

RECEIVED

FEB 26 2007

DEPARTMENT OF
WATER RESOURCES
101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

*ALSO MEMBER WY & IL BARS
**ALSO MEMBER UT BAR
***ALSO MEMBER CO BAR
†ALSO MEMBER D. C. BAR
‡ALSO MEMBER MO BAR
§ALSO MEMBER IL BAR
¶ALSO MEMBER WA BAR

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL*
JOHN B. INGELSTROM
DANIEL C. GREEN**
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN***
RICHARD A. HEARN, M.D.†
DAVID E. ALEXANDER††
LANE V. ERICKSON**
PATRICK N. GEORGE**
SCOTT J. SMITH
STEPHEN J. MUHONEN
BRENT L. WHITING
JUSTIN R. ELLIS
JOSHUA D. JOHNSON‡
JONATHAN S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN‡‡
THOMAS J. BUDGE
CANDICE M. MCHUGH***

February 21, 2007

Jeff Peppersack, Bureau Chief
Water Allocation Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *Permit No. 29-13733/Diamond T Ranch, L.L.C.*

Dear Jeff:

I represent Diamond T Ranch, L.L.C., which received from you a "Lapse Notice" dated January 19, 2007, with respect to Permit No. 29-13733. The Lapse Notice is untimely, appears to be a mistake and we request that it be withdrawn for the following reasons:

1. The Application for Permit No. 29-13733 was filed with IDWR Eastern Region on November 25, 2005. Attached is a copy of the Application for Permit and Receipt IDE031470.
2. The Application was published December 15 and 22, 2005, per the enclosed letter dated December 7, 2005 from Sharla Cox.
3. No protests were filed to the Application.
4. We understand the Application was forwarded to the State Office for final processing and that it has been approved, but we have yet to receive a copy of the approved

February 21, 2007

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Permit. I am unable to locate the permit on the website, perhaps because it has been removed as a result of the Lapse Notice.

In the event the permit was issued and the Lapse Notice is timely, we are enclosing the original and extra copy of a Request for Extension of Time together with filing fee in the amount of \$50. Please grant an extension of time and conform stamp and return the extra copy of the enclosed Request. Also enclosed is a copy of the Special Power of Attorney to me, the original of which is on file with Eastern Region/IDWR. If you have any questions, please contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall C. Budge". The signature is stylized with a large, looped "R" and a cursive "Budge".

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Diamond T Ranch, L.L.C.
Phillip Adams, Manager

SPECIAL POWER OF ATTORNEY

I, J. PHILLIP ADAMS, 1705 N. Highway 38, Brigham City, Utah 84302, Manager of Diamond T Ranch, LLC, do hereby designate and appoint Randall C. Budge, as my attorney in fact and agent (hereinafter "agent") to act in my name and for my benefit to do and execute all or any of the following acts, deeds and things:

1. **POWER TO FILE APPLICATIONS, FORMS, AND DOCUMENTS** To complete, file, and process any and all applications, forms, transfers, notices or other documents necessary with the Idaho Department of Water Resources and any and all other governmental agencies connected with the development of the real property described hereinafter, together with all water rights and other improvements thereon:

NW 1/4 of Township 9 South, Range 35 East, Section 22 located in Barnock County, Idaho

2. **INTERPRETATION** This instrument is to be construed and interpreted as a Special Power of Attorney with the enumeration of specific powers herein, intended to limit and restrict the powers herein granted my agent.

3. **RECORDING, REVOCABILITY AND EXPIRATION** This Power of Attorney may be recorded in the County where the real property is located and may be revoked only by a notice in writing executed by me and also recorded in said County.

Unless sooner revoked, this Power of Attorney shall expire on December 31, 2007, by governing law.

This Power of Attorney is executed and delivered in the State of Idaho, but the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 28th day of November, 2005.

