

RECEIVED

OCT 22 2009

Department of Water Resources
Eastern RegionIdent. No. 21-13115

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

RECEIVED

AUG 24 2009

Department of Water Resources
Eastern Region

1. Name of Applicant Eagle Ridge Ranch Phone _____
Mailing Address: 2880 N. 55 W., PO Box 50305, Idaho Falls, ID 83402 Email _____
Attorney Name: Robert L. Harris, Holden, Kidwell, Hahn & Crapo, PLLC Attorney Phone: 208-523-0620
Attorney Address: PO Box 50130, Idaho Falls, ID 83405-0130 Atty Email rharris@holdenlegal.com
2. Source of water supply Blue Lake which is a tributary of Sheep Creek
2. Location of point of diversion is Township 13N Range 42E Sec. 14, in the SE 1/4, NW 1/4, SW 1/4, Govt. Lot , E.B.M., Fremont County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 20 afa for Recreation storage purposes from 01/01 to 12/31 (both dates inclusive)
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) _____ and/or (b) 20 afa
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source The diversion works is an existing dam known as Jacob's Dam.
 - b. Height of storage dam 14 feet; active reservoir capacity 120 acre-feet; total reservoir capacity 120 acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ 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 1 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. Recreation Storage

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 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	
14N	42E	14										RS	RS						
		15													RS				

Total number of acres to be irrigated N/A

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? Recommended Water Right No. 21-4140 already exists for 100 afa in "Blue Lake" with a Priority Date of Oct. 1, 1935. Jacob's Dam was raised by two feet sometime between 1994 and 2006. This application is for the additional amount of storage resulting from the dam being raised.
11. a. Who owns the property at the point of diversion? Eagle Ridge Ranch, LLC
- b. Who owns the land to be irrigated or place of use? Eagle Ridge Ranch, LLC
- 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. Sometime between 1994 and 2000 Jacob's Dam was raised by two feet. This application is for the additional amount of storage space which has been calculated at approximately 20 afa. Blue Lake is a flow through reservoir used for recreation and aesthetic purposes. Blue Lake covers approximately 22.81 acres.
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 (and title, if applicable)

Print name (and title, if applicable)

For Department Use Only:

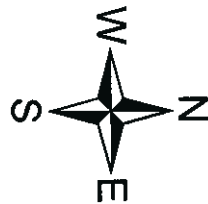
Received by 1 Date 10/30/09 Time 1:30 Preliminary check by 10/30/09

Fee \$ 100 Receipted by 1/3/10 # 2035433 Date 10/30/09

Publication prepared by 10/30/09 Date 10/30/09 Published in 10/30/09

Publication approved 10/30/09 Date 10/30/09

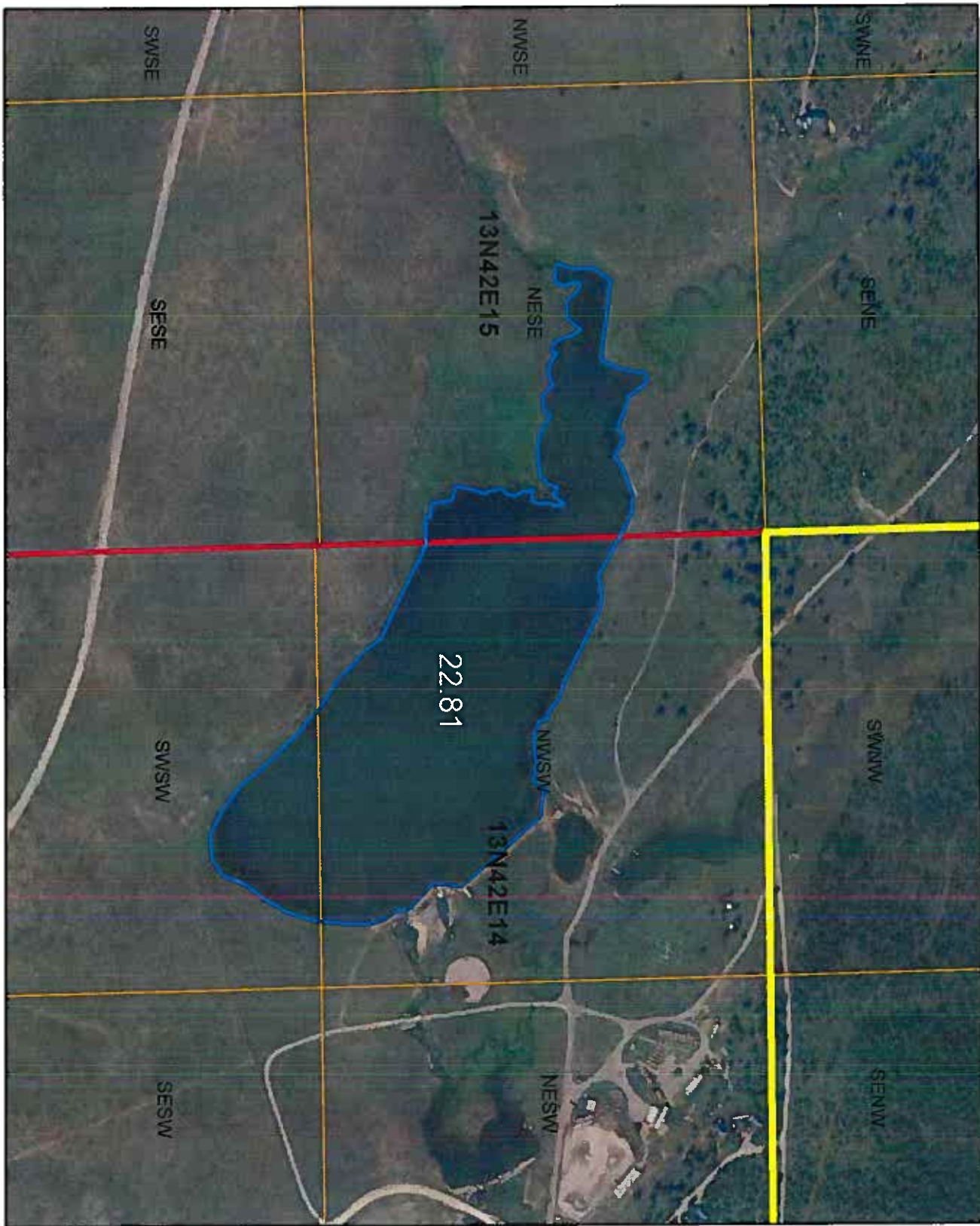
EAGLE RIDGE RANCH LLC APPLICATION FOR PERMIT



Legend

- New_Blue_Lake
- ERR_Boundary
- Section_Lines
- Quarter-quarters

Prepared by:
Robert L. Harris
2004 NAIP Aerial Photo



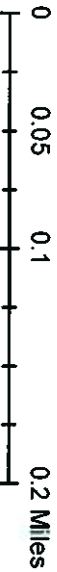
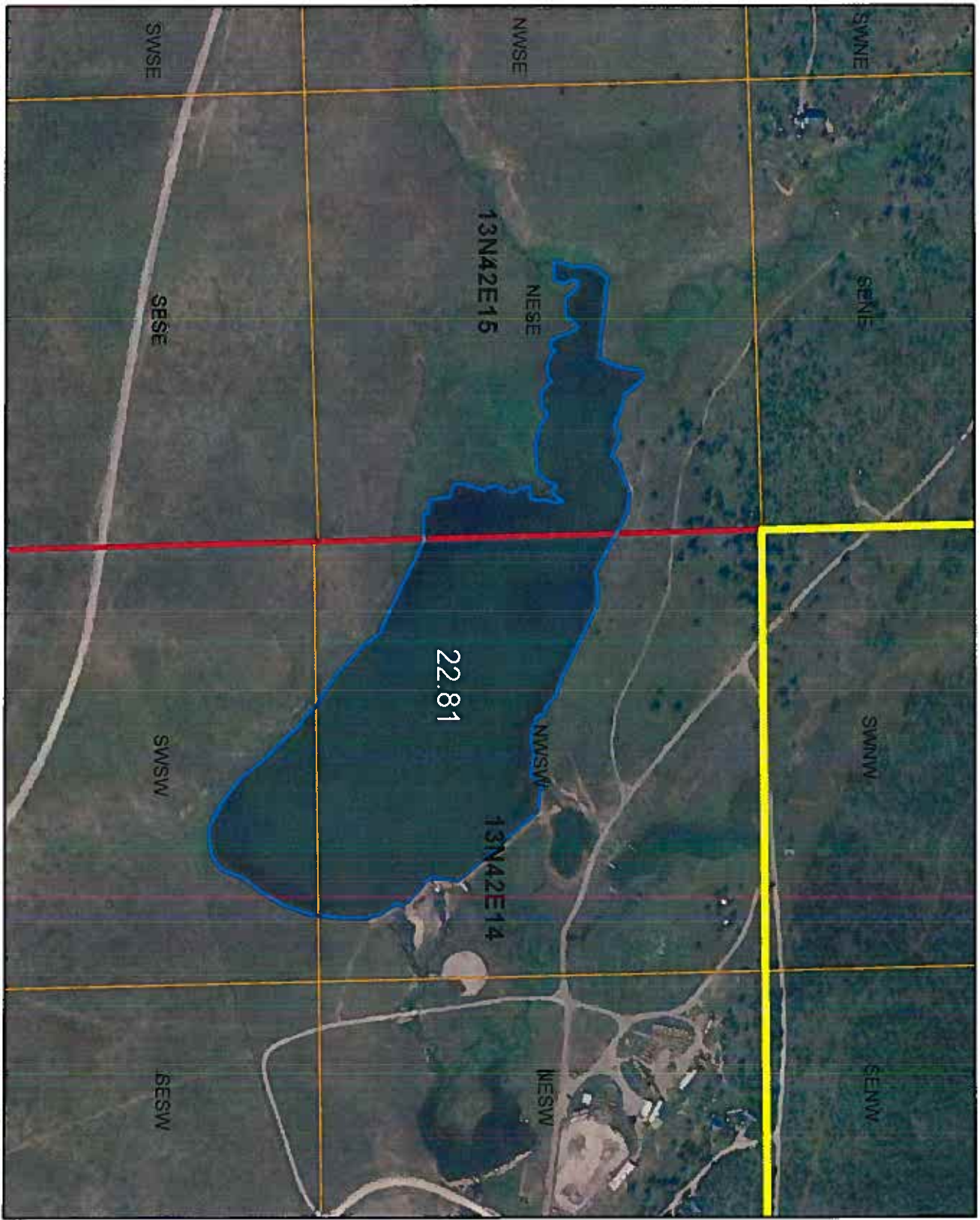
EAGLE RIDGE RANCH LLC APPLICATION FOR PERMIT



