

RECEIVED

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

FEB 04 2010

1. Name of Applicant Chris Blake Phone (208) 589-8610
 Mailing address PO Box 50538, Idaho Falls, ID 83405 Email cblake@idahoasphalt.com
 c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc. Email kwilson@rockymountainenvironmental.com
 482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax (208) 524-1795
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is Township 01S Range 37E Sec. 6, in the _____ 1/4,
SW 1/4, SW 1/4, Govt. Lot _____, B.M., Bingham County;
 additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 17.6 for Recreational Storage purposes from 01/01 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)
5. Total quantity to be appropriated is (a) _____ and/or (b) 17.6
 cubic feet per second acre feet per year
6. Proposed diverting works:
 a. Describe type and size of devices used to divert water from the source Well pump mainline to pond and Irrigation system
 b. Height of storage dam 3 feet; active reservoir capacity 17.6 acre-feet;
 total reservoir capacity 17.6 acre-feet
 c. Proposed well diameter is 10 inches; proposed depth of well is 150 Feet
 d. Is ground water with a temperature of greater than 85°F being sought? No
 e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. Recreational storage for a 17.6 ac-ft lined pond

9. 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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	37E	6											R						

Total number of acres to be irrigated: _____

10. 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 other water rights are used for the same purposes as described above.

11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. A 17.6 ac-ft lined recreational storage pond will be built on applicant's property. The consumptive component for evaporation will be accounted for in a companion transfer of 5.8 ac Of water right 35- 2241A. This application is for the non-consumptive use (storage) for the lined recreational pond. Applicant will rent storage water from the Water Bank for the initial fill and any subsequent refills. Applicant has a Purchase Agreement with Idaho Water Company c/o Del Kohtz a portion of which will be used for the consumptive use (evaporation) associated with a pond.

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.)

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.



