

R36E

T8S

10
PARK

11

PORTNEUF

INDIAN

ROCKS

PIPELINE

ROAD

Marsh

Walker

Creek

Pond

Creek

BDY

BM
4677

BM
4669

BM
4672

BM 4688

Borrow Pit

BM
4679

Borrow Pit

BM

MICROFILMED
OCT 04 2002

N

x4963

BM 4655

BM
4617

16

15

14

4

21

22

23

4610

5000

4680

4660

4680

4680

4800

4600

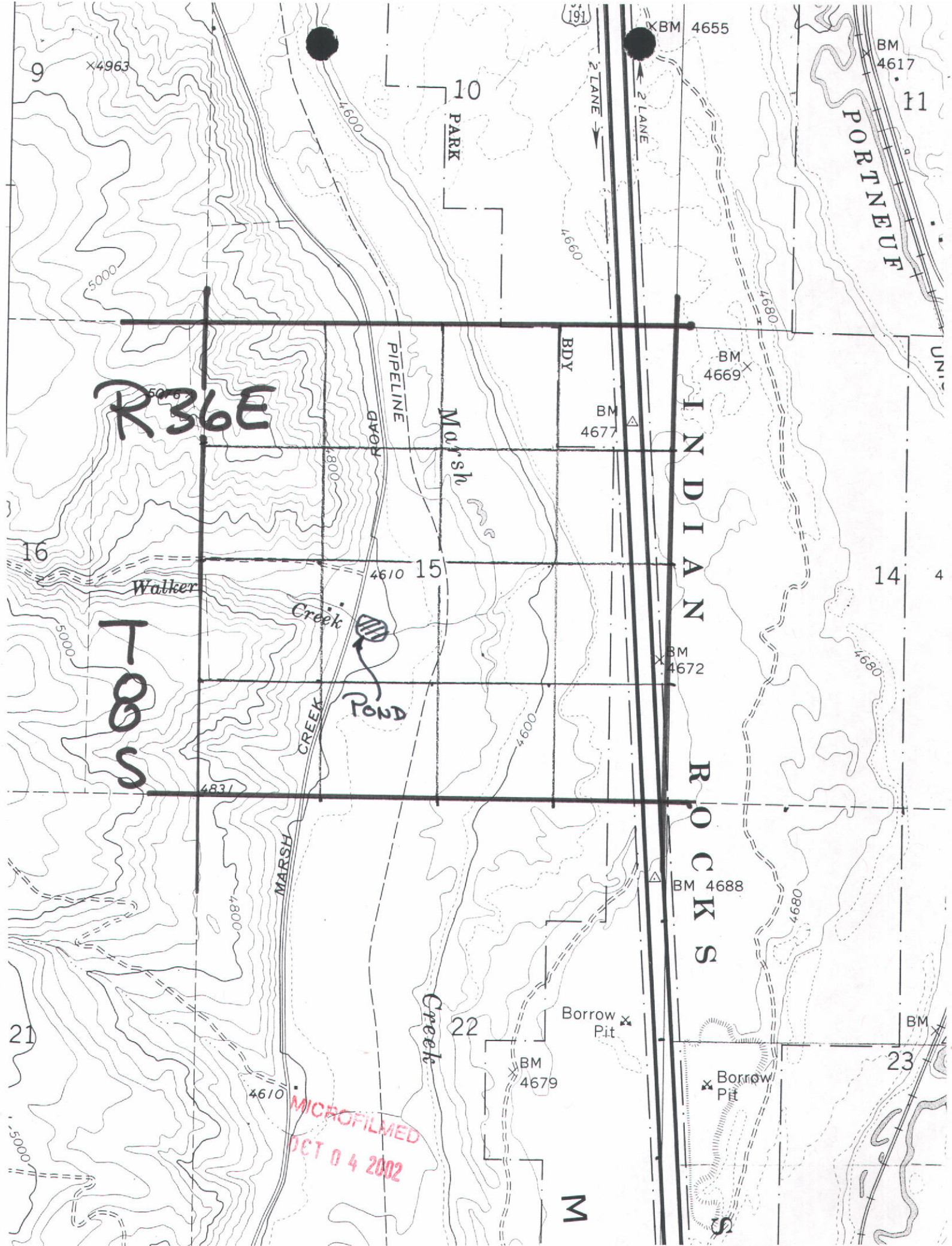
5000

5000

R36E

T8S

MICROFILMED
OCT 04 2002



525-7161

RECEIVED
AUG 27 2003

FOR OFFICE USE ONLY
Amt. of Fee \$: 50
Receipt No. ED 29116
Receipt By: KP
Date Received: 8-19-03

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

RECEIVED

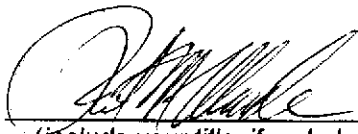
PROOF OF BENEFICIAL USE

AUG 19 2003
Department of Water Resources
Eastern Region

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. 29-13351 Telephone No. 208-254-9325
2. Name of Permit Holder(s): ROBERT M. WARDLE
3. Mailing Address: 2652 So. MARSH Cr. Rd.
City MCCAMMON State ID Zip 83250
4. Source of Water: WALKER CREEK If GROUNDWATER (well), Date Drilled: mo. — / yr. —
Well Driller: — Drilling Permit Number: —
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): — Stockwater (No. and type of stock): —
Irrigation (No. of acres): — Other: RECREATIONAL FISH POND
6. Total rate of diversion and/or volume for which proof is submitted: — 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 X
Has the measuring device been installed? Yes — or No —
8. Fee Enclosed: \$ — (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: SAME AS ABOVE Telephone Number: —
Address: —
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:



