

Ident. No. 17-7154
RECEIVED

MAR - 3 2003

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 Zeldon Nelson Phone (208) 645-2572
Mailing address 37777 West Juniper Rd. Malta, ID 83342
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. 32, in the SE $\frac{1}{4}$,
SW $\frac{1}{4}$, _____ $\frac{1}{4}$, Govt. Lot _____, B.M., Oneida County;
additional points of diversion if any: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 Twp 14S Rge. 30E
4. Water will be used for the following purposes:
Amount 9.58 for irrigation purposes from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for stockwater 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)
5. Total quantity to be appropriated is (a) 9.60 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 drilled wells and
sprinkler irrigation 200hp pump + 75hp booster pump - 3 ten inch pipelines
 - 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? 1970; Drilling firm Arlo Lloyd;
Well was drilled for (well owner) Yes; Drilling Permit No. lost
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

20' 350'

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JAN 09 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	30E	28						20	20		20	40	40	40					180
		29													40		40	40	120
		29															5		
		32	40	40	40	40	10			10	20	20		39	40	40	40	40	478
		32					D			D	D			D					

Total number of acres to be irrigated 478 707

10. Describe any other water rights used for the same purposes as described above. License No. 17-70083
(part) and No. 17-07089

11. a. Who owns the property at the point of diversion? George L. Nelson Family Trust

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Son and executor of George L. Nelson Family Trust

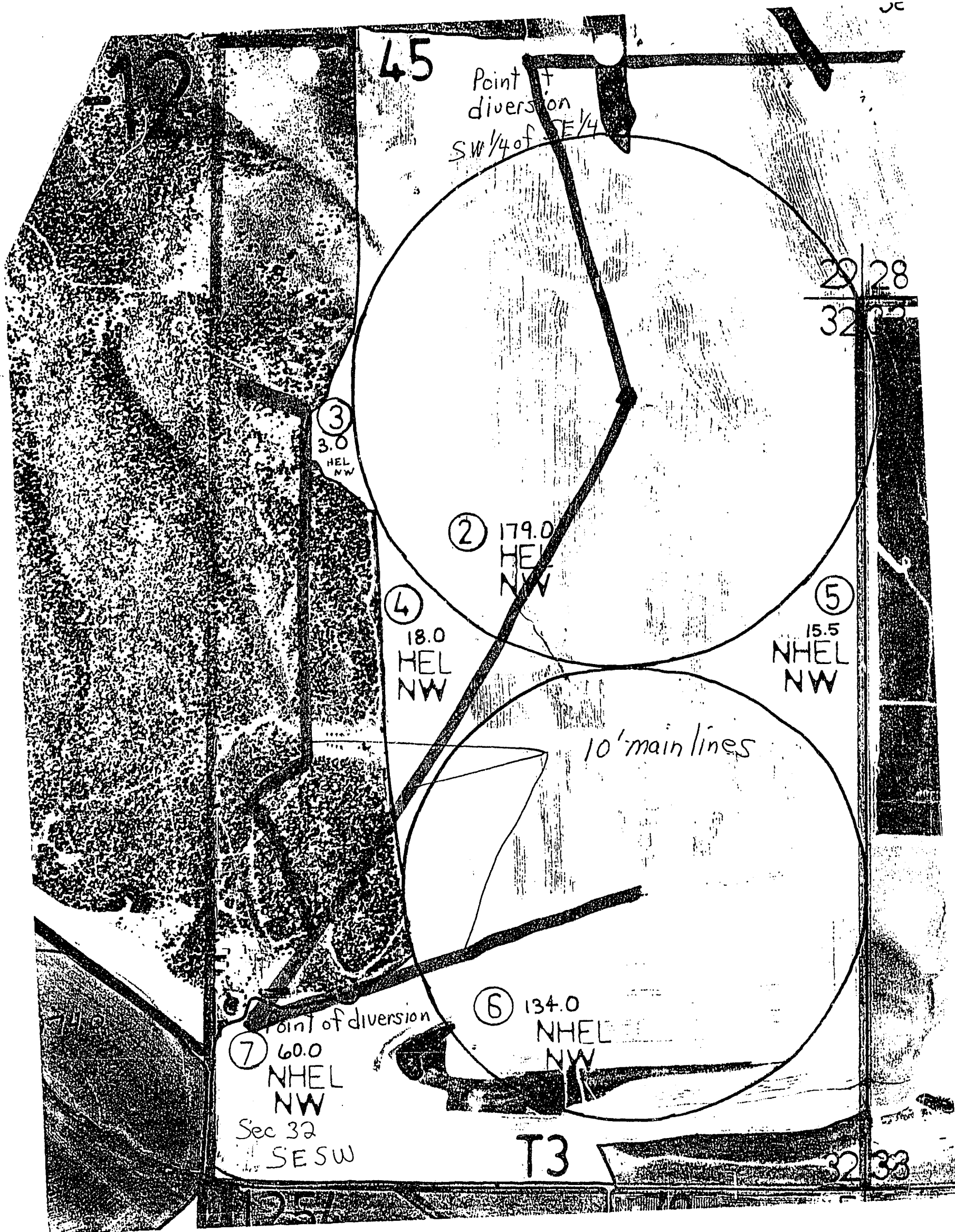
12. Remarks: Currently renting with plans to purchase.
I have "power of attorney."

