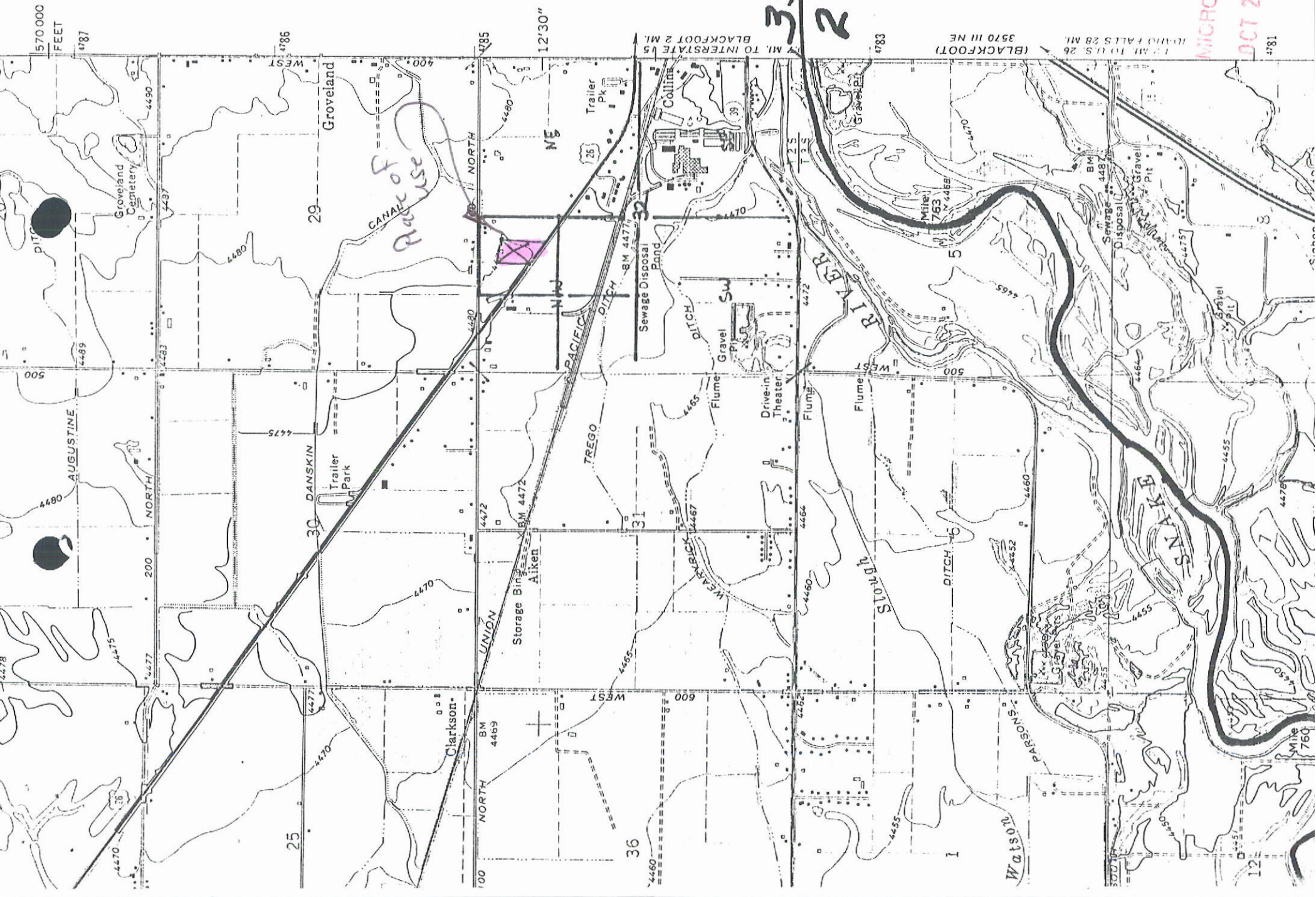




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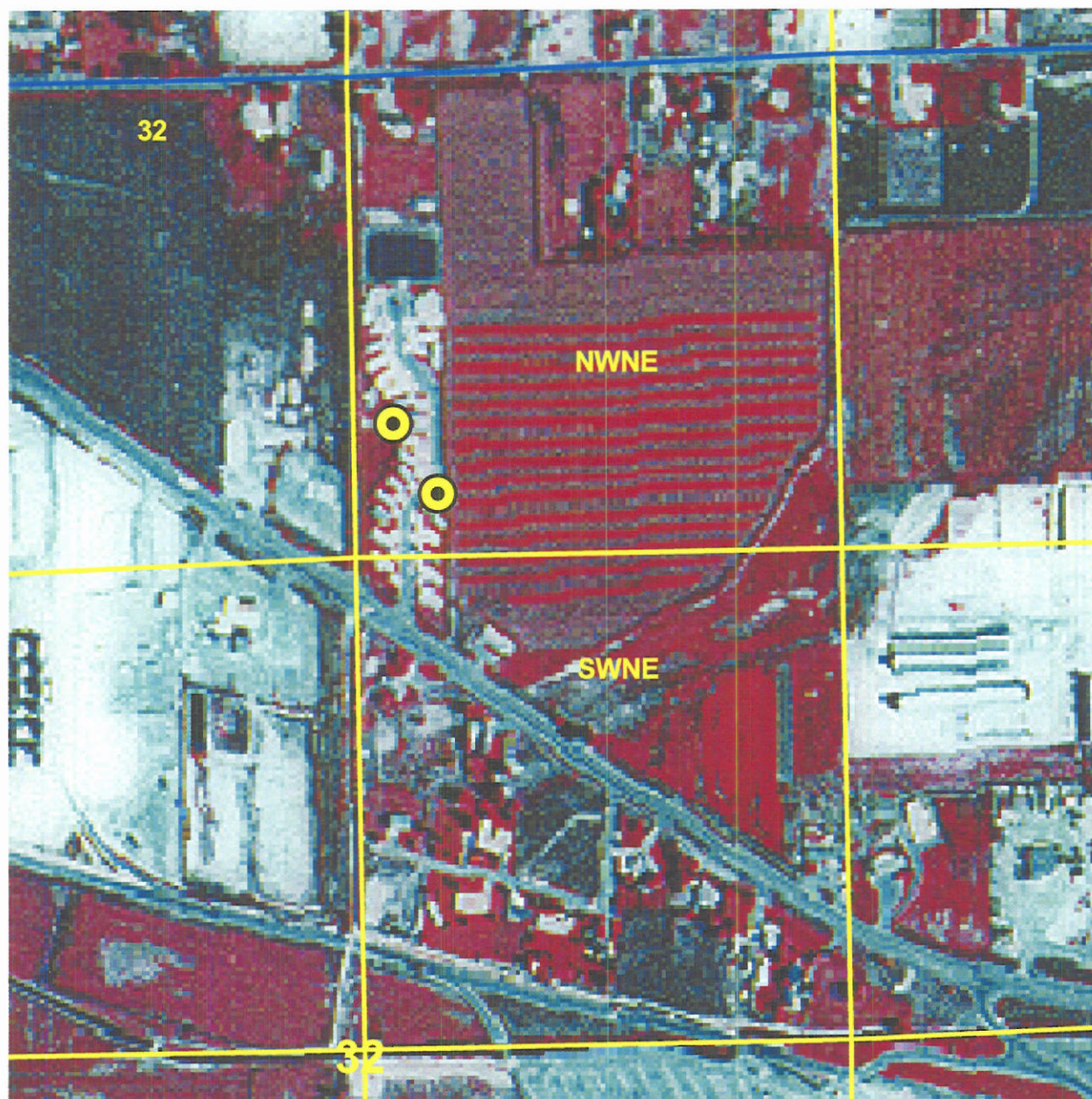
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OCT 22 1937

1981

35-7639, 35-09067

02S, 35E, SEC. 32



 **POINT OF DIVERSION**



PLACE OF USE

MICROFILMED

AUG 15 2002



35-9067 well #1 original well listed

35-7639

pressure tank in well house

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AUG 15 2002



33-9067 - well #2
used together with well #1

MICROFILMED

AUG 15 2002

Legal
AFFIDAVIT OF
PUBLICATION

County of Bingham)

State of Idaho) ss

I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot,
aforesaid for more than one year past;
that said newspaper heretofore complied
with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published to-
wit: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive weeks
the first publication having been made on
the 9th day of Sept.
1997, and the last publication having
been made on the 11th day of
Sept. 1997; that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

Jacqueline Graham
22nd
On this 22nd day of Sept., in
the year 1997, before me a Notary
Public of said State, personally appeared
Jacqueline Graham

known or identified to me to be the per-
son whose name is subscribed to the with-
in instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that he executed the same.