Legend

- New_Blue_Lake
- ERR_Boundary
- Section_Lines
- Quarter-quarters

Prepared by:
Robert L. Harris
2004 NAIP Aerial Photo



Pond Calculations

Climate Station: Island Park

Project Name: Eagle Ridge Ranch, 22.81 acre pond

	Total
Pond Loss = (P _{def}), mm	275
Pond Surface Area (acres)	2.8
Total Pond Loss (ac-in)	30.3
Total Pond Loss (ac-ft)	2.5 #1

Enter crop type below	
Brome Grass	341
Mean Irr. Requirement (ac-in/ac/yr) =	13.4
Mean Irr. Requirement (ac-ft/ac/yr) =	1.1
Acres to dry up for pond use =	2.3

#2 = (P_{def} growing season, Site and Crop Specific (mm))

#3 = ((P_{def} (#2)) ÷ (25.4) = ac-in/ac/year}

#4 = (((P_{def} (#3)) ÷ (12) = ac-ft/ac/year}

#5 = ((Pond Loss Total (#1)) ÷ (Mean Irrig. Req (#4)))

Summary					
Original Surface Water Right	Diversion Rate (cfs)	Place of Use (acres)	cfs per acre	AF per acre (#4)	
	2	76.7	0.026	1.1	
Amount of Water Needed for Evaporation	Pond Surface Area (acres)	Acres Equivalent to Evaporation Use (#5)	cfs required	AF (#1) Required	
	2.8	2.3	0.059	2.5	
Amount of Water Needed for Pond Fill	Pond Volume (AF)	Acres Equivalent to Pond Fill	cfs required	AF Required to Fill	
	120	0	0.000	0	
Totals Needed for Transfer	For Evaporation	For Pond Fill	Sum		
	cfs	0.06	0.00	0.06	
	AF	2.5	0	2.5	
	acres	2.3	0.0	2.3	

Eagle Ridge Ranch WR 21-4126 Revised POU

51181-12



Legend

- Section Lines
- Quarter Quarters
- ERR_Boundary
- WR 21-4126 Revised POU
- WR 21-4126 Old POU



2004 NAIP Photo

Rob Harris

From: Larsen, Joseph [Joseph.Larsen@idwr.idaho.gov]
Sent: Thursday, December 06, 2007 10:26 AM
To: Rob Harris
Cc: Baxter, Garrick; Carlsen, Ernie
Subject: Claim 21-4140
Attachments: 21-4140_ASHT_NAIP_2004.pdf; 21-4140_DOQQ_1992.pdf; 21-4140_LANDSAT_1991.pdf; 21-4140_USGS_7.5_quad_1962.pdf

Dear Rob,

In reviewing the file for 21-4140 it has come to our attention that there are a number of problems with the pond system that has developed on this property. Attached are four files containing a map, aerial photos, and landsat imagery from different dates. A comparison of these images gives a time slice evolution of pond development. The original claim filed by McCrea in 1983 depicts the system as having one pond with a total storage volume of 75 AF and a claimed priority date of October 1, 1925 (this priority is currently under review by IDWR). A look at the USGS topographic map displays a single pond exactly where it should be expected. The problem arises in future photos. The landsat image also depicts a single pond in 1991. In 1992, the 1.176 acre pond appears to the north of the original pond. The 0.42 acre pond is a dirt patch and the 1.155 acre pond is still natural stream channel. Moving to the 2004 (which appears the same as 2006 imagery), it is now evident that all ponds have been constructed and are in use. Another thing to note is that the red line around the main pond was drawn on the 2004 air photo. A look at the 1992 DOQQ shows a aerielly smaller pond, this discrepancy is likely the result of an increase of dam height between 1992 and 2004. IDWR dam inspection reports show an increase in spillway elavations between 1994 (12.2 feet) and 2006 (14.0 feet). The resulting problem is the possibility of extra storage greater than 75 AF, based on the area of the pond that was derived from the map this pond can only be an average of 3 feet deep. Measurements by Ryan Madsen of IDWR during June 2006 show the dam at a height of 14 feet, thus it seems likely that the main dam is retaining more water than is allowed. The main issues are that it is evident that three ponds were added to the property between 1991 and 2004, based on the claim being filed for 1983 these ponds are not currently covered by a water right. And, it is likely the large pond that is permitted has surpassed its allowable storage volume.

Another issue is the creation of the 1.155 acre pond in the natural steam channel of Sheep Creek between 1992 and 2004 (a look at the USGS quad shows that this section of stream channel is defined as a perennial stream). Our records show no record of a permit for stream channel alteration, thus it is likely that the damming of Sheep Creek is a violation of Idaho Code. Please contact Tom Basista at the Eastern office of IDWR for assistance to resolving this issue.

Please feel free to contact us for assistance in resolving these issues.

Joe Larsen

joseph.larsen@idwr.idaho.gov

Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402
208.525.7161

<<21-4140_ASHT_NAIP_2004.pdf>> <<21-4140_DOQQ_1992.pdf>> <<21-4140_LANDSAT_1991.pdf>>
<<21-4140_USGS_7.5_quad_1962.pdf>>

AMENDED DIRECTOR'S REPORT

Subcase No. 21-4140

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

May 22, 2009

21 - 13115

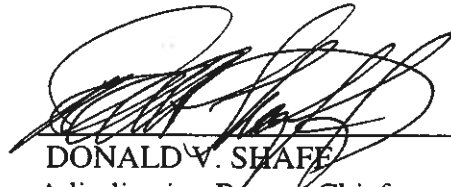
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the Court's *Order Granting Motion to Amend Claim, Setting Deadlines and Status Conference* issued by Special Master on April 28, 2009, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 21st day of May, 2009.


DONALD V. SHAFF
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on 5/27, 2009, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

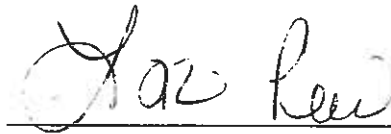
2. Copies to:

United States Dept. of Justice
Environment & Natural Resource
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

Fremont County Courthouse
151 W 1st N Rm 15
St. Anthony, ID 83445

EAGLE RIDGE RANCH LLC
Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405



Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-4140

NAME AND ADDRESS: EAGLE RIDGE RANCH LLC
2880 N 55 W
IDAHO FALLS ID 83402

SOURCE: BLUE LAKE

TRIBUTARY: SHEEP CREEK

QUANTITY: 100.00 AFY

PRIORITY DATE: 10/01/1935

POINT OF
DIVERSION:

T13N R42E S14 SENWSW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER FROM STORAGE	01/01 12/31	11.00 AFY
RECREATION STORAGE	01/01 12/31	100.00 AFY
STOCKWATER STORAGE	01/01 12/31	11.00 AFY

PLACE OF USE: STOCKWATER STORAGE in FREMONT County

T13N R42E S14 NWSW T13N R42E S14 SWSW

T13N R42E S15 Lot 3 NESE

STOCKWATER FROM STORAGE in FREMONT County

T13N R42E S14 NWSW T13N R42E S14 SWSW

T13N R42E S15 Lot 3 NESE

RECREATION STORAGE in FREMONT County

T13N R42E S14 NWSW T13N R42E S14 SWSW

T13N R42E S15 Lot 3 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Statutory Claim

Point of Diversion is known as Jacob's Dam.

