

02-13914

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

To appropriate the public waters of the State of Idaho

**RECEIVED**  
**FEB 11 2009**

Department of Water Resources  
Eastern Region

1. Name of Applicant D & C PROPERTIES, LLC Phone (208) 356-5491 / (Fax) 356-5553  
 Mailing address 342 W 4<sup>TH</sup> N, REXBURG, ID 83440 Email wrm@ida.net  
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 Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is Township 5N Range 46E Sec. 30, in the SE  $\frac{1}{4}$ ,  
NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B.M., Teton County;  
 additional points of diversion if any: NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec 30, T05N, R46E, Teton County
4. Water will be used for the following purposes:  
 Amount 4.99 cfs for Industrial purposes from 04/01 to 10/31 (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) 4.99 cfs and/or (b) \_\_\_\_\_  
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 Two wells with mainline to gravel/sand washing facility, to an infiltration pond. (Existing 6" well - SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 30, T05N, R46E)
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet;  
 total reservoir capacity \_\_\_\_\_ acre-feet
  - c. Proposed well diameter is 12 inches; proposed depth of well is \_\_\_\_\_ feet  
6" Existing well \_\_\_\_\_ 160' Existing
  - d. Is ground water with a temperature of greater than 85°F being sought? No
  - e. If well is already drilled, when? Existing 6" 1982; Drilling firm Unknown (6" existing well);  
 Well was drilled for (well owner) Reed Christensen; 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. Gravel and sand washing facility. Facility will use a Kolberg Series 1800 Screen/Washing Plant, Model 1830PH (See Attachment #4)



## 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<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ |        |
| 5N  | 46E | 30  |         |         |         |         |         |         |         |         | I       |         |         |         | I       | I       |         |         |        |
|     |     |     |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |        |
|     |     |     |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |        |
|     |     |     |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |        |

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? Permit 22-13826

11. a. Who owns the property at the point of diversion? Applicants

b. Who owns the land to be irrigated or place of use? Applicants

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. This application is for a con-consumptive diversion rate to operate a gravel and sand washing facility. After washing the gravel and sand, the waste water will be discharge into a infiltration pond located on the applicants property. The infiltration pond is 75' X 100' (0.17 ac) X 18.3' deep for a volume of 1.25 ac-ft. The facility will operate 7 hours per day, 5 days per week for 7 months of the year. To mitigate for any water retained by the sand and gravel and for evaporation application for permit 22-13826 proposed to use a portion of surface water right 22-11900 and ground water right 22-7394. This application does not propose to increase the pond and will not require any additional mitigation over that proposed under permit 22-13826. See "Attachment 2"

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.) - [Attachment #1]

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.

David Z. Walters

Signature of Applicant

DAVID Z. WALTERS

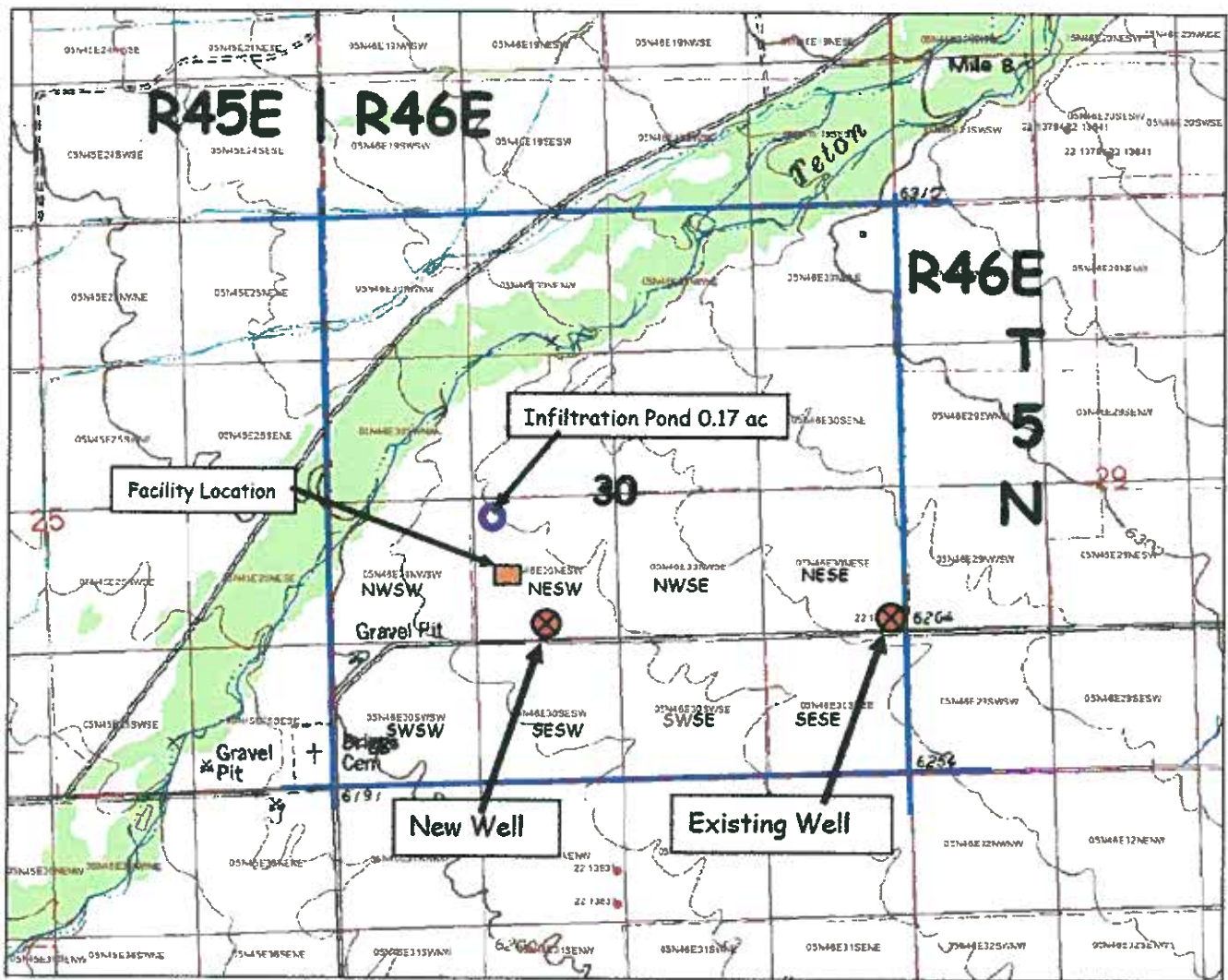
Print Name (and title, if applicable)

