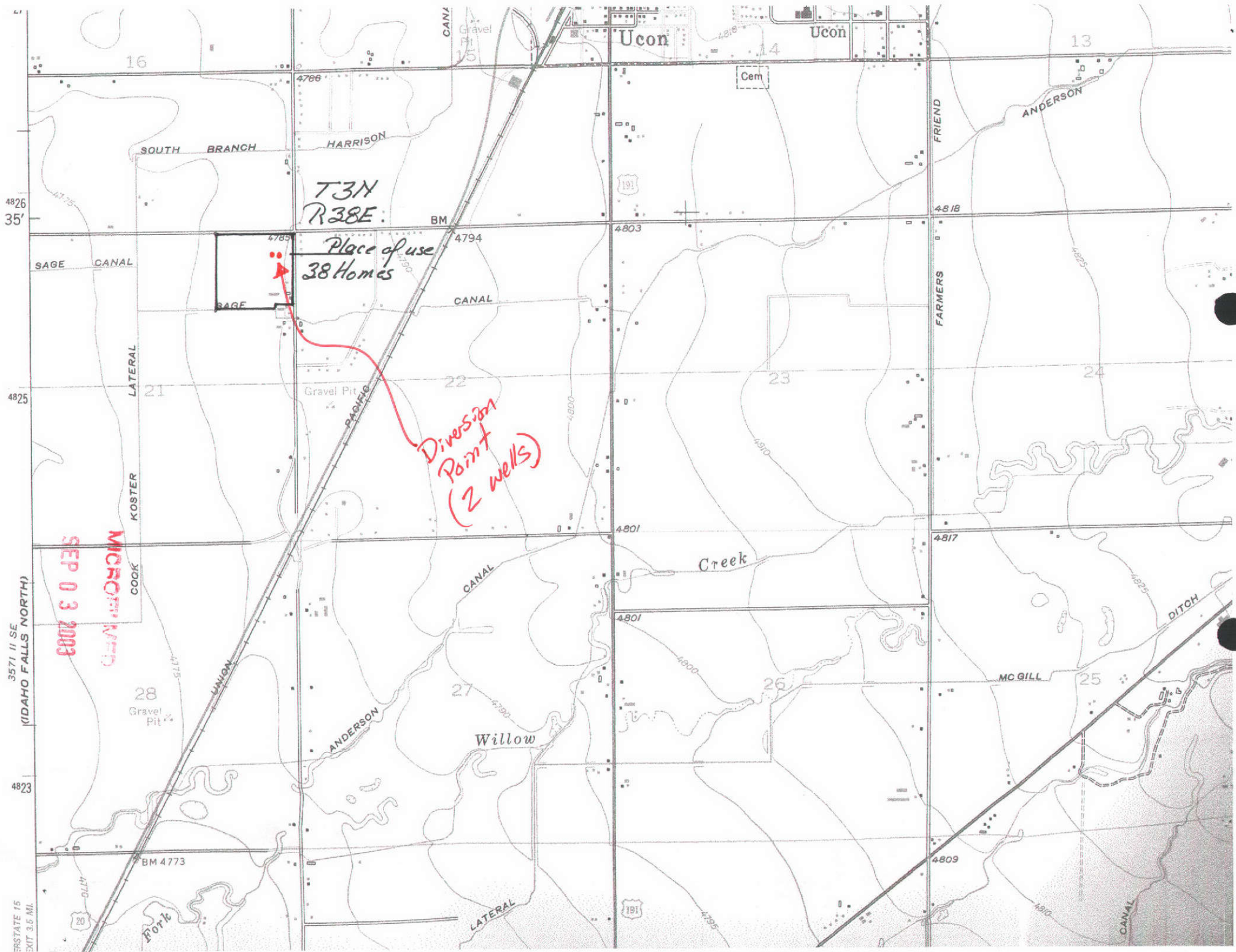




3571 II SE
(IDAHO FALLS NORTH)
EXIT 3.6 MI
STATE 15

SEP 03 2003
MICROFILMED

T3N
R38E

Place of use
38 Homes

Diversion
Point
(2 wells)

Ucon

Ucon

13

16

SOUTH BRANCH

HARRISON

Cem

ANDERSON

FRIEND

FARMERS

SAGE CANAL

LATERAL

KOSTER

COOK

Gravel Pit

Gravel Pit

CANAL

CANAL

Creek

DITCH

MCGILL

Willow

Fork

BM 4773

BM

4794

4803

4818

4801

4817

4801

4809

191

20

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 25-13984

Priority: March 13, 2003

Maximum Diversion Rate: 0.55 CFS

This is to certify, that RUSS DONAHOO
PO BOX 34
UCON ID 83454

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	0.55 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, Twp 03N, Rge 38E, B.M., BONNEVILLE County

