

RECEIVED

MAY 13 2013

Department of Water Resources
Eastern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

BOOK NO.

13-7946

1. Name of applicant(s) Jackie Rindlishbaker Phone 208-221-7140
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 2805 N Riverdale Dringway Rd City Preston
 State Id Zip 83263 Email Jackie.R.56@gmail.com
 2. Source of water supply Hillside Spring which is a tributary of NA
 3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
15S	39E	2	NA	SE	SW	NE	Franklin	Spring	Rindlishbaker spring

4. Water will be used for the following purposes:
 Amount .02 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 5. Total quantity to be appropriated is (a) .02 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
 6. Proposed diverting works:
 a. Describe type and size of devices used to divert water from the source. 4" perforated Drain Pipe
into 2" pipe to 2500 gal. storage tank
 b. Height of storage dam NA feet; active reservoir capacity 2,500 acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
 c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
 d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
 e. If well is already drilled, when? NA; drilling firm _____; well was drilled for (well owner) NA; Drilling Permit No. _____
 7. Description of proposed uses (if irrigation only, go to item 8):
 a. Hydropower; show total feet of head and proposed capacity in kW. NA
 b. Stockwatering; list number and kind of livestock. NA
 c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
 d. Domestic; show number of households 1
 e. Other; describe fully. _____

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8. 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	
155	39E	2																	
					D														

Total number of acres to be irrigated: NA

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

No

10. a. Who owns the property at the point of diversion? Delos Bell
- b. Who owns the land to be irrigated or place of use? Jackie Rindlisbacher
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

See Attached

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

See Attached

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" 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.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Jackie Rindlisbacher

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 100 - Receipted by SC Receipt No. 1041017 Date 5/13/15

13 - 7940



Google earth

feet
meters

800
200



Lat. $42^{\circ}08'51''.48$ N

Long $111^{\circ}51'48''.29$ W

Elev. 4799'

18-7946

176733

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Recorded at the request of

Franklin County

11:55 a.m. NOV 9 1987 p.m.

CORRIE L. KELLER, RECORDER

By *La Rae Johnson* Deputy
FRANKLIN COUNTY, IDAHO

EASEMENT

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable considerations, the receipt and adequacy whereof is hereby acknowledged, DELOSS BELL and RADIA M. BELL, husband and wife, Grantors, do hereby grant, bargain, sell, convey and release unto JACKIE and KARLEE RINDLESBAKER, husband and wife, and DON R. and IRENE CARTER, husband and wife, Grantees, their successors and assigns, an easement in, over and upon the following described land situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 44 rods West and 40 rods South of the NE corner of Section 2, Township 15 South, Range 39 East of the Boise Meridian, thence South 165 feet; thence West 209.5 feet; thence South 104 feet; thence West 236; thence North 168 feet; thence NE to a point 41 rods South and 18 rods West of the place of beginning; thence East 12 rods to the place of beginning. All being a part of Tax No. 7 of Franklin County, State of Idaho

For the purposes of: The maintenance of a drain field to protect and maintain the slide area of the Riverdale Dugway Road, a County Roadway, and the construction and maintenance of any collection system, storage tank, and distribution system for collecting and conveying water from the drain field to the adjacent land which lies to the west and north of said Riverdale Dugway Road.

1. This easement includes the temporary right of ingress and egress at any time over and upon the above-described land of the Grantors, for construction.
2. This easement includes a permanent right of ingress and egress at any time over and upon the above-described land of the Grantors for maintenance and operation.
3. There is reserved to the Grantors, their heirs and assigns, the rights and privilege to use the above-described land of the Grantors at any time, in any manner and for any purpose not inconsistent with the full use and enjoyment of the Grantee, their successors and assigns, of the rights and privileges herein granted.

TO HAVE AND TO HOLD the aforesaid easement in, over and upon the above-described land of the Grantors, with all the rights, privileges and appurtenances thereto belonging or in anywise appertaining, unto the Grantee, its successors and assigns.