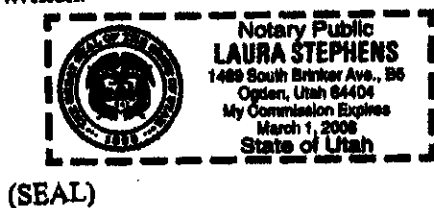

J. PHILLIP ADAMS

Manager of Diamond T Ranch, LLC

STATE OF UTAH)
 Weber : ss
 County of ~~Box Elder~~)

On this 28th day of November, 2005 before me, the undersigned, a Notary Public in and for said State, personally appeared J. PHILLIP ADAMS, Manager of Diamond T Ranch, LLC, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Laura Stephens
 NOTARY PUBLIC FOR UTAH
 Residing at: *Ogden, UT*
 My Commission Expires: *3/1/08*

RECEIVED
NOV 25 2005
Department of Water Resources
Eastern Region

Ident. No. 29-13733
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

FEB 26 2007

DEPARTMENT OF
WATER RESOURCES

To appropriate the public waters of the State of Idaho

1. Name of Applicant Diamond T Ranch, LLC Phone 801-624-1701
Mailing address 1705 N. Highway 38, Brigham City, UT 84302
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is Township 9S Range 35E Sec. 22 in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, _____ Govt. Lot _____ B.M., _____ County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .04 cfs for domestic 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source pump with electric motor

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? 2004; Drilling firm Franson, Michael - Lava Hot Springs;
Well was drilled for (well owner) applicant; Drilling Permit No. (being obtained) - will provide
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. one
e. Other; describe fully. _____

3. 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	
9S	35E	22					D												1/2

Total number of acres to be irrigated 1/2

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Diamond T Ranch, LLC

b. Who owns the land to be irrigated or place of use? Diamond T Ranch, LLC

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: Purpose is domestic use pursuant to Idaho Code §42-111

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.)

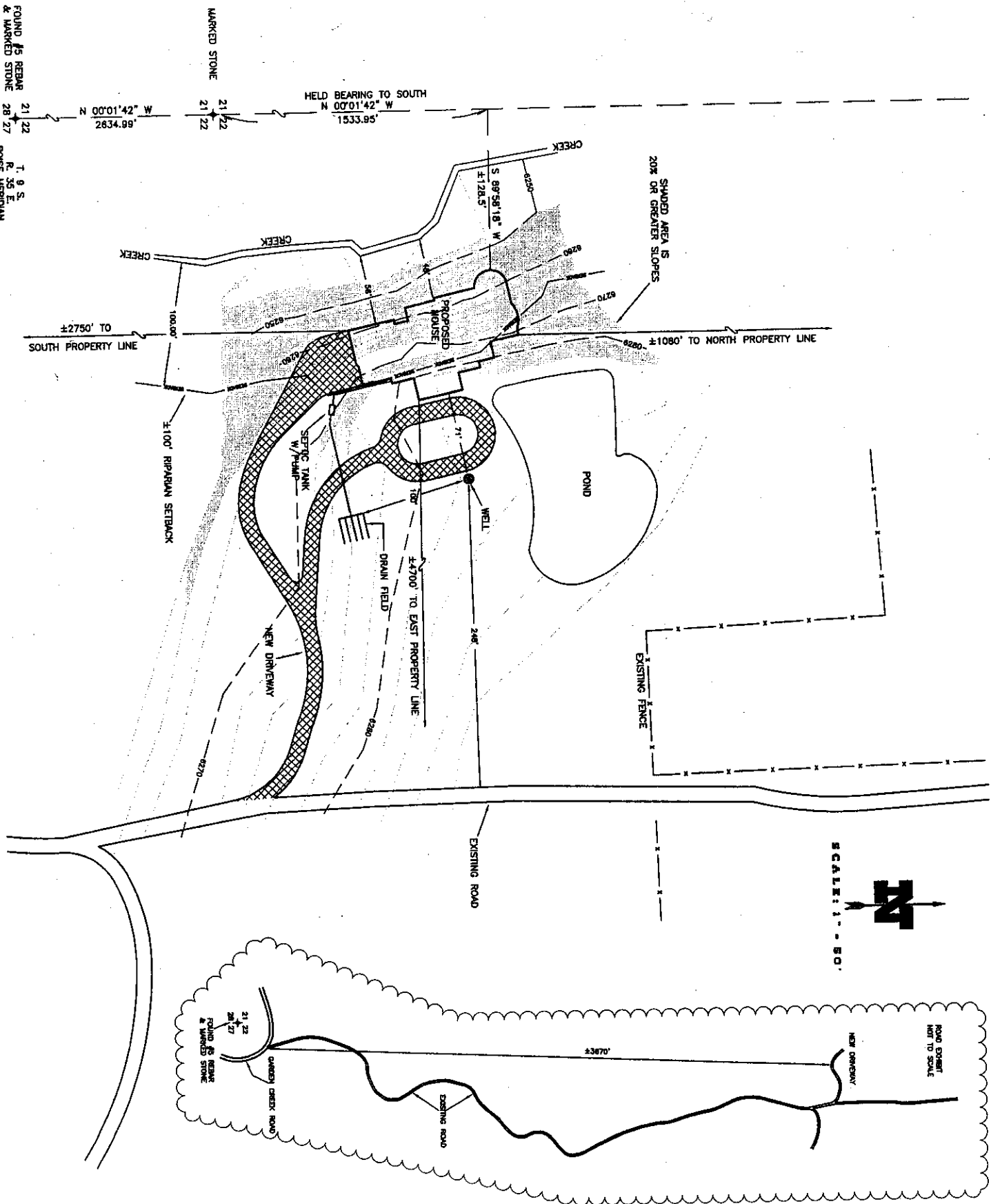
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Randall C. Budge, Attorney in Fact
Signature of Applicant (and title, if applicable)