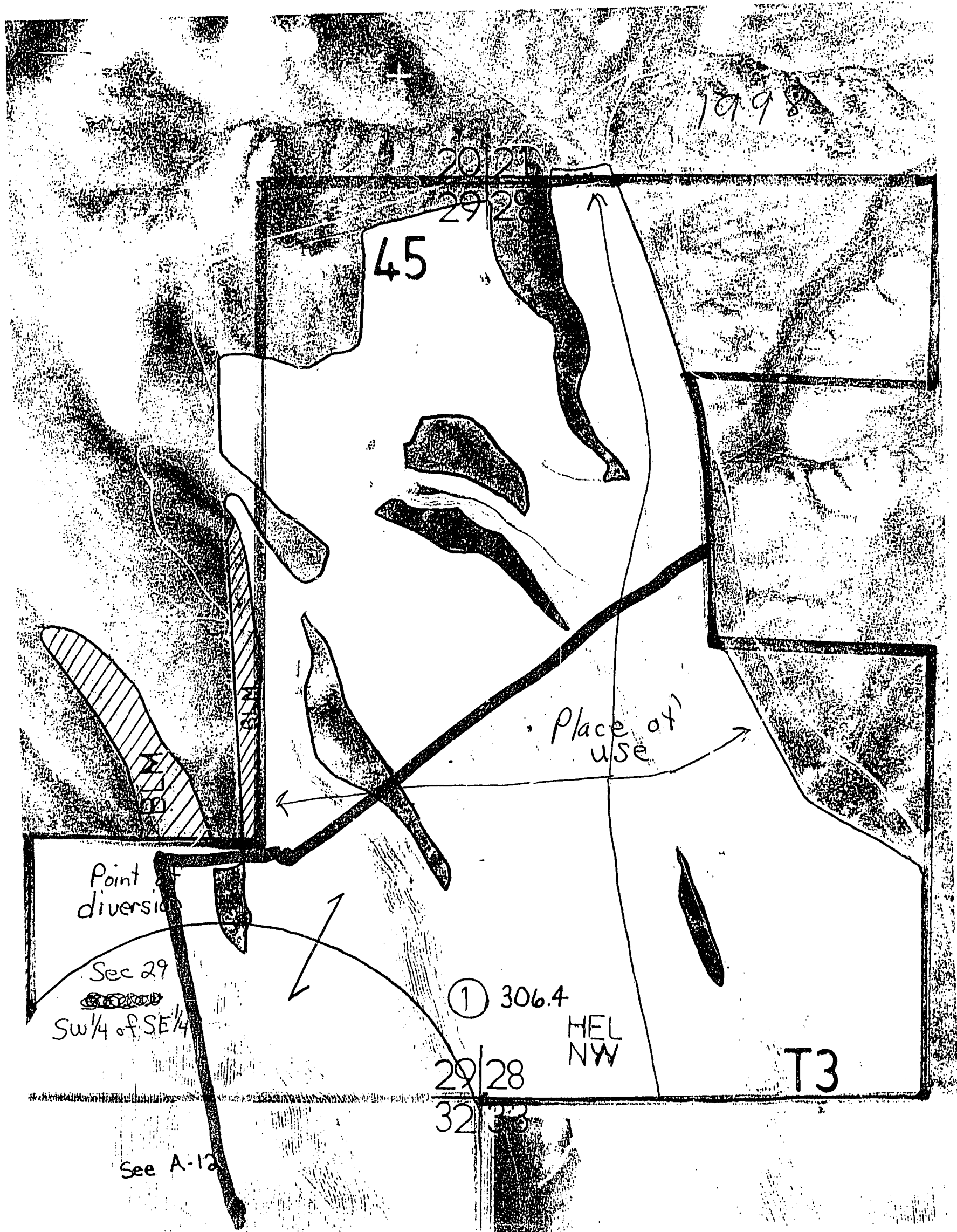
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

