



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

October 28, 2003

STEPHEN E MARTIN
425 S HOLMES AVE
IDAHO FALLS ID 83401

RE: Permit No. 23-11237

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.

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.

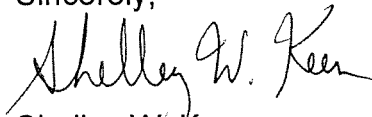
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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.

MICROFILMED
MAR 10 2004

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

SWK:klr

Enclosure(s)

MICROFILMED
MAR 10 2004

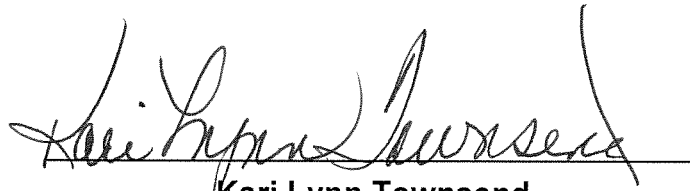
CERTIFICATE OF SERVICE

I hereby certify that on October 28, 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.

23-11237

**STEPHEN E MARTIN
425 S HOLMES AVE
IDAHO FALLS ID 83401**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
MAR 10 2004**

**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.

MICROFILMED
MAR 10 2006

Comment Report

23-11237

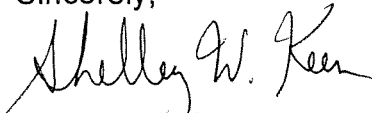
1. kwalker 10/22/2003 Use of water

Comment: In review of this application I found that the region had not included recreation use in the advertisement. I discussed with Roger Warner and he said he did not see a reason to readvertise. I have added the recreation use based on application for permit. I also noticed that the applicant has only applied for a volume of water so have changed the uses to show they are for storage rather than just aesthetic and recreation purposes.

MICROFILMED
MAR 10 2004

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

Sincerely,

A handwritten signature in black ink, reading "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
MAR 10 2004

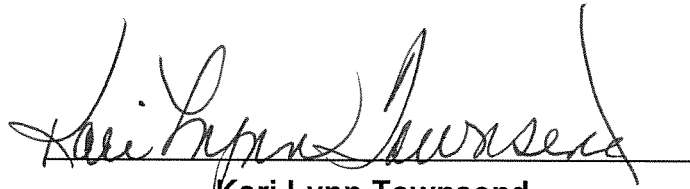
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RE: WATER RIGHT NO.

23-11237

**STEPHEN E MARTIN
425 S HOLMES AVE
IDAHO FALLS ID 83401**



**Kari Lynn Townsend
Secretary**

MICROFILMED
MAR 10 2004

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EXCEPTIONS AND BRIEFS

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Comment Report

23-11237

1. kwalker 10/22/2003 Use of water

Comment: In review of this application I found that the region had not included recreation use in the advertisement. I discussed with Roger Warner and he said he did not see a reason to readvertise. I have added the recreation use based on application for permit. I also noticed that the applicant has only applied for a volume of water so have changed the uses to show they are for storage rather than just aesthetic and recreation purposes.

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MAR 10 2004

RECEIVED

OCT 17 2003

Stephen E. Martin
11 July 2003

Department of Water Resources

 Dist for Staffing _____
 Submitted for advertising _____

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR PERMIT ANALYSIS PERMIT

 INITIAL REVIEW BY *Dennis Turner* DATE *29 August 03* APPLICATION NO. *23-11237*

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- _____ Overlapping place of use (Describe source & relationship to present application on the back)
 _____ Overlapping point of diversion
 _____ Yes ☒ No Critical groundwater area
 _____ Yes ☒ No Groundwater management area
 _____ Yes ☒ No Send dam safety information
 _____ Yes ☒ No Send fish farm requirement letter
 _____ Yes ☒ No Power residency affidavit
 _____ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
 _____ Yes _____ No Public Water System
 _____ Yes _____ No Planning section review
 _____ Yes _____ No Moratorium Hold file
 _____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

 _____ Date Requested _____

PROCESSING:

- ☒ Yes _____ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes _____ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- _____ Id Dept of Environmental Quality
 _____ Id Dept of Fish & Game
 _____ Id Dept of Lands
 _____ Adjudication Bureau Unit
 _____ U.S. BLM
 _____ U.S. Forest Service
 _____ Water District
 _____ Other _____

KRW 10/09/2003

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest
☐ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what District
☐ Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommend 7-11-03
By: W. Roger Lane Date: 10-9-03
STATE OFFICE REVIEW:

By: _____ Date: _____
ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other _____

Project impacts/implications report

COMMENTS

The pond should not be allowed to fill or be filled if Water District 1 does not have water available for rental and the applicant rent the 2 acre feet per annum.