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, Twp 03N, Rge 38E, B.M., BONNEVILLE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 38E 21	X																

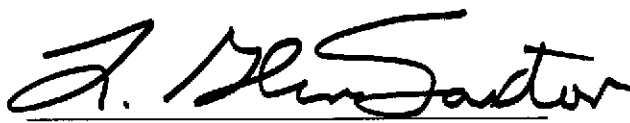
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2008**.
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. 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.
5. Points of diversion are located within Lot 13, Blk. 2; and Lot 13, Block 3, Fairview Estates Subdivision No. 1.
6. Place of use is located within Lots 1-11, & 13-15, Blk. 1; Lots 1-12, Blk. 2; and Lots 1-12, Blk. 3; Fairview Estates Subdivision No. 1.
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.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
9. Domestic use is for 38 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of June, 2003

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SEP 03 2003


for KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 20-121
Application ID 70536
RECEIVED

JUN 10 2000

To appropriate the public waters of the State of Idaho

P.O. Box 34, Ucon Idaho 83454

Department of Water Resources

1. Name of Applicant Russ Donahoe Phone 208 243 0545
Mailing address 3440 East 107 North, Idaho Falls, Idaho 83401
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 3N Range 38E Sec. 21 in the NE 1/4, NE 1/4, _____ 1/4, Govt. Lot _____, B.M., Boonville County; additional points of diversion if any: 2 points of diversion (2 wells tied to a distribution system) in the NENE.
4. Water will be used for the following purposes: in the NENE.

Amount <u>.55</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 _____ 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) .55 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 two ten inch wells, two hundred feet in depth. Submersible pumps tied to a common distribution system
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 10 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? _____; 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):
 - 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. 38 households - average lot size of .324 acres

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SEP 03 2003

APL
3/31/03

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	38E	21	D																

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? Russ Donahoo

b. Who owns the land to be irrigated or place of use? Applicant: Russ Donahoo

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: _____

Contact: Ryan Loffus, Aspen Engineering: 542-1911 339-1911

irrigation is included in the total of 12.31 acres.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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



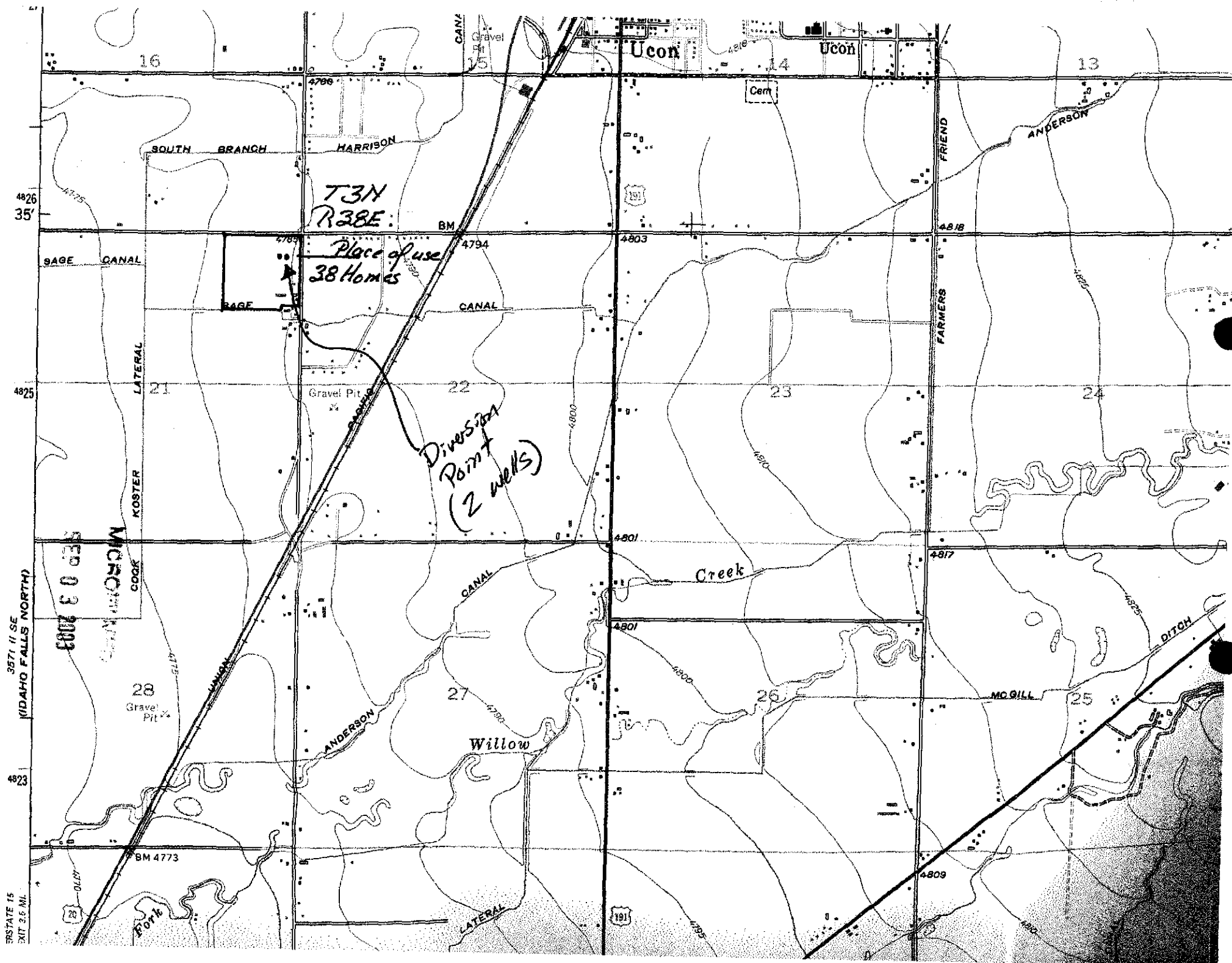
Signature of Applicant (and title, if applicable)