Sydney M. Hall
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

October 16, 2002.

Affidavit Processing Fee. \$5.00

NOTICE OF APPLICATION
FOR WATER RIGHT

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

35-09067

WISHNEY, David
WISHNEY, Susan
WISHNEY, Peter
P.O. Box 837
Boise, Idaho 83701
Source: GROUNDWATER
Diversion Pt.: NENW, Sec. 32, T. 02S,
R35E, in BINGHAM County.
Use: DOMESTIC (0.250 CFS)
Total Diversion: (0.250 CFS).
Date Filed: 8/18/1997
In: Bingham County
T02S, R35E, S32, NENW

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the applicant and the Director, Dept. of
Water Resources, along with a \$25.00 fil-
ing fee, Eastern Region, 900 N. Skyline,
Idaho Falls, Idaho, 83402, on or before
SEPTEMBER 22, 1997.

KARL J. DREHER
Director

(3423)
Pub.: 9/4, 11

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SEP 24 1997

Department of Water Resources
Eastern Region

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OCT 22 1997

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-09067

Priority: August 18, 1997

Maximum Diversion Rate: 0.16 CFS
Maximum Diversion Volume: 31.2 AF

It is hereby certified that DAVID WISHNEY And/Or PETER WISHNEY And/Or SUSAN WISHNEY
PO BOX 837
BOISE ID 83701-0837 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 18, 1997; and have
submitted Proof of Beneficial Use on August 06, 2001. An examination indicates that the works have a
diversion capacity of 0.41 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.16 CFS	31.2 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼NE¼	Sec. 32, Twp 02S, Rge 35E, B.M., BINGHAM County
GROUND WATER	NW¼NE¼	Sec. 32, Twp 02S, Rge 35E, B.M., BINGHAM 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	
02S	35E	32		X		X													

CONDITIONS OF APPROVAL

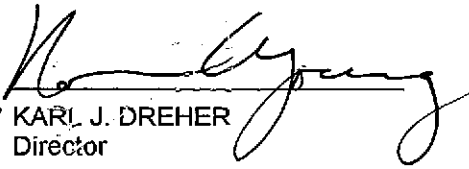
1. Domestic use is for 26 homes.
2. Place of use is located within Idle Wheels Mobile Home Park.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each lot upon which a home has been erected. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been erected.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 7TH day of AUGUST, 2002.

MICROFILMED

AUG 15 2002

Acting for 
KARL J. DREHER
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 35-09067

RECEIVED**AUG - 5 2002**

Department of Water Resources

Date of Priority: August 18, 1997**Maximum Diversion Rate:** 0.16 CFS**Maximum Diversion Volume:** 31.2 AF

Comes now DAVID WISHNEY And/Or PETER WISHNEY And/Or SUSAN WISHNEY
PO BOX 837

BOISE ID 83701-0837 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 35-09067, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.16 CFS	31.2 AF

LOCATION OF POINTS OF DIVERSION:GROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, Twp 02S, Rge 35E, B.M., BINGHAM CountyGROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, Twp 02S, Rge 35E, B.M., BINGHAM 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	
02S	35E	32		X	X														

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 1st day of August, 2002.


(Signature)

MICROFILMED

AUG 15 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-09067

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$50.00 Received by JM # C065724 Date 8/5/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-09067 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. Domestic use is for 26 homes.
3. Place of use is located within Idle Wheels Mobile Home Park.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each lot upon which a home has been erected. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been erected.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

Witness my hand this 7TH day of AUGUST, 2002.

