

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
DEC 09 2011
 Department of Water Resources
 Eastern Region

1. Name of Applicant Love's Travel Stops & Country Stores, Inc. Phone 208-523-0620
 Mailing Address: c/o Holden Kidwell Hahn & Crapo, PO Box 50130 City Idaho Falls
 State Idaho Zip 83405 Email rharris@holdenlegal.com
 Attorney Name: Robert L. Harris, Holden, Kidwell, Hahn & Crapo, PLLC Phone: 208-523-0620

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
1N	37E	8		SE	NE	NE	Bonneville	Groundwater	D0021468
1N	37E	9		SW	NW	NW	Bonneville	Groundwater	See Exhibit 9
1N	37E	9		SE	NW	NW	Bonneville	Groundwater	See Exhibit 10

4. Water will be used for the following purposes: #1 43 26.193 -112 7.397 ± 7.5' Dec 20, 2011 D.M. Dunn 11:30 AM
 Amount .29 cfs/11.2 AF for Commercial purposes from 1/1 to 12/31 (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)

5. Total quantity to be appropriated is (a) .29 (cfs) and/or (b) 11.2 acre feet per year (af).
cubic feet per second

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Diversion devices are already installed.
See Exhibits 5-7 (Well driller's reports) and Exhibits 9-10 (Domestic well driller's reports).
- b. Height of storage dam _____ feet; active reservoir capacity _____ 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. Actual well diameter is 12" down to 8" inches; actual depth of well is 221 feet
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 11/11/02, 8/13/90, & 10/16/1984; Drilling firm Andrew Well Drilling Services Inc. and Denning Drilling.
 Well was drilled for (well owner) Alan Widaman, David Walker, and Ken Russell; Drilling Permit No. #D0021468, 35-90-E-063-000, and no drilling permit listed for 10/16/1984 well.

7. Description of proposed uses (if irrigation only, go to item 8):

- 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 or the applicant's qualifications as a municipal provider. _____
- d. Domestic; show number of households. Use of water for non-consumptive culinary inside use only for truck stop of approximately 10,000 gallons per day. No irrigation will occur under this right.
- e. Other; describe fully. _____

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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	37E	9						C	C										

Total number of acres to be irrigated None

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? Water Right No. 35-13285 is diverted from the well in SENENE, 1N, 37E, Section 8, but is for lots in Cross-Roads Subdivision. At the encouragement of Bonneville County, the applicant desires to use this well for its proposed truck stop.
10. a. Who owns the property at the point of diversion? Alan Widaman, David Walker, and Keith Webb.
- b. Who owns the land to be irrigated or place of use? Keith Webb, David Walker, and Linda Heston.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Property is under contract for purchase by Applicant; Use of Widaman well will be governed by a well use agreement.
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See Attached "Water Right Project Narrative".
12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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.)

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.

Robert L. Jarvis Attorney for
Signature of Applicant (and title, if applicable) LOVE'S

ROBERT L. JARVIS ATTORNEY FOR
Print name (and title, if applicable) LOVE'S

Received by Devin M. Dunn Date Dec 15, 2011 Time 1:00 PM Preliminary check by S. M. Dunn
Fee \$ 250.00 Receipted by Devin M. Dunn # E037197 Date 15 Dec 2011
G:\WPDATA\IRLH\Love's Travel Stops\App. for Permit v1.wpd

Item 11: Water Rights Project Narrative

Love's Travel Stops & Country Stores, Inc. intends to construct new truck stop located at exit 113 of Interstate 15 (the south interchange of Idaho Falls). An initial schematic of the site plan is attached hereto as Exhibit 1.

The construction site covers six (6) previously subdivided lots as shown on Exhibit 2 attached hereto. The information projected on the map is from Bonneville County tax lot data, which has a slight projection error on a 2011 NAIP aerial photo. However, it is evident that four (4) of the six (6) lots are owned by Keith Webb, the fifth lot is owned by David Walker, and the sixth is owned by Linda Heston. Exhibit 3 is a map depicting the project site without the county tax lot data. These properties are currently under contract for purchase by Love's.

There are currently a number of structures that occupy the six (6) lots, and these structures will be demolished to make way for the new project.

