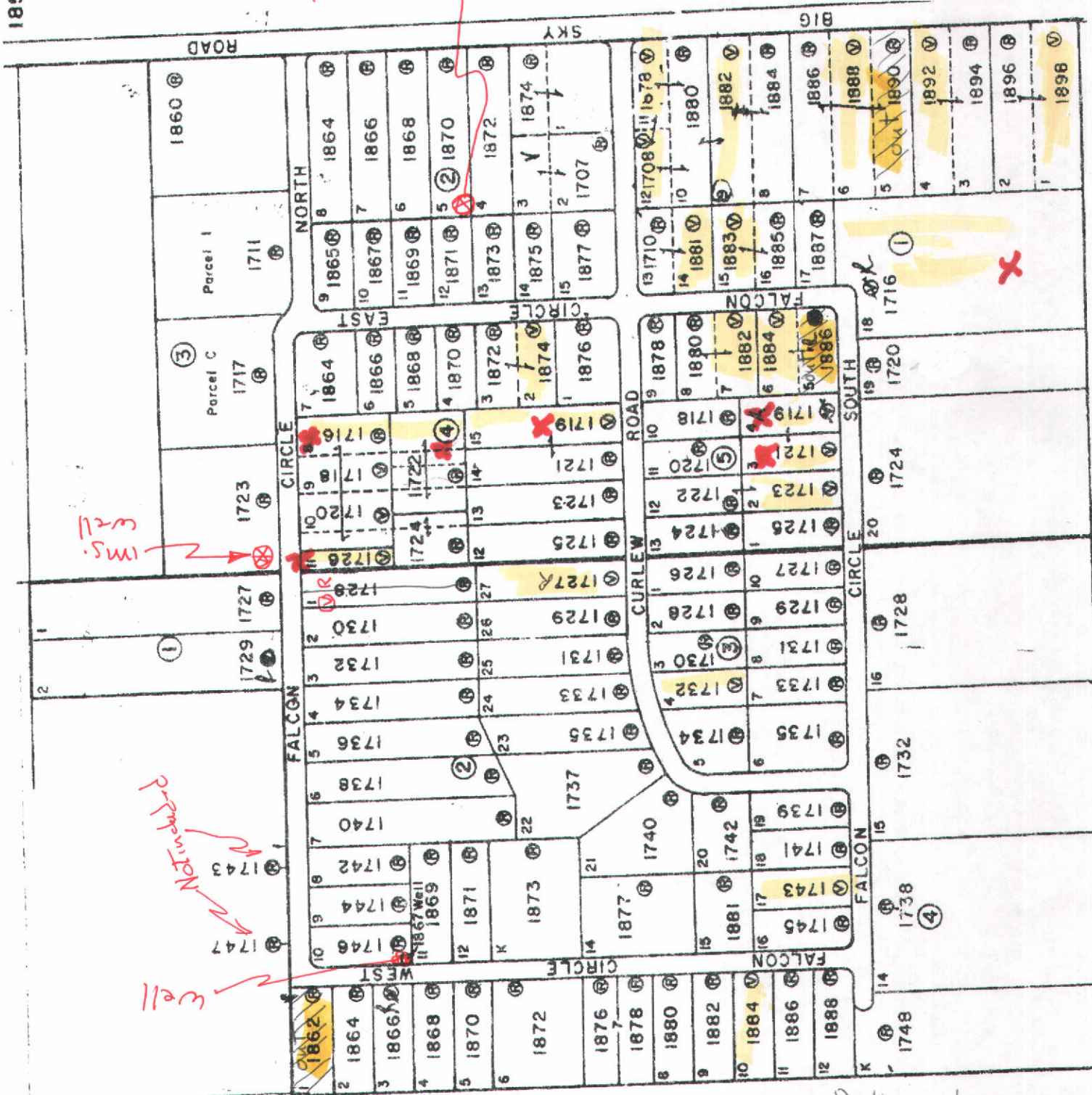




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JUN 02 2003

1850 S

1800 S



Need license for 103
 capability for 120

V = Vacant
 lots to be added in

(Light yellow)
 new lots
 others not
 identified
 for total

24
 MICROFILMED
 JUN 02 2003

- Dark yellow = have
- 114 lots total (3 on private wells)
- No additional wells.
- Red are additional lots
- (V) vacant lot