The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Stockwater use is for 800 range cattle.

Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 7018

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No.: 21-4140

**MOTION TO SET ASIDE SF5 AND
SPECIAL MASTER'S REPORT AND
MOTION TO FILE AMENDED NOTICE
OF CLAIM**

Eagle Ridge Ranch, LLC, by and through counsel of record, Robert L. Harris of the law firm Holden, Kidwell, Hahn & Crapo, PLLC, hereby moves this court to set aside a Standard Form 5 executed by all parties in this matter, and to further set aside the Special Master's Report and Recommendation regarding Water Right No. 21-4140. Counsel for Claimant recently discovered a single error in relation to the stipulated elements for Water Right No. 21-4140. That element is the total volume which can be stored in a pond commonly known as "Blue Lake". The basis for this motion is set forth below.

Earlier this year, the parties executed a Standard Form 5 stipulating to the elements of Water Right No. 21-4140. The primary dispute regarding this water right at that time was the priority date. The Standard Form 5 was executed in February of 2008 resolving this issue. In the summer of 2008, counsel for Eagle Ridge Ranch made a field visit to Blue Lake in order to visit with ranch hands

regarding a claim to an enlarged water right, Water Right No. 21-13064. Additionally, counsel made the visit in response to an email from Joe Larsen, then an employee with the Idaho Department of Water Resources, regarding his belief that the dam which forms Blue Lake had been raised without obtaining an additional water right, potentially subjection Eagle Ridge Ranch to a Notice of Violation. Mr. Larsen has since left the Department, but his records regarding this matter are still with the Department.

In the field visit with ranch hands from Eagle Ridge Ranch, they estimated the approximate depths of Blue Lake at various points along the lake. Based upon their estimations, and Mr. Harris's own visual inspection, the parties were able to make an approximation as to the depth of the lake at various points. Based upon these discussions and subsequent GIS mapping, the claimant believes there was an error made in the original claim as to the actual volume Blue Lake can hold. The attached exhibits best explain the error.

Attached hereto as Exhibit A is a Statutory Claim to a Water Right filed by Gordon and Algenia McCrea. These individuals were the persons responsible for constructing the original dam, and filed the statutory claim in 1983. The claim lists the volume stored at 75 acre feet, and lists the diversion works of a dam approximately 12 feet wide and 200 feet long. Based on the Statutory Claim, Mr. McCrea filed a claim in the Snake River Basin Adjudication, which was assigned to Mitchell & Valynn Jacobs when the Jacobs family purchased the property in 1989.

Based on IDWR Dam Safety Inspection records, the height of the dam in 1994 was 12.2 feet. In 2006, the height was 14 feet. See Exhibit B. Thus, sometime between 1994 and 2006, the dam had been raised, which increased the volume of the lake. Because this change was subsequent to the cutoff date for the Snake River Basin Adjudication, it will be necessary for the new owner, Eagle Ridge Ranch, to file an Application for Permit for the additional volume now stored in the lake as a result of raising the dam. In calculating the amounts that would need to be asked for in such an Application for Permit, Mr. Harris discovered that the original amount currently being recommended for Partial Decree of 75 acre feet is likely an underestimation of the actual amount stored in Blue Lake.

Attached hereto as Exhibit C is a GIS map prepared by Mr. Harris, which shows the outline of the new Blue Lake, which is the outline of the lake after the dam was raised (and is based upon a 2004 NAIP aerial photo), and the approximate outline of old Blue Lake, which was taken from a 1962 USGS Topo map. On Exhibit C, the location of old Blue Lake was moved slightly, and was

necessary because of slight geo-referencing differences between current aerial photography and USGS maps. Attached as Exhibit D is the same map contained at Exhibit C, only it is overlaid on a 2004 NAIP aerial photo. As shown in Exhibit C, the new Blue Lake shape outlines the current location of the lake, and the yellow shapes outlines the former Blue Lake previous to the dam being raised.

In addition, Exhibit D shows white lines with acreage amounts listed within each shape. The shape which lists 6.9 acres, at its maximum depth, is 25 feet deep; the shape which shows 11.1 acres is approximately 10 feet deep; the shape which shows 3.2 acres is approximately 3 feet deep; and the shape which shows 1.6 acres is approximately 2 feet deep. These amounts were based upon ranch hand testimony and Mr. Harris' observation. Attached hereto as Exhibit E is a spreadsheet prepared by Mr. Harris, with an attached copy of a sheet obtained from the Idaho Department of Water Resources to assist their agents with determining reservoir capacity. Blue Lake is a v-shaped reservoir, and as seen in the sheet attached to the spreadsheet, the capacity of such a reservoir is calculated by taking the surface area, multiplying by the maximum depth, and then multiplying by a factor of 0.4. Based upon this formula, we have calculated that new Blue Lake holds approximately 119 acres feet.

However, because new Blue Lake has been enlarged, and will require an Application for Permit, it was necessary to also calculate the total acre feet of old Blue Lake. As the dam was raised approximately 2 feet (1.8 to be exact), as noted on the spreadsheet, the maximum depth at each section of old Blue Lake outlined in white was lowered by two feet. In looking at Exhibit D, it is remarkable that old Blue Lake actually lines up very well with the approximate locations of the white lines. Thus, with old Blue Lake, no acres were covered under the shallowest depth amount of new Blue Lake, and in the area of new Blue Lake which covers approximately 3.2 acres, the actual surface area at that point was estimated by Mr. Harris to be approximately 2 acres. With these changes made, the spreadsheet shows that **old Blue Lake actually had a capacity of almost exactly 100 acre feet**. Additionally, old Blue Lake's size was approximately 20 acres, and new Blue Lake is approximately 23 acres, with a volume of 119 acre feet.

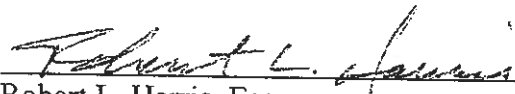
In sum, the original amount claimed by Gordon McCrea of 75 acre feet was 25 acre feet less than what should have been claimed and what was actually developed with a 12.2 foot dam. Our understanding is that the 12.2 foot dam had existed since Mr. McCrea constructed the dam, and the only time it has been raised was sometime in the 1990s to its current height of 14 feet. Additionally,

the approximate size of Blue Lake was taken from a 1962 USGS Topo map, which should accurately depict the approximate size of the lake as it was originally constructed. We believe this is sufficient evidence to infer that the amount actually stored at Blue Lake is 100 acre feet, not the 75 acre feet originally claimed by Mr. McCrea. We presume that Mr. McCrea made an estimation of the approximate amount held by Blue Lake, and that the amount was not actually based upon any measurements or formula. Based on the Department's formula, and the claimant's own observation, we believe the water right should be recommended with a 100 acre foot volume amount.

Because previous landowners to Eagle Ridge Ranch, LLC relied upon Mr. McCrea's claim, no one sought to amend the claim of 75 acre feet. Because only 75 acre feet was originally claimed, it will be necessary for Eagle Ridge Ranch to file the attached Amended Notice of Claim attached as Exhibit F. The only change made between the elements agreed to between the parties is the volume for recreation storage. All other elements of the water right remain the same.

We apologize for the inconvenience and potential confusion this motion may cause. However, we believe it is of utmost importance to accurately document what was developed on the property, which is the purpose for this motion and the attached Amended Notice of Claim. We ask the Court to set aside the SF5 and the Special Master's Recommendation, and request that the Amended Notice of Claim be granted.

DATED this 12th day of November, 2008


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of November, 2008, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

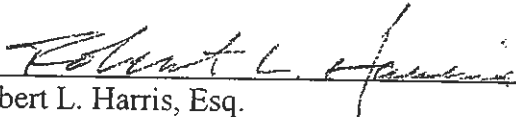
2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Garrick Baxter
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098


Robert L. Harris, Esq.

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

G:\WPDATA\RLH\11129 Eagle Ridge Ranch, LLC\Motion to Set Aside SF5.wpd:cdv

Exhibit A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Wm. Gordon McCrea & Algenia S. McCrea
(Name of Claimant)
P.O. Box 17, Island Park, ID 83429 Telephone No 558-7420
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) October 1, 1935

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Blue Lake tributary to Sheep Creek/Henrys Fork

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				Period of Use From	To
Quantity <u>75 af</u>		Use <u>Fish Propagation</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>75 af</u>		Use <u>Recreation</u>		Period of Use From <u>6-15</u>	To <u>10-1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity <u>75 af</u>		Use _____		Period of Use From _____	To _____

(4) 75 af TOTAL QUANTITY USED.