At the urging of the Bonneville County Commissioners, Love's has been in contact with a neighboring landowner, Alan Widaman, who was the developer of the Cross-Roads Subdivision, to use an existing well for the proposed Love's facility. Mr. Widaman owns Water Right No. 35-13285, which authorizes the diversion of domestic water in the amount of .84 cfs and 28.1 acre feet per year from a well located in the SENENE of Township 1N, Range 37E, Section 8. The Army Surplus Store is the only business that has been developed in the Cross-Roads subdivision, but there are a number of other lots within the subdivision that are currently for sale.

Once Mr. Widaman obtained the license Water Right No. 35-13285, a copy of which is attached hereto as Exhibit 4, he drilled two wells at the site location—one of which is a domestic well that was constructed to IDEQ public water supply standards, and the other well was constructed solely for fire protection use.

Attached at Exhibit 5 is a printout from IDWR's well search database, and it clearly shows that the first well (which has a tag number of D0021468) was drilled on November 11, 2002, and provides water for domestic purposes as a public water supply. A copy of the actual well driller's report for this well is attached as Exhibit 6. The second well was drilled for fire protection uses only, and has a tag number of D0021467. There is no water right associated with this well, presumably because current Idaho law does not require a water right for fire protection flows. A copy of the well driller's report for the fire well is attached as Exhibit 7.

Love's intends to connect to both wells for non-consumptive commercial water use and fire protection purposes. A photograph of the well house where the Widaman wells are located is attached as Exhibit 8.

The commercial water diverted from the Widaman well will be for the diversion of culinary in-store uses that is non-consumptive. Therefore, this application DOES NOT seek water for any irrigation associated with the project site. Love's anticipates an area of approximately 2.86 to 3 acres of irrigated landscaping will be developed at the project site, but

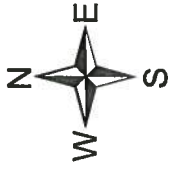
the irrigation of these acres will occur only after Love's secures and transfers irrigation water rights to the property site. Love's has been in contact with a water rights broker, and believes it has identified water rights that be transferred successfully to the project site.

Love's is currently under contract for purchase of the six (6) lots upon which its project will be located. Because of the prior need on these properties to service their respective structures, there are two domestic wells located on the properties that Love's intends to also designate as points of diversion under this application for permit as backup wells to the Widaman well in the event the Widaman well is inoperable. One of the wells was drilled by David Walker, and the well driller's report for that well is attached hereto as Exhibit 9. We believe the second domestic well was drilled by Ken Russell, and the well driller's report for this well is attached hereto as Exhibit 10.

The diversion rate sought in this application of .29 cfs (130 gpm) is for a maximum peak flow that may occur. Love's intends to install meters that will limit diversion of this amount to 130 gpm. The volume amount applied for is based on a maximum use of approximately 10,000 gallons per day that would be needed at the project site, for a total possible yearly volume of 11.2 acre feet. This volume of water equates to a daily average diversion rate of .015 cfs, or approximately seven (7) gpm. Therefore, the proposed volume amount would be 2/3 of the total water use that could be used on the 6 individual lots, each with their own domestic exemption of a volume of 2,500 gallons per day, for a total of 15,000 gallons per day pursuant to Idaho Code § 42-111(b). Therefore, we believe this project will conserve water resources.