Acting for 
KARL J. DREHER
Director

N.

Aug 1 2002

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AUG - 6 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 35-09067 Telephone No. (208) 336-5955
2. Name of Permit Holder(s): DAVID WISHNEY, SUSAN WISHNEY, & PETER WISHNEY
3. Mailing Address: P.O. BOX 827
City BOISE State ID Zip 83701
4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 8 / yr. 98
Well Driller: INDEPENDENT DRILLING Drilling Permit Number: 35-98-E-0073-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 25 Stockwater (No. and type of stock): 0
Irrigation (No. of acres): 4 Other: Irrigation area includes 25 home sites.
6. Total rate of diversion and/or volume for which proof is submitted: .25 cfs OR acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not** optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes XX or No
Has the measuring device been installed? Yes XX or No
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: RON MELTON Telephone Number:
Address: 447 W. 100 N. Blackfoot, Idaho
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Partner Date: 8-3-01
(include your title, if on behalf of company or organization)

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OCT 02 2001

RECEIVED
Form No. 204
7/94
AUG 13 1999

For Office Use Only
\$50 Fee Received by 1lu
Date 9/13/99
Receipt No. 1041300

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 35-09067

Name(s) of Permit Holder: DAVID WISHNEY, SUSAN WISHNEY, PETER WISHNEY

Mailing Address: P.O. Box 837, Boise, IDAHO 83701

Date Proof is Due: 10-1-99 Telephone No. (208) 336-5955

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

ALL WORK, INCLUDING THE WELL, PUMP, BACK FLOW PREVENTER, AND
COMMUNITY DELIVERY SYSTEM HAS BEEN COMPLETED AND IS OPERATIONAL. HOWEVER
ONLY ONE-HALF OF THE NEWLY DEVELOPED HOMESITES ARE OCCUPIED AS
OF THIS DATE. Costing \$ 25,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

MARKETING OF THE NEW HOMESITES WAS DELAYED DUE TO CONSTRUCTION
DELAYS. WE WERE UNABLE TO PLACE HOMES ON THE LOTS DURING THE
WINTER.

Permit holder(s) request an extension to 10-1-2000, 19 2000.

FEE: \$50.00

David Wishney
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 2001.

MICROFILMED

SEP 22 1999

Signed this 9th day of September, 19 99

J. Shaw Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 35-09067

Proposed Priority: August 18, 1997

Maximum Diversion Rate:

0.25 CFS

This is to certify, that SUSAN WISHNEY
DAVID WISHNEY
PETER WISHNEY
PO BOX 837
BOISE ID 83701-0837

has applied for a permit to appropriate water from: GROUNDWATER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.25 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 32, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: DOMESTIC

TWN RGE SEC

02S 35E 32

NENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1999.
2. Subject to all prior water rights.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
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.
8. Two points of diversion are located within NENW, S32, T02S, R35E.
9. Place of use is located within Idle Wheels Mobile Home Park.
10. Domestic use is for 35 mobile 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

9th day of October, 1997

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OCT 22 1997

Karl J. Dreher
for Karl J. Dreher, Director

Ident. No. 35-9067

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
OCT 01 1997

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant David Wishney and/or Susan Wishney and/or Peter Wishney Phone (208) 336-5955
Post Office address P.O. Box 837, Boise, ID 83701
2. Source of water supply Ground Water which is a tributary of n/a
3. Location of point of diversion is NE 1/4 of NW 1/4 of 1/4, Govt. Lot
Sec. 32 Township 02S Range 35E B.M. Bingham County; additional points of
diversion if any: * 2 pds in same 1/4. see #12. Remarks.
4. Water will be used for the following purposes:
Amount 0.25 cfs for purposes from Jan 1 to Dec 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)
5. Total quantity to be appropriated is (a) .25 CFS and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, Pump, Pressure Tanks,
Delivery System
b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total
reservoir capacity n/a acre-feet; period of year when water will be diverted to storage:
n/a to n/a inclusive.
c. Proposed well diameter is 8 inches; proposed depth of well is 90 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 n/a
Well was drilled for (well owner)
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):
a. Hydropower; show total feet of head and proposed capacity if KW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households. 35 new homesites
e. Other; describe fully.