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec 14 Twp. 13N Rge 42E B.M., County of Fremont
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Dam approximately 12 feet high 200 ft. long.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	42E	14									40	40							80

No. of acres 80

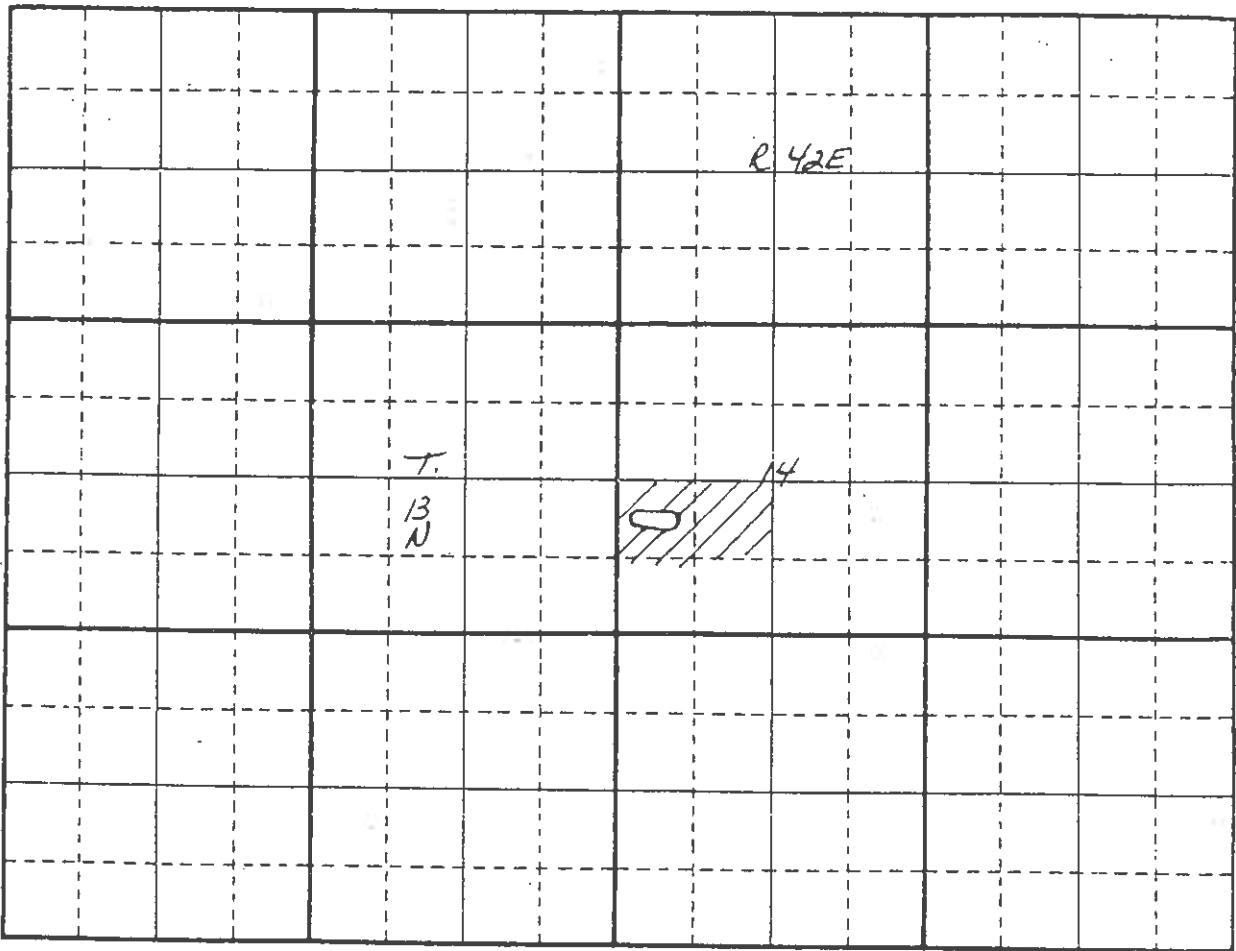
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwatering 500-800 head of cattle, recreation on private licensed fish pond. Cattle use pond for water.

NOTE: Include here the type and number of stock watered: 500-800 beef cattle

(7) If you are claiming water as a member of an organization, list name of organization: _____

21-13115

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bingham) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

[Signature]
(Claimant)

Sworn to before me this 30th day of June, 1983.

[Signature]
Notary Public
Residing at Firth, Idaho

My commission expires 2/14/86

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 6-30-83 Exception filed by: _____ Date _____
Prelim. check by RCW Date 4-27-83 Forwarded to claimant by: _____
\$30.00 fee received by [Signature] Date 6-30-83
Published in [Signature] Date 6-30-83
Dates _____

21-13115

Exhibit B

21-13115

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECORD OF INSPECTION OF DAM

Name of Dam: Jacobs Dam

Stream: Sheep Creek

☐ Offstream

Name of Owner: Frank Vandersloot

Location: nws, Sec 14, T13N R42E

Individuals Accompanying Inspector: Mike Stubblefield, Sonny Hornbaker & Matt Daulton – Ranch Manager

Reservoir Characteristics: Dam Height : 14 ft

Surface Area: 20 ac

Storage Capacity: 75 AF

Hazard Classification: Significant (no change)

Photographs : yes

CONDITION OF EMBANKMENT OR STRUCTURE : ☐ - Poor ☒ - Fair ☐ - Good ☐ - Excellent

TYPE : ☒ - Earth ☐ - Rockfill ☐ - Conc. Arch ☐ - Conc. Gravity ☐ - Timber Crib ☐ - Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
SURFACE COVER MATERIAL	some rock rip rap	earth	earth.	earth
GROWTH	none	Weeds and grass	weeds and grass	marsh
SETTLEMENT Or CRACKS	none	none	Along edge of crest where fill was placed to raise dam	
SURFACE EROSION	some benching	none	none	
DEBRIS	none	none	none	
ANIMAL BURROWS	none	none	some	
CREST WIDTH AND SLOPE MEASUREMENTS	.5 to 1: 1 (very steep above high water line)	12 ft	1.5 : 1	

CONDITION OF OUTLET WORKS ; ☐ - Poor ☐ - Fair ☐ - Good ☐ - Excellent

Location ; ☒ - Left Side ☐ - Center ☐ - Right Side X - Other no low level outlet

Description and Condition;

There is an outlet/spillway pipe under the left spillway that diverts water to a smaller reservoir. A control works has not been found.

Gate Hoist : ☐ - Manual ☐ - Electric ☐ - Other _____

Stem : ☐ - Inclined from entrance to crest ☐ - Vertical on tower at entrance

☐ - Vertical through dam crest ☐ - Downstream valve

Entrance ; _____

Outlet : _____

CONDITION of SPILLWAY : ☐ - Poor ☐ - Fair ☒ - Good ☐ - Excellent

THREE SPILLWAYS*

Location : ☒ - Left abutment ☒ - Right abutment ☐ - Away from dam ☒ - Other Center

Base width : 4.5 ft Freeboard at crest : 6.8 ft Sideslope : vertical Channel slope : steep

Over flow channel : X - Well defined X - Flow directed away from toe ☐ - Flow could reach toe

Erosion control present : concrete overflow

Erosion present : minor below structure

Maintenance condition : Debris none

Growth none

* Above info is for main spillway. See survey in file for dimensions of other two spillways.

SEEPAGE:Reservoir level during inspection : Full and spilling

	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material Evident (Est. G.P.M.)	none	none	none	
Flowing water (Est. G.P.M.)	none	none	none	
Marshy or Standing water	left of icehouse	none	none	
Damp	left of icehouse	none	none	
Evident from Growth present	left of icehouse	none	none	

GENERAL CONDITION AND DESCRIPTION OF DAM :

Fair to Good: The crest of the dam has been raised. This has led to benching along the upstream slope. Mr. Daulton indicated that there are plans to widen the crest and place riprap on the upstream slope this fall. There are three spillways from which water can flow. The left and right spillways have flashboards to back the water up. The middle one is free flowing.

INSTRUMENT READINGS (Piezometer, Seepage measurements, Alignment, Elevation, etc.)none**RECOMMENDATIONS :**DO NOT REAUTHORIZE STORAGE UNTIL REPAIRS ARE COMPLETED.

- Repair areas of benching and widen crest to minimum of ten feet
- Continue regular maintenance

DATE : 6/6/06INSPECTED BY : Ryan Madsen

21-13115

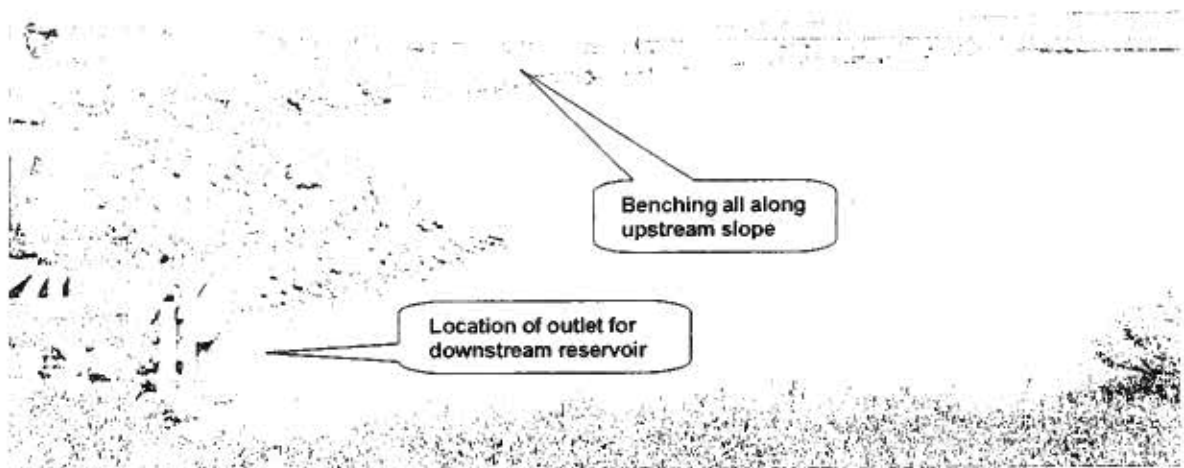


Photo 1: Left spillway, upstream slope and crest of dam.