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

July 10, 2003

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

Dear Mr. Carlson:

Pursuant to our recent conversations, we are enclosing an Application for Permit on behalf of Stephen E. Martin together with the filing fee of \$100.00 with some attached maps. We also hereby apply to the District 01 Rental Pool for the rental of 2 acre feet per annum under the provisions of the recent global rental pool concept you explained to us. As we understood it, the charge is \$6.00 per acre foot and we have enclosed a separate check made payable to Water District 01 in the amount of \$12.00 for the first year's rental. If there is anything else we need to do or any way we can be of assistance, please feel free to call upon us at your convenience.

Yours very truly,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\10652 MARTIN, STEPHEN E\Ron Carlson ltr 071003.wpd.cdv

RECEIVED

JUL 11 2003

Department of Water Resources
Eastern Region

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Proof of Publication The Post Register

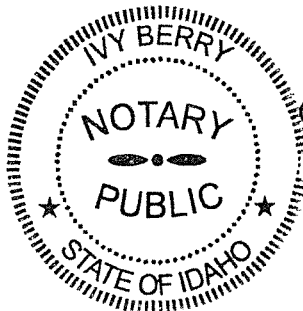
State of Idaho
County of Bonneville

I, Lynn Winter ~~or Danae Jacobsen~~, first being duly sworn, depose and say: That I am the Production Supervisor ~~or Asst. Prod. Supervisor~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 18TH day of SEPTEMBER 2003, last publication having been made on the 25TH day of SEPTEMBER 2003 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

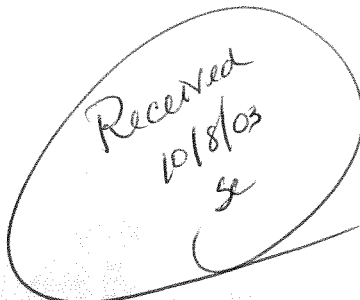
.....*Lynn Winter*.....

Subscribed and sworn to before me, this 6TH day of OCTOBER 2003



.....*Ivy Berry*.....
Notary Public

My commission expires January 10, 2009



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MAR 10 2004

PUBLIC NOTICE

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

23-11237

STEPHEN E MARTIN

425 S HOLMES AVE
IDAHO FALLS ID 83401

Point(s) of Diversion:
NESW S2 T01N R43E,
BONNEVILLE County
Source GROUND WATER

Use: AESTHETIC

01/01 To 12/31 2 AFA

Total Diversion: 2 AFA

Date Filed: 07/11/2003

Place Of Use: AESTHETIC

T01N R43E S2 NESW

25-13995

DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
1150 NORTH CURTIS ROAD,
SUITE 100, BOISE, ID 83706

Point(s) of Diversion:
SWNW S 16 T02N R40E,
BONNEVILLE County
Source WILLOW CREEK, Tributary
to SNAKE RIVER

Use: IRRIGATION

04/01 TO 10/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 07/25/2003

Place of Use: IRRIGATION

T02N R40E S16 SWNW

Number of Acres: 3

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 October 6, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published: September 18, 25, 2003

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MAR 10 2004



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

September 09, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STEPHEN E MARTIN
425 S HOLMES AVE
IDAHO FALLS ID 83401

RE: Application for Permit No 23-11237

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 Post Register on September 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 Right Supervisor

WRW:sc

MICROFILMED

MAR 10 2004



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

September 09, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department

POST-REGISTER

PO BOX 1800

IDAHO FALLS ID 83402

RE: 23-11237, 25-13995 and 31-11811

Dear Cathy Von Borstel:

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 October 6, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
9/10/03
sc*

RECEIVED

MAR 10 2004

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23-11237

STEPHEN E MARTIN
425 S HOLMES AVE
IDAHO FALLS ID 83401

Point(s) of Diversion: NESW S2 T01N R43E, BONNEVILLE County
Source GROUND WATER

Use: AESTHETIC 01/01 To 12/31 2 AFA
Total Diversion: 2 AFA

Date Filed: 07/11/2003

Place Of Use: AESTHETIC

T01N R43E S2 NESW

25-13995

DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION
1150 NORTH CURTIS ROAD, SUITE 100
BOISE ID 83706

Point(s) of Diversion: SWNW S16 T02N R40E, BONNEVILLE County
Source WILLOW CREEK, Tributary To SNAKE RIVER

Use: IRRIGATION 04/01 To 10/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 07/25/2003

Place Of Use: IRRIGATION

T02N R40E S16 SWNW

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Published on September 18 and 25, 2003

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