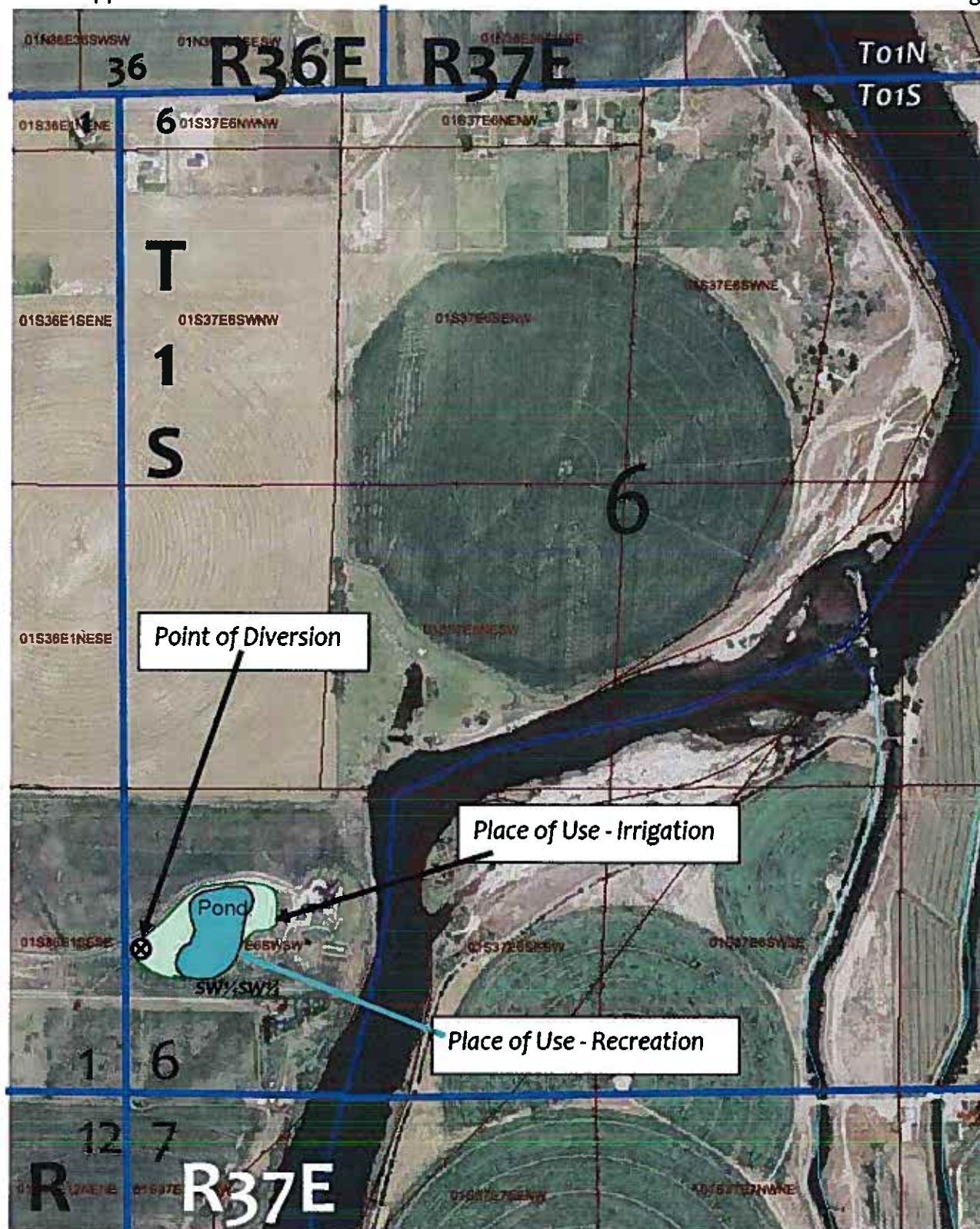
Signature of Applicant

Chris Blake

Print Name (and title, if applicable)

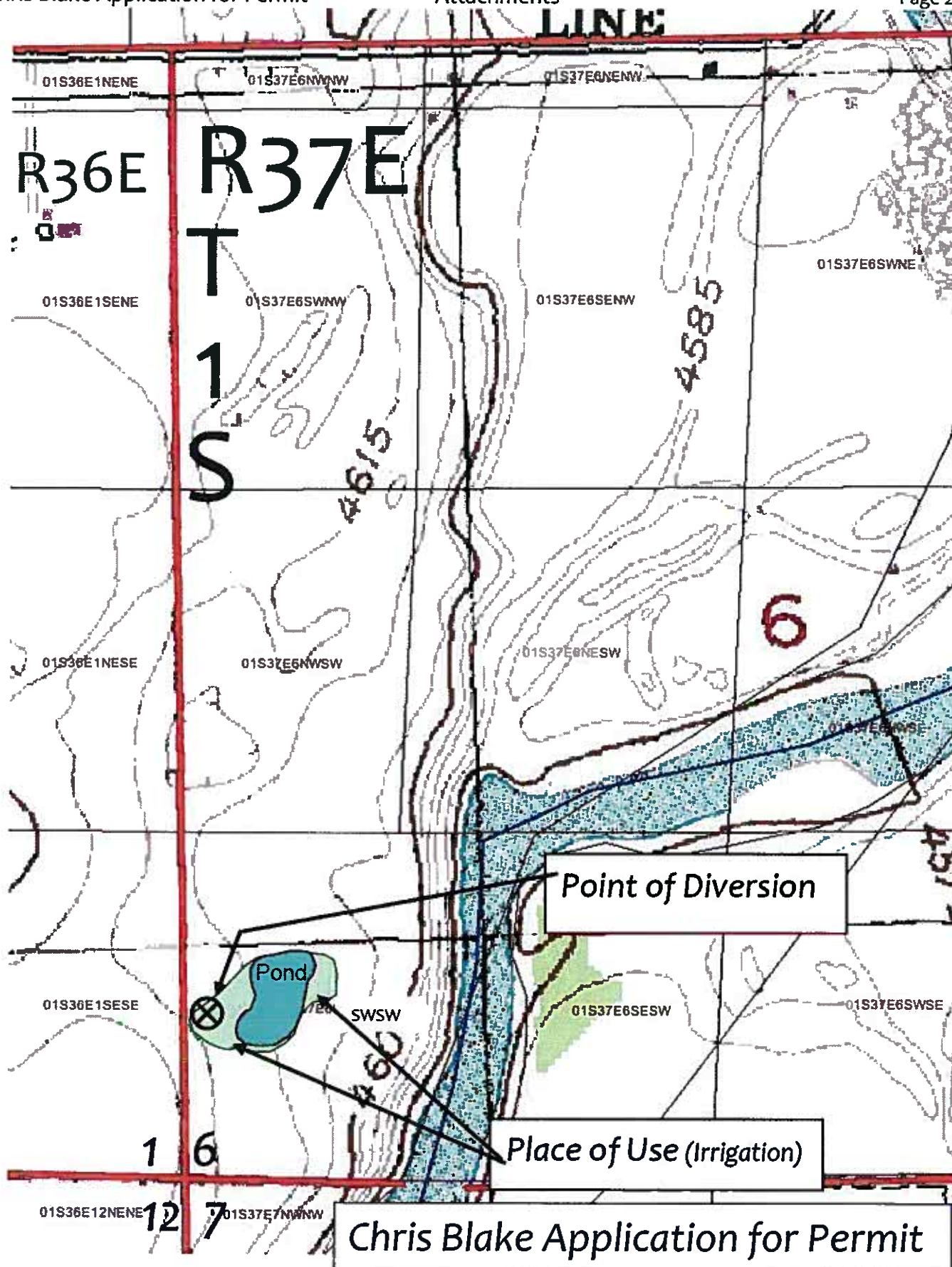
For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 100 Received by S/66 Receipt No. E035588 Date 2/5/2010