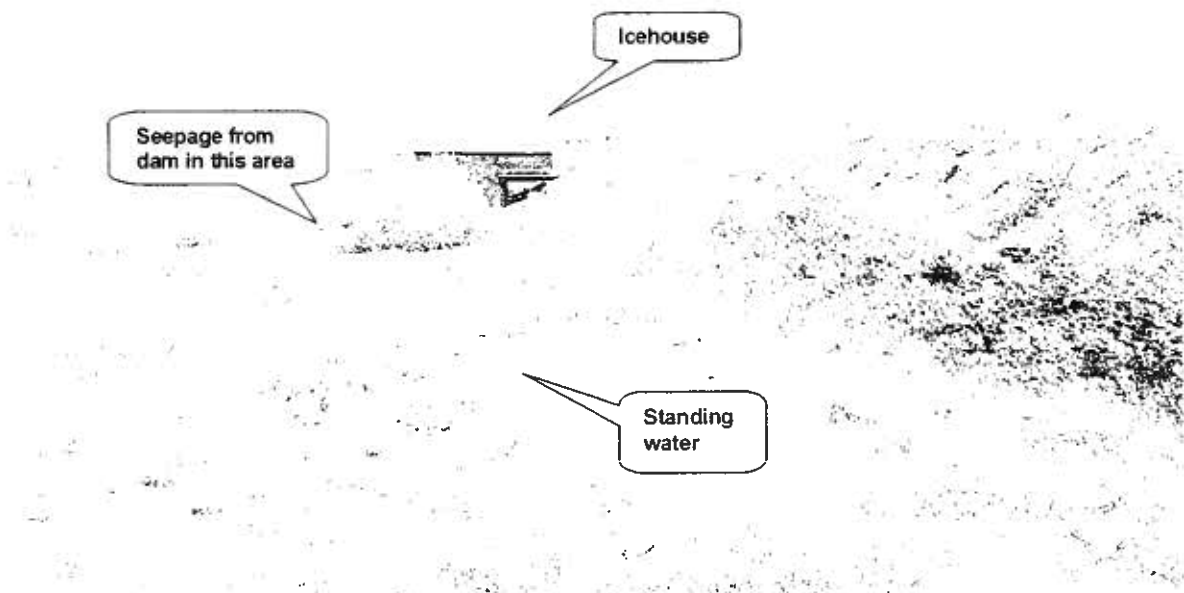


Photo 2: Downstream slope and ponding of water at toe near center of dam. Water in foreground appears to be seepage from small dam located near left abutment of dam.



Photo 3: Middle spillway, located near center of dam on right side of icehouse.



Photo 4: Right (main) spillway, located at right abutment of dam. Note erosion of channel directly below concrete structure.

Exhibit C

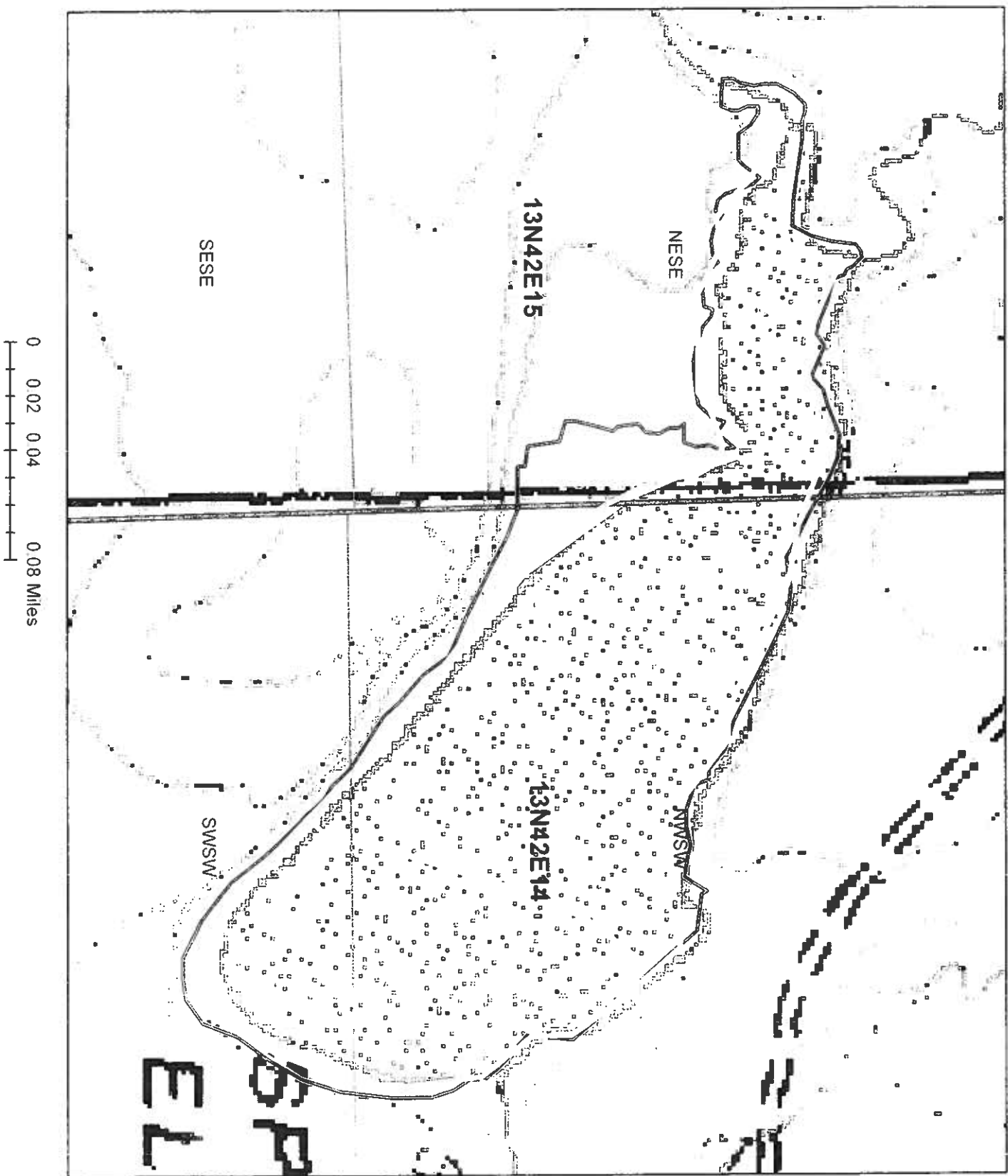
21-13115

EAGLE RIDGE RANCH BLUE LAKE



Legend

- 21-4126_POU
- Old_Blue_Lake
- New_Blue_Lake
- Section_Lines
- Quarter-quarters
- Blue_Lake_Depths