## For Department Use:

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 410 Received by Blair Receipt No. 6034790 Date 2/18/09

# Attachment #1

D & C Properties, LLC. dba Walters Ready Mix



## **Mitigation plan for Permit 22-13826**

### **D & C Properties LLC d.b.a. Walters Ready Mix**

The gravel washing facility is located within the NESW, NESE & NWSE Sec 30, T05N, R46E. Water will be used for industrial use for the washing of aggregate at the facility. The waste water will then be diverted into a 1.25 ac-ft infiltration pond [75' X 100' (0.17 ac = 0.2 ac) X 18.3' deep].

Evaporative losses have been calculated to be 0.3 ac-ft (0.349 ac-ft) annual using evaporation values for Driggs, Idaho (NWS NOAA – 102676). To mitigate for those losses, only 0.3 acre (0.27 ac) of water right would be required based on an irrigation requirement of 1.29 ac-ft for Potatoes - processing (early harvest) from the Allen and Robison report of 2006. (Due to short growing season in the Driggs area the crop used was Potatoes processing-early harvest.)

Application for permit 22-13826 proposed to mitigate for water retained in the washed aggregate and the evaporative losses of the pond by using a portion of the surface water right 22-11900 and ground water right 22-7394. One acre of each water right (22-11900, 22-7394) is able to provide 1.29 ac-ft. for the 1.25 ac-ft pond. However, there will be no storage as the substrate of the pond has a soil matrix of poorly sorted sands, gravels and cobbles, and the waste water infiltrates rapidly. With 0.3 acre of 22-7394/22-11900 providing 0.3 ac-ft for pond evaporative losses, the remaining 0.7 acre will provide an additional 0.7 ac-ft, a portion of which will more than cover any losses for water retained in the washed aggregate.

With the proposed mitigation under permit 22-13826, any consumptive losses associated with this new application for permit will be covered by a portion of the 0.7 ac-ft., and no additional mitigation will be necessary.

It is our understanding that changing the nature of use from irrigation to mitigation for rights 22-7394 and 22-11900 can be accomplished administratively without the filing of a transfer.

## Pond Consumptive Use Calculations – D & C Properties LLC - Walters Ready Mix

### Item # 1 - Monthly Distribution (%): Monthly Shallow Lake Evaporation percentages for Idaho

| Area | Jan | Feb | Mar | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct | Nov | Dec |
|------|-----|-----|-----|------|------|------|------|------|------|-----|-----|-----|
| 1    | 1.0 | 1.5 | 3.0 | 9.0  | 12.0 | 14.0 | 19.0 | 18.0 | 11.0 | 6.0 | 4.0 | 1.5 |
| 2    | 0.5 | 1.5 | 3.0 | 8.0  | 12.0 | 15.0 | 19.0 | 17.0 | 11.0 | 6.0 | 4.0 | 3.0 |
| 3    | 0.5 | 1.5 | 4.0 | 8.0  | 14.0 | 15.0 | 17.0 | 16.0 | 10.0 | 6.0 | 5.0 | 3.0 |
| 4    | 1.0 | 2.0 | 4.0 | 7.0  | 12.0 | 15.0 | 19.0 | 16.0 | 11.0 | 6.0 | 4.0 | 3.0 |
| 5    | 1.0 | 3.0 | 5.0 | 10.0 | 12.0 | 14.0 | 16.0 | 15.0 | 10.0 | 6.0 | 5.0 | 3.0 |

### Item # 2 - <http://www.wrcc.dri.edu/summary/Climsmsid.html>

#### DRIGGS, IDAHO (102676)

Period of Record Monthly Climate Summary

Period of Record : 8/ 1/1904 to 12/31/2007

As of December 23, 2008

|                                   | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Nov  | Dec  | Annual |
|-----------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| Avg. Max. Temperature (F)         | 29.3 | 33.8 | 40.4 | 51.7 | 62.2 | 71.1 | 80.7 | 79.3 | 69.9 | 58.0 | 41.1 | 31.4 | 54.1   |
| Avg. Min. Temperature (F)         | 6.0  | 9.1  | 16.3 | 25.5 | 33.4 | 39.8 | 45.9 | 43.7 | 36.1 | 27.6 | 17.6 | 8.4  | 25.8   |
| Average Total Precipitation (in.) | 1.42 | 1.09 | 1.10 | 1.24 | 1.90 | 1.84 | 1.11 | 1.19 | 1.30 | 1.23 | 1.07 | 1.38 | 15.87  |
| Avg. Total SnowFall (in.)         | 15.1 | 8.7  | 8.8  | 4.7  | 1.8  | 0.3  | 0.0  | 0.0  | 0.6  | 2.0  | 8.5  | 14.9 | 65.5   |
| Average Snow Depth (in.)          | 12   | 14   | 7    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 1    | 6    | 3      |

Percent of possible observations for period of record.

Max. Temp.: 94.4% Min. Temp.: 94% Precipitation: 94.3% Snowfall: 83.3% Snow Depth: 49.9%

Check [Station Metadata](#) or [Metadata graphics](#) for more detail about data completeness.