36
E

Chris Blake Application for Permit



**IDAHO WATER COMPANY
AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT**

THIS AGREEMENT is made and entered into this 12th day of August, 2009 by and between Del Kohtz, Idaho Water Company LLC of 1135 Valley Rd. So. Eden, Idaho (hereinafter 'Seller') and Chris Blake of P.O. Box 50538, Idaho Falls, Idaho (hereinafter "Buyer"). The seller, Del Kohtz discloses that he is a licensed real estate agent acting herein as principal for his own account and not representing or acting as an agent for the buyer.

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyer does hereby agree to buy from the Sellers 23.2 acre feet/annum of Idaho Water Rights #35-2241A and the water appurtenant thereto, for \$ per acre foot or \$ per acre. There are 5.8 acres or 23.2 Acre Feet per year of water right included in this agreement. No land is included in this agreement

2. The total purchase price shall be \$ The balance of the purchase price shall be paid on the closing date described in paragraph 5 below, less 33% down payment paid at signing. A Payment of \$ shall be paid at signing.

3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department of Water Resources. If the application is not approved, this Agreement shall become null and void.

4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price for the contract to Seller shall take place at the offices of Rocky Mountain Environmental Associates, Inc. of Idaho Falls, Idaho, within thirty days of Buyers receipt of approval from the Department of the application for transfer. The Buyers shall be given possession and use of the water right and the water appurtenant thereto, upon closing.

Agreement for Purchase and Sale of Water Right -1

5. This transfer will remain in the name of Idaho Water Co. until the contract is closed and paid for by the buyer. The buyer's place of use and point of diversion will be used for the transfer. When the contract is closed a change of ownership form will be signed by Idaho Water Co. (Del Kohtz)

6. In the event of any suit proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

7. Each party agrees to pay one-half of any costs incurred in executing this document. These costs shall not be more than \$ each.

8. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

9. If Kohtz fails to accomplish the desired transfer with this or other comparable water rights the upfront money will be refunded. Buyer understands consultant fees for preparation of transfer, calculation of mitigation, and attorney fees in the case of protests and hearings on their water transfer are to be paid by the Buyer.

10. Del Kohtz has my permission to make needed changes to the Water transfer application that is the result of this contract to facilitate the process of transferring the water. The changes made will not materially change the amount of money buyer has to pay, or the amount of water buyer receives.

11. Kohtz (Idaho Water Company) has no control over the amount of mitigation or writedown IDWR will require of Buyers particular transfer therefore the amount Buyer pays is based on the amount of water transferred out of the original Water Right. Buyer understands that all mitigation rights provided by Idaho Water Co. LLC and all Reach credits accrued by this transfer shall remain the property of Idaho Water Co. LLC.

Agreement for Purchase and Sale of Water Right -2

OTHER PROVISIONS

IN WITNESS WHEREOF the parties have caused their names to be subscribed
on the dates set forth above.

SELLERS

Frank Water Co. LLC
Delbert [Signature]

BUYERS

Chris Blake

Agreement for Purchase and Sale of Water Right -3

Form 2-222
10/07
FEE \$100.00

Water Right for Mitigation for Consumptive Use

35-2242
Water Right No. 35-2241A

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT

DEC 24 2007

DEPARTMENT OF
WATER RESOURCES

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

- Name of water right holder Idaho Water Co. LLC
- Mailing address 1135 Valley Rd So. Eden, ID Email id@idaho.watercomp.com
- The right was obtained or is evidenced by:

a. Decree to _____ in Case of _____
vs. _____, Dated _____ in _____
Court, _____ County of _____ Fully _____ (Name of Court) describe decree

b. License No. 35-2242, 35-2241A c. Claim No. _____

d. SRBA No. _____

- Source of water Groundwater tributary to _____
(Name of stream or source)

- Date of priority of right 8/19/1952

- Description of Right:

amount 4.32/1248 for Irrigation purposes from 4/01 to 10/31
(cfs/ac-ft)

amount 4.15/1104 for Irrigation purposes from 4/01 to 11/01
(cfs/ac-ft)

- Point of Diversion SE 1/4 SW 1/4 Sec. 36 Twp. 01S Rge. 33E County Bingham
POA SW 1/4 NE 1/4 Sec 36 Twp 01S Rge 33E County Bingham

- Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	36	1	25				4	6	2		5	4		7	3	7	7	71

We are only concerned about approximately 71 acres of the corners. The rest has been irrigated continuously.