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SEP 03 2003

Received by AMD Date 13 March 03 Time 1:58 PM Preliminary check by AMD

Fee \$ 250.00 Receipted by AMD # ED28560 Date 13 Mar 03
 Publication prepared by SC Date 5/19/03 Published in Post Regis
 Publication approved SC Date 5/14/03





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

June 24, 2003

RUSS DONAHOO
PO BOX 34
UCON ID 83454

RE: Permit No. 25-13984

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.

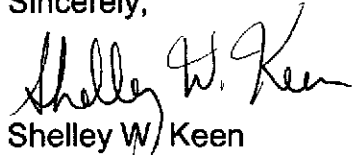
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SEP 03 2003

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,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

cc: ASPEN ENGINEERING

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SEP 03 2003

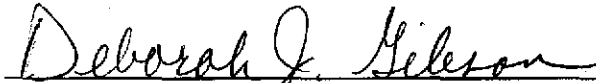
CERTIFICATE OF SERVICE

I hereby certify that on June 24, 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. 25-13984

**RUSS DONAHOO
PO BOX 34
UCON ID 83454**

**ASPEN ENGINEERING
ATTN RYAN LOFTUS
10265 N DORIAN AVE
IDAHO FALLS ID 83401**

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

**Deborah J. Gibson
Administrative Assistant**

**MICROFILMED
SEP 03 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.

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SEP 03 2003

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.

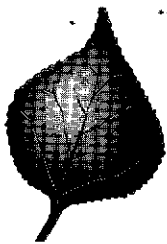
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: June 13, 2003
To: Water Right File 25-13984
From: dgibson
Re: Permit Review

6/13/03 verified questions regarding application with Ryan Loftus, Aspen Engineering. He informed me that the two diversion points are located on Lots 13, of Blocks 2 & 3. That no residence or irrigation will be on Lot 12, of Block 1, because that lot is required by the county as a future right-of-way. Lot 1 of Block 4 will not be developed with this phase of this subdivision. The lot will be developed when the developer buys the adjoining land. That lot will be included with that part of the next phase. Also, he verified that this subdivision has 38 resident lots.

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SEP 03 2003



Aspen Engineering, Inc.

RECEIVED

JUN 23 2003

Department of Water Resources

10265 N. Dorian Avenue • Idaho Falls, Idaho 83401

Phone: (208) 542-1911 • Cell: (208) 339-1911

Fax: (208) 542-1922

June 18, 2003

Shelley Keen
Idaho Department of Water Resources
1301 N. Orchard
Boise ID 83706

RE: Water Right Application #25-13984/Russ Donahoo

Dear Mr. Keen:

There are several barriers that prevent using currently available surface water to irrigate the proposed Fairview Estates Subdivision. They include absence of a waste conveyance facility, rotating availability of water, insufficient volume, and inadequate/uncontrollable regulation devices.