Western Regional Climate Center, [wrcc@dri.edu](mailto:wrcc@dri.edu)

### Item # 3 - <http://www.kimberly.uidaho.edu/ETIdaho/>

#### ET<sub>Idaho</sub> --- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

#### Driggs (NWS NOAA--102676 )

Statistics based on 30 years between 1971 to 2004

Potatoes - processing (early harvest)

#### Precipitation Deficit -----As of December 23, 2008

|                                    | Jan           | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Nov   | Dec   | Growing Season <sup>a</sup> | Annual |
|------------------------------------|---------------|------|------|------|------|------|------|------|------|------|-------|-------|-----------------------------|--------|
| <b>Mean</b>                        | <b>mm/day</b> |      |      |      |      |      |      |      |      |      |       |       | <b>mm</b>                   |        |
| Monthly <sup>b</sup>               | 0.00          | 0.16 | 0.35 | 0.63 | 0.71 | 1.87 | 4.59 | 4.79 | 1.55 | 0.17 | -0.18 | -0.18 | 392                         | 448    |
| 15-Day Moving Average <sup>c</sup> | 0.00          | 0.11 | 0.38 | 0.58 | 0.75 | 1.70 | 4.57 | 4.83 | 1.43 | 0.22 | -0.20 | -0.10 |                             |        |
| 7-Day Moving Average <sup>d</sup>  | -0.01         | 0.12 | 0.35 | 0.58 | 0.72 | 1.79 | 4.60 | 4.84 | 1.49 | 0.21 | -0.21 | -0.13 |                             |        |
| 3-Day Moving Average <sup>e</sup>  | -0.01         | 0.15 | 0.35 | 0.60 | 0.70 | 1.85 | 4.59 | 4.80 | 1.53 | 0.18 | -0.18 | -0.17 |                             |        |

# Pond Consumptive Use Calculations

Climate Station: **Driggs (NWS NOAA-102676)**

Project Name: **D & C Properties LLC - dba Walters Ready Mix**

## Attachment # 2 (pg 3 of 3)

Mitigation calculations from 22-13826

| Month                                 | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Nov  | Dec  | Total  |
|---------------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| Annual FWS Evaporation (inches)       | 35   | 35   | 35   | 35   | 35   | 35   | 35   | 35   | 35   | 35   | 35   | 35   | 35     |
| Monthly Distribution (%) #1           | 1.0  | 2.0  | 4.0  | 7.0  | 12.0 | 15.0 | 19.0 | 16.0 | 11.0 | 6.0  | 4.0  | 3.0  | 100    |
| Monthly FWS Evaporation (in/mo)       | 0.35 | 0.70 | 1.40 | 2.45 | 4.20 | 5.25 | 6.65 | 5.60 | 3.85 | 2.10 | 1.40 | 1.05 | 35.00  |
| Avg. Total Precipitation (in/mo) #2   | 1.42 | 1.09 | 1.10 | 1.24 | 1.90 | 1.84 | 1.11 | 1.19 | 1.30 | 1.23 | 1.07 | 1.38 | 15.87  |
| Pond Loss [(Evap.) - (Precip.in.)] #3 | 0.00 | 0.00 | 0.30 | 1.21 | 2.30 | 3.41 | 5.54 | 4.41 | 2.55 | 0.87 | 0.33 | 0.00 | 20.92  |
| Pond Surface Area (acres)             | 0.2  | 0.2  | 0.2  | 0.2  | 0.2  | 0.2  | 0.2  | 0.2  | 0.2  | 0.2  | 0.2  | 0.2  | 0.2    |
| Total Pond Loss (ac-in)               | 0.00 | 0.00 | 0.06 | 0.24 | 0.46 | 0.68 | 1.11 | 0.88 | 0.51 | 0.17 | 0.07 | 0.00 | 4.18   |
| Total Pond Loss (ac-ft)               | 0.00 | 0.00 | 0.01 | 0.02 | 0.04 | 0.06 | 0.09 | 0.07 | 0.04 | 0.01 | 0.01 | 0.00 | 0.3487 |

### Irrigation Consumption Crop = Potatoes, Early Harvest

|                                           |                                                                                                                                                         |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Precipitation Deficit $P_{Def}$ (mm) =    | $392 \#4 = \{P_{Def} \text{ Growing Season, Site \& Crop Specific (mm)}\}$                                                                              |
| Mean Irr. Requirement (ac-in/ac/season) = | $15.4 \#5 = \{[P_{Def} \#4] \div (25.4) = \text{ac-in/ac/season}\}$                                                                                     |
| Mean Irr. Requirement (ac-ft/ac/season) = | $1.29 \#6 = \{[P_{Def} \#5] \div (12) = \text{ac-ft/ac/season}\}$                                                                                       |
| Acres to dry up for pond use =            | $0.271 \#8 = \text{Acres to dry up for pond use, i.e. Acres Equivalent to Et Use} = \{[\text{Pond Loss Total} \#7] \div [\text{Mean Irrig. Req} \#6]\}$ |

## Summary

|                                                         |                           |  |                                    |  |              |  |                  |  |
|---------------------------------------------------------|---------------------------|--|------------------------------------|--|--------------|--|------------------|--|
| Original Ground Water Right = 22-13842 (Parent 22-7282) | Diversion Rate (cfs)      |  | Place of Use Acres                 |  | cfs per acre |  | AF per acre (#6) |  |
|                                                         | 0.58                      |  | 117.0                              |  | 0.0050       |  | 1.29             |  |
| Amount of Water Needed For Evaporation ( $E_i$ )        | Pond Surface Area (acres) |  | Acres Equivalent to $E_i$ Use (#8) |  | Required cfs |  | AF (#7) Required |  |
|                                                         | 0.2                       |  | 0.3                                |  | 0.0013       |  | 0.3487           |  |
| Amount of Water Needed for Pond Fill                    | Pond Depth (ft)           |  | Acres Equivalent to Pond Fill      |  | Required cfs |  | AF Required      |  |
|                                                         | 18.5                      |  | 0.9719                             |  | 0.0048       |  | 1.3              |  |
| Total Water Needed for Transfer                         | For Evaporation           |  | For Pond Fill                      |  | Total        |  |                  |  |
|                                                         | cfs                       |  | 0.0013                             |  | 0.0048       |  | 0.0062           |  |
|                                                         | AF                        |  | 0.3487                             |  | 1.25         |  | 1.6              |  |
|                                                         | acres                     |  | 0.3                                |  | 0.9719       |  | 1.2              |  |

With NO storage component only 0.3 ac is required for Evaporation the remaining 0.7 ac will compensate for water retained in the washed aggregate

#1 - Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.