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

That he is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 1st day of January 2003 and the date of the last publication being the 8th day of January 2003

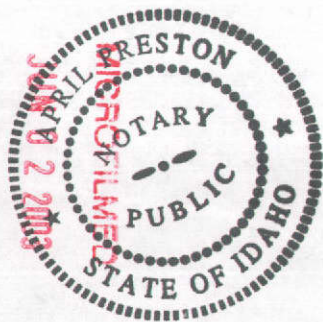
Signed

Brett Crompton

State of Idaho

County of Power

On this 8th day of January in the year of 2003, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



April Preston
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: August 3, 2006

Water rights notice

Published in The Power County Press
Jan. 1, 8, 2003.

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

29-13467
BIG SKY WATER USERS ASSN
1880 TRUCKERVILLE RD
C/O JIM FITZGERALD
POCATELLO ID 83204

Point(s) of Diversion: NWSE S6 T06S
R33E and NESE S6 T06S R33E, POWER
County

Source: GROUNDWATER
Use: DOMESTIC 01/01 To 12/31
0.22 CFS

Total Diversion: 0.22 CFS
Date Filed: 12/19/2002
Place Of Use: DOMESTIC
T06S R33E S6 NESE NWSE SWSE
SESE

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 Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before January 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

RECEIVED
FEB 07 2003

Department of Water Resources
Eastern Region

Amt. of Fee \$: 100.00
Receipt No. 1068172
Receipt By: [Signature]
Date Received: 3-27-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 24 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 29-13467 Telephone No. 208 233 3444

2. Name of Permit Holder(s): BIG SKY WATER USERS ASSN

3. Mailing Address: 1880 TRUCKERVILLE RD

City POCATELLO CO POWER State IDA Zip 83204 11 71

4. Source of Water: _____ If GROUNDWATER (well), Date Drilled: mo. 3 / yr. 74

Well Driller: PAUL KOLLMEYERSON Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 24 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.22 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☒ or No ☒

Has the measuring device been installed?

Yes ☐ or No ☒

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Jim Fitzgerald Telephone Number: 208 233 3444

Address: 1880 TRUCKERVILLE RD POCATELLO IDAHO 83204

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Jim Fitzgerald PRESIDENT Date: 3-19-03
(include your title if on behalf of company or organization)

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JUN 02 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 29-13467

Priority: December 18, 2002

Maximum Diversion Rate: 0.22 CFS

This is to certify, that BIG SKY WATER USERS ASSN
C/O JIM FITZGERALD
1880 TRUCKERVILLE RD
POCATELLO ID 83204

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.22 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp 06S, Rge 33E, B.M., POWER County
GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp 06S, Rge 33E, B.M., POWER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 33E 6													X	X	X	X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. Domestic use is for 24 homes and does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 10th day of March, 2003.


for
KARL J DREHER, Director

MICROFILMED

JUN 02 2003

RECEIVED

FEB 24 2003

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

29-13467

RECEIVED

DEC 18 2002

Department of Water Resources
Eastern Region

1. Name of Applicant Big Sky Water Users Association Phone 233-3444
Mailing address c/o Jim Fitzgerald, 1880 Truckerville Rd, Pocatello, ID 83204
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 6S Range 33E Sec. 6, in the _____ 1/4,
NW 1/4, SE 1/4, Govt. Lot _____, B.M., Power County;
additional points of diversion if any: T 6S R 33E Sec. 6, NE SE
4. Water will be used for the following purposes:
- | |
|--|
| Amount <u>0.22 cfs</u> for <u>Domestic</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| 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) 0.22 cfs and/or (b) _____
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 2 wells + pumps
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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? 7-73 9-71; Drilling firm PAUL VOLLMER & SON;
Well was drilled for (well owner) BLAINE SHOEMAKER; 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. 24
- e. Other; describe fully. _____

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JUN 02 2003

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				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	33E	6													D	D	D	D	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Subdivision has an additional right for irrigation. See 29-7722

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: _____

12. Remarks: License 29-7723 takes care of 96 lots, this application is for 24 additional lots in the Subdivision.

1-V PRESIDENT JAMES BURT

2-V PRESIDENT MILTON EMERY

BOARD MEN: BILL MITCHELL - DELLAS SKINNER - ROCKNE PURDUM

MARCIA RENSCH DEANNA WILLIAMS SECRETARY

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.