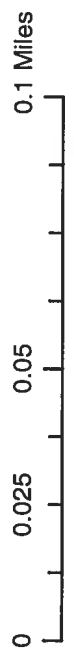
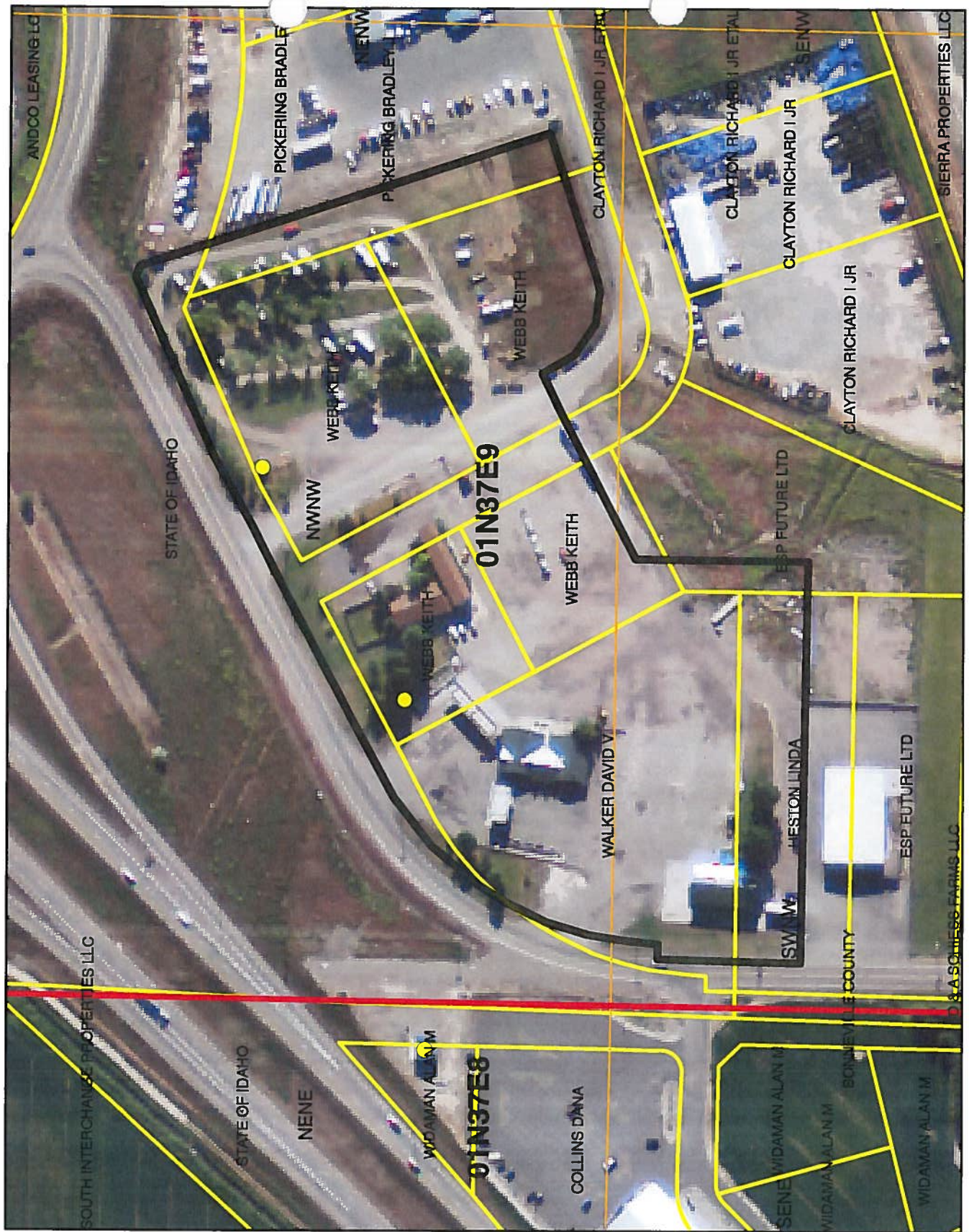
In summary, this application for permit only seeks authorization for the diversion of culinary in-house non-consumptive commercial water to be used at the project site. Irrigation will be authorized under a separate water right that will be transferred to the property for irrigation purposes. We anticipate the filing of a transfer application for the irrigation water to be made within the next 30 days.

LOVE'S TRAVEL STOP - IDAHO FALLS, IDAHO

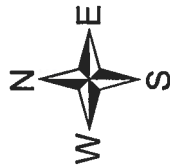


- Legend**
- PODs
 - Loves_Boundary
 - gddb_sections
 - gddb_qq
 - Parcels

35 - 14218



LOVE'S TRAVEL STOP - IDAHO FALLS, IDAHO



Legend

- PODs
- Loves_Boundary
- gcdb_sections
- gcdb_qq

35 - 14218



0 0.025 0.05 0.1 Miles



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-13285

Priority: January 29, 2001

Maximum Diversion Rate: 0.84 CFS
Maximum Diversion Volume: 28.1 AF

It is hereby certified that ALAN WIDAMAN
727 RIMVIEW LANE W
TWIN FALLS ID 83301 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 29, 2001; and has
submitted Proof of Beneficial Use on January 15, 2002. An examination indicates that the works have a
diversion capacity of 0.84 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.84 CFS	28.1 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, Twp 01N, Rge 37E, B.M., BONNEVILLE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE			NW			SW			SE			Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 37E 8	X		X	X									

CONDITIONS OF APPROVAL

1. Domestic use is for 20 commercial business lots.
2. Place of use is located within Lots 1-8, 10, Blk. 1; Lots 1-6, Blk. 2; and Lots 1-5, Blk. 3; Cross-Roads Subdivision.
3. The daily diversion volume for the domestic use authorized under this right shall not exceed 2,500 gallons per day per lot upon which a commercial business is built.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 31st day of DECEMBER, 2002.