(include your title, if on behalf of company or organization)

Date:

8/18/03

MICROFILMED

SEP 03 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 29-13351

Priority: 04/25/2002

Maximum Diversion Volume: 0.1 AF

This is to certify, that **ROBERT M WARDLE**
2652 S MARSH VALLEY CREEK RD
MC CAMMON ID 83250

has applied for a permit to appropriate water from:

Source: WALKER CREEK **Tributary:** MARSH CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	0.1 AF

LOCATION OF POINT OF DIVERSION:

WALKER CREEK NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, Twp 08S, Rge 36E, B.M., BANNOCK County

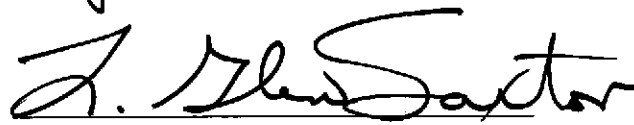
PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 36E 15									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2003**.
2. Subject to all prior water rights.
3. Recreation storage use is for an existing on-stream pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of August, 20 02


KARL J DREHER, Director
for

MICROFILMED
OCT 04 2002

RECEIVED

AUG 26 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

AUG - 9 2002

Department of Water Resources To appropriate the public waters of the State of Idaho

Amended

Department of Water Resources

1. Name of Applicant ROBERT M. WARDLE Phone 208-254-9325
Mailing address 2652 SO. MARSH Ck ROAD, MCAMMON, ID., 83250
2. Source of water supply WAUKER CREEK which is a tributary of MARSH CREEK
3. Location of point of diversion is Township 08S Range 36E Sec. 15 in the 1/4, SW 1/4, Govt. Lot Bannock, B.M., Bannock County;
additional points of diversion if any: _____
4. Water will be used for the following purposes: Diversion to
Amount 0.20 cfs for RECREATION purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.10 afe for Recreation Storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.20 and/or (b) 0.10
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 EXISTING PUMP-DIVERSION
b. Height of storage dam 3 FT. feet; active reservoir capacity 1 acre-feet; total reservoir capacity 1 acre-feet
c. Proposed well diameter is NO inches; proposed depth of well is NO feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NA; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. RECREATIONAL - FISH POND 27' x 24' - (2-S deep)

* [Signature]
Signature

8/17/02
Date

MICROFILMED
OCT 04 2002

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	
8S	36E	15			R						R								

* [Signature]
signature

8/17/02
date

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? ROBERT M. WARDLE - APPLICANT

b. Who owns the land to be irrigated or place of use? 1

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. Remarks: THIS IS AN EXISTING STRUCTURE FOR DIVERSION OF WATER TO NINE AND TWO OTHER PROPERTIES TOTAL .36 CFS

THIS APPLICATION IS FOR NON-CONSUMPTION USE OF ANY WATER IN WALKER CREEK THAT IS IN EXCESS OF THE TOTAL IRRIGATION RIGHTS OF WALKER CREEK USERS (.98 CFS)

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
Signature of Applicant (and title, if applicable)

MICROFILMED
4 2002

Received by KCW Date 4/25/2002 Time 0937 Preliminary check by _____

Fee \$ 100.00 Received by KCW # E027672 Date 4/25/2002
Publication prepared by SC Date Id State Journal Published in May 16 & 23, 2002
Publication approved SC Date 5/22/02

Printed in Idaho

R36E

T8S

10
PARK

Marsh

Creek

Pond

MARSH

Creek

Borrow Pit

BM 4679

MICROFILMED

10 4 2002

N

BM 4655

BM 4617

BM 4669

BM 4677

BM 4672

BM 4688

BM

Borrow Pit

PORTNEUF

INDIAN ROCKS

14

4

23

22

16

21

x4963

4600

4660

4680

4660

4600

4800

4610

0897

5000

5000

5000

2 LANE

2 LANE

PIPELINE

ROAD

Walker

UNIT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

AUG - 9 2002

Department of Water Resources

1. Name of Applicant ROBERT M. WARDLE Phone 208-254-9325
Mailing address 2652 SO. MARSH CR. ROAD, MC CAMMON, ID., 83250
2. Source of water supply WAUKER CREEK which is a tributary of MARSH CREEK
3. Location of point of diversion is Township 08S Range 36E Sec. 15, in the 1/4,
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Amount 0.20 cfs for RECREATION purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.10 afa for Recreation Storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.20 cubic feet per second and/or (b) 0.10 acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source EXISTING POND-DIVERSION
b. Height of storage dam 3 FT. feet; active reservoir capacity 1 acre-feet; total reservoir capacity 1 acre-feet
c. Proposed well diameter is NO inches; proposed depth of well is NO feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NA; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. RECREATIONAL - FISH POND 27' x 24' - (2-S' deep)

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OCT 04 2002

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	
8S	36E	15			R														

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? ROBERT M. WARDLE - APPLICANT