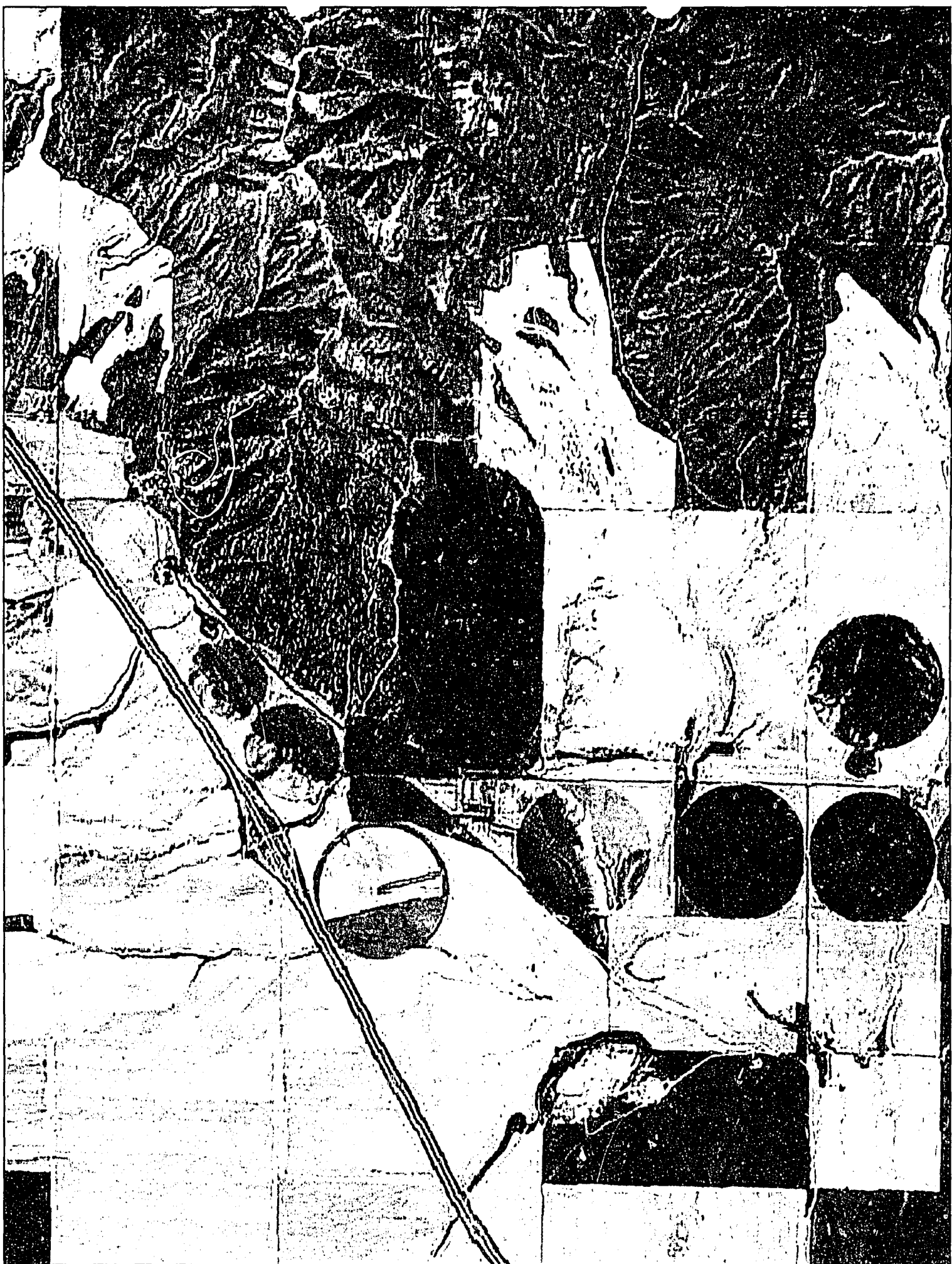
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Zeldon Nelson
Signature of Applicant (and title, if applicable)