Acting for

KARL J. DREHER
Director

MICROFILMED

JAN 09 2003

EXHIBIT

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35-14218

Idaho Department of Water Resources

Listing of Driller Reports

Contact	Use	TWP	RNG	SECT	Tract	Gov. Lot	Well Address	Sub	BL	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	CSG. DIA.	Construction Date	Permit Number	Tag Number
WIDAMAN, ALAN	Domestic-Public Water Supply, Domestic-Public Water Supply, Domestic-Public Water Supply	01N	37E	8	NENE		6831 SOUTH 45 WEST	CROSS ROADS SUBDIVISION		150	116	221	184	8	1/11/2002	770629	D0021468
<u>Related Documents</u>																	
WIDAMAN, ALAN	Fire Protection, Fire Protection	01N	37E	8	NENE		6831 SOUTH 45 WEST	CROSS ROADS SUBDIVISION		1500	112	213	200	16	10/31/2001	770630	D0021467
<u>Related Documents</u>																	
NEIMEIER, HERMAN	Domestic	01N	37E	8	NENE					0	100	120			11/30/1975	799031	
<u>Related Documents</u>																	
BALLARD, KIT	Domestic	01N	37E	8	NWNE					9999	45	94			8/7/1973	799034	
<u>Related Documents</u>																	
MELALEUCA INC	Public Water Supply	01N	37E	8	NWNE		4705 W 65TH STREET			385	114	417	229	12	10/28/2005	835648	D0036361
<u>Related Documents</u>																	
MELALEUCA INC	Fire Protection	01N	37E	8	NWNE		4705 W 65TH STREET			3000	118	458	223	16	10/6/2005	832617	D0036155
<u>Related Documents</u>																	
MELALEUCA INC	Fire Protection	01N	37E	8	NWNE		4705 W 65TH STREET			3000	127	455	433.5	16	9/25/2005	832619	D0036156
<u>Related Documents</u>																	
EMERY, JIM	Domestic	01N	37E	8	SWNW					0	120	169			7/28/1977	799033	
<u>Related Documents</u>																	
WHEELER, JOHN W	Domestic-Single Residence	01N	37E	8	SWSW		8075 S 55 W			100	140	200	200	6	6/23/2003	803987	D0027180
<u>Related Documents</u>																	
BURT, GORDON	Domestic-Single Residence	01N	37E	8	SWSW		7985 S 55 W			50	110	180	180	8	6/22/2004	816892	D0032769
<u>Related Documents</u>																	
MARCUM, ORIN	Domestic-Single Residence	01N	37E	8	SESW					50	97	140	99	6	6/5/1989	709717	
<u>Related Documents</u>																	
KELLY, MISHELLE	Domestic	01N	37E	8	NESE		IDAHO FALLS			122	149			5	6/8/2004	815759	D0032830
<u>Related Documents</u>																	
LITTLE, TOM	Domestic	01N	37E	8	SWSE					0	90	140			8/17/1982	843612	
<u>Related Documents</u>																	
MARKHAM, ORIN E	Domestic	01N	37E	8	SWSE					9999	100	138			4/21/1960	812583	
<u>Related Documents</u>																	
BALEMERE, JOHN	Domestic	01N	37E	8	SESE					0	86	150			1/21/1977	773628	
<u>Related Documents</u>																	
ESPLIN, RONALD	Domestic	01N	37E	8	SESE					9999	80	126			5/14/1972	808272	
<u>Related Documents</u>																	
MELLIES, WOODROW W	Domestic	01N	37E	8	SESE					9999	100	160			12/21/1961	814952	
<u>Related Documents</u>																	



35-14218

10/01
Andrew

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint pen

1 DRILLING PERMIT NO. #D0021468
Other IDWR NO. _____

Page 2 of 2

12 LITHOLOGIC LOG:

[illegible]

Completed Depth:	221	ft
Date Started:	10/29/01	
Date Completed:	1/11/02	

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1942 2 4 2002

[illegible]



EXHIBIT

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85-14010

1. WELL OWNER

Name

David Walker

Address

6615 N 15E Idaho Falls ID 83401

Owner's Permit No.