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

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. Remarks: THIS IS AN EXISTING STRUCTURE FOR DIVERSION OF WATER TO MINE AND TWO OTHER PROPERTIES. TOTAL .36 CFS

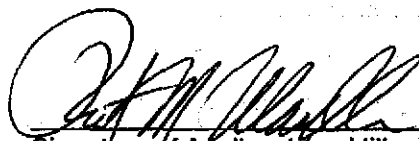
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BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

OCT 04 2002



Signature of Applicant (and title, if applicable)

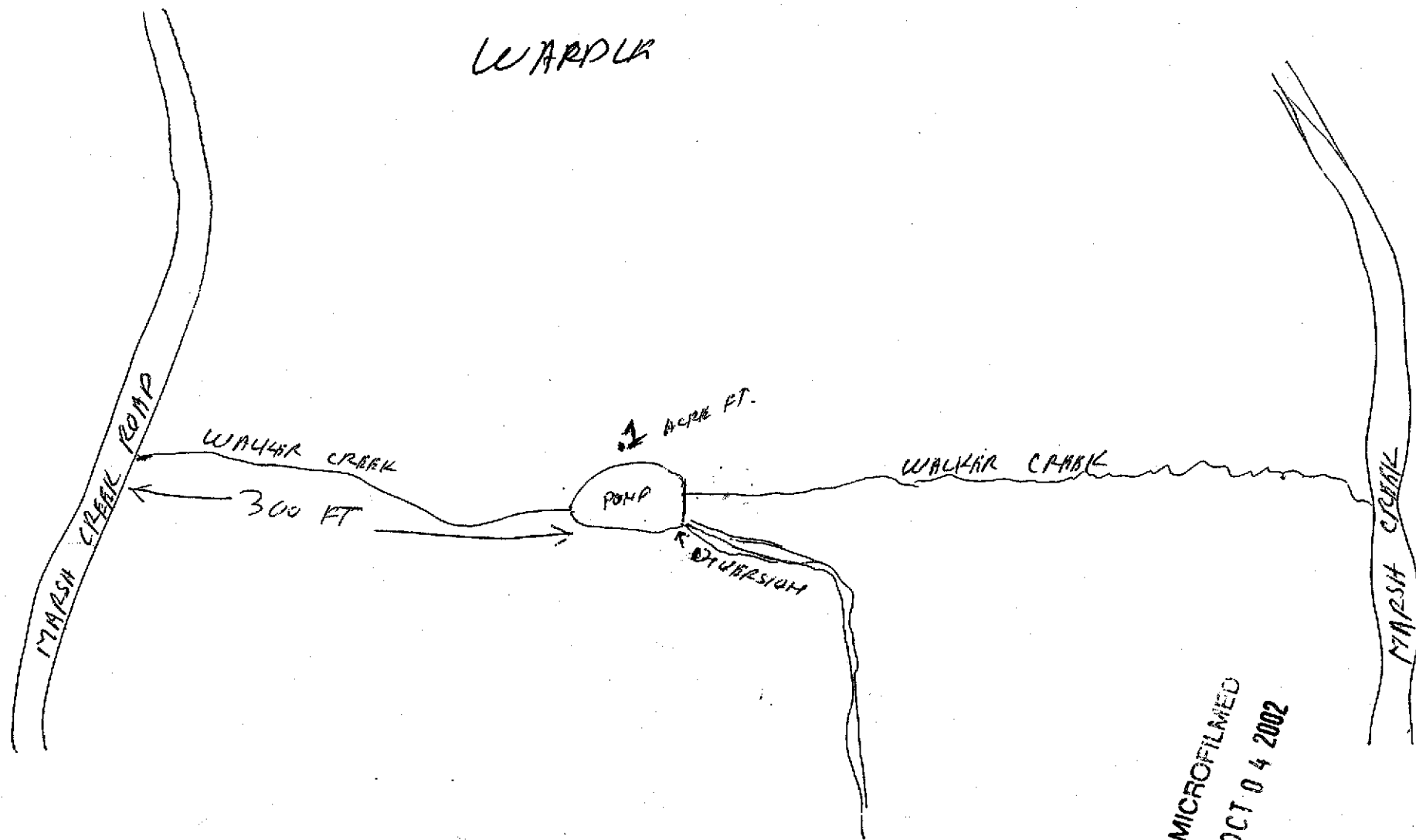
Received by KCW Date 4/25/2002 Time 0937 Preliminary check by _____

Fee \$100.00 Received by KCW #ED27672 Date 4/25/2002
 Publication prepared by SC Date To State Journal Published in May 16 & 23, 2002
 Publication approved SC Date 5/22/02