Prepared by:
Robert L. Harris
2004 NAIP Aerial Photo

Exhibit D

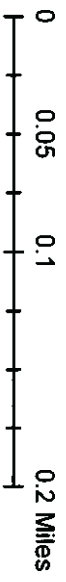
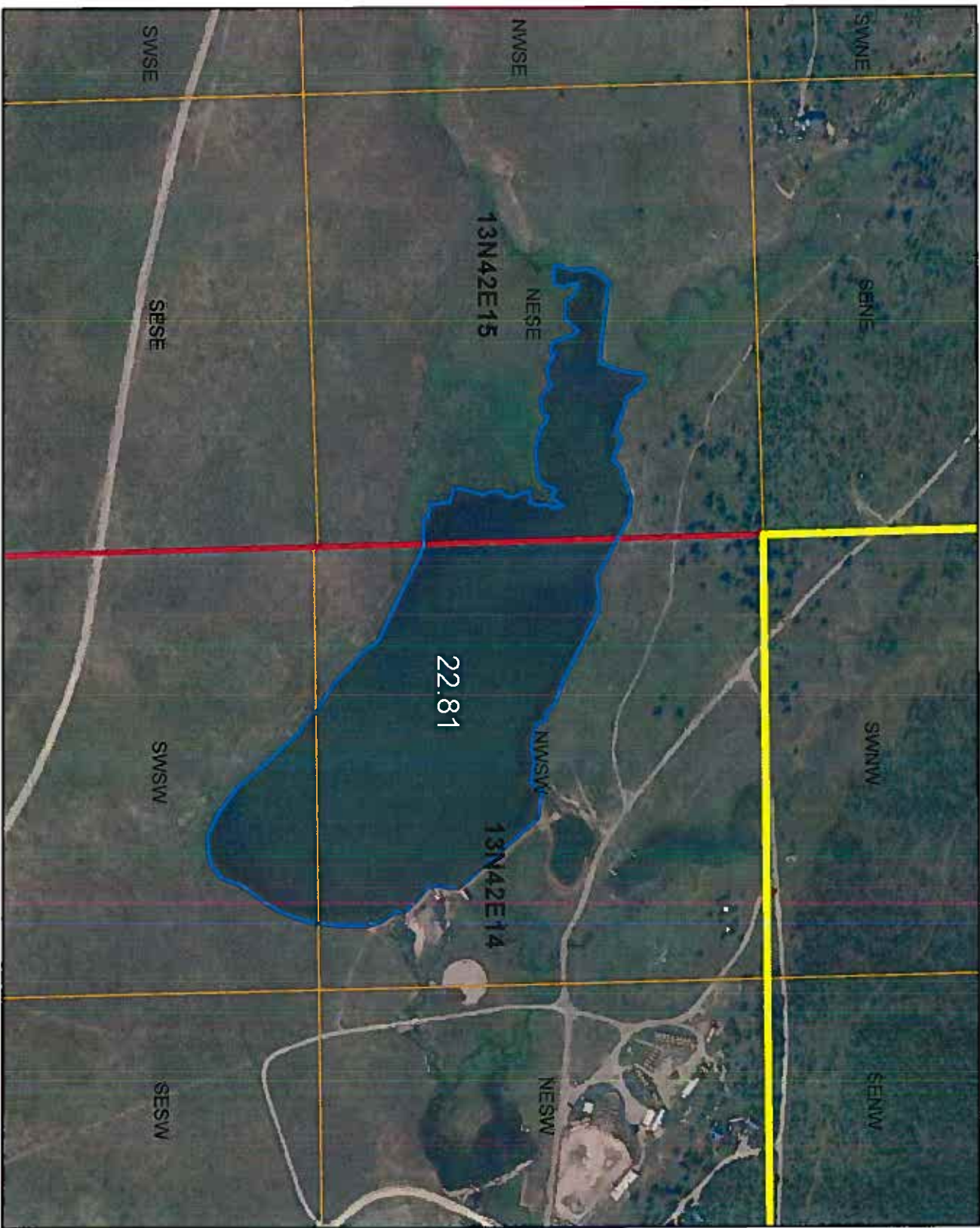
EAGLE RIDGE RANCH LLC APPLICATION FOR PERMIT



Legend

- New_Blue_Lake
- ERR_Boundary
- Section_Lines
- Quarter-quarters

Prepared by:
Robert L. Harris
2004 NAIP Aerial Photo



EAGLE RIDGE RANCH BLUE LAKE



Legend

- 21-4126_POU
- Old_Blue_Lake
- New_Blue_Lake
- Section_Lines
- Quarter-quarters
- Blue_Lake_Depths

Prepared by
Robert L. Harris
2004 NAIP Aerial Photo



21-12112

0 0.02 0.04 0.08 Miles

Exhibit E

21-13115

EAGLE RIDGE RANCH

CALCULATED VOLUME AMOUNTS FOR BLUE LAKE

NEW BLUE LAKE^	Maximum Depth (ft)*	Depth Surface Area (acres)**	Conversion Factor***	TOTAL ACRE-FEET
Deepest Depth	25	6.9	0.4	69
Middle Depth	10	11.1		44.4
Shallow Depth	3	3.2		3.84
Shallowest Depth	2	1.6		1.28
TOTAL		22.8	GRAND TOTAL	118.52

OLD BLUE LAKE^^	Maximum Depth (ft)*	Depth Surface Area (acres)**	Conversion Factor***	TOTAL ACRE-FEET
Deepest Depth	23	6.9	0.4	63.48
Middle Depth	8	11.1		35.52
Shallow Depth	1	2		0.8
Shallowest Depth	0	0		0
TOTAL		20	GRAND TOTAL	99.8

* These amounts were estimated by visiting with ranch hands at the ranch, and by personal observation and estimation by Rob Harris.

** These amounts were calculated by Rob Harris using ArcGIS after ranch hands drew the approximate areas and depths on a map.

***The conversion factor was taken from an IDWR manual used to determine reservoir capacity. See attached sheet.

^ Shape taken from 2004 NAIP Aerial Photo.

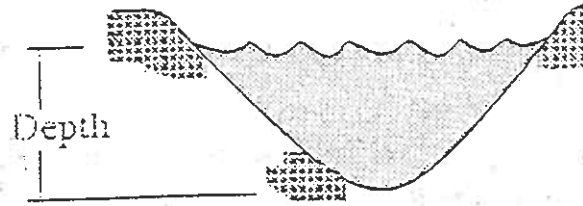
^^ Shape taken from 1962 USGS Topo Map.

CONCLUSION: The original amount claimed by Gordon McCrea of 75 AF was 25 AF less than what should have been claimed and what was actually developed with a 12.2 foot dam. Between 1994 and 2006, the dam was raised approximately 1.8 feet to a height of 14 feet. This increased Blue Lake's capacity by approximately 19 AF. It will be necessary for Eagle Ridge Ranch to submit an application for permit for the additional 19 AF.

DETERMINING RESERVOIR CAPACITY

A. V shaped reservoirs, lakes, and ponds.

$$\text{Capacity} = \text{Surface Area} \times \text{Maximum Depth} \times 0.4$$

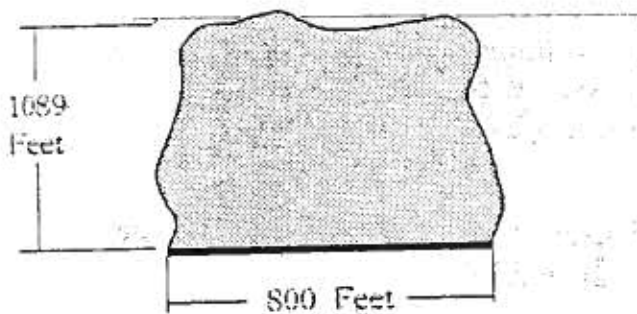


B. Flat Bottom reservoirs, lakes, and ponds.

$$\text{Capacity} = \text{Surface Area} \times \text{Maximum Depth}$$



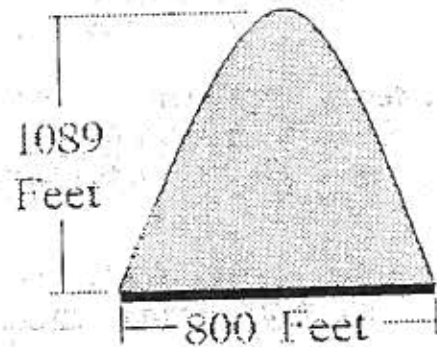
EXAMPLES:



1. Smith Creek Pond is 800' wide, 1089' long and 9' deep.

$$\begin{aligned} \text{Surface Area} &= \frac{300' \times 1089'}{43,560} \\ &= 20 \text{ acres} \end{aligned}$$

$$\begin{aligned} \text{Capacity} &= 20 \text{ acres} \times 9 \text{ feet} \\ &= 180 \text{ acre feet} \end{aligned}$$



1. Trout Creek Reservoir is 800' wide, 1089' long and 9' deep.

$$\begin{aligned} \text{Surface Area} &= \frac{1/2(800') \times 1089'}{43,560} \\ &= 10 \text{ acres} \end{aligned}$$

$$\begin{aligned} \text{Capacity} &= 10 \text{ acres} \times 9 \times 0.4 \text{ feet} \\ &= 36 \text{ acre feet} \end{aligned}$$

Exhibit F

21-13115

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 21-4140

Date Received _____

Receipt Number _____

**AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s) Eagle Ridge Ranch, LLC Phone _____Mailing Address 2880 N. 55th W., Idaho Falls, ID Zip 834022. Date of Priority (Only (1) per claim) October 1, 19353. Source of water supply (a) Blue Lakewhich is tributary to (b) Sheep Creek

4.a. Location of existing point of diversion is:

Township 13N Range 42E Section 14, SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____
County of Fremont

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. _____

6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)

For Stockwater Storage purposes from 01/01 to 12/31 amount _____ or 11.00 afyFor Stockwater from Storage purposes from 01/01 to 12/31 amount _____ or 11.00 afyFor Recreation Storage purposes from 01/01 to 12/31 amount _____ or 100.00 afy

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the table on below.
 - If water is used for other purposes, place a symbol of use (example: L for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	42E	14										R,S	R,S						
		15													R,S				

Total number of acres irrigated N/A

10. In which county(ies) are lands listed above as place of use located? Fremont

11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

13. Remarks:

Water Right is for Blue Lake.