#2 - Data collected from the Western Regional Climate Summary, Monthly Climate Summary @ <http://www.wrcc.dri.edu/summary/climsmsid.html> - See attached:

#3 - [(Monthly FWS Evap.) - (Avg.Total Precip.)] = Value (Value < 0 = 0) Note: Where Avg.Total Precipitation exceeds Monthly FWS Evaporation, the resultant pond loss (Value < 0 = 0) is set to zero

#4 - <http://www.kimberly.uidaho.edu/ETIdaho/> Precipitation Deficit values used synonymously w/mean irrigation requirement. Values from Allen, Richard G. & Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration & Consumptive Irrigation Water Requirements - Idaho, Research Technical Completion Report, Kimberly Research & Extension Center, University of Idaho, Moscow, ID.

#5, 6, 7 & 8 - Computed values based on #1, 2, 3 & 4



# IDAHO SECRETARY OF STATE

## Viewing Business Entity

Ben Ysursa, Secretary of State

**D & C PROPERTIES, LLC**

342 W 4TH N  
REXBURG, ID 83440

**Type of Business:** LIMITED LIABILITY COMPANY**Status:** EXISTING, ANREPT SENT 01 Apr 2008**State of Origin:** IDAHO**Date of** 01 Jun 2004**Origination/Authorization:**

**Current Registered Agent:** DAVID Z WALTERS  
342 W 4TH N  
REXBURG, ID 83440

**File Number:** W30950**Date of Last Annual Report:** 16 Jun 2008**Annual Reports:**

|                                                                                                            |                     |                                                                                                    |             |                                                     |            |
|------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------|------------|
| <b>No. W 30950</b>                                                                                         |                     | <b>Due no later than June 30, 2008</b>                                                             |             | <b>2. Registered Agent and Office NO PO BOX</b>     |            |
| <b>Return to:</b><br>SECRETARY OF STATE<br>450 NORTH FOURTH STREET<br>PO BOX 83720<br>BOISE, ID 83720-0080 |                     | <b>Annual Report Form</b><br><small>(Business Address - Correct if this box is applicable)</small> |             | DAVID Z WALTERS<br>342 W 4TH N<br>REXBURG, ID 83440 |            |
| <b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b>                                                           |                     | D & C PROPERTIES, LLC<br>DAVID Z WALTERS<br>342 W 4TH N<br>REXBURG, ID 83440                       |             | <b>3. New Registered Agent Signature</b>            |            |
| <b>4. Limited Liability Companies: Enter Names and Addresses of Members.</b>                               |                     |                                                                                                    |             |                                                     |            |
| <u>Office held</u>                                                                                         | <u>Name</u>         | <u>Street or P.O. Address</u>                                                                      | <u>City</u> | <u>State</u>                                        | <u>Zip</u> |
| MEMBER                                                                                                     | DAVID Z. WALTERS    | 1240 SOUTH 2ND EAST                                                                                | REXBURG     | IDAHO                                               | 83440      |
| MEMBER                                                                                                     | CHARLENE B. WALTERS | 1240 SOUTH 2ND EAST                                                                                | REXBURG     | IDAHO                                               | 83440      |
| <b>5. Organized Under the Laws of:</b><br>IDAHO<br>W 30950                                                 |                     | <b>6. Signature</b> <i>David Z Walters</i>                                                         |             | <b>Date</b> 4-14-04                                 |            |
|                                                                                                            |                     | <b>Name</b> (Print or Stamp) DAVID Z. WALTERS                                                      |             | <b>Title</b> MEMBER                                 |            |

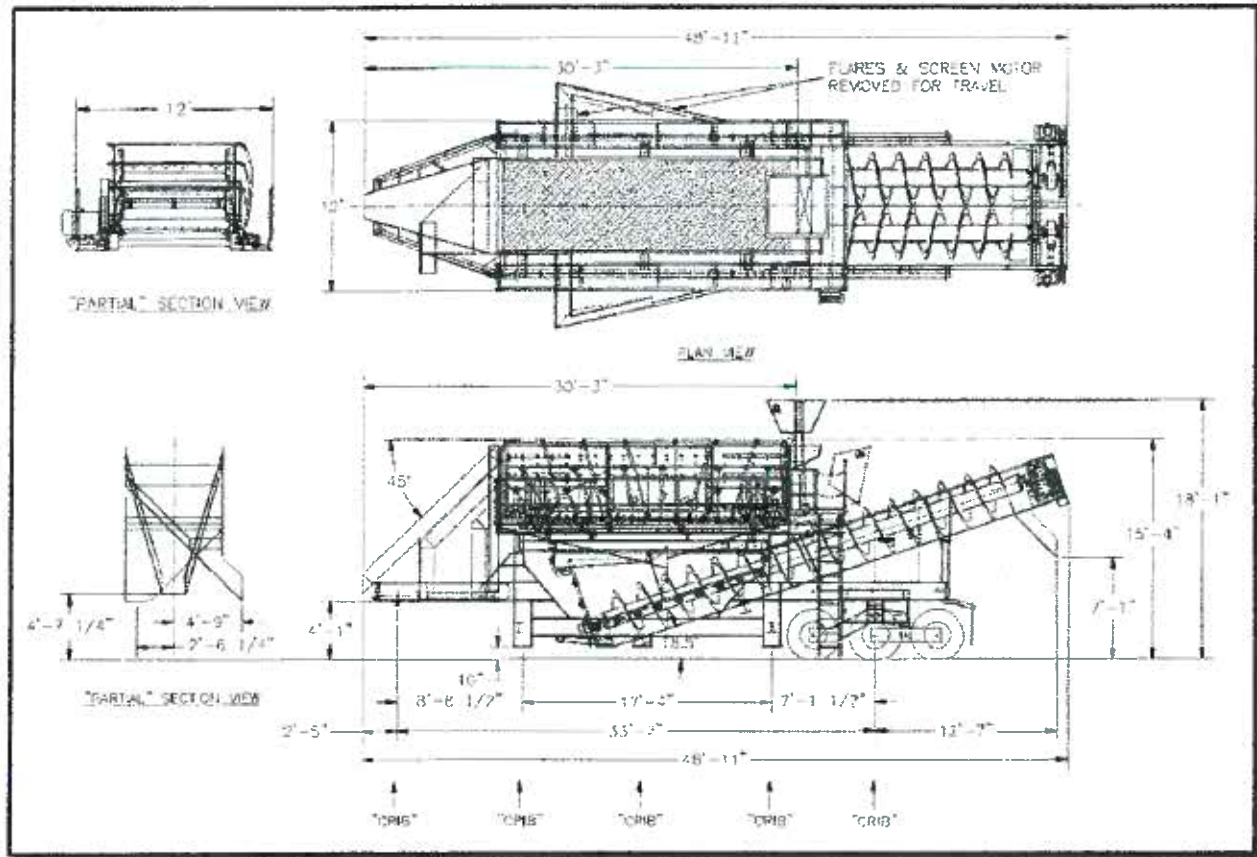
Issued 04/01/2008

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## SERIES 1800 SCREENING/WASHING PLANT Model 1830PH Spec Sheet