Mary Lee Driver
Notary Public

my Commission from K Fitzgerald
Expires 10-31-2004

MICROFILMED
JUN 02 2003

Signature of Applicant (and title, if applicable)

PRESIDENT BIG SKY WATER USER ASSOCIATION

Received by HWT Date 12-18-02 Time _____ Preliminary check by _____

Fee \$ 250.00 Received by HWT # E028390 Date 12-18-02

Publication prepared by SC Date 1/1 & 1/8/03 Published in Power Co. Press

Publication approved _____ Date 2/7/03

35

36

31

32

PORTNEUF

RIVER

R33E

T6S

M I C H A U D F L A T S

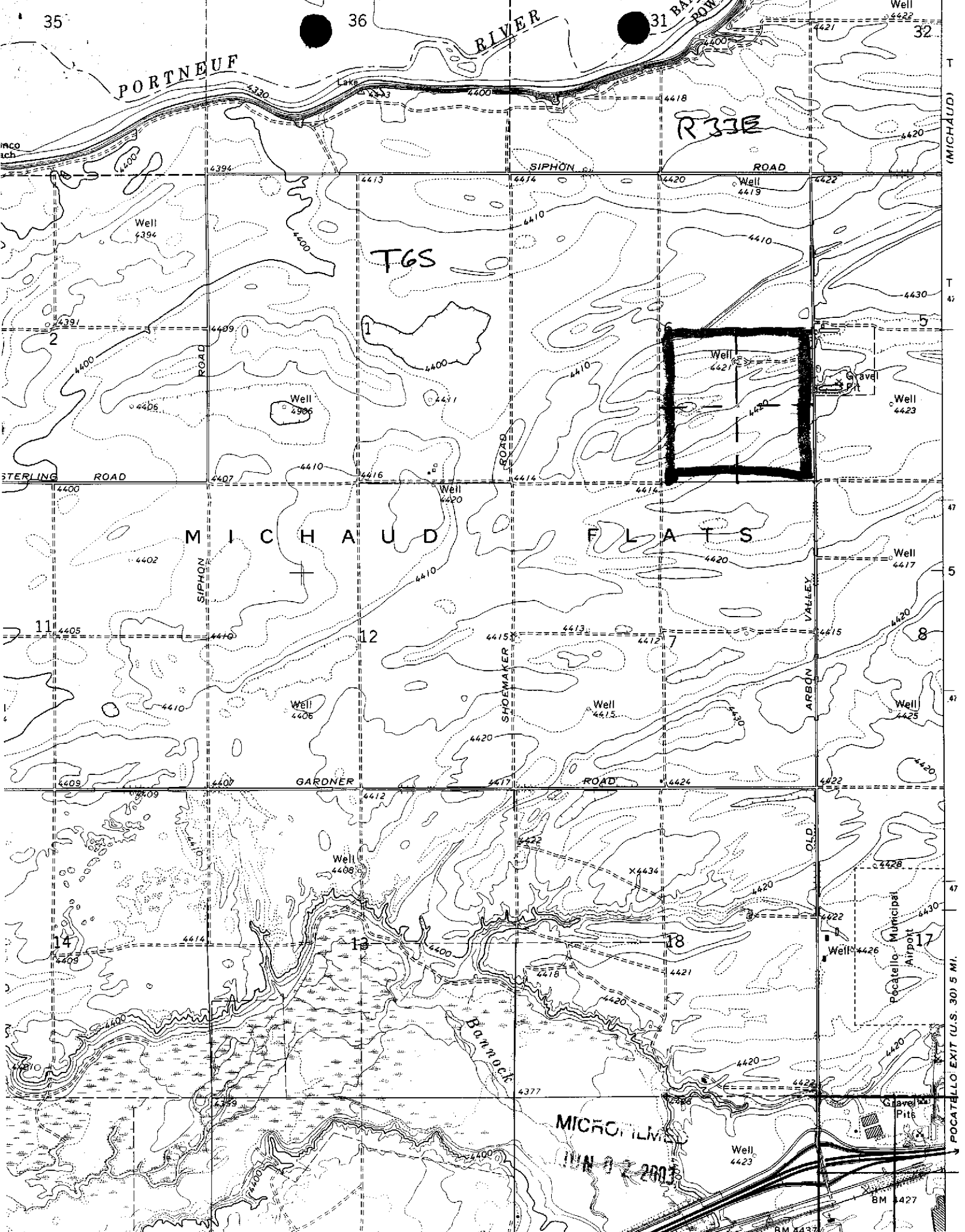
BONNICK

MICROFILMED

JUN 9 2 2003

T
T
47
5
47
47

POCATELLO EXIT (U.S. 30) 5 MI.