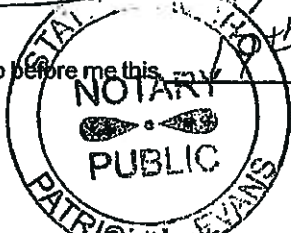
Approved - Extension of Time to Avoid Forfeiture of a Water Right

9. Give the last date when water was put to beneficial use 2002
 Length of extension of time requested 3 years, or until Transfer is completed
 (Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use The water right has been involved in the transfer process for two years. One year has been lost due to the moratorium on processing of transfers. The transfer is still pending at Eastern Region. We were reluctant to put the water right in the Water Bank because the buyer needed the water as soon as possible and if someone rented it from the Bank the buyer would not be able to use it.

The information contained in this application is true to the best of my knowledge.

(Signature of Applicant)

Subscribed and sworn to before me this



day of

December

29 07

(Notary Public)

Patricia L. Evans

My commission expires

08/31/11

Residing at

Twin Falls

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby approve said application subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before October 31, 2010.

Signed this 6th day of January, 20 10

[Signature]
 Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

11/16/09 \$100.00 5031173

Date Received 12/24/07 FEE Received by 100.00 Date 12/24/07 Receipt # C085582

Preliminary T by _____ Publication prepared by _____ Pub. approved by _____ Date _____

Published in _____ Dates Published _____

Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for - APPROVAL / DENIAL By _____

Approved - Extension of Time to Avoid Forfeiture of a Water Right



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

February 11, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CHRIS BLAKE
PO BOX 50538
IDAHO FALLS, ID 83405

Application For Permit No. 35-14013

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 MORNING NEWS on February 18 and 25, 2010. 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.

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

Sincerely,

Sharla Cox
Administrative Assistant



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

February 11, 2010

JAMES CEFALO
WATER DISTRICT 120
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402

RE: Application for Transfer 76296
Application for Permit 35-14013

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,

Blake Jordan
Sr. Water Resources Agent

Enclosure(s)

BJ: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

February 11, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

IDWR
C/O AARON MARSHALL
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Permit 35-14013

Dear Interested Party:

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,

Blake Jordan
Sr. Water Resources Agent

Enclosure(s)

BJ:sc

February 11, 2010

LEGAL NOTICE DEPARTMENT
MORNING NEWS
PO BOX 70
BLACKFOOT, ID 83221-0070

RE: Transfer No. 76296, and Application for Permit 35-14013

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 March 8, 2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 76296

IDAHO WATER CO LLC,
C/O DEL KOHTZ, 1135
VALLEY RD S, EDEN, ID 83325
has filed Application No. 76296
for changes to the following water
rights within BINGHAM County(s):
Right No(s). 35-2241A; to see a full
description of these rights and the
proposed transfer, please see
www.idwr.idaho.gov.

The purpose of the transfer is to
change a portion of the above rights
as follows:

The applicant proposes to change
the point of diversion, change the
place of use, change the nature of
use and to change the period of use
to a lined 2.6 acres recreational pond.

The point of diversion is in the
SWSW Sec 6 T1S R37E for .09 cfs.

The place of use is in the SWSW
Sec 6 T1S R37E for recreation use
and 3.5 acres.

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

35-14013

CHRIS BLAKE

PO BOX 50538

IDAHO FALLS, ID 83405

Point of Diversion SWSW S6 T01S

R37E BINGHAM County Source

GROUND WATER Tributary

Use: RECREATION STORAGE

01/01 TO 12/31 17.6 AF

Total Diversion: 17.6 AF

Date Filed: 2/4/2010

Place Of Use: RECREATION

STORAGE

T01S R37E S6 SWSW

Permits will be subject to all prior

water rights. 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 March 8,

2010. The protestant must also send a

copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on February 18 and 25, 2010

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, February 11, 2010 3:29 PM
To: 'legals@cableone.net'
Subject: Another Legal ad for your paper

Contacts: Morning News



LegalNotice 311.rtf

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