14. Basis of Claim (Check one) Beneficial Use ☒ (Statutory Claim) Posted Notice ☐ Permit ☐

Decree ☐ License ☐ If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

15. Signature(s)

(a) By signing below, I/we acknowledge that I/we have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/we do ☐ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am THE ATTORNEY of _____ (Title)

EAGLE RIDGE RANCH, LLC, that I have signed the foregoing document in the space below as _____ (Organization)

Attorney of EAGLE RIDGE RANCH, LLC and that the statements contained in the _____ (Title) (Organization)

foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Attorney, Eagle Ridge Ranch, Date Nov. 17, 2021

Last Name Eagle Ridge Ranch LLC Ident. Number 21-4140

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

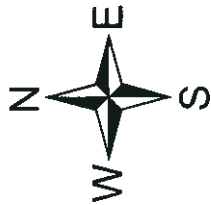
Signature Robert L. Harris

Address 1000 Riverwalk Dr., Ste. 200,
PO Box 50130, Idaho Falls, ID 83405-0130

Date Nov. 12, 2008

G:\WPDATA\RLH\1129 Eagle Ridge Ranch, LLC\Amended Claim, 21-4140.wpd:cdv

EAGLE RIDGE RANCH BLUE LAKE



Legend

21-4126_POU

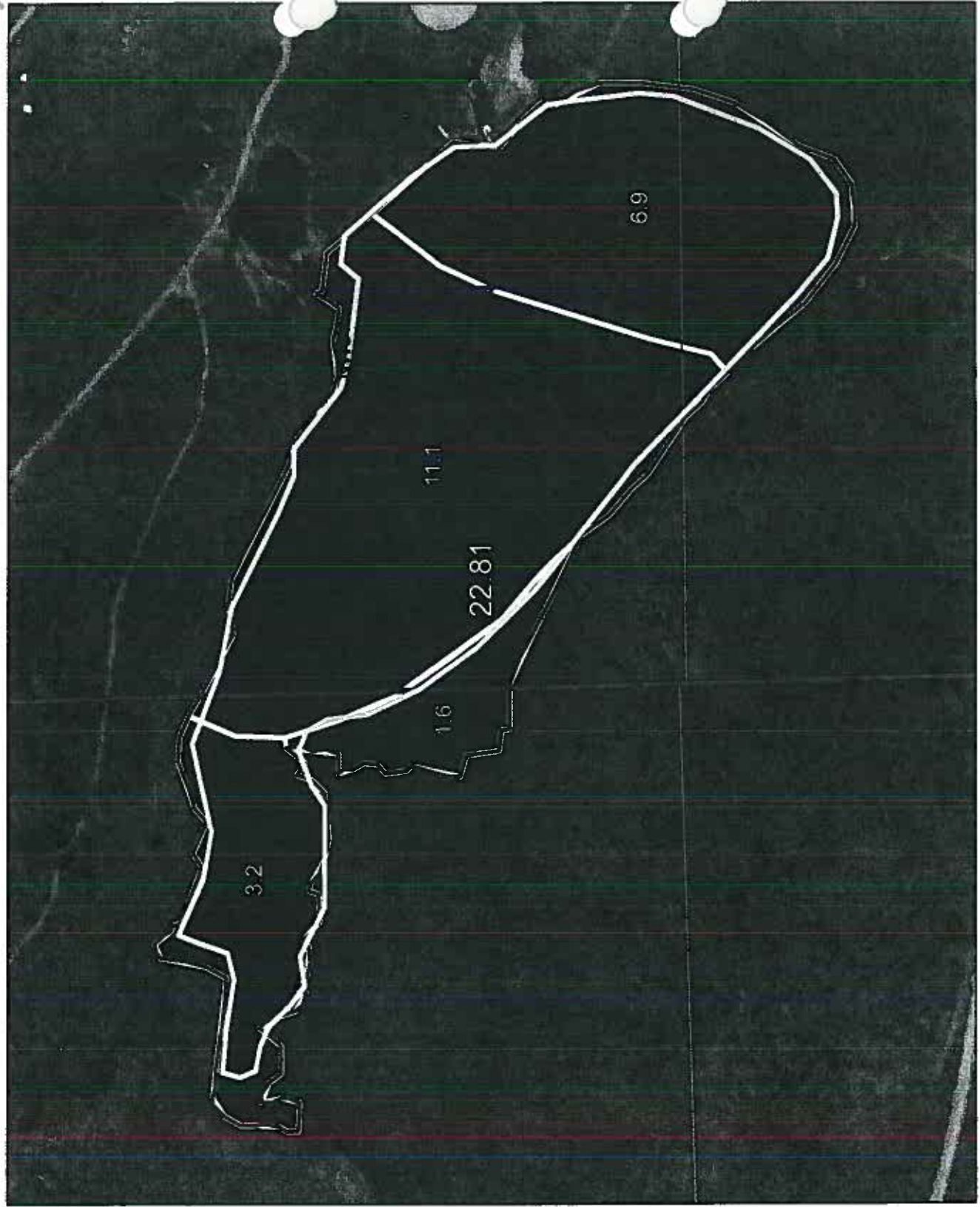
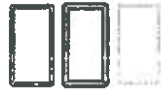
Old_Blue_Lake