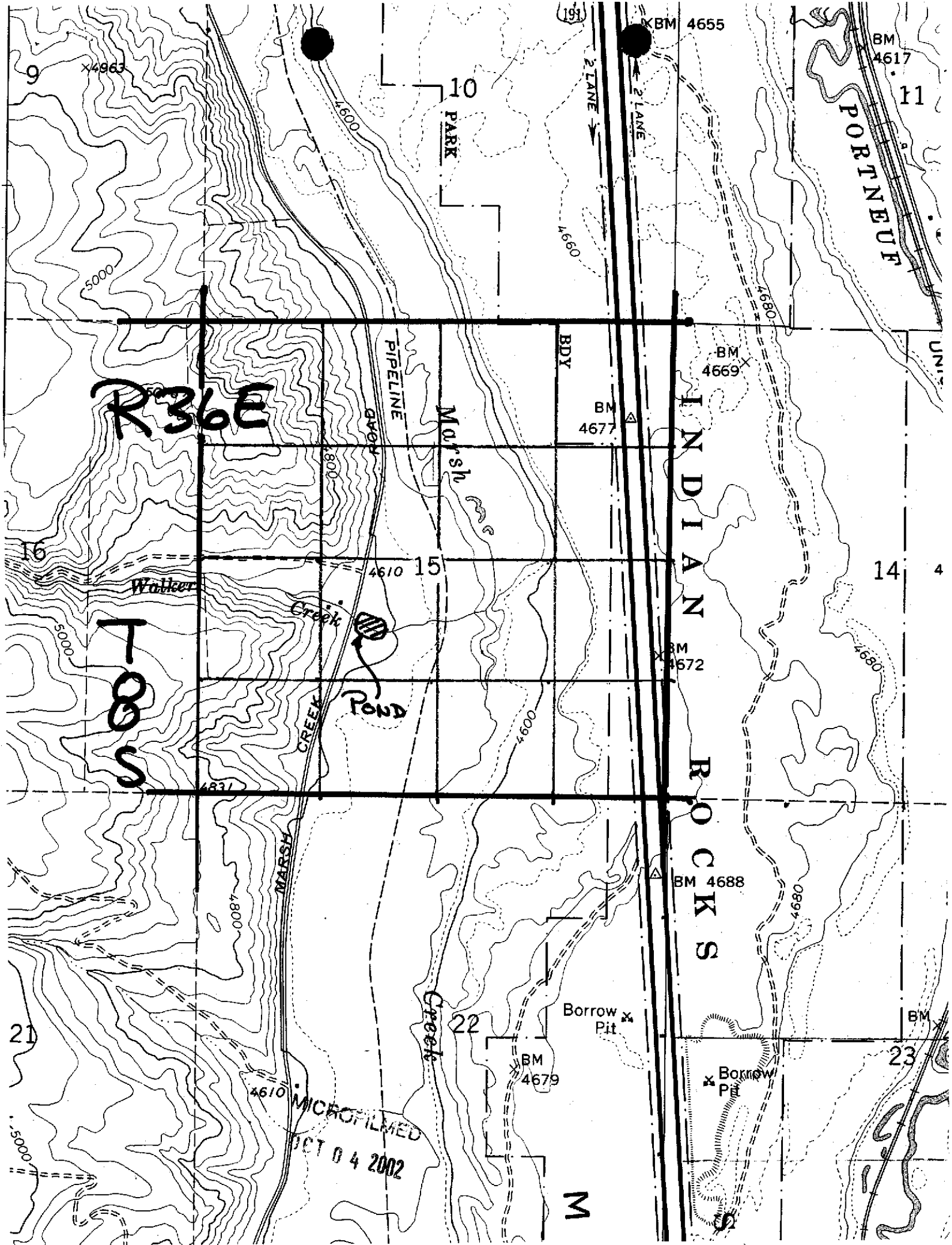
Protect & Abandon

FISH POND LOCATION ON ~~WARDER~~ PROPERTY
2652 So. MARSH Cr. Rd.,
McCHESNEY TP 83250

WARDER



MICROFILMED
OCT 04 2002





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

August 29, 2003

ROBERT M WARDLE
2652 S MARSH VALLEY CREEK RD
MC CAMMON ID 83250

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-13351

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, or at the department's website at: www.idwr.state.id.us.

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
SEP 03 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 29-13351

Reviewed By: dgibson

Date: August 28, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E027672, E029116		Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?			Measure device waiver requested?		

Priority Calculation

Date proof received	08/19/2003
Date proof due	- 09/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 04/25/2002
New priority date	= 04/25/2002

Deficiencies of Actions Items

Acknowledge proof. No rate of diversion stated on proof, I am unsure if the water uses are correct.

June 30, 2003

ROBERT M WARDLE
2652 S MARSH VALLEY CREEK RD
MC CAMMON, ID 83250

PROOF DUE NOTICE

RE: PERMIT NO. 29-13351

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

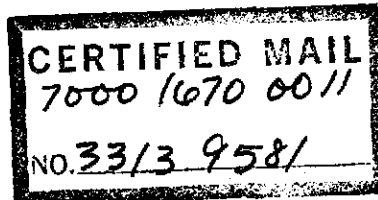
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

SEP 03 2003



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

August 30, 2002

ROBERT M WARDLE
2652 S MARSH VALLEY CREEK RD
MC CAMMON ID 83250

RE: Permit No. 29-13351

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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

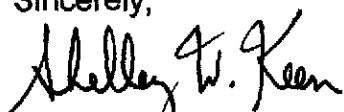
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

OCT 04 2002

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 "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klr

Enclosure(s)

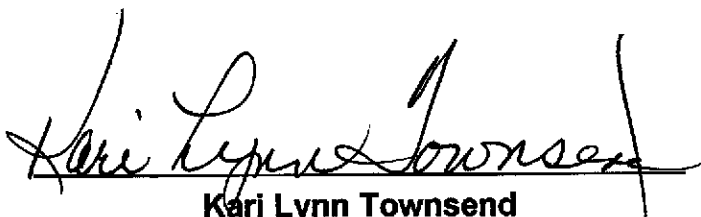
MICROFILMED
OCT 24 2002

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2002 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. 29-13351

**ROBERT M WARDLE
2652 S MARSH VALLEY CREEK RD
MC CAMMON ID 83250**


**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 3 4 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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

TO: File 29-13351

FROM: KAY WALKER *KW*

RE: Permit Review

Date: August 28, 2002

.....