### SCREEN:

Kolberg-Pioneer Inc. horizontal 6' x 20' triple deck vibrating screen featuring 40 HP v-belt drive (1200 RPM motor), huck bolted assembly, 1/4" plate steel side plates, 160 mm double-roll spherical self-aligning bearings, triple shaft vibrating mechanism complete with keyless hold-fast hub locking assembly, stroke amplitude (9/16"-3/4") and angle (30°-60° in 5° increments) adjustment, adjustable speed motor sheave (675-875 rpm) and fully contained splash oil lubrication. Other features include heavy duty rubber spring suspension system with rubber snubbers and side tension drawbar screen cloth retention system (screen cloth is optional).

### KOLBERG MODEL 5044-32T SANDPREP (FINE MATERIAL WASHER):

Tank is of 1/4" and 3/8" plate steel construction and includes the following features: 1) Drive assembly (one

drive assembly per spiral) includes a high efficiency Dodge TA7315H40 shaft mount reducer, 20 HP motor and v-belts (sheave changes are all that is required to adjust the screw speed), 2) Greaseable Dodge upper and lower bearings, 3) Stainless steel wear sleeve, water tight rubber seal and secondary grease seal prevent leakage and wear on the lower stub shafts for longer service life, 4) Double pitch, solid flight spirals with steel inner wear shoes and urethane outer wear shoes (ni-hard outer wear shoes are optional), 5) 26' of adjustable weir boards designed to handle large volumes of slurry and to control the pool level for uniform overflow, 6) A large undisturbed pool area which provides accurate material classification, 7) Rising current manifold with 4" inlet designed to control fines and velocity within the pool and 8) 1 1/2" chase water line to flush water down the inside of the tub wall to clear the drain trough.

**Note:** See Model 5044-32T specification sheet for further information.

**NOTE:** Specifications are subject to change without notice.

**WATER SYSTEM:**

All water required for the plant is factory plumbed to a single 6" dia. inlet near the tail end of the sandprep. The primary manifold includes a 4" butterfly valve, 4" swing check valve, 0-100 psi pressure gauge and flexible 4" connection to the screen manifold. A 1½" connection with two (2) gate valves for the chase water of the sandprep (one gate valve for each drain trough) is provided from the screen manifold. The screen manifold also includes seventeen (17) 1¼" gate valves for water control to the seventeen (17) spray bars located on the screen. Each spray bar is fitted with nineteen (19) spray nozzles, each with a capacity of 10.0 gpm @ 40 psi. An additional 3" connection is included in the screen manifold to provide water to the optional feed/slurry box.

**SCREEN CHUTES / FINES HOPPER:**

Screen overs chutes are constructed of 3/16" plate steel and allow for three stacking conveyors to be positioned under the king pin area of the plant reducing the need for constant moving of material with a loader. The fines hopper located under the screen is also constructed of 3/16" plate steel and transitions to form the feed box and baffle of the 44" twin sand screw.

**WALKWAY:**

A 28½" wide walkway is provided across the back of the screen and a 19" wide walkway is provided along both sides of the screen. The walkway includes grip-strut decking and 1-1/2" O.D. top and intermediate handrail pipes. Access is via a 16" wide removable ladder to grade. The walkway is an integral part of the heavy duty screen support structure.

**CHASSIS:**

Main truck frame beams are of heavy 15" I-beam construction. Chassis includes fifth wheel king pin, triple Dana 22,000# axles, dual 11:00 x 22.5 tires (total of twelve), air brakes, travel lights (i.e. - stop, tail and turn), mudflaps and cribbing locations.

**PHYSICAL/OPERATING CHARACTERISTICS:**

Overall Length: 33'-2" (king pin to axle)  
 Travel Width: 12'-0"  
 Travel Height: 15'-4"  
 Feed Height: 15'-4" (without feedbox)  
 Feed Height: 18'-1" (with feedbox)  
 Overall Weight: 75,050 lbs.  
 King Pin: 22,200 lbs.  
 Axle: 52,850 lbs.  
 Second Load Misc. Weight: 6,000 lbs.  
 Note: Individual plant weights will vary dependent upon options.

Sandprep Capacity: 350 tph (@ 100% of screw speed)  
 Water Requirements: Up to 2,700 gpm (dependent on feed gradation)

**OPTIONAL EQUIPMENT:**

- \* Feed/Slurry Box: 48" x 48" top opening with one (1) 3" dia. header pipe. Hinged design with manual winch to lower the feed box into the travel position.
- \* Wear Liners: 3/16" AR weld-in liners for all three screen overs chutes and the fines collecting hopper.
- \* Wedge Bolts: Wedge bolts for screen cloth retention in lieu of standard bolts and beveled washers.
- \* Quickstop (screen).
- \* Screen Cloth.
- \* Electrical: NEMA 4 control panel with main circuit breaker, on/off switches for the screen and sand screw and capacity for additional starters (consult factory for specific details). Control panel mounted on the truck frame and hard wired to the screen and sand screw motors.
- \* Ni-hard Outer Wear Shoes vs. Std. Urethane (sand screw).
- \* Side-delivery Conveyors: Center & Bottom deck overs side-delivery conveyors (24" x 8' fixed or 24" x 14' folding conveyors).