Received by DC Date 1/10/2008 Time _____ Preliminary check by _____
Fee \$ 610 Receipted by DC # E028422 Date 1/10/2008
Publication prepared by DC Date 2/6/2003 Published in Idaho Enterprise
Publication approved SC Date 2/18/03



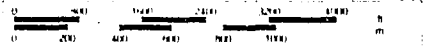




DeLORME

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www.delorme.com

Scale 1 : 31,250
1" = 2600 ft



TN
MN
142°E

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 17-07154

Priority: January 10, 2003

Maximum Diversion Rate: 8.85 CFS

This is to certify, that ZELDON NELSON
37777 WEST JUNIPER RD
MALTA ID 83342

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
IRRIGATION	04/01 to 10/31	8.85 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, Twp 14S, Rge 30E, B.M., ONEIDA County

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, Twp 14S, Rge 30E, B.M., ONEIDA County

PLACE OF USE: STOCKWATER

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 30E 29															X		
14S 30E 32					X			X		X			X				

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 30E 28						20.0	20.0		20.0	40.0	40.0	40.0					180.0
14S 30E 29													40.0		40.0	40.0	120.0
14S 30E 32	40.0	40.0	40.0	40.0	10.0			10.0	28.0			39.0	40.0	40.0	40.0	40.0	407.0
Total Acres:																	707.0

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2008**.
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.

Page 2

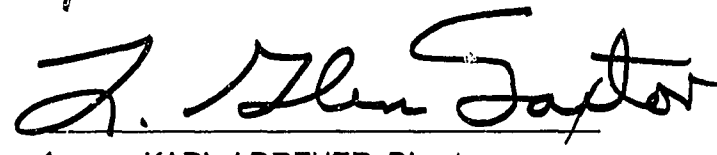
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 17-07154

5. 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.
6. 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.
7. Stockwater use is for 34 range cattle and 5 horses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of April, 2003.


for KARL J DREHER, Director



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
January 28, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department

Idaho Enterprise
PO Box 205
Malad City ID 83252

RE: Application for Permit No. 15-7239 and 17-7154

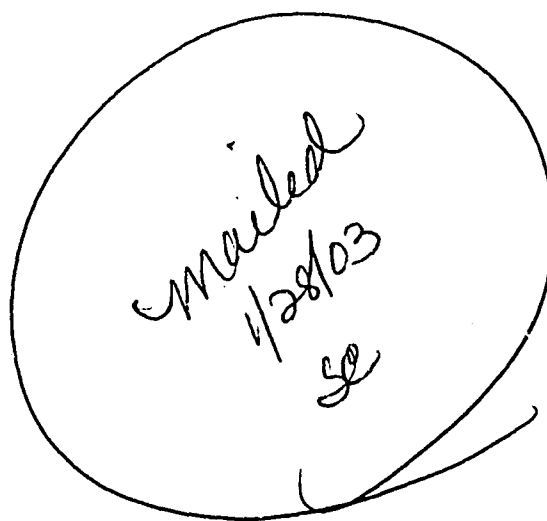
Dear LEGAL NOTICE DEPARTMENT:

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 February 24, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



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

17-7154

ZELDON NELSON
37777 WEST JUNIPER RD
MALTA ID 83342

Point(s) of Diversion: SESW S32 T14S R30E and SWSE S29 T14S R30E, ONEIDA County
Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 9.58 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 9.6 CFS

Date Filed: 01/10/2003

Place Of Use: IRRIGATION

T14S R30E S28 NWNW SWNW NESW NWSW SWSW SESW

T14S R30E S29 NESE SWSE SESE

T14S R30E S32 NENE NWNE SWNE SENE NENW SENW NESW SESW NESE NWSE SWSE
SESE

Number of Acres 707

Place Of Use: STOCKWATER

T14S R30E S29 SWSE

T14S R30E S32 NENW SENW NESW SESW

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 February 24, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 6 and 13, 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
January 28, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ZELDON NELSON
37777 WEST JUNIPER RD
MALTA ID 83342

RE: Application for Permit No 17-7154

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 February 6 and 13, 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

171

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 2-6-03 and ending with the issue of 2-13-03

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 Smith, known or identified to me to be the person whose name is 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.

Lisa D. Lewis
Notary public for Idaho
Residing at Malad ID
My commission expires: 2-5-08

original is
in file
15-7239

NOTICE

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

15-7239

TIMOTHY R WILLIE
3585 W HWY 38
MALAD CITY ID 83252
Point(s) of Diversion: NENENW S11 T15S R35E, ONEIDA County

Source GROUND WATER
Use: IRRIGATION 04/01 To 10/31 0.92 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 0.94 CFS
Date Filed 01/03/2003

Place of Use: IRRIGATION and STOCKWATER

T15S R35E S11 NENW
Number of Acres 46

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 February 24, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published on February 6 and 13, 2003

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

17-7154

ZELDON NELSON
37777 WEST JUNIPER RD
MALTA ID 83342

Point(s) of Diversion: SESW S32 T14S R30E and SWSE S29 T14S R30E, ONEIDA County

Source GROUND WATER
Use: IRRIGATION

04/01 To 10/31 9.58 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 9.6 CFS
Date Filed: 01/10/2003

Place Of Use: IRRIGATION

T14S R30E S28 NWNW SWNW NESW NWSW SWSW SESW

T14S R30E S29 NESE SWSE SESE

T14S R30E S32 NENE NWNE SWNE SENE NENW SENW

NESW SESW NESE NWSE SWSE SESE

Number of Acres 707

Place Of Use: STOCKWATER

T14S R30E S29 SWSE
T14S R30E S32 NENW SENW NESW SESW

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 February 24, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published on February 6 and 13, 2003

L. #2971 2/6-2/13-03-2T



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

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MAR 27 2003

EASTERN REGION
March 11, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Zeldon Nelson
37777 W Juniper Rd
Malta ID 83342

RE: Application for Permit 17-7154

Dear Mr. Nelson.

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

Appropriation Rule 40.05.c information: Request

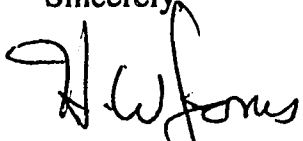
For applications appropriating groundwater, of 5 cfs or more, we would ask for the following:

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

Page 2 - Zeldon Nelson

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

Sincerely,

A handwritten signature in dark ink, appearing to read "H. W. Jones", written over the printed name.

Harold W. Jones
Water Right Supervisor

HWJ:sc

3-17-03

2- New flow control nozzles were installed during the summer of 2002.