I called Skip Jones this morning to resolve some questions regarding this application. The pond is an on-stream storage pond so the live flow for recreation use should not be included in the permit approval. Skip said that he had looked at the map submitted by Mr. Wardle and thought that it might have been an off-stream development.

I also asked Skip how he decides when an application should be re-advertised. He told me that he only recommends re-advertising when the source of water or the point of diversion had been advertised in error. In this case, the application had been advertised, protested, pre-hearing conference held to resolve the protest, and the people in the area are aware of this existing pond. The legal description of the point of diversion should not be an issue.

MICROFILMED
OCT 04 2002



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

August 13, 2002

RECEIVED

AUG 26 2002

ROBERT M WARDLE
2652 S MARSH CK RD
MC CAMMON ID 83250

Department of Water Resources

RE: Application for Permit 29-13351

Dear Mr. Wardle:

In final review of your application for permit, I found that there might be a discrepancy in the legal descriptions for the point of diversion and place of use. Enclosed is an amended copy of your application and the map you submitted. Also enclosed is a copy of a topographical map prepared by our Idaho Falls office, which accompanied the application to Boise. Please note that the topographical map shows the location of the pond within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15 rather than the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15 as you applied for. In reviewing your map and the topographical map, I could not be sure where your diversion and pond are located. If you notice on the topographical map, Walker Creek does not flow through the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Twp. 8S, Rge. 36E, so I am tending to think that the topographical map is correct.

After you review the maps if you think the point of diversion and place of use are located as shown on the topographical map, please sign the form where I have indicated and return it to me at your earliest convenience. We have to get the applicant's written approval on any amended changes that occur, so this will serve as your written agreement to the changes and then we can issue the permit accordingly.

We will withhold further action on this application until we receive your response. Please try to respond within the next 30 days so we can finalize your application. If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures

MICROFILMED

OCT 04 2002

KAY,

INFO RETURNED SIGNED

THANKYOU,



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

August 13, 2002

ROBERT M WARDLE
2652 S MARSH CK RD
MC CAMMON ID 83250

RE: Application for Permit 29-13351

Dear Mr. Wardle:

In final review of your application for permit, I found that there might be a discrepancy in the legal descriptions for the point of diversion and place of use. Enclosed is an amended copy of your application and the map you submitted. Also enclosed is a copy of a topographical map prepared by our Idaho Falls office, which accompanied the application to Boise. Please note that the topographical map shows the location of the pond within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15 rather than the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15 as you applied for. In reviewing your map and the topographical map, I could not be sure where your diversion and pond are located. If you notice on the topographical map, Walker Creek does not flow through the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Twp. 8S, Rge. 36E, so I am tending to think that the topographical map is correct.

After you review the maps if you think the point of diversion and place of use are located as shown on the topographical map, please sign the form where I have indicated and return it to me at your earliest convenience. We have to get the applicant's written approval on any amended changes that occur, so this will serve as your written agreement to the changes and then we can issue the permit accordingly.

We will withhold further action on this application until we receive your response. Please try to respond within the next 30 days so we can finalize your application. If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures

MICROFILMED

OCT 04 2002

RECEIVED

AUG - 9 2002

Department of Water Resources

Dist for Staffing _____
Submitted for advertising _____

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

Wardle
INITIAL REVIEW BY HWJ DATE 4-30-02 APPLICATION NO. 29-13351
69863

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

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
☒ Id Dept of Fish & Game - Doc & dlo
☐ Id Dept of Lands
☐ Adjudication Bureau
☐ U.S. BLM
☐ U.S. Forest Service
☐ Water District
☐ Other _____

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OCT 4 2002

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 <u>6/3/02</u>
☒	Yes	☐	No	Protests, dates, resolution of protest, recorded on application
☒	Yes	☐	No	Recommendations attached
☒	Yes	☐	No	Measuring device required — <u>Parshall Flume in place</u>
☐	Yes	☒	No	Access port required
☐	Yes	☒	No	Will water be delivered by watermaster? If yes, what District <u> </u>
☐	Yes	☒	No	Special conditions of approval or cover letter below.
<u>* Limited to existing pond in place</u>				

Date of priority recommend 4-25-2002
By: [Signature] Date: 8-5-02
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



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

August 02, 2002

ROBERT M WARDLE
2652 S MARSH VALLEY CREEK RD
MC CAMMON ID 83250

Application to Permit No.
Withdrawal of Protest

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following:

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

OCT 04 2002



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

August 02, 2002

KARL J. DREHER
Director

CURTIS DUNN
PO BOX 101
INKOM, ID 83245

Application to Permit No. 29-13351
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

OCT 04 2002

In the matter of Application for Permit 29-13351 in the name of Robert Wardle, we the undersigned withdraw our protest. We understand this permit does not expand Mr. Wardles previous right on Walker Creek and the use will only be for an existing pond utilizing overflow water beyond the amount used in our rotation agreement.