New_Blue_Lake

Section_Lines

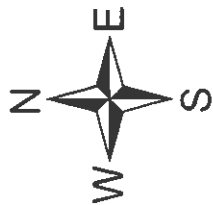
Quarter-quarters

Blue_Lake_Depths



Prepared by:
Robert L. Harris
2004 NAIP Aerial Photo

EAGLE RIDGE RANCH BLUE LAKE



Legend

21-4126_POU

Old_Blue_Lake

New_Blue_Lake

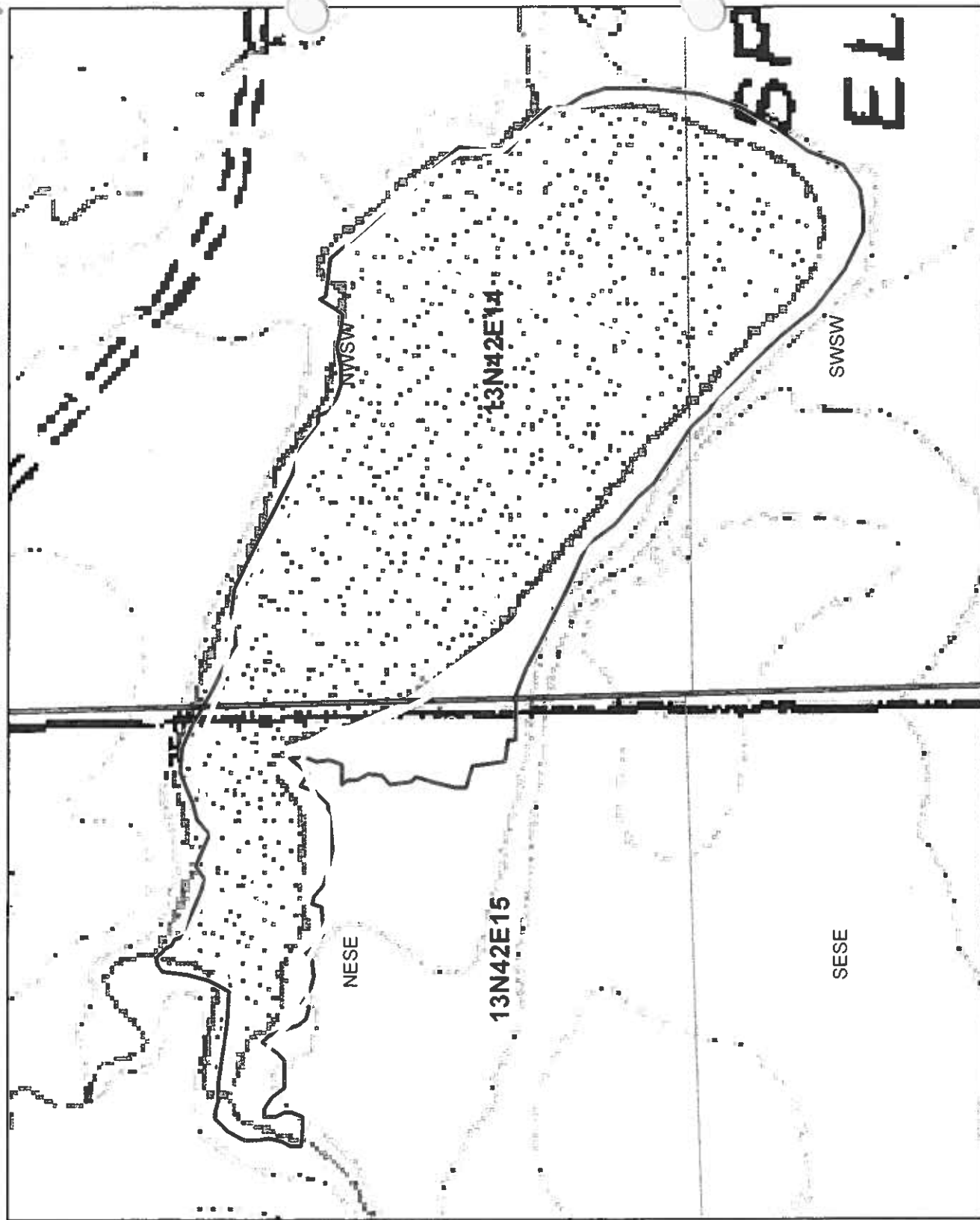
Section_Lines

Quarter-quarters

Blue_Lake_Depths



21-13115



Prepared by:
Robert L. Harris
2004 NAIP Aerial Photo

Type	WR #	Owner	Source	TRS	NWSW	SWSW	Total
Right	21 2024	WILLIAM S	SHEEP CF	13N42E14	20		20
Right	21 4140	WILLIAM C	BLUE LAK	13N42E14	X		0
Claim	21 4140	EAGLE RII	BLUE LAK	13N42E14	X	X	0
Claim	21 4140	EAGLE RII	BLUE LAK	13N42E14	X	X	0
Claim	21 4140	EAGLE RII	BLUE LAK	13N42E14	X	X	0
Claim	21 13064	EAGLE RII	SHEEP CF	13N42E14	X		0
Claim	21 2024	EAGLE RII	SHEEP CF	13N42E14	20		20
Rec	21 13063	HAROLD E	BLUE CRE	13N42E14			0
Rec	21 4140	EAGLE RII	BLUE LAK	13N42E14	X	X	0
Rec	21 4140	EAGLE RII	BLUE LAK	13N42E14	X	X	0
Rec	21 4140	EAGLE RII	BLUE LAK	13N42E14	X	X	0
Rec	21 2024	EAGLE RII	SHEEP CF	13N42E14	10		10
App	21 13113	EAGLE RII	BLUE LAK	13N42E14	X		0
App	21 13114	EAGLE RII	SHEEP CF	13N42E14			0
App	21 13115	EAGLE RII	BLUE LAK	13N42E14	X	X	0



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

E-mail: rharris@holdenlegal.com

October 21, 2009

RECEIVED

OCT 22 2009

Department of Water Resources
Eastern Region

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

RE: Application for Permit Filed on Behalf of Eagle Ridge Ranch, LLC

Dear Blake:

You recently returned Applications for Permit which we submitted on behalf of Eagle Ridge Ranch, LLC, stating that the applications could not be accepted because of the moratorium that was in place. When we originally submitted the applications, it was our understanding that no mitigation would be required for the ponds due to the fact that they had been in place for over 15 years and have been filled ever since that time. We now understand that we will be required to do some form of mitigation and are resubmitting our applications for permit along with spreadsheets showing our proposed mitigation plan. Enclosed are three spreadsheets. The first is for the large 22 acre pond. The amount of mitigation we have calculated for this pond is for the increase in the surface area from when the dam was raised in 1994. With the increase of the surface area of the pond of almost 3 acres, we have calculated that approximately 2.3 acres of irrigated land will need to be dried up to mitigate for this pond.

The second spreadsheet is for the 1.2 acre pond. We have calculated that we will need to dry up approximately 1 acre of irrigated land to mitigate for this pond.

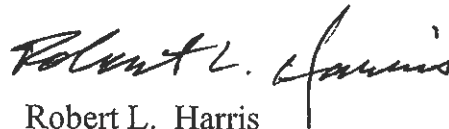
The third and final spreadsheet is for the 0.45 acre pond. We have calculated that approximately 0.4 acres will need to be dried up to mitigate for this pond.

Among the Applications for Permit we submitted was one for a 1.3 acre pond. We have not submitted a mitigation plan for this pond since it is built in a wetland area. It is our understanding that the Department's policy is that ponds filled in a wetland do not require mitigation. This pond, like the others, was filled over 15 years ago before our client purchased the property. Therefore, we are not submitting a mitigation plan for this pond.

Given these calculations, we are proposing to dry up a total of 3.7 acres of land irrigated with Water Right No. 21-4126 which recently received a partial decree. We are enclosing a GIS map showing the new proposed place of use.

If you have any questions or concerns, please let me know.

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\11129 Eagle Ridge Ranch, LLC\Blake Jordan ltr 102109.wpd:cdv



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

RECEIVED
OCT 22 2009
Department of Water Resources
Eastern Region

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
Email: rharris@holdenlegal.com

August 21, 2009

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

RECEIVED

AUG 24 2009
Department of Water Resources
Eastern Region

RE: Application for Permit Filed on Behalf of Eagle Ridge Ranch, LLC.

Dear Sharla:

Enclosed is an Application for Permit filed on behalf of Eagle Ridge Ranch, LLC. The Application for Permit is for 20 acre feet of recreational storage water to be stored at what is commonly known as Blue Lake near Island Park, Idaho. In processing this Application, we believe it will be helpful to briefly review some history related to Water Right No. 21-4140, which authorizes the storage of 100 acre feet in Blue Lake. The application is for an additional 20 acre feet.

Initially, Water Right No. 21-4140 was recommended for adjudication for a total of 75 acre feet. After the preliminary recommendation was issued, we attempted to calculate the additional storage water that would be necessary to bring the lake into water right compliance. Enclosed with this letter is a copy of an email from Joe Larsen, formerly of the Department. He indicated that based on dam safety inspections, there had been a rise in elevation on the spillways from 12.2 feet to 14 feet. Because raising the reservoir was after the mandatory permitting cutoff date of 1971, Mr. Larsen indicated it would be necessary to file an Application for Permit for the raise in reservoir levels.

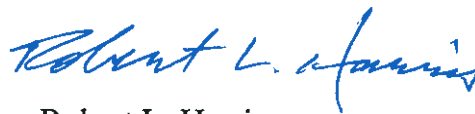
Enclosed for your review and reference is a Motion to Set Aside SF5 and Special Master's Report and Motion to File Amended Notice of Claim which sets forth all of the documentation supporting our contention that the actual number of acre feet stored in Blue Lake is approximately 100 acre feet. Exhibit E of this document is a spreadsheet which shows how we calculated the acre feet before the reservoir was raised, and then after it was raised. After the matter was investigated, the Director's Report for Water Right No. 21-4140 was amended to reflect the 100 acre feet diversion volume. As stated above, this Application for Permit is for the additional 20 acre feet that has been stored in the reservoir since the mid 1990s.

Established in 1896

Sharla Cox
Idaho Department of Water Resources
August 21, 2009
Page 2 of 2

If you have any questions or concerns, please let me know. I anticipate that one of your agents will process the application, and if they have any questions, feel free to contact me at your convenience.

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\1129 Eagle Ridge Ranch, LLC\Sharla Cox ltr 082109.wpd:cdv



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

November 10, 2009

EAGLE RIDGE RANCH LLC
2880 N 55 W.
PO BOX 50305
IDAHO FALLS, ID 83402

Application For Permit No. 21-13113, 21-13114, 21-13115

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 HERALD CHRONICLE on November 19 and 26, 2009. 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

Enclosure(s)



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

November 10, 2009

WATER DISTRICT 01
LYLE SWANK
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402-1718

RE: Application for Permit of 21-13115

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.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

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. 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.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



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

November 10, 2009

LEGAL NOTICE DEPARTMENT
HERALD CHRONICLE
PO BOX 10
REXBURG, ID 83440

RE: Application For Permit No(s):: 21-13113, 21-13114, 21-13115

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 December 7, 2009. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Tuesday, November 10, 2009 4:42 PM
To: 'legals@rexburgstandardjournal.com'
Subject: Legal Ad for your paper

Contacts: Rexburg Standard Journal
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Sharla

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900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
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The following application(s) have been filed to appropriate the public waters of the State of Idaho:

EAGLE RIDGE RANCH LLC
2880 N 55 W.
PO BOX 50305
IDAHO FALLS, ID 83402

21-13113

Point of Diversion SENWSW S14 T13N R42E FREMONT County Source BLUE LAKE Tributary SHEEP CREEK
Use: RECREATION STORAGE 01/01 to 12/31 6 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS
Total Diversion: 1 CFS 6 AF
Date Filed: 10/22/2009
Place Of Use: RECREATION STORAGE
T13N R42E S14 NWSW

21-13114

Point of Diversion SWNESW S14 T13N R42E FREMONT County Source SHEEP CREEK Tributary ISLAND PARK RESERVOIR
Use: RECREATION STORAGE 01/01 to 12/31 3 AF
Total Diversion: 3 AF
Date Filed: 10/22/2009
Place Of Use: RECREATION STORAGE
T13N R42E S14 NESW

21-13115

Point of Diversion SENWSW S14 T13N R42E FREMONT County Source BLUE LAKE Tributary SHEEP CREEK
Use: RECREATION STORAGE 01/01 to 12/31 20 AF
Total Diversion: 20 AF
Date Filed: 10/22/2009
Place Of Use: RECREATION STORAGE
T13N R42E S14 NWSW SWSW
T13N R42E S15 NESE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 December 7, 2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

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