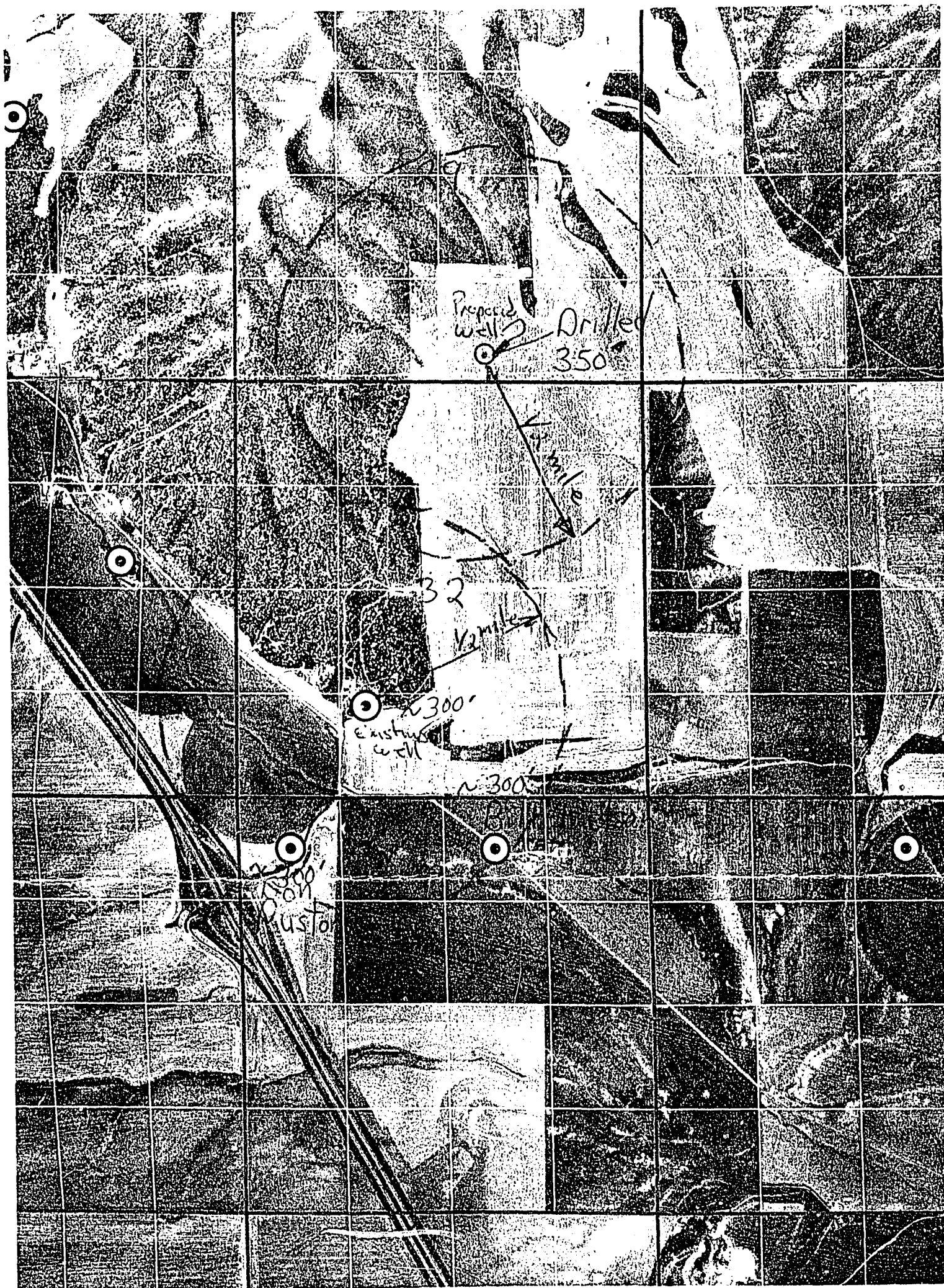
3- The proposed project will not significantly increase the volume of water that has been consumptively used the past ~~ten~~ seven years, but will allow us to better rotate crops. The proposed project will also allow us to meet peak use periods.

The peak use periods will be from May 15 thru July 15 and Sep 1 thru Oct 15.

