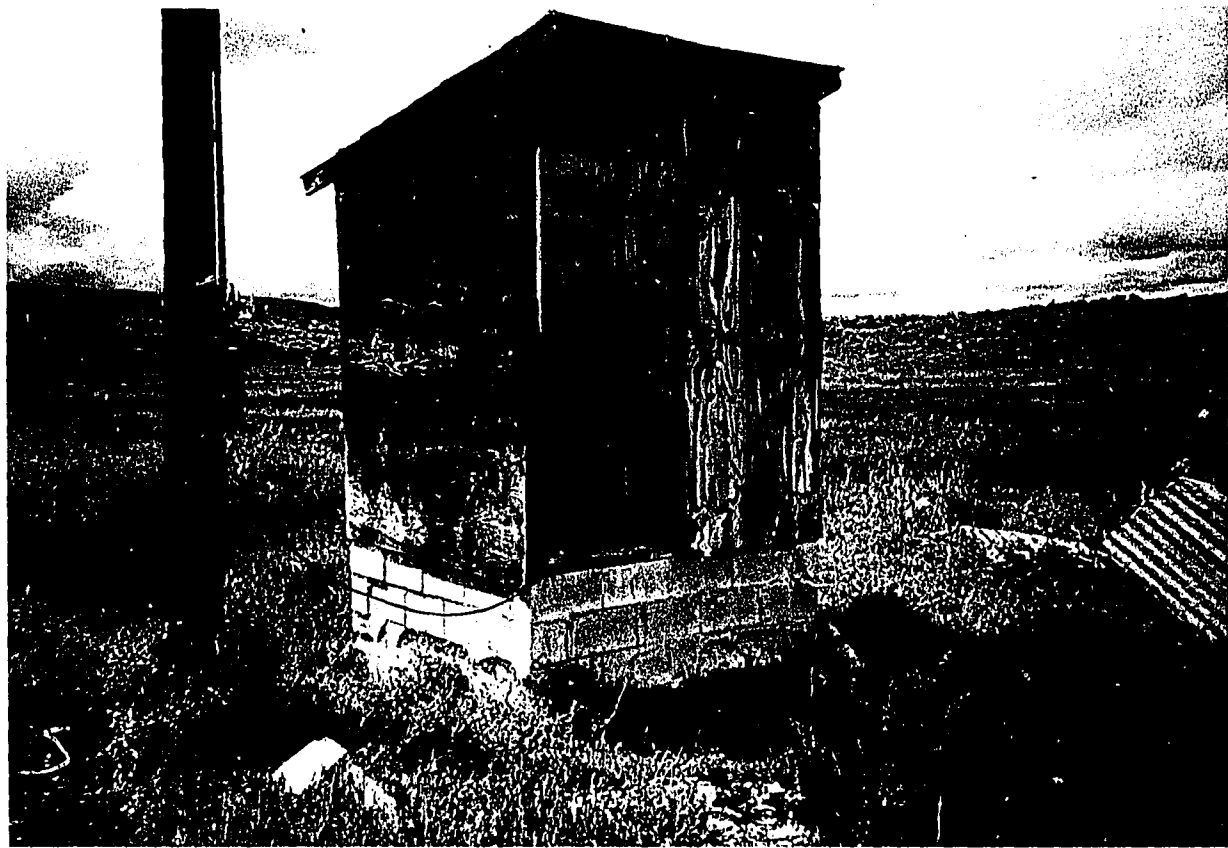
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Lee L. Simmons Date 6-9-98