For Applicant, P.O. Box 1391, POC., ID. 83201

Received by SC Date 11/25/05 Time _____ Preliminary check by _____
Fee \$ 100 Received by BC # E031470 Date 11/28/05
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

FOUND #5 REBAR
& MARKED STONE
21 22
28 27
T. 9 S.
R. 35 E.
BOISE MERIDIAN



PROPERTY SURVEY
CONSTRUCTION
TOPOGRAPHIC SURVEY
SITE PLANNING
CONSTRUCTION STAKING
WETLAND DELINEATIONS
CIVIL & ARCHITECTURAL
DRAWING

JSH
SURVEYING & DRAFTING INC.
P.O. BOX 300 • WELLSVILLE, UTAH 84339
(435) 245-9090 • FAX (435) 245-9986 • TOLL FREE 1-888-420-0288

**SITE PLAN
FOR
ADAMS**

DATE: 10/18/06
DRAWN BY: JSH
JOB NUMBER: 04-246
SCALE: 1" = 50'
SECTION: NW/4 OF SECT. 22
TOWNSHIP 9 S RANGE: 35 E
OF THE BOISE MERIDIAN

Randy

Idaho Department of Water Resources Receipt

Receipt ID E031470

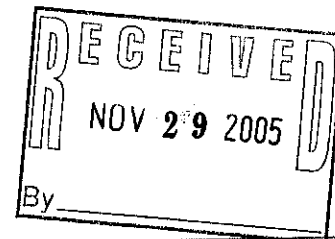
Payment Amount \$200.00 Date Received 11/28/2005 8:37:51 AM Region Eastern Status ☒ ☐
Payment Type Check Check Number 38689

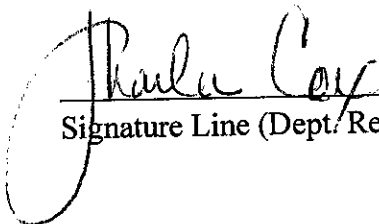
Payer RACINE OLSON NYE BUDGE & BAILEY, CHARTER

Comment 2 applications for permit, 1 irrigation and 1 domestic

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$200.00	PERMITS	0229	21	63103	1155




Signature Line (Dept/ Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

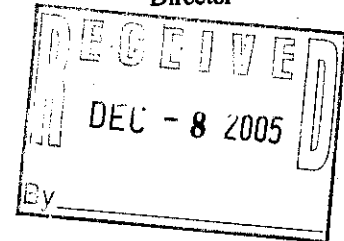
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
December 07, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DIAMOND T RANCH LLC
1705 N HWY 38
BRIGHAM CITY UT 84302



RE: Application for Permit No 29-13733

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 December 15 and 22, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Sharla Cox
Administrative Assistant

✓ CC: Racine Olson Nye Budge & Bailey
Randy Budge
PO Box 1391
Pocatello ID 83204