Curtis Dunn 7-18-02

Jodeana Dunn 7-18-02

MICROFILMED
OCT 04 2002

SENDER

DATE

TIME

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBERT M WARDLE
2652 S MARSH CREEK RD
MCCAMMON ID 83250

A. Received by (Please Print Clearly)

ROBERT WARDLE

B. Date of delivery

6-22-02

C. Signature

X [Signature]

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

MICROFILMED

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7001 2510 0007 6760 2664

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ATTN: 29-13351

MICROFILMED

OCT 04 2002

Department of Water Resources
Eastern Region

RECEIVED
JUN 26 2002

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CURTIS DUNN
PO BOX 101
INKOM ID 83245
MICROFILMED
OCT 04 2002

2. Article Number (Copy from service label)

7001 2510 0007 6760 2657

A. Received by (Please Print Clearly) B. Date Delivery

X Deana Dunn 6-24-02

C. Signature

X 

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83405

ATTN: 29-13351

RECEIVED
MICROFILMED
OCT 10 1983
Department of Water Resources
Eastern District Office

1340 171E



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 29-13351 IN THE) NOTICE OF
NAME OF ROBERT M WARDLE) PREHEARING CONFERENCE**

The Department has scheduled this matter for a prehearing conference at 9:30 a.m. on July 18, 2002, at the Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls, ID, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

- 1. Identify spokesman and/or counsel representing the protestant.**
- 2. Review of the application.**
- 3. Identify issues of protest.**
- 4. Designate date for identifying witnesses.**
- 5. Designate target date for conducting administrative hearing if resolution
is not possible during the prehearing conference.**

The hearing will be conducted in a facility, which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within ten (10) days prior to the conference.

MICROFILMED

NOTICE OF PREHEARING CONFERENCE 1

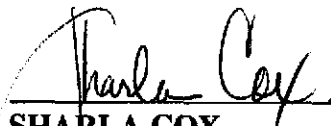
OCT 04 2002

Dated this th 19 day of June, 2002.



RONALD D. CARLSON
Regional Manager

I hereby certify that on the 20th day of June 2002, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:



SHARLA COX
Administrative Assistant

CERTIFIED MAIL

Robert M Wardle
2652 S Marsh Creek Rd
McCammon ID 83250

Curtis Dunn
PO Box 101
Inkom ID 83245

RECEIVED
OCT 04 2002

Robert M. Wardle
2652 S. Marsh Creek Road
McCammon, ID 83250

June 13, 2002

Harold Jones
Water Rights Supervisor
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

JUN 14 2002

Department of Water Resources
Eastern Region

RE: Application for Permit NO. 29-13351

Dear Harold

It is difficult to understand the basis of the protest by Mr. Dunn when he states:

"It is our opinion that if this claim is granted it would constitute an enlargement in use of the original right and reduce water for the original right holders."

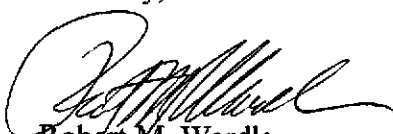
My application is not a request to enlarge my original right. It is a request for .02 CFS of unallocated Walker Creek water. Approval of the request will not reduce irrigation water for the original right holders because it does not take water away from the combined total of their rights (.98 CFS). It is a request for water that is not allocated and only water that is available after all original right holders have satisfied their rights.

I have obtained a license from the Idaho Fish and Game Department to place sterile rainbow trout in a pond fed by Walker Creek water. The request for the .02CFS is an attempt to insure the pond does not dry up due to an upstream Walker Creek water user diverting the entire Walker Creek water supply when the flow of Walker Creek is more than .98 CFS.

I am unable to resolve the protest directly with Mr. Dunn as you requested. Mr. Dunn has his own interpretation of his water rights which is not based on the Idaho Code.

Regrettably, you may have to proceed to schedule an informal conference. However, I encourage you or your representative to call Mr. Dunn and explain why my request is not an enlargement of my original right and certainly will not reduce the irrigation water of the original right holders. You may be successful in avoiding more time and money spent on such a groundless protest.

Sincerely,


Robert M. Wardle
(208) 254-9325

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OCT 04 2002



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

June 7, 2002

Robert M Wardle
2652 S Marsh Creek Rd
McCammon ID 83250

RE: Application for Permit No. 29-13351

Dear Applicant:

Enclosed are copies of a protest filed against the issuance of the above referenced applications. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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OCT 04 2002

Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

HAROLD W. JONES
Water Rights Supervisor

Enclosure

HWJ:sc

cc: IDWR - State Office

MICROFILMED

OCT 04 2002



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

June 7, 2002

Curtis Dunn
PO Box 101
Inkom ID 83245

RE: Applications for Permit No. 29-13351 for Robert M. Wardle

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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OCT 04 2002

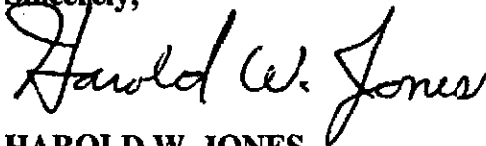
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