Reviewer _____ Date _____

SEAL





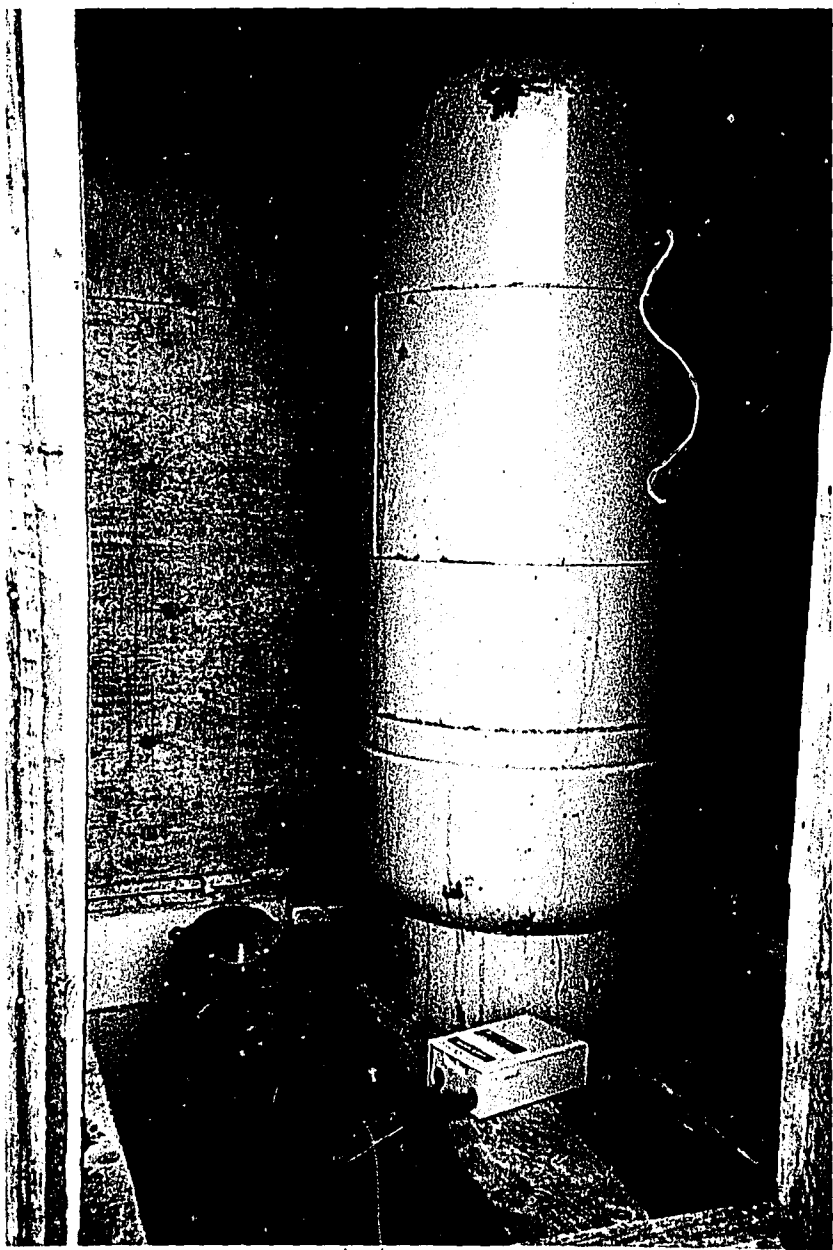
Permit # 17-07148

Top Photo.

Well is inside this building. Building is located approx. 100 yds west of dwelling.

Bottom photo.

Building with door open showing the pressure tank well and motor controls.



Permit # 17-07148

Place of Use



Place of use looking North from
Highway.

Permit # 17-07148

***FOR CLARITY
OF ANY
PHOTOGRAPHS
MICROFILMED,
SEE FILE.***

MEMORANDUM

TO: File 17-07148

FROM: Sharla

DATE: March 16, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 17-07148 are as follows:

H. RECOMMENDATIONS

Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
----------	-------------	----------	---------

One of the conditions of the permit approval was that domestic use did not include irrigation of lawn/garden or other type(s) of irrigation. The volume has been reduced accordingly.

Exam Date: June 9, 1998
Examiner: Lee Simmons

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

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EXCEPTIONS AND BRIEFS

Within twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 31, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DON ELIASON
23005 W OLD HWY 37
HOLBROOK ID 83243

RE: WATER RIGHT NO. 17-07148

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

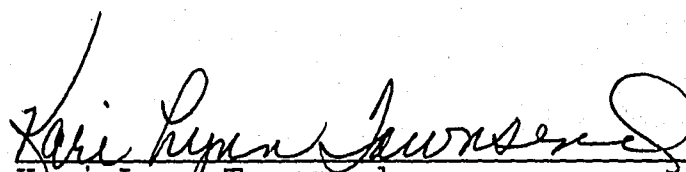
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of March, 1999, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 17-07148

DON ELIASON
23005 W OLD HWY 37
HOLBROOK ID 83243


Kari Lynn Townsend
Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

April 5, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DON ELIASON
23005 W OLD HWY 37
HOLBROOK ID 83243

RE: Domestic Water Use in the Curlew Valley Critical Groundwater Area

Dear Mr. Eliason:

Thank you for calling last Friday to inquire about water right license 17-07148 which was issued on March 29, 1999. As we discussed, a water right for domestic purposes usually includes up to half an acre of irrigation. Your water right does not authorize the diversion and use of water for irrigation, however, because it was established within the Curlew Valley Critical Groundwater Area (CVCGA). The CVCGA was established in March of 1976 in response to a finding that the groundwater in the area was being depleted too fast to provide a reasonably safe supply for existing uses. In a critical groundwater area, the Department of Water Resources will issue permits for new domestic water uses, but the new approvals will not provide for the irrigation of any land.

When we discussed your water use, you told me that despite the fact that you filed your application in 1997, the use had, in fact, been occurring for many years. You also indicated that your domestic use has always included a small irrigation component. If you want to claim a priority earlier than 1997 and include a small irrigation component (up to half an acre) as part of the domestic use, you may file a claim to a water right in accordance with Section 32-243, *Idaho Code*. Please note, however, that unlike your license, the claim does not confirm the existence of a water right.

I have enclosed a partially completed claim form for you. After completing the rest of the form, you can mail it to our office in Idaho Falls. The fee for filing a claim is \$100.00.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

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