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IN WITNESS WHEREOF the Grantors have executed this instrument on the 2 day of Nov, 1987.

DeLoss Bell
DELOSS BELL

Radia M. Bell
RADIA M. BELL

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

On this 2 day of Nov, 1987, before me, a Notary Public in and for said State, personally appeared DELOSS BELL and RADIA M. BELL, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Corrie L. Teller
NOTARY PUBLIC
Residing at: Preston
My Commission Expires: Lifetime



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Recorded at the request of

Franklin County

11:50 a.m. NOV 9 1987

CORRIE L. KELLER, RECORDER

By Debra J. Johnson Deputy
FRANKLIN COUNTY, IDAHO

AGREEMENT

THIS AGREEMENT is made this 9th day of November, 1987, by and among DON R. CARTER and IRENE CARTER, husband and wife, of Preston, Idaho, (herein "CARTERS"), and JACKIE RINDLEBAKER and KARLEE RINDLEBAKER, husband and wife, of Preston, Idaho (herein "RINDLEBAKERS"), DELOSS BELL and RADIA M. BELL, husband and wife of Preston, Idaho, (herein "BELLS"), and Franklin County, a political subdivision of the state of Idaho (herein "County").

WITNESSETH:

WHEREAS, County is constructing a drain field to protect and maintain the slide area of the Riverdale Dugway road, a county roadway; and

WHEREAS, County has secured easements from Deloss and Radia M. Bell for property located in Township 15 South, Range 39 East of the Boise Meridian, Section 2, NE 1/4, for construction of said drain field; and

WHEREAS, BELLS desire to use and utilize one-half of all of the water available from the drain field for use on their property described above; and

WHEREAS, CARTERS and RINDLEBAKERS desire to use and utilize the other one-half of all of the water available from the drain field for use on their property which lies adjacent to the Bell property described above, and West and North of said Riverdale Dugway Road;

NOW THEREFORE, upon payment of \$10.00 and other given valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

(1). As between them, CARTERS and RINDLEBAKERS shall equally share one-half of the water, and BELLS shall be entitled, at their option, to take the other one-half; provided that until such time as BELLS elect to take their one-half share, CARTERS and RINDLEBAKERS may take BELLS' share also.

(2). Notwithstanding Paragraph 1, CARTERS, RINDLEBAKERS, and BELLS jointly, severally, and separately agree to receive, use, utilize, and dispose of all water from the described drain field project, on their lands described above.

(3). CARTERS, RINDLEBAKERS, and BELLS agree that County has no water rights and that no rights to the water are being conveyed by this agreement; that their use of the water would be subject to any pre-existing or hereafter acquired water rights.

(4). CARTERS and RINDLEBAKERS agree and acknowledge that no specified amount of water will be guaranteed or supplied, but that they must utilize, use, and dispose of their share of all water which may be delivered to them through a pipe or pipes running under the county road and extending to their property line.

(5). BELLS agree and acknowledge that no specified amount of water will be guaranteed or supplied, but that they must utilize, use, and dispose of their share of all water which may be made available to them from the drain field to their home; it is understood and agreed that BELLS, at BELLS' expense must construct any collection and delivery systems they desire, but must construct the same so as not to interfere with the drain field project.

(6). Notwithstanding Paragraphs 4 and 5, CARTERS, RINDLEBAKERS, and BELLS agree that failure by one or more of them to utilize, use, and dispose of their respective share of all water, nevertheless imposes upon the other or

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others the duty to utilize, use, and dispose of all water available from or delivered from the drain field system.

(7). County shall not be responsible for any injury, damage, or claim of CARTERS, RINDLESBAKERS, or BELLS on account of the drain field project, water delivered, or otherwise arising from the subject matter of this agreement; CARTERS, RINDLESBAKERS, and BELLS specifically waive all claims of whatsoever nature against County arising in connection therewith, and do also specifically agree to hold County harmless from and indemnify County against any claims made by third parties in connection therewith.