Currently there are 20 inches of surface water available from the Progressive Irrigation District via the Sage Creek drainage ditch. The water is delivered to the southeast corner of the property and then runs north along the east boundary and then west along the north boundary. As situated, there is no waste ditch to return water to the canal. Regulation is made by Progressive Irrigation at a diversion from the main canal upstream of the subject property at a rate requested by shareholders. It takes approximately 2 hours from the time regulation changes are made at the headgate before the effect is realized downstream at the subject property. With only a handful of shareholders watering larger acreages (10 or more) this situation is easily controlled and flooding on the lowest lands is not a problem, however with a potential of 38 new users it is likely that property damage from flooding would occur along with wasting the water. Creation of a waste ditch is not available to the owner (Russ Donahoo) because no canal frontage or easements are in his possession or available for his use.

Rotating schedules have been established by the current shareholders to maximize the available head and reduce intermittent regulation changes. The rotating schedule means there isn't always water in the ditch. However, assuming the other shareholders would cooperate and leave the allocated 20 inches in the ditch this would provide less than five gallons (4.7 gpm) per minute per household. On average this would be sufficient but if one homeowner ran two garden hoses at once (approx. 8 gpm) or tried to utilize a sprinkler system (10 to 20 gpm) a shortage would be realized by someone else. Alternatively during off-peak hours when demand is very light the excess water would flood adjoining lands unless Progressive was willing to adjust/close the headgate on an hourly basis. Noting that the official position of Progressive Irrigation is to maintain lands for irrigation, a large concentration of users combined with limited flow regulation capabilities and no waste ditch form a dangerous combination.

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JUN 23 2003

Page 2 of 2
Shelley Keen, IDWR
June 18, 2003

When I pursued petitioning out of the irrigation district at the time of platting, I was informed that it was all or nothing. The developer did not/does not desire to use groundwater to irrigate undeveloped land and therefore retained the available shares for irrigation of ground that would not be developed immediately. Upon completion of the development, petition to be removed from the district will be made and the surface water shares will be relinquished. During my conversation today with Progressive Irrigation it may be possible to reduce the shares for the development area in phases. If this is desirable to IDWR I will pursue the issue further.

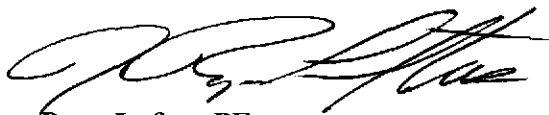
Installation of a pressurized irrigation system is also not feasible due to the fluctuation in available water and again, no place to send unused water. A large surge pond would reduce the severity of both of these obstacles but presents other undesirable effects including stagnant water (odor), potential mosquito infestation, and safety/liability concerns.

In summary Mr. Donahoo does not currently posses the ability to create a waste facility to return unused surface water to the canal or other conveyance system. Existing regulation control devices are not adequate to service 38 users on small parcels, and alteration is not feasible due to the fact that the diversion point is not located on the subject property or other properties currently under control of Mr. Donahoo. Cooperation of other shareholders to eliminate rotating water schedules is not likely because it reduces their capacity to irrigate their own lands.

I present these issues to you, reasserting the need to irrigate relatively small lots using groundwater. If you have other questions or need additional information please contact me.

Respectfully Submitted,

ASPEN ENGINEERING, INC.



Ryan Loftus, PE

CC: Russ Donahoo, MRD Ventures, LLC
Mick Donahoo, MRD Ventures, LLC

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SEP 03 2003

INTER-DEPARTMENT MEMO--1

FROM S. Keen

DATE 6/20/2003

TO Water Right File 25-13984

SUBJECT Surface Water Overlap

The applicant has historically irrigated the proposed place of use with water delivered by Progressive Irrigation District. For several years IDWR has required, where practical, that developers continue to use the surface water available to them. See Rule 020.06 of the draft statewide water management rules, which emphasizes the use of surface water first to maintain a source of ground water recharge and to minimize depletion of ground water. In this case, however, the applicant has provided good reasons why the surface water is impractical for this subdivision, particularly the fact that the water is on rotation and is available only a couple of days every couple of years.

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SEP 03 2003

Shelly Keen
SIGNATURE



Aspen Engineering, Inc.

10265 N. Dorian Avenue • Idaho Falls, Idaho 83401

Phone: (208) 542-1911 • Cell: (208) 339-1911

Fax: (208) 542-1922

June 18, 2003

Shelley Keen
Idaho Department of Water Resources
1301 N. Orchard
Boise ID 83706

RECEIVED

JUN 19 2003

Department of Water Resources

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JUN 19 2003

Page 2 of 2
Shelley Keen, IDWR
June 18, 2003

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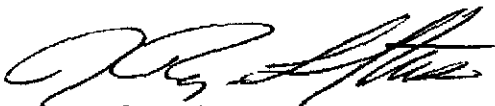
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Respectfully Submitted,

ASPEN ENGINEERING, INC.