HAROLD W. JONES
Water Rights Supervisor

HWJ: sc

cc: IDWR - State Office

MICROFILMED

OCT 04 2002

PROOF OF PUBLICATION

STATE OF IDAHO

County of Bannock

NOTICE

LN8432

KAREN MASON

The following claim(s)
have been filed to
appropriate the pub-
lic waters of the
State of Idaho:

29-13351

ROBERT M. WARDLE
2652 S MARSH VAL-
LEY CREEK RD
MCCAMMON, ID
83250

Point(s) of Diversion:
SWNE S15 T08S
R36E, BANNOCK
County

Source WALKER
CREEK, Tributary to
MARSH CREEK

Use: RECREATION

01/01 TO 12/31 0.2
CFS

Use: RECREATION
STORAGE

01/01 to 12/31 0.1
AFA

Total Diversion: 0.2
CFS 0.1 AFA

Dated Filed:
04/30/2002

Place of Use: RECRE-
ATION AND REC-
REATION STOR-
AGE

T08S R36E S15
SWNE

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

Any protests against
the approval of this
application must be
filed with the Direc-
tor, Dept. of Water
Resource, Eastern
Region, 900 N. Sky-
line Dr., Ste A, Idaho
Falls, ID 83402 to-
gether with a protest
fee of \$25.00 for
each application on
or before June 3,
2002. The protestant
must also send a
copy of the protest to
the applicant.

KARL J. DREHER, Di-
rector
May 216, 23, 2002
LN8432

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States
of America, more than 21 years of age, and the Principal Clerk
of THE IDAHO STATE JOURNAL, a daily newspaper,
printed and published at Pocatello, Bannock County, Idaho, and
having a general circulation therein.

That the document or notice, a true copy of which is
attached, was published in the said IDAHO STATE
JOURNAL, on the following dates, to-wit:

MAY 16	2002	2002
MAY 23	2002	2002
	2002	2002
	2002	2002

That said paper has been continuously and uninterruptedly
published in said County for a period of seventy-eight
weeks prior to the publication of said notice of advertisement
and is a newspaper within the meaning of the laws of Idaho.

Karen Mason

STATE OF IDAHO COUNTY OF BANNOCK

On this 23RD DAY of MAY in the year of 2002, before
me, a Notary Public, personally appeared KAREN
MASON, known or identified to me to be the
person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements
therein are true, and acknowledge to me that she executed the
same.

Lori A. Schot
Notary Public for Idaho

Residing at POCATELLO

My commission expires :FEBRUARY ,2003

MICROFILMED

MAY 24 2002

RECEIVED

MAY 28 2002

Department of Water Resources
Eastern Region

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information. 29-13351

1. Matter being protested Robert M. Wardle's claim for 0.2 CFS
of Walker Creek water for Recreation use.
2. Name of protestant Curtis Dunn
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address P.O. Box 101, INKOM, Idaho 83245
5. Service telephone no. (208) 254-3660

6. Basis of protest (including statement of facts and law upon which the protest is based)

Idaho Code 42-202B. It is our opinion that if this
claim is granted it would constitute an enlargement
in use of the original right and reduce water for the
original right holders.
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest?

Denial of Claim

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22nd day of May, 2002

Curtis Dunn
Protestant

Protestant's Representative

MICROFILMED
OCT 04 2002

E027777
5/22/02

within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code, and the new use is a beneficial use, which in the case of a municipal provider shall be satisfied if the water right is necessary to serve reasonably anticipated future needs as provided in this chapter. The director may consider consumptive use, as defined in section 42-202B, Idaho Code, as a factor in determining whether a proposed change would constitute an enlargement in use of the original water right. The director shall not approve a change in the nature of use from agricultural use where such change would significantly affect the agricultural base of the local area. The transfer of the right to the use of stored water for irrigation purposes shall not constitute an enlargement in use of the original right even though more acres may be irrigated, if no other water rights are injured thereby. A copy of the approved application for change shall be returned to the applicant and he shall be authorized upon receipt thereof to make the change and the original water right shall be presumed to have been amended by reason of such authorized change. In the event the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code.

(3) Upon proper showing before the director of the department of water resources of good and sufficient reason for nonapplication to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) additional years.

(4) Application for an extension shall be made before the end of the five (5) year period upon forms to be furnished by the department of water resources and shall fully describe the right on which an extension of time to resume the use is requested and the reasons for such nonuse and shall be accompanied by the statutory filing fee; provided that water rights protected from forfeiture under the provisions of section 42-223, Idaho Code, are exempt from this requirement.

(a) Upon the receipt of such application it shall be the duty of the director of the department of water resources to examine the same and to provide notice of the application for an extension in the same manner as applications under section 42-203A, Idaho Code. The notice shall fully describe the right, the extension which is requested and the reason for such nonuse and shall state that any person desiring to object to the requested extension may submit a protest, accompanied by the statutory filing fee as provided in section 42-221, Idaho Code, to the director of the department of water resources within ten (10) days of the last date of publication.

(b) Upon receipt of a protest it shall be the duty of the director of the department of water resources to investigate and conduct a hearing thereon as in this chapter provided.