(8). County shall have no responsibilities to deliver or control water, or otherwise to do or to refrain doing any act or acts in connection with this agreement; payment to CARTERS, RINDLESBAKERS, and BELLS of the consideration recited above, the full receipt and adequacy of which is hereby acknowledged, shall be County's sole responsibility and obligation hereunder.

DATED this 2nd day of November, 1987.

BOARD OF COUNTY COMMISSIONERS

Robert M. Hull
ROBERT M. HULL, Chairman

ATTEST:

Corrie L. Keller
CORRIE L. KELLER, Clerk

Don R. Carter
DON R. CARTER

Irene Carter
IRENE CARTER

Jackie Rindlesbaker
JACKIE RINDLESBAKER

Karlee Rindlesbaker
KARLEE RINDLESBAKER

DeLoss Bell
DELOSS BELL

Radia M. Bell
RADIA M. BELL

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STATE OF IDAHO }
COUNTY OF FRANKLIN } ss.

On this 2 day of November, in the year of 1987, before me, a Notary Public, personally appeared DON R. AND IRENE CARTER, husband and wife, known or identified to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Corrie L. Keller
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires:

STATE OF IDAHO }
COUNTY OF FRANKLIN } ss.

On this 2 day of November, in the year of 1987, before me, a Notary Public, personally appeared JACKIE AND KARLEE RINDLESBAKER, husband and wife, known or identified to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Corrie L. Keller
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires:

STATE OF IDAHO }
COUNTY OF FRANKLIN } ss.

On this 2 day of November, in the year of 1987, before me, a Notary Public, personally appeared DELOSS AND RADIA M. BELL, husband and wife, known or identified to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Corrie L. Keller
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: Lifetime

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STATE OF IDAHO
COUNTY OF FRANKLIN } ss.

On this 9th day of November, in the year of 1987, before me, Notary Public, personally appeared ROBERT M. HULL and CORRIE L. KELLER, known or identified to me to be the Chairman and Clerk respectively of Franklin County, that executed the said instrument, and acknowledged to me that said County executed the same.

Lafae E. Johnson
NOTARY PUBLIC
Residing at: Creston Idaho
My Commission expires: 7-18-93





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

May 28, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JACKIE RINDLISBAKER
2805 N RIVERDALE DUGWAY RD
PRESTON, ID 83263

Application For Permit No. 13-7946

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on June 3 and 10, 2015. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 22, 2015 at 5:00 pm**).

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Cox".

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

May 28, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Josh Hanks
Water District 11
85 Crayon Ct
Logan UT 84321

RE: Application for Permit 13-7946

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, May 28, 2015 11:26 AM
To: 'Preston Citizen'
Subject: Legal Notice for your paper
Attachments: Preston Citizen E-Mail.doc

Contacts: Preston Citizen

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

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

13-7944

S LAZY S PROPERTIES LLC

3347 EAST RIVERDALE RD

PRESTON, ID 83263

Point of Diversion

NESESW S28 T14S R40E

FRANKLIN County

Source UNNAMED SPR Tributary UNNAMED STR

Use: STOCKWATER

01/01 to 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 5/11/2015

Place Of Use: STOCKWATER

T14S R40E S28 SESW

13-7945

SIERRA HOMES CONSTRUCTION

470 N 2450 W

TREMONTON, UT 84337

Point of Diversion

SWNE S13 T15S R39E

FRANKLIN County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 5/20/2015

Place Of Use: DOMESTIC

T15S R39E S13 SWNE

13-7946

JACKIE RINDLISBAKER

2805 N RIVERDALE DUGWAY RD

PRESTON, ID 83263

Point of Diversion

SESWNE S2 T15S R39E

FRANKLIN County

Source HILLSIDE SPRING Tributary SINKS

Use: DOMESTIC

01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 5/13/2015

Place Of Use: DOMESTIC

T15S R39E S2 SWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, 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 June 22, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 3 and 10, 2015