4- Bill Nelson's, Don Ruston's, and my wells are about the same depth and pump from the same aquifer. All three wells have retained near normal flow rates for the past seven years. The well at the back of my field is on a different aquifer from the other three wells. Water from this well will be used to meet any peak usages. Once again, the total yearly consumptive use may not increase, but this project will allow me to better rotate fields and crops.

Zeldon Nelson

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MAR 20 2003
Department of Water Resources
Eastern Region





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 31, 2003

ZELDON NELSON
37777 W JUNIPER RD
MALTA ID 83342

Re: Application for permit no. 17-7154

Dear Mr. Nelson:

During my review of your application no. 17-7154, and the related documents on file with the department pertaining to this application, I realized that I needed some additional information from you. Specifically I am interested in the stockwater use of this application and the number of stock using this right. The question requesting that information on the application was left blank, and I need that information to include in the permit.

Please address your written respond to me within **30-days** from the date of this letter. If you have any questions, or need clarification, you may contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

C: Harold W. Jones, Eastern Region

Memorandum

To: File No. 17-7154

From: Deborah Gibson *dg*

Date: April 4, 2003

Re: Additional information received from customer 4/4/03

I wrote to Mr. Nelson on 3/31/03 requesting written information concerning the number and type of stock he will have that uses the water from this right, because the original application in the file shows question no. 8(b) as being blank.

The applicant contacted me by phone on 4/3/03 and we talked about this request. I received his response on 4/4/03, which is the attached copy of the first page of Mr. Nelson's Application for Permit showing information in the blank for question no. 8(b). No letter or note of explanation was included with this page. This page was delivered by UPS.

RECEIVED

APR - 4 2003

FORM 202
12/99

Ident. No. Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Zeldon Nelson Phone (208) 645-2572
Mailing address 37777 West Juniper Rd. Malta, ID 83342
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. 32, in the SE $\frac{1}{4}$,
SW $\frac{1}{4}$, _____, Govt. Lot _____, B.M., Oneida County;
additional points of diversion if any: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 Twp 14 S Rge 30 E
4. Water will be used for the following purposes:
Amount 9.58 for irrigation purposes from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for stockwater 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)
5. Total quantity to be appropriated is (a) 9.60 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 drilled wells and
sprinkler irrigation 200hp pump + 75 hp booster pump - 3 ten inch pipelines
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? 1970; Drilling firm Arlo Lloyd;
Well was drilled for (well owner) Yes; Drilling Permit No. lost
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (If irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. 34 range cows + 5 horses
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

MEMORANDUM

Date: April 16, 2003
To: Water Right File 17-7154
From: dgibson
Re: Permit Review

Additional information was requested from the applicant in order to complete the application and issue a permit. The applicant submitted a map showing where neighboring wells were located in relation to his wells, and an explanation of how the system would work. He also explained that this project would not greatly increase the amount of water being diverted, but was for better crop rotation. Additionally, the number of stock was determined to be a total of 39. This permit overlaps the point of diversion in Sec. 32 of 17-7008B & 1707089, and many of the places of use of both of his two licensed rights. Therefore, a new diversion rate was calculated to show that this application was for 707 acres x .02 cfs = 14.14 cfs (possible for 17-7154) - 4.50 cfs (for right 17-7008B) = 9.64 - 0.79 cfs (for right 17-7089) = 8.85 cfs to be recommended for 17-7154 for irrigation.



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 18, 2003

ZELDON NELSON
37777 WEST JUNIPER RD
MALTA ID 83342

RE: Permit No. 17-7154

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.

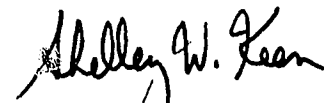
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

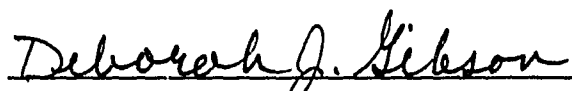
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 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. 17-7154

**ZELDON NELSON
37777 WEST JUNIPER RD
MALTA ID 83342**



**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.