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AUG 18 1997

Department of Water Resources
Eastern Region

MICROFILMED
OCT 22 1997

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	35E	32					D												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. This is an enlargement of existing right no. 35-07639 to accommodate 35 new homesites.

11. a. Who owns the property at the point of diversion? David Wishney, et al

b. Who owns the land to be irrigated or place of use? David Wishney, et al

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: A portion of the property is under contract of purchase from Whitney Johnson.

12. Remarks: Applicant intends to expand an existing mobile home parl of 25 homesites, served by Permit No. 35-07639, to 60 total homesites, with the construction of a second well.

13. MAP OF PROPOSED PROJECT ATTACHED X Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

David Wishney
(Applicant)

Received by HWT Date 8-18-97 Time _____ Preliminary check by _____

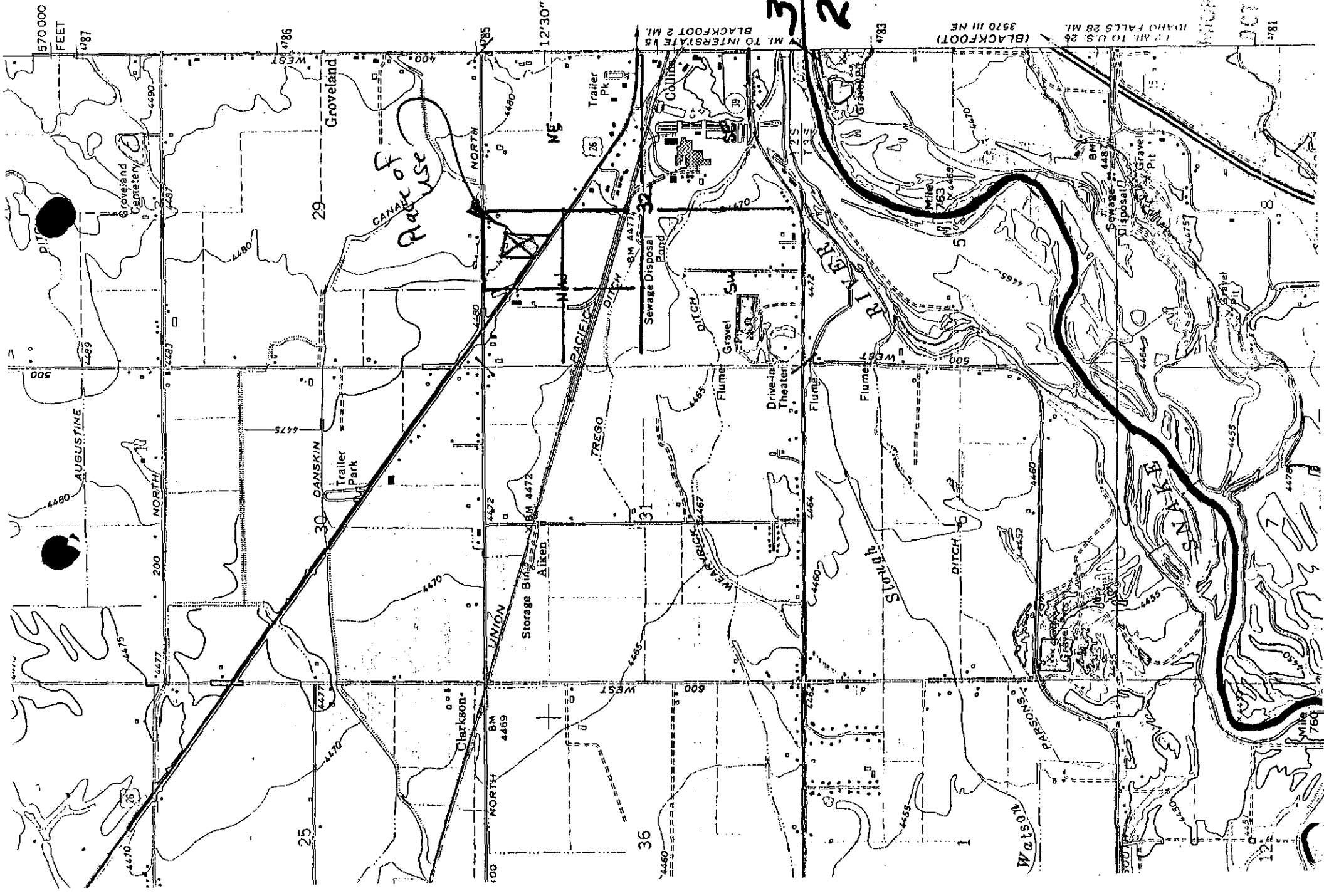
Fee \$ 5023528 Received by _____ Date _____ # _____