Ryan Loftus, PE

CC: Russ Donahoo, MRD Ventures, LLC
Mick Donahoo, MRD Ventures, LLC

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MICROFILMED

SEP 13 2007

RECEIVED

JUN 10 2003

Department of Water Resources

Dist for Staffing

Submitted for advertising

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

*Russ Donovan
Fairview Estates*

INITIAL REVIEW BY *James Swan* DATE *13 March 03* APPLICATION NO. *25-13984*

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 DEQ
- ☐ 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
- ☐ Id Dept of Lands
- ☐ Adjudication Bureau Unit
- ☐ U.S. BLM
- ☐ U.S. Forest Service
- ☐ Water District
- ☒ Other *DEQ Idaho Falls*

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
☒ Yes	☐ No	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 recommendation

By:

STATE OFFICE REVIEW:

3-13-2003

Date:

6-3-2003

By:

Date:

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City

☐ County

☐ Reservations

☐ Id Fish & Game

☐ Id Health & Welfare

☐ Div. Of Environment

☐ Irrigation District

☐ Canal Company

☐ Other

Project impacts/implications report

COMMENTS

* Condition log? def

Proof of Publication The Post Register

RECEIVED
MAY 19 2003
Department of Water Resources
Eastern Region

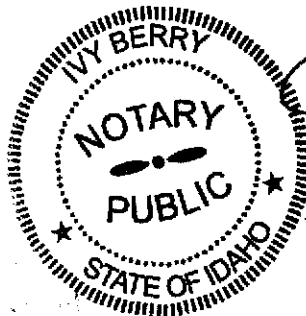
State of Idaho
County of Bonneville

I, Lynn Winter ~~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 1st day of MAY 2003, last publication having been made on the 8th day of MAY 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.

Lynn Winter

Subscribed and sworn to before me, this 14th day of MAY 2003



Ivy Berry
Notary Public

My commission expires January 10, 2009

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SEP 03 2003

PUBLIC NOTICE

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

25-13984

RUSS DONAHOO
PO BOX 34
UCON ID 83454
Point(s) of Diversion NENE
S21 T03N R38E

BONNEVILLE County
Source GROUND WATER

Use: DOMESTIC

01/01 To 12/31 0.55 CFS

Total Diversion: 0.55 CFS

Date Filed: 04/21/2003

Place Of Use: DOMESTIC

T03N R38E S21 NENE

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 May 19, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published: May 1, 8, 2003

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MAY 13 2003



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

APR 25 2003

Department of Water Resources
Eastern Region

900 North Skyline, Suite B • Idaho Falls, Idaho 83402-1718 • (208) 528-2650

Dirk Kempthorne, Governor
C. Stephen Allred, Director

April 25, 2003

MEMORANDUM

TO: Harold W. Jones, Water Rights Supervisor, Department of Water Resources

FROM: *Carl* Carlin Feisthamel, Water Quality Engineer, Division of Environmental Quality

SUBJECT: Application for Water Right #25-13984

We have reviewed the water right application for the proposed 38 household development. The following items will need to be addressed in order to meet DEQ approval:

Plans and Specifications:

- ◆ Since the water system will supply 38 households it will be considered a "public water system." All public water systems must submit, for approval, a complete set of plans and specifications for the proposed water system prior to construction. The plans and specifications must be prepared and certified by a professional engineer licensed to practice in the state of Idaho.

Minimum Well Standards:

- ◆ All wells used for a domestic water supply source must meet all of the minimum standard well requirements for public drinking water systems.

Well Site Approval:

- ◆ The DEQ shall be consulted prior to design and construction regarding a proposed well location as it relates to required separation between existing and potential sources of contamination and groundwater development.

New Source Monitoring:

- ◆ The DEQ requires that all newly developed sources for public water systems monitor the source to determine that the water is below the maximum

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SEP 03 2003

contaminant levels (MCLs), before delivering water to the public.

All of these items will need to be addressed before the DEQ will approve the proposed water system. If you have any questions feel free to contact me.

CF:cf

Cc: Greg Eager, DEQ-IF
Kellye Eager, D7HD

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SEP 03 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

April 23, 2003

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

Application to Permit No. 25-13984

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.

If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee by May 19, 2003.

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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SEP 03 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
April 23, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RUSS DONAHOO
PO BOX 34
UCON ID 83454

RE: Application for Permit No 25-13984

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 May 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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SEP 03 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

April 23, 2003

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

RE: Application for Permit No. 25-13984

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 May 19, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
4/23/03
sc*

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SEP 03 2003

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KARL J DREHER, Director

Published on May 1 and 8, 2003

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