

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 13-07606

Priority: 11/02/2001

Maximum Diversion Rate: 0.09 CFS

This is to certify, that DAVID W JONES
5085 ARAPAHO
POCATELLO ID 83204

And/Or

LYNDA JONES
5085 ARAPAHO
POCATELLO ID 83204

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		3.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.09 CFS	
STOCKWATER	01/01 to 12/31	0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SPRING	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 7, Twp 13S, Rge 38E, B.M.	BANNOCK County
SPRING	NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 7, Twp 13S, Rge 38E, B.M.	BANNOCK County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	7	X			X													

PLACE OF USE: AESTHETIC 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	
13S	38E	7				X													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2004**.
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.

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State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 13-07606

CONDITIONS OF APPROVAL

4. Stockwater use is for 400 range cattle and bulls.
5. Aesthetic storage is for a 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 9th day of January, 2002


K. J. Dreher
for KARL J DREHER, Director

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JAN - 7 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant DAVID W. JONES AND LYNDIA S. JONES Phone 232-49116
Mailing address 5085 ARAPAHO POCAHONTO IDAHO 83204
2. Source of water supply Springs which is a tributary of Sinks
3. Location of point of diversion is Township 13S Range 38E Sec. 07, in the NW 1/4, NW 1/4, NE 1/4, Govt. Lot _____, B.M., Bannock County;
additional points of diversion if any: 07 SWNWNE (Spring)
4. Water will be used for the following purposes:
- | |
|--|
| Amount <u>0.09 cfs</u> for <u>stockwater</u> purposes from <u>01/01</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>0.09 cfs</u> for <u>Diversion to storage</u> purposes from <u>01/01</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>3.5 AF</u> for <u>Aesthetic storage</u> purposes from <u>01/01</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) 0.09 cfs and/or (b) ~~5.00~~ acre feet per annum
cubic feet per second
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source two spring AREA INTO A DITCH/COLLECTION BOX 2" PIPELINE TO 2-500 gallon stock tanks to
- b. Height of storage dam 6.0 feet; active reservoir capacity 3.5 AF acre-feet; total A one half ACRE POND.
reservoir capacity 3.5 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? _____; 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 2 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. 400 CATTLE AND BULLS
 - Municipal; show name of municipality.
 - Domestic; show number of households. aesthetic
 - Other; describe fully. Pond for recreation use

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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	
13S	38E	07	S	S		R (POND)													
		07			or S														

Total number of acres to be irrigated 0.0

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? claimant

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

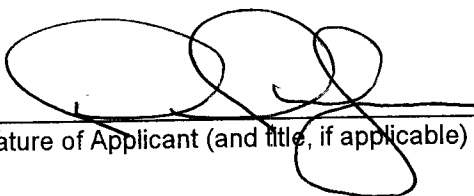
12. Remarks: _____

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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X 
 Signature of Applicant (and title, if applicable)

Received by DC Date 11/2/2001 Time 3:00pm Preliminary check by _____

Fee \$ 100.00 Received by EO27240 DC # EO27240 Date 11/2/2001

Publication prepared by SC Date 12/6 & 12/13/01 Published in Idaho State Journal

Publication approved SC Date 12/17/01

11S 38E

173.3

RANGE 38 EAST

TOWNSHIP 13 SOUTH

Spring AREA

Spring AREA

#356
DAVID JONES
T706

Stock TROUGH

HEL

stock trough

2
21.5 HEL

3
48.4
DAM/POND
HEL

2
85.4

3
52.1
HEL

Betty Gamble
CRP 87-90
#307 CN#18
F2 14.1
HEL
BETTY GAMBLE
CRP 87-90
#307 CN#18
F3 33.9
NHEL

Betty Gamble
CRP 80-90
#307 CN#18
F1 39.5
H

5
22
HEL

Betty Gamble
CRP 87-90
#307 CN#18
F.G. 22.5
NHEL

5
33.8
HEL

7
18
8
17

SEE L24

6
216.2

22
137.4

SCALE: 8" = 1 mile

1" = 660 feet

**NOW
STARTING
RIGHT
SIDE OF
FILE**



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

January 8, 2002

DAVID W JONES
LYNDA JONES
5085 ARAPAHO
POCATELLO ID 83204

RE: Permit No. 13-7606

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.

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.