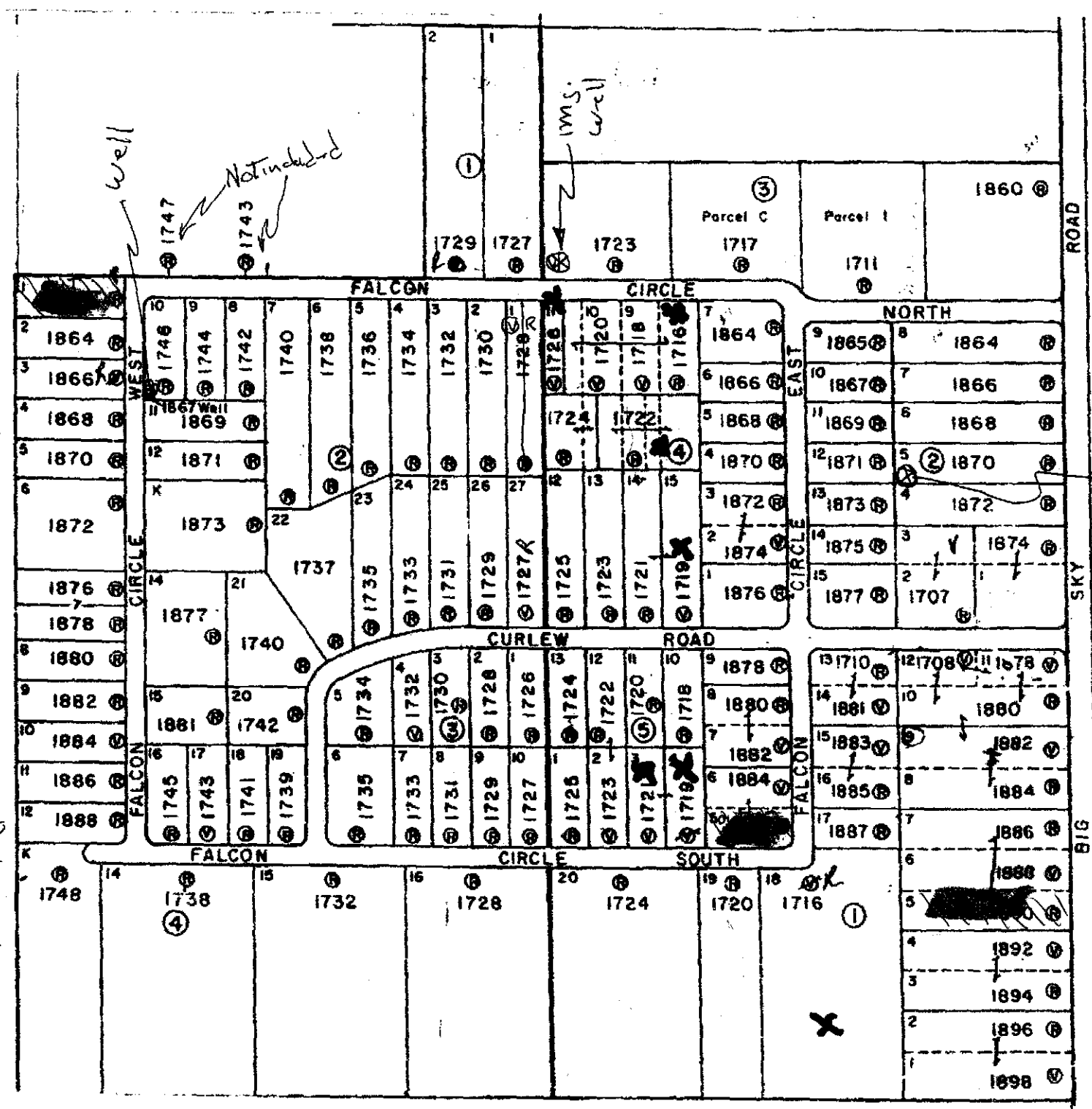


Need license for 103
 Capability for 120

1 = Vacant
 2 = Lots
 3 = 2nd
 4 = 3rd

MICRO (new lots)
 84
 others not
 identified
 for total

Dark yellow = own wells
 Yellow = 3 on private wells
 130 additional wells
 Red are additional lots
 ① Vacant lot

