



Point of Diversion
Place of use

14 15

15 16

T3N R40E

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MAR 10 2004

Proof of Publication The Post Register

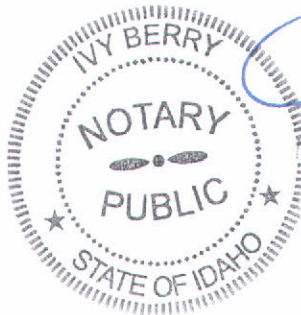
State of Idaho
County of Bonneville

I, ~~Dani Moore or Danae Jacobsen~~, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 20TH day of NOVEMBER 2003, last publication having been made on the 27TH day of NOVEMBER 2003 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Dani Moore

Subscribed and sworn to before me, this 15TH day of DECEMBER 2003



Ivy Berry
Notary Public

My commission expires January 10, 2009

PUBLIC NOTICE

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

25-14001

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318
Point(s) of Diversion: NWSWSW S15
T03N R40E, BONNEVILLE County
Source GROUND WATER
Use: DOMESTIC

01/01 To 12/31 0.08 CFS
Total Diversion: 0.08 CFS

Date Filed: 11/10/2003
Place Of Use: DOMESTIC
T03N R40E S15 SWSW

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 December 8, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published: November 20, 27, 2003

RECEIVED

DEC 05 2003

Department of Water Resources
Eastern Region

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MAR 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 25-14001

Priority: November 10, 2003

Maximum Diversion Rate: 0.08 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318

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	0.08 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼SW¼SW¼ Sec. 15, Twp 03N, Rge 40E, B.M., BONNEVILLE 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	
03N 40E 15												X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2008**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 2 homes.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of December, 2003.

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MAR 10 2004


Acting for **KARL J DREHER, Director**

DEC 16 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

1. Name of Applicant Bureau of Reclamation Phone 208-678-0461
 Mailing address 1359 Hansen Ave, Burley, ID 83318
2. Source of water supply Well - Groundwater which is a tributary of —
3. Location of point of diversion is Township 3N Range 40E Sec. 15, in the NW 1/4, SW 1/4, SW 1/4, Govt. Lot —, B.M., Bonneville County;
 additional points of diversion if any: NA
4. Water will be used for the following purposes:
- | | |
|---------------------------------------|--|
| Amount <u>.08</u> for <u>Domestic</u> | purposes from <u>1 Jan</u> to <u>31 Dec</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>—</u> for <u>—</u> | purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>—</u> for <u>—</u> | purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>—</u> for <u>—</u> | purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>—</u> for <u>—</u> | purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) .08 cubic feet per second and/or (b) — acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Well & Pump to a distribution system for 2 homes at Pine Dam Site
- b. Height of storage dam — feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet
- c. Proposed well diameter is 8" inches; proposed depth of well is 200 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? NO; Drilling firm —;
 Well was drilled for (well owner) —; Drilling Permit No. —
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW.
 - Stockwatering; list number and kind of livestock.
 - Municipal; show name of municipality.
 - Domestic; show number of households. 2
 - Other; describe fully. —

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 MAR 10 2004

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	
3N	40E	15											D						

Total number of acres to be irrigated NA

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? U.S. Gov't - Bureau of Reclamation

b. Who owns the land to be irrigated or place of use? U.S. Gov't - Bureau of Reclamation

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: Includes irrigation of 1/2 acre of lawn per home - use will not exceed
IC 42-111a

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.

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MAR 10 2004

Ch. Ketchum, Deputy Area Manager
Signature of Applicant (and title, if applicable)

Received by AMS Date 11/10/2003 Time 12:10 Preliminary check by AMS

Fee \$ 100.00 Receipted by CK # E029240 Date 11/10/03

Publication prepared by Sc Date 11/20 & 11/27/03 Published in Post Register

Publication approved Sc Date 12/9/03



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MAR 10 2004



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

December 18, 2003

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318

RE: Permit No. 25-14001

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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
MAR 10 2004

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,

for Kay Walker
Shelle W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

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MAR 10 2004

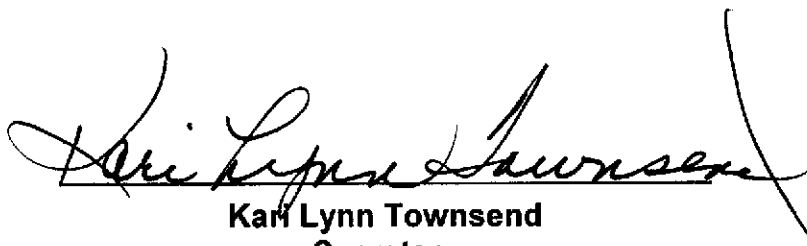
CERTIFICATE OF SERVICE

I hereby certify that on December 18, 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.

25-14001

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318



Karl Lynn Townsend
Secretary

MICROFILMED

MAR 10 2004

**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).

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MAR 10 2004

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.

RECEIVED

DEC 16 2003

Department of Water Resources

Dist for Staffing

Submitted for advertising

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

Bureau of Rec (Pirie Dam)

INITIAL REVIEW BY JMD DATE 12 Nov 2003 APPLICATION NO. 25-14001

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 ☐ 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

Nov 10, 2003

By: K. Regal Waters

Date: 12/10/2003

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

Proof of Publication The Post Register

State of Idaho
County of Bonneville

I, Dan Moore ~~or Danae Jacobsen~~, first being duly sworn, depose and say: That I am the Production Supervisor ~~or Asst. Prod. Supervisor~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the first day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

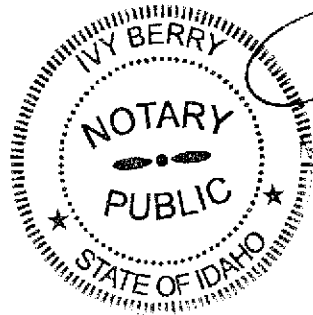
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Dan Moore

Subscribed and sworn to before me, this 1ST day of DECEMBER 2003

[Signature]
Notary Public

My commission expires January 10, 2009



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KARL J DREHER, Director

Published: November 20, 27, 2003

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NOV 20 2003

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MAY 10 2004



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
November 12, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318

RE: Application for Permit No 25-14001

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 Post Register on November 20 and 27, 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,


W. Roger Warner
Water Right Supervisor

WRW:sc

MICROFILMED
MAR 10 2004



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

November 12, 2003

Legal Notice Department
POST-REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

RE: Transfer No. 70350, 70351 and 70355
Application for Permit No. 25-14001

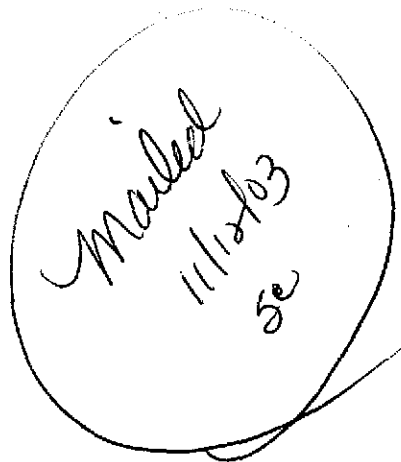
Dear LEGAL NOTICE DEPARTMENT:

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 December 8, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



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KARL J DREHER, Director

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