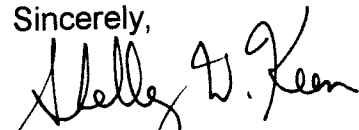
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Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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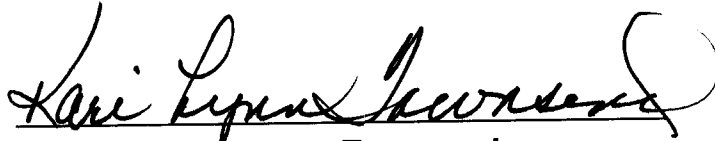
FEB 04 2002

CERTIFICATE OF MAILING

I hereby certify that on January 8, 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. 13-7606

DAVID W JONES
LYNDA JONES
5085 ARAPAHO
POCATELLO ID 83204



Kari Lynn Townsend
Secretary

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**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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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.

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RECEIVED

DEC 17 2001

Department of Water Resources
Eastern Region

PROOF OF PUBLICATION

STATE OF IDAHO

County of Bannock

LN7934

KAREN MASON

NOTICE

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

13-7606

DAVID W. JONES
LYNDA JONES
5085 ARAPAHO
POCATELLO, ID
83204

Point(s) of Diversion:
NWNWNE S7 T13S
R38E, BANNOCK
County
SWNWNE S7 T13S
R38E, BANNOCK
County

Source: SPRINGS,
Tributary to SINKS

Use: STOCKWATER 01/01 To
12/31 0.09 CFS

Use: AESTHETIC
01/01 to 12/31 0.09
CFS

Use: AESTHETIC
01/01 to 12/31
3.5 AFA

Total Diversion: 0.09
CFS 3.5 AFA

Date Filed: 11/09/2001

Place of Use: STOCKWATER

T13S R38E S7 NENE
NENE SENE

Place of Use: AESTHETIC

T13S R38E S7 SENE

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline Dr., Ste A, Idaho Falls, ID 83402 together with a protest

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:

<u>DECEMBER 6</u>	, 2001	<u> </u>	, 2001
<u>DECEMBER 13</u>	, 2001	<u> </u>	, 2001
<u> </u>	, 2001	<u> </u>	, 2001
<u> </u>	, 2001	<u> </u>	, 2001

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 13TH DAY of DECEMBER in the year of 2001, 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 he executed the same.

Joni A. Skot
Notary Public for Idaho

Residing at POCATELLO

My commission expires: FEB. 2003

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fee of \$25.00 for
each application on
or before December

24, 2001. The prot-
estant must also
send a copy of the
protest to the appli-
cant.

KARL J. DREHER, Di-
rector
December 6, 13, 2001
LN7934

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FEB 0 - 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

November 28, 2001

Jody Williams
Kruse Landa & Myacock
50 W Broadway 8th Floor
Salt Lake City UT 84101

RE: Application for Permit #13-07606

Dear Jody:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is December 24, 2001, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

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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 28, 2001

DAVID W. JONES
5085 ARAPAHO
POCATELLO ID 83204

LYNDA JONES
5085 ARAPAHO
POCATELLO ID 83204

RE: Application for Permit No 13-7606

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 6 and 13, 2001. 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.

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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FEB 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

November 28, 2001

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

RE: Application for Permit No. 13-7606

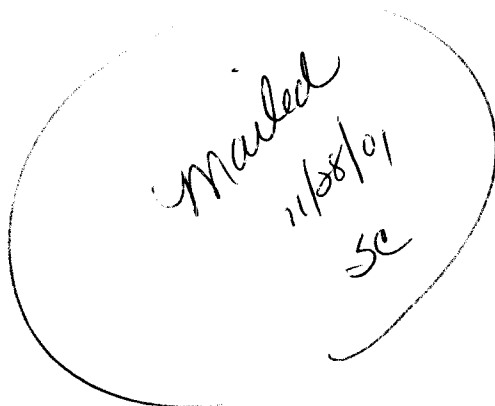
Dear LEGAL NOTICE DEPARTMENT:

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 24, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



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

13-7606

DAVID W. JONES
LYNDA JONES
5085 ARAPAHO
POCATELLO ID 83204

Point(s) of Diversion: NWNWNE S7 T13S R38E, BANNOCK County

SWNWNE S7 T13S R38E, BANNOCK County

Source SPRINGS, Tributary To SINKS

Use: STOCKWATER	01/01 To 12/31 0.09 CFS	
Use: AESTHETIC	01/01 To 12/31 0.09 CFS	
Use: AESTHETIC	01/01 To 12/31	3.5 AFA
Total Diversion:	0.09 CFS	3.5 AFA

Date Filed: 11/09/2001

Place Of Use: STOCKWATER

T13S R38E S7 NENE NWNE SENE

Place Of Use: AESTHETIC

T13S R38E S7 SENE

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 24, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on December 6 and 13, 2001

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