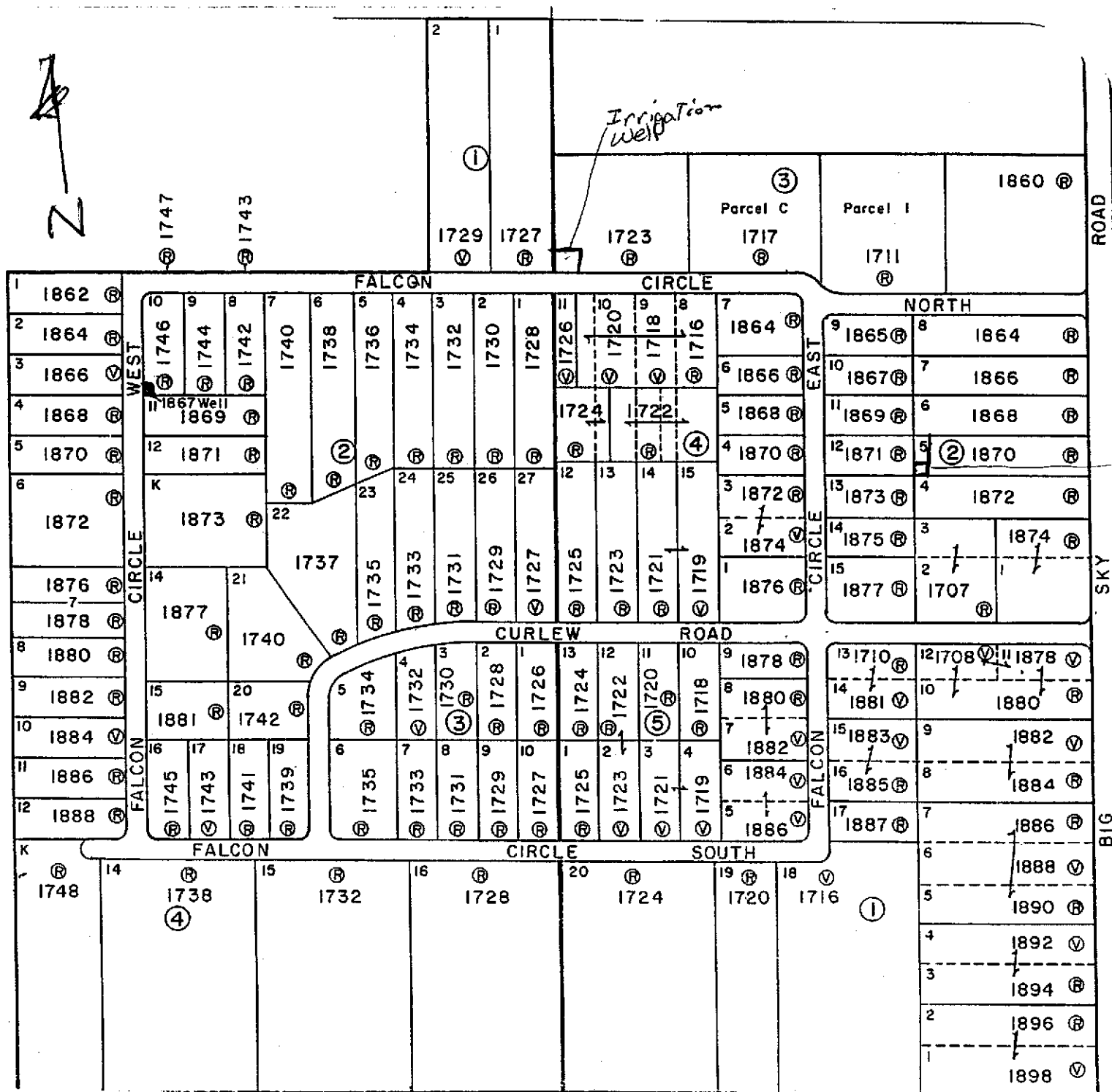


1850 S

1800 S

JUN 9 2 2003

MICROFILMED



1800 S

FOR INFO ONLY

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 29-7722

WATER RIGHT NUMBER: 29-7722

Owner Type Name and Address
Current Owner BIG SKY WATER USERS ASSN
 PO BOX 4962
 POCATELLO, ID 83202
 (208)233-6488

Priority Date: 06/07/1983

Basis:

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/01 to 11/01	0.050 CFS	
IRRIGATION	4/01 to 11/01	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4 Sec. 6, Twp 06S, Rge 33E, B.M.
 POWER County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06S	33E	6														40.0	40.0	40.0	40.0	160.0

Total Acres: 160

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. 01G Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 29-7722

Comments:

Dates and Other Information:

Permit Proof Due Date: 8/1/1990
Permit Proof Made Date: 7/30/1990
Permit Approved Date: 7/20/1989
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 7/12/1995
Date Sent to State Office: 5/2/1997
Date Received at State Office: 5/5/1997
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7723

WATER RIGHT NUMBER: 29-7723

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BIG SKY WATER USERS ASSN PO BOX 4962 POCATELLO, ID 83202 (208)233-6488

Priority Date: 06/10/1983

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	11/01 to 4/01	0.010 CFS	0.10 AF
DOMESTIC	1/01 to 12/31	0.210 CFS	57.60 AF
	<u>Total Diversion:</u>	0.210 CFS	57.70 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 6,	Twp 06S,	Rge 33E, B.M.
POWER County				
GROUND WATER	SW1/4SE1/4	Sec. 6,	Twp 06S,	Rge 33E, B.M.
POWER County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	33E	6													X	X	X	X	

DOMESTIC same as STOCKWATERConditions of Approval:Remarks:

- General Domestic use is for 96 homes.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7723

Dates and Other Information:

Licensed Date: 4/22/1987
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 1, 2003

BIG SKY WATER USERS ASSN
1880 TRUCKERVILLE RD
POCATELLO ID 83204

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-13467

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
JUN 02 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 29-13467

Reviewed By: dgibson

Date: April 30, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E028390, C068172		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	03/24/2003
Date proof due	- 03/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 12/18/2002
New priority date	= 12/18/2002

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 11, 2003

BIG SKY WATER USERS ASSN
C/O JIM FITZGERALD
1880 TRUCKERVILLE RD
POCATELLO ID 83204

RE: Permit No. 29-13467

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

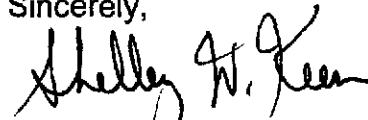
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICROFILMED
JUN 02 2003

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

JUN 02 2003

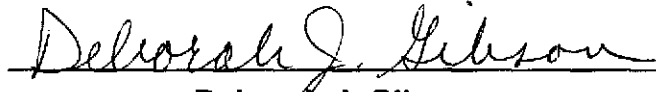
CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

29-13467

**BIG SKY WATER USERS ASSN
C/O JIM FITZGERALD
1880 TRUCKERVILLE RD
POCATELLO ID 83204**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

MICROFILMED

JUN 02 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: March 04, 2003
To: Water Right File 29-13467
From: dgibson
Re: Permit Review

This permit is being issued for 24 lots for in-house domestic use only. Two rights in the same place of use are: licensed water right no. 29-7723 is for 96 lots in the same place of use, and water right permit no. 29-7722 is for stockwater and irrigation.