35-90-E-063-000

7. WATER LEVEL

Static water level 100 feet below land surface.Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below.

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>1250</u> inches	<u>8</u> inches	<u>1</u> feet	<u>31</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☐ NoPerforated? ☐ Yes ☐ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 14 Material used in seal: ☐ Cement grout☒ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld☐ Cemented between strata

Describe access port _____

8. WELL TEST DATA

☐ Pump ☐ Baller ☐ Air ☐ Other _____

Discharge G.P.M.

Pumping Level

Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
8	0	2	Overburden		
	2	25	Gravel		
	25	30	Clay		
	30	76	Basalt		
	76	88	Clay		
	88	105	Basalt		
	105	112	Soft		
	112	125	Basalt		
	125	129	Broken		
	129	150	Basalt		
	150	153	Soft		
	153	165	Basalt		
	165	173	Clay		
	173	200	Basalt		

Department _____
Eastern District

EXHIBIT

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6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____

10.

Work started 7/31/90 finished 8/13/90

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Smith & Jones Firm No. 10Address Box 460 Ucon Date 8/13/90

1. WELL OWNER

Name KEN RUSSELL
 Address 547 S. Skyline Apt. #7 I.P. Ida. 83402
Peterson Rd
 Owner's Permit No. Ken Russell School Rd.

7. WATER LEVEL

 Department of Water Resources
 Eastern District Office

Static water level 105' feet below land surface.
 Flowing? ☐ Yes ☒ No G.P.M. flow _____
 Artesian closed-in pressure _____ p.s.i.
 Controlled by: ☐ Valve ☐ Cap ☐ Plug
 Temperature _____ OF. Quality _____
 Describe artesian or temperature zones below.

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

3. PROPOSED USE

- ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>8"</u> inches	<u>1</u> feet	<u>34'</u> feet
<u>.250</u> inches	<u>6"</u> inches	<u>32</u> feet	<u>132'</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
 Was a packer or seal used? ☐ Yes ☒ No
 Perforated? ☐ Yes ☒ No
 How perforated? ☐ Factory ☐ Knife ☐ Torch
 Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 12 Material used in seal: ☐ Cement grout

☒ Bentonite ☐ Pudding clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld _____

☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.

N
 W E
 Subdivision Name _____
35-14218
 Lot No. _____ Block No. _____

9. LITHOLOGIC LOG

87923

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
2"	0	35'	Sand + Gravel		
2"	35	92'	Lava		
2"	92	101'	Gravel		
2"	101	135	Lava		
2"	135	132	Lava		
2"	132	135	Lava		
2"	135	140	Clay		
2"	140	160	Lava		

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Department of Water Resources

MICRO

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EXHIBIT

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10.