(c) The director of the department of water resources shall find from the evidence presented in any hearing, or from information available to the department, the reasons for such nonuse of water and where it appears to the satisfaction of the director of the department of water resources that other rights will not be impaired by granting an extension of time within which to resume the use of the water and good cause appearing for such nonuse, he may grant one (1) extension of five (5) years within which to resume such use.

(d) In his approval of the application for an extension of time under

MICROFILMED

OCT 4 2002

this section the director of the department of water resources shall set the date when the use of water is to be resumed. Sixty (60) days before such date the director of the department of water resources shall forward to the applicant at his address of record a notice by certified mail setting forth the date on which the use of water is to be resumed and a form for reporting the resumption of the use of the water right. If the use of the water has not been resumed and report thereon made on or before the date set for resumption of use such right shall revert to the state and again be subject to appropriation, as provided in this section.

(e) In the event the director of the department of water resources determines that a proposed extension of time within which to resume use of a water right shall not be approved as provided in this section, he shall deny same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(5) Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to change the point of diversion, place, period of use or nature of use of water under an established right or an application for an extension of time within which to resume the use of water as provided in this section, may, if a protest was filed and a hearing held thereon, seek judicial review pursuant to section 42-1701A(4), Idaho Code. If no protest was filed and no hearing held, the applicant may request a hearing pursuant to section 42-1701A(3), Idaho Code, for the purpose of contesting the action of the director and may seek judicial review of the final order of the director following the hearing pursuant to section 42-1701A(4), Idaho Code.

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Idaho Statutes

TITLE 42 IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION CHAPTER 2

APPROPRIATION OF WATER -- PERMITS, CERTIFICATES, AND LICENSES -- SURVEY

42-222. CHANGE IN POINT OF DIVERSION, PLACE OF USE, PERIOD OF USE, OR NATURE OF USE OF WATER UNDER ESTABLISHED RIGHTS -- FORFEITURE AND EXTENSION -- APPEALS. (1) Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change. Such application shall be upon forms furnished by the department and shall describe the right licensed, claimed or decreed which is to be changed and the changes which are proposed, and shall be accompanied by the statutory filing fee as in this chapter provided. Upon receipt of such application it shall be the duty of the director of the department of water resources to examine same, obtain any consent required in section 42-108, Idaho Code, and if otherwise proper to provide notice of the proposed change in the same manner as applications under section 42-203A, Idaho Code. Such notice shall advise that anyone who desires to protest the proposed change shall file notice of protests with the department within ten (10) days of the last date of publication. Upon the receipt of any protest, accompanied by the statutory filing fee as provided in section 42-221, Idaho Code, it shall be the duty of the director of the department of water resources to investigate the same and to conduct a hearing thereon. He shall also advise the watermaster of the district in which such water is used of the proposed change and the watermaster shall notify the director of the department of water resources of his recommendation on the application, and the director of the department of water resources shall not finally determine the action on the application for change until he has received from such watermaster his recommendation thereof, which action of the watermaster shall be received and considered as other evidence.

When the nature of use of the water right is to be changed to municipal purposes and some or all of the right will be held by a municipal provider to serve reasonably anticipated future needs, the municipal provider shall provide to the department sufficient information and documentation to establish that the applicant qualifies as a municipal provider and that the reasonably anticipated future needs, the service area and the planning horizon are consistent with the definitions and requirements specified in this chapter. The service area need not be described by legal description nor by description of every intended use in detail, but the area must be described with sufficient information to identify the general location where the water under the water right is to be used and the types and quantity of uses that generally will be made.

When a water right or a portion thereof to be changed is held by a municipal provider for municipal purposes, as defined in section 42-202B, Idaho Code, that portion of the right held for reasonably anticipated future needs at the time of the change shall not be changed to a place of use outside the service area, as defined in section 42-202B, Idaho Code, or to a new nature of use.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change ~~does not~~ constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources

2007 04 2002



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

May 08, 2002

STATE OF IDAHO
DEPT OF FISH & GAME
1345 BARTON RD
POCATELLO, ID 83204

Application to Permit No. 29-13351

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 June 3, 2002.

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

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

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OCT 04 2002



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

May 08, 2002

ROBERT M WARDLE
2652 S MARSH VALLEY CREEK RD
MC CAMMON ID 83250

RE: Application for Permit No 29-13351

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 State Journal on May 16 and 23, 2002. Submittal of protests to this application will be allowed for a period ending ten days (June 3, 2002) 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.

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

Sincerely,
Harold W. Jones

Harold W Jones
Water Right Supervisor

HWJ:sc

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OCT 04 2002



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

May 08, 2002

Legal Notice Department
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO ID 83204

RE: Application for Permit No. 29-13351

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 June 3, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
5/8/02
se*

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OCT 04 2002

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

29-13351

ROBERT M WARDLE
2652 S MARSH VALLEY CREEK RD
MC CAMMON ID 83250

Point(s) of Diversion: SWNE S15 T08S R36E, BANNOCK County
Source WALKER CREEK, Tributary To MARSH CREEK

Use: RECREATION 01/01 To 12/31 0.2 CFS

Use: RECREATION STORAGE 01/01 To 12/31 0.1 AFA

Total Diversion: 0.2 CFS 0.1 AFA

Date Filed: 04/30/2002

Place Of Use: RECREATION and RECREATION STORAGE

T08S R36E S15 SWNE

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 June 3, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 16 and 23, 2002

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