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January 3, 2003

RECEIVED
JAN 06 2003
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Gentlemen:

We are enclosing with this letter for filing two (2) Late Notices of Claim for stock water purposes and an Application for Permit on behalf of Mr. LaVar Grover for lands in Teton County, near Driggs, Idaho. Besides the attachments with the Notices and Application we are also enclosing three (3) checks for the filing fees, \$100.00 each for the Late Notices of Claim and \$250.00 for the Application.

Over a number of years, Mr. Grover acquired the lands shown in yellow on the accompanying maps, consisting of 1,000 acres in Sections 20, 21, 28 and 29 of Twp. 5 N., R. 45E.. When the land was first acquired by Mr. Grover, it was unlevel ground with many small streams surrounded by willows, some small aspen groves, and mostly covered with buck brush. Cattle had been pastured on the property for many decades and had tromped the streams and there were many boggy and overgrown areas. Even the upland areas were pretty much covered with heavy buck brush.

Mr. Grover has owned and operated an excavating business for many years, and he originally envisioned portions of the land as potential sources for gravel. As he began to open excavations for gravel and for material for improved roads on the property; he discovered that while much of the land is wetlands, intermingled with numerous upland areas, wherever he excavated, the groundwater would immediately fill the excavation. He did locate one area where there is a large supply of superior quality gravel, and a significant amount has been removed at that site.

Almost from the outset, Mr. Grover could see the potential of the land as a private refuge. It is used by abundant wildlife and the excavations which became ponds are used by a large number of water fowl. Excavation of the ponds has kept the cattle from so severely damaging the streams which have recovered dramatically, and Mr. Grover has removed the heavy growths of buck brush in many areas and even some willows to enhance the grass growth for appearance purposes and for accessibility by the cattle.

In 1997, Mr. Grover was granted Department of the Army Permit No. 930300340, a copy of which is attached to the application. Pursuant to that permit, there have been five (5) ponds constructed and the gravel pit expanded. All of the ponds have gently sloping sides, and islands have now been constructed in the largest pond, from which gravel is also extracted. The streams have been enhanced and beautified with rock, check dams and fish are now using the improved streams and ponds. Mr. Grover has found that by constructing a pond next to an upland area, the cattle do not injure the streams as in the past, and will stay on the upland areas near the ponds over night so they don't over graze or overuse either the uplands or the areas near the streams.

Each of the smaller ponds has an outlet to one of the small streams or sinks, and the large pond has two (2) outlets with pumping facilities so the water level can be lowered for further excavation of gravel. All of the water pumped or discharged from the ponds either sinks in the ditch extending from the large pond to the west or finds its way through the surface small streams or the ground to the Teton River.

The total surface area of the ponds is approximately eleven (11) acres. The consumptive use of water by cattle from the ponds and streams probably remains essentially the same as it was when there were no ponds. All the other uses listed in the application are non-consumptive, and it is thought that any additional evaporation from the pond surface areas is not significantly different from the evapotranspiration that formerly occurred from the willows, grass and buck brush which covered the ground where the ponds have now been excavated. Applicant believes the ponds have no effect on prior surface and ground water rights because of their location and insignificant consumption of water.

If any adjustments are needed in the claims, application or filing fees, please contact us and we will try to expedite such adjustments. Since access to Mr. Grover's land is pretty well controlled with locked gates and substantial fences, please feel free to contact Mr.

Idaho Department of Water Resources
December 18, 2002
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Grover directly to gain access. He will be happy to give you a tour of his land at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kent W. Foster", written in a cursive style.

Kent W. Foster

Enclosures

cc: LaVar Grover

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