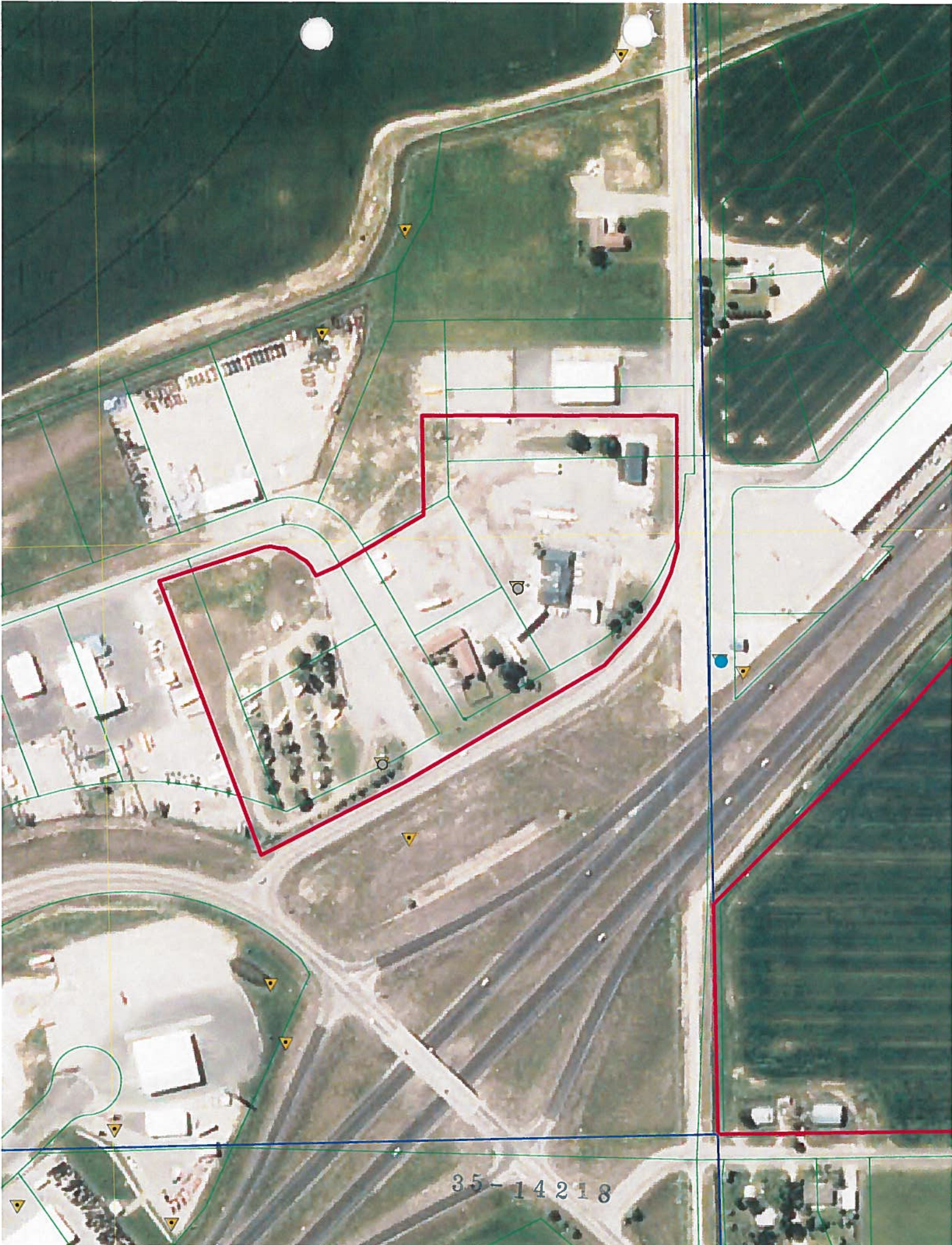
Work started 10-15-84 finished 10-16-84

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Denning Drilling Firm No. 10

Address Box 440 Ida Date 10-16-84



35-14218



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 28, 2011

LOVES TRAVEL STOPS AND COUNTRY STORES
10601 N PENNSYLVANIA
PO BOX 26210
OKLAHOMA CITY, OK 73126

Application For Permit No. 35-14218

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 POST-REGISTER on January 5 and 12, 2012. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Sharla Cox
Administrative Assistant

CC: HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS, ID 83405



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 28, 2011

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS, ID 83402

Application to Permit No. 35-14218

STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

James Cefalo
Water Resources Program Manager

Enclosure(s)

JC:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 28, 2011

JAMES CEFALO
Water District 120
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402

RE: Application for Permit No 35-14218

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: Wednesday, December 28, 2011 11:52 AM
To: 'Post Register (legalnotices@postregister.com)'
Subject: Legal Ad for your paper
Attachments: Post Register E-Mail.doc

Contacts: Post Register

Sharla

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

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

35-14218

LOVES TRAVEL STOPS AND COUNTRY STORES

10601 N PENNSYLVANIA

PO BOX 26210

OKLAHOMA CITY, OK 73126

Points of Diversion

SENWNW S9 T01N R37E

SENE S8 T01N R37E

SWNWNW S9 T01N R37E

BONNEVILLE County

Source GROUND WATER Tributary

Use: COMMERCIAL

01/01 to 12/31 0.29 CFS 11.2 AF

Total Diversion: 0.29 CFS 11.2 AF

Date Filed: 12/9/2011

Place Of Use: COMMERCIAL

T01N R37E S9 NWNW SWNW

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 January 23, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on January 5 and 12, 2012