**NOTE:** Specifications are subject to change without notice.

**FOR MORE INFORMATION CALL 1-800-542-9311 AND ASK FOR A KOLBERG EQUIPMENT SPECIALIST.  
 YOUR AUTHORIZED DEALER:**

**KOLBERG-PIONEER, INC.**

700 W. 21st Street - P.O. Box 20  
 Yankton, South Dakota 57078  
 Phone: (605) 665-8771 - FAX: (605) 665-8858  
 mail@kolbergpioneer.com - www.kolbergpioneer.com

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Model 1830PH Rev. 1 803 Printed in USA

WATER RIGHT NO. 22-7394

**Owner Type**      **Name and Address**  
Current Owner D & C PROPERTIES LLC  
342 W 4TH N  
REXBURG, ID 83440  
(208)356-5491

Priority Date: 04/22/1982

Basis: Decreed

Status: Active

**Source**      **Tributary**  
GROUND WATER

**Beneficial Use** **From** **To** **Diversion Rate** **Volume**  
IRRIGATION 04/15 10/15 1.53 CFS 351 AFA  
Total Diversion 1.53 CFS

Location of Point(s) of Diversion:

GROUND WATER SENESE Sec. 30 Township 05N Range 46E TETON County

Place of Use Legal Description: IRRIGATION TETON County

| <b><u>Township</u></b> | <b><u>Range</u></b> | <b><u>Section</u></b> | <b><u>Lot</u></b> | <b><u>Tract</u></b> | <b><u>Acres</u></b> | <b><u>Lot</u></b> | <b><u>Tract</u></b> | <b><u>Acres</u></b> | <b><u>Lot</u></b> | <b><u>Tract</u></b> | <b><u>Acres</u></b> | <b><u>Lot</u></b> | <b><u>Tract</u></b> | <b><u>Acres</u></b> |
|------------------------|---------------------|-----------------------|-------------------|---------------------|---------------------|-------------------|---------------------|---------------------|-------------------|---------------------|---------------------|-------------------|---------------------|---------------------|
| 05N                    | 46E                 | 30                    |                   | NESW 39             |                     |                   |                     |                     |                   |                     |                     |                   |                     |                     |
|                        |                     |                       |                   | NESE 39             |                     |                   | NWSE 39             |                     |                   |                     |                     |                   |                     |                     |

Total Acres: 117

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or
1. C18 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.  
The use of water for irrigation under this right may continue to as late as October 31, provided
  2. S37 other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
  3. E56 The rights listed below are limited to the irrigation of a combined total of 117 acres in a single irrigation season. Combined Right Nos.: 22-7394, 22-11900.
  4. E52 The rights listed below are limited to a total combined diversion rate of 2.34 cfs. Combined Right Nos.: 22-7394, 22-11900.

**Decreed Date: 12/02/2008**

Other Information:

Combined Acres Limit: 117

Combined Volume Limit:

Combined Rate Limit: 2.34

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
|-------------------|-------------------------|

Priority Date: 04/15/1970

Status: Active

| Beneficial Use                   | From | To   | Diversion Rate | Volume    |
|----------------------------------|------|------|----------------|-----------|
| Navigation                       | 1970 | 1975 | 10%            | 100,000   |
| Recreation                       | 1975 | 1980 | 15%            | 150,000   |
| Fishing                          | 1980 | 1985 | 20%            | 200,000   |
| Swimming                         | 1985 | 1990 | 25%            | 250,000   |
| Boating                          | 1990 | 1995 | 30%            | 300,000   |
| Waterfowl                        | 1995 | 2000 | 35%            | 350,000   |
| Wildlife                         | 2000 | 2005 | 40%            | 400,000   |
| Endangered Species               | 2005 | 2010 | 45%            | 450,000   |
| Historic Preservation            | 2010 | 2015 | 50%            | 500,000   |
| Archaeology                      | 2015 | 2020 | 55%            | 550,000   |
| Geological Research              | 2020 | 2025 | 60%            | 600,000   |
| Environmental Monitoring         | 2025 | 2030 | 65%            | 650,000   |
| Climate Change Research          | 2030 | 2035 | 70%            | 700,000   |
| Water Quality Research           | 2035 | 2040 | 75%            | 750,000   |
| Public Health Research           | 2040 | 2045 | 80%            | 800,000   |
| Medical Research                 | 2045 | 2050 | 85%            | 850,000   |
| Space Research                   | 2050 | 2055 | 90%            | 900,000   |
| Artificial Intelligence Research | 2055 | 2060 | 95%            | 950,000   |
| Quantum Computing Research       | 2060 | 2065 | 100%           | 1,000,000 |
| Biotechnology Research           | 2065 | 2070 | 105%           | 1,050,000 |
| Space Exploration                | 2070 | 2075 | 110%           | 1,100,000 |
| Artificial Intelligence          | 2075 | 2080 | 115%           | 1,150,000 |
| Quantum Computing                | 2080 | 2085 | 120%           | 1,200,000 |
| Biotechnology                    | 2085 | 2090 | 125%           | 1,250,000 |
| Space Exploration                | 2090 | 2095 | 130%           | 1,300,000 |
| Artificial Intelligence          | 2095 | 2100 | 135%           | 1,350,000 |
| Quantum Computing                | 2100 | 2105 | 140%           | 1,400,000 |
| Biotechnology                    | 2105 | 2110 | 145%           | 1,450,000 |
| Space Exploration                | 2110 | 2115 | 150%           | 1,500,000 |
| Artificial Intelligence          | 2115 | 2120 | 155%           | 1,550,000 |
| Quantum Computing                | 2120 | 2125 | 160%           | 1,600,000 |
| Biotechnology                    | 2125 | 2130 | 165%           | 1,650,000 |
| Space Exploration                | 2130 | 2135 | 170%           | 1,700,000 |
| Artificial Intelligence          | 2135 | 2140 | 175%           | 1,750,000 |
| Quantum Computing                | 2140 | 2145 | 180%           | 1,800,000 |
| Biotechnology                    | 2145 | 2150 | 185%           | 1,850,000 |
| Space Exploration                | 2150 | 2155 | 190%           | 1,900,000 |
| Artificial Intelligence          | 2155 | 2160 | 195%           | 1,950,000 |
| Quantum Computing                | 2160 | 2165 | 200%           | 2,000,000 |
| Biotechnology                    | 2165 | 2170 | 205%           | 2,050,000 |
| Space Exploration                | 2170 | 2175 | 210%           | 2,100,000 |
| Artificial Intelligence          | 2175 | 2180 | 215%           | 2,150,000 |
| Quantum Computing                | 2180 | 2185 | 220%           | 2,200,000 |
| Biotechnology                    | 2185 | 2190 | 225%           | 2,250,000 |
| Space Exploration                | 2190 | 2195 | 230%           | 2,300,000 |
| Artificial Intelligence          | 2195 | 2200 | 235%           | 2,350,000 |
| Quantum Computing                | 2200 | 2205 | 240%           | 2,400,000 |
| Biotechnology                    | 2205 | 2210 | 245%           | 2,450,000 |
| Space Exploration                | 2210 | 2215 | 250%           | 2,500,000 |
| Artificial Intelligence          | 2215 | 2220 | 255%           | 2,550,000 |
| Quantum Computing                | 2220 | 2225 | 260%           | 2,600,000 |
| Biotechnology                    | 2225 | 2230 | 265%           | 2,650,000 |
| Space Exploration                | 2230 | 2235 | 270%           | 2,700,000 |
| Artificial Intelligence          | 2235 | 2240 | 275%           | 2,750,000 |
| Quantum Computing                | 2240 | 2245 | 280%           | 2,800,000 |
| Biotechnology                    | 2245 | 2250 | 285%           | 2,850,000 |
| Space Exploration                | 2250 | 2255 | 290%           | 2,900,000 |
| Artificial Intelligence          | 2255 | 2260 | 295%           | 2,950,000 |
| Quantum Computing                | 2260 | 2265 | 300%           | 3,000,000 |
| Biotechnology                    | 2265 | 2270 | 305%           | 3,050,000 |
| Space Exploration                | 2270 | 2275 | 310%           | 3,100,000 |
| Artificial Intelligence          | 2275 | 2280 | 315%           | 3,150,000 |
| Quantum Computing                | 2280 | 2285 | 320%           | 3,200,000 |
| Biotechnology                    | 2285 | 2290 | 325%           | 3,250,000 |
| Space Exploration                | 2290 | 2295 | 330%           | 3,300,000 |
| Artificial Intelligence          | 2295 | 2300 | 335%           | 3,350,000 |
| Quantum Computing                | 2300 | 2305 | 340%           | 3,400,000 |
| Biotechnology                    | 2305 | 2310 | 345%           | 3,450,000 |
| Space Exploration                | 2310 | 2315 | 350%           |           |