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JUN 02 2003

Send copy

RECEIVED

FEB 24 2003

Dist for Staffing
Submitted for advertising 12-19-02
Department of Water Resources

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

INITIAL REVIEW BY HWW DATE 12-19-02 APPLICATION NO. 29-13467

REQUIRED INFORMATION:

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

ADDITIONAL INFORMATION:

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

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING:

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

SEND COPIES TO:

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

FINAL REGIONAL PROCESSING REVIEW:

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

Date of priority recommend 12-18-2002
By: [Signature] Date: 2-11-2003
STATE OFFICE REVIEW:

By: _____ Date: _____
ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

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

Project impacts/implications report

COMMENTS

More lots in same subdivision as License 7723 + Permit
24-7722

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

That he is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

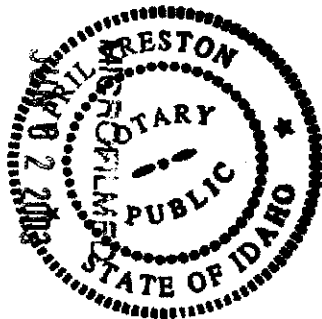
That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 1st day of January 2003 and the date of the last publication being the 8th day of January 2003

Signed Brett Crompton

State of Idaho

County of Power

On this 8th day of January in the year of 2003, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Paul Preston
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: August 3, 2006

Water rights notice

Published in The Power County Press
Jan. 1, 8, 2003.

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

29-13467
BIG SKY WATER USERS ASSN
1880 TRUCKERVILLE RD
C/O JIM FITZGERALD
POCATELLO ID 83204
Point(s) of Diversion: NWSE S6 T06S
R33E and NESE S6 T06S R33E, POWER
County

Source: GROUNDWATER
Use: DOMESTIC 01/01 To 12/31
0.22 CFS

Total Diversion: 0.22 CFS
Date Filed: 12/19/2002
Place Of Use: DOMESTIC
T06S R33E S6 NESE NWSE SWSE
SESE

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 Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before January 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

RECEIVED
FEB 07 2003
Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

December 20, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
444 HOSPITAL WAY #300

POCATELLO, ID 83201

Application to Permit No. 29-13467

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 complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by January 21, 2002.

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

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

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JUN 02 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
December 20, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BIG SKY WATER USERS ASSN
C/O JIM FITZGERALD
1880 TRUCKERVILLE RD
POCATELLO ID 83204

RE: Application for Permit No 29-13467

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 Power County Press on January 1 and 8, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

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JUN 02 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 20, 2002

Legal Notice Department
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS ID 83211

RE: Application for Permit No. 29-13467

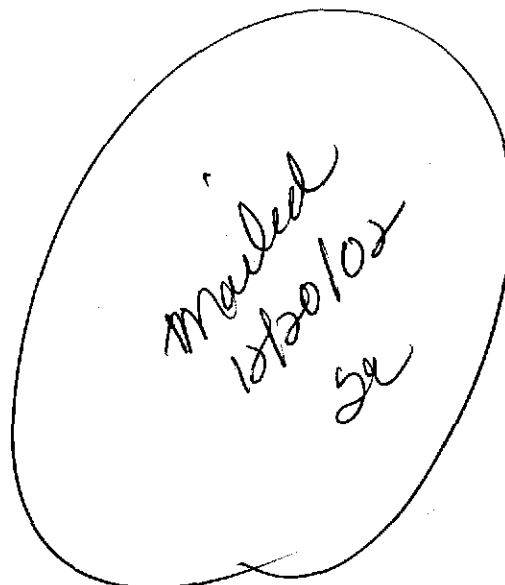
Dear LEGAL NOTICE DEPARTMENT:

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 January 21, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



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JUN 02 2003

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29-13467

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1880 TRUCKERVILLE RD
C/O JIM FITZGERALD
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Point(s) of Diversion: NWSE S6 T06S R33E and NESE S6 T06S R33E, POWER County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.22 CFS

Total Diversion: 0.22 CFS

Date Filed: 12/19/2002

Place Of Use: DOMESTIC

T06S R33E S6 NESE NWSE SWSE SESE

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KARL J DREHER, Director

Published on January 1 and 8, 2003

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JUN 02 2003