**Total Diversion** 1.67 CFS

TETON CREEK SENWSE Lt 3 Sec. 29 Township 05N Range 46E TETON County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 14              | 14           | 1              | 1          |              | 1.00         | 1          |              | 1.00         | 1          |              | 1.00         | 1          |              | 1.00         |
| 14              | 14           | 1              | 2          |              | 1.00         | 2          |              | 1.00         | 2          |              | 1.00         | 2          |              | 1.00         |
| 14              | 14           | 1              | 3          |              | 1.00         | 3          |              | 1.00         | 3          |              | 1.00         | 3          |              | 1.00         |
| 14              | 14           | 1              | 4          |              | 1.00         | 4          |              | 1.00         | 4          |              | 1.00         | 4          |              | 1.00         |
| 14              | 14           | 1              | 5          |              | 1.00         | 5          |              | 1.00         | 5          |              | 1.00         | 5          |              | 1.00         |
| 14              | 14           | 1              | 6          |              | 1.00         | 6          |              | 1.00         | 6          |              | 1.00         | 6          |              | 1.00         |
| 14              | 14           | 1              | 7          |              | 1.00         | 7          |              | 1.00         | 7          |              | 1.00         | 7          |              | 1.00         |
| 14              | 14           | 1              | 8          |              | 1.00         | 8          |              | 1.00         | 8          |              | 1.00         | 8          |              | 1.00         |
| 14              | 14           | 1              | 9          |              | 1.00         | 9          |              | 1.00         | 9          |              | 1.00         | 9          |              | 1.00         |
| 14              | 14           | 1              | 10         |              | 1.00         | 10         |              | 1.00         | 10         |              | 1.00         | 10         |              | 1.00         |
| 14              | 14           | 1              | 11         |              | 1.00         | 11         |              | 1.00         | 11         |              | 1.00         | 11         |              | 1.00         |
| 14              | 14           | 1              | 12         |              | 1.00         | 12         |              | 1.00         | 12         |              | 1.00         | 12         |              | 1.00         |
| 14              | 14           | 1              | 13         |              | 1.00         | 13         |              | 1.00         | 13         |              | 1.00         | 13         |              | 1.00         |
| 14              | 14           | 1              | 14         |              | 1.00         | 14         |              | 1.00         | 14         |              | 1.00         | 14         |              | 1.00         |
| 14              | 14           | 1              | 15         |              | 1.00         | 15         |              | 1.00         | 15         |              | 1.00         | 15         |              | 1.00         |
| 14              | 14           | 1              | 16         |              | 1.00         | 16         |              | 1.00         | 16         |              | 1.00         | 16         |              | 1.00         |
| 14              | 14           | 1              | 17         |              | 1.00         | 17         |              | 1.00         | 17         |              | 1.00         | 17         |              | 1.00         |
| 14              | 14           | 1              | 18         |              | 1.00         | 18         |              | 1.00         | 18         |              | 1.00         | 18         |              | 1.00         |
| 14              | 14           | 1              | 19         |              | 1.00         | 19         |              | 1.00         | 19         |              | 1.00         | 19         |              | 1.00         |
| 14              | 14           | 1              | 20         |              | 1.00         | 20         |              | 1.00         | 20         |              | 1.00         | 20         |              | 1.00         |
| 14              | 14           | 1              | 21         |              | 1.00         | 21         |              | 1.00         | 21         |              | 1.00         | 21         |              | 1.00         |
| 14              | 14           | 1              | 22         |              | 1.00         | 22         |              | 1.00         | 22         |              | 1.00         | 22         |              | 1.00         |
| 14              | 14           | 1              | 23         |              | 1.00         | 23         |              | 1.00         | 23         |              | 1.00         | 23         |              | 1.00         |
| 14              | 14           | 1              | 24         |              | 1.00         | 24         |              | 1.00         | 24         |              | 1.00         | 24         |              | 1.00         |
| 14              | 14           | 1              | 25         |              | 1.00         | 25         |              | 1.00         | 25         |              | 1.00         | 25         |              | 1.00         |
| 14              | 14           | 1              | 26         |              | 1.00         | 26         |              | 1.00         | 26         |              | 1.00         | 26         |              | 1.00         |
| 14              | 14           | 1              | 27         |              | 1.00         | 27         |              | 1.00         | 27         |              | 1.00         | 27         |              | 1.00         |
| 14              | 14           | 1              | 28         |              | 1.00         | 28         |              | 1.00         | 28         |              | 1.00         | 28         |              | 1.00         |
| 14              | 14           | 1              | 29         |              | 1.00         | 29         |              | 1.00         | 29         |              | 1.00         | 29         |              | 1.00         |
| 14              | 14           | 1              | 30         |              | 1.00         | 30         |              | 1.00         | 30         |              | 1.00         | 30         |              | 1.00         |
| 14              | 14           | 1              | 31         |              | 1.00         | 31         |              | 1.00         | 31         |              | 1.00         | 31         |              | 1.00         |
| 14              | 14           | 1              | 32         |              | 1.00         | 32         |              | 1.00         | 32         |              | 1.00         | 32         |              | 1.00         |
| 14              | 14           | 1              | 33</       |              |              |            |              |              |            |              |              |            |              |              |

**Conditions of Approval:**

- ### 1. F01 Water is delivered through South Side Ditch

2. F15 The point of diversion for this water right is in Wyoming in T44N R118W section 22 NESW The point of diversion shown above is where the conveyance system enters Idaho.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the

3. C18 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.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No.

4. 160 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

5. 159 This water right is also recorded as Wyoming Certificated Water Right No. 7308E.

6. 158 The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted there from as set forth in *Roxana Canal Co. v. Daniels*, Equity No. 2447 (D. Wy. Feb. 4, 1941).

7. E56 The rights listed below are limited to the irrigation of a combined total of 117 acres in a single irrigation season. Combined Right Nos.: 22-7394, 22-11900.

8. E52 The rights listed below are limited to a total combined diversion rate of 2.34 cfs. Combined Right Nos.: 22-7394, 22-11900.

**Other Information:**

Combined Acres Limit: 117

Combined Rate Limit: 2.34

WATER RIGHT NO. 22-13826

Application for AMENDMENT

2/11/2009

**Owner Type      Name and Address**

Current Owner D & C PROPERTIES LLC  
342 W 4TH N  
REXBURG, ID 83440  
(208)356-5491

Priority Date: 01/22/2008  
Status: Active

**Source      Tributary**

GROUND WATER  
GROUNDWATER

**Beneficial Use From To Diversion Rate Volume**

INDUSTRIAL 04/01 10/31 0.78 CFS  
Total Diversion                      0.78 CFS

Location of Point(s) of Diversion:

GROUNDWATER NESW Sec. 30 Township 05N Range 46E TETON County  
GROUND WATER SENESE Sec. 30 Township 05N Range 46E TETON County

Place of Use Legal Description: INDUSTRIAL TETON County

**Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres**

05N              46E      30                      NESW

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.  
Project construction shall commence within one year from the date of permit issuance and shall proceed
3. 26A diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Industrial use is for washing gravel and sand.
5. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.

Date Application Received: 11/25/2008  
Protest Deadline Date: 1/20/2009

**Owner Type**      **Name and Address**  
Current Owner D & C PROPERTIES LLC  
342 W 4TH N  
REXBURG, ID 83440  
(208)356-5491

Priority Date: 01/22/2008  
Status: Active

**Source**      **Tributary**  
GROUND WATER

**Beneficial Use From To Diversion Rate Volume**  
INDUSTRIAL 04/01 10/31 0.78 CFS  
Total Diversion              0.78 CFS

Location of Point(s) of Diversion:

GROUND WATER SENESE Sec. 30 Township 05N Range 46E TETON County

Place of Use Legal Description: INDUSTRIAL TETON County

**Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres**  
05N          46E    30              NESW

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.  
Project construction shall commence within one year from the date of permit issuance and shall proceed
2. 26A diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
3. Industrial use is for washing gravel and sand.  
After specific notification by the Department, the right holder shall install a suitable measuring device or
4. 01M shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.

Proof Due Date: 04/01/2013  
Approved Date: 04/29/2008  
Application Received Date: 12/07/2007  
Protest Deadline Date: 02/25/2008



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**EASTERN REGION**

February 25, 2009

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
Director

D & C PROPERTIES LLC  
342 W 4TH N  
REXBURG ID 83440

RE: Application for Permit No 22-13914

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Idaho Enterprise on March 5 and 12, 2009. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions.

Sincerely,

Sharla Cox  
Administrative Assistant

cc: ROCKY MOUNTAIN ENVIRONMENTAL ASSOCIATES  
482 Constitution Way #3  
Idaho Falls ID 83402



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**EASTERN REGION**

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
Director

February 25, 2009

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

Application to Permit No. 22-13914

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,

Sharla Cox  
Administrative Assistant

Enclosure(s)



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**EASTERN REGION**

February 25, 2009

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
Director

**Legal Notice Department**

**TETON VALLEY NEWS**

**80 E LITTLE AVE**

**DRIGGS ID 83422**

RE: Application for Permit No. 22-13914

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 23, 2009. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant

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

22-13914

D & C PROPERTIES LLC  
342 W 4TH N  
REXBURG ID 83440

Point(s) of Diversion: SENESE S30 T05N R46E and SENESW S30 T05N R46E, TETON County  
Source GROUND WATER

Use: INDUSTRIAL 04/01 To 10/31 4.99 CFS

Total Diversion: 4.99 CFS

Date Filed: 02/11/2009

Place Of Use: INDUSTRIAL

T05N R46E S30 NESW NESE NWSE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before March 23, 2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on March 5 and 12, 2009