Publication prepared by RB Date 9-4-97 Published in Morning News

Publication approved RB Date 9-29-97

MICROFILMED

OCT 22 1997



PHOTOFILMED
JUL 22 1967

5-29-1997 3:08PM

FROM R. MOSAC, INC. 208 343 2001

MAY-29-1997 14:08

IDA BEAN COMMISSION

208 2442 P.02

May 29, 1997

TO WHOM IT MAY CONCERN:

This shall serve to confirm that Whitney Johnson and Donna Johnson, "Sellers" under that certain Purchase And Sale Agreement bearing ID# 016229, dated May 8, 1997, do hereby authorize David Wishney and/or his assigns, "Buyer" under said Agreement, to apply for any and all permits and licenses necessary to construct and operate upon the real property which is the subject matter of said Agreement, a domestic well of sufficient size and capacity to serve Buyer's proposed development of the property.

Whitney Johnson
Whitney Johnson

Donna Johnson
Donna Johnson

TOTAL P.02

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OCT 22 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 9, 2002

DAVID WISHNEY
PETER WISHNEY
SUSAN WISHNEY
PO BOX 837
BOISE ID 83701-0837

RE: License No. 35-9067 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

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 cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

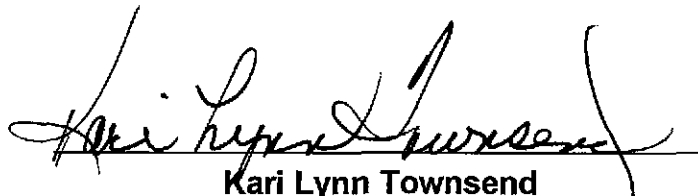
MICROFILMED

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-9067

**DAVID WISHNEY
PETER WISHNEY
SUSAN WISHNEY
PO BOX 837
BOISE ID 83701-0837**


**Kari Lynn Townsend
Secretary**

AUG 15 2002
MICROFILMED
AUG 15 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

MICROFILMED

AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2002

DAVID WISHNEY
PETER WISHNEY
SUSAN WISHNEY
PO BOX 837
BOISE ID 83701-0837

RE: Water Right Permit No. 35-09067

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

- ☒ Point(s) of Diversion
- ☒ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure(s)

MICROFILMED

AUG 15 2002

LICENSE REVIEW CHECKLIST

Permit No. 35-9067

Date: 7-29-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: change

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.25 cfs

Fee Limit 1.9 cfs

Measured 0.41 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 0.16

Season of Use per new Standards

Water Uses OK

Change (P46)

Irrigation _____ cfs _____ af

Stockwater _____ cfs _____ af

Domestic 0.16 cfs 31.2 af 26 x 1.2 =

_____ cfs _____ af 31.2

_____ cfs _____ af

Total 0.16 cfs 31.2 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (642)

Fire (677)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: W01, 070, 071

Additional Conditions YES

Watermaster Control 120

_____ GW Measurement/Measuring Device

_____ Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist? _____

Water Mgmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice P49

S06

Comment Report

35-9067

1. dcarlson 7/9/2002 field report narrative

Comment: 2 wells/pumps to trailer park. 50 spaces. two 5 hp franklin electric submersible pumps to pressure tanks
50 trailer spaces total.

2. kwalker 7/29/2002 Overlapping Right

Comment: The system was originally developed under Rt. 35-07639. That license covered one of the wells under 35-9067. Examiner found the wells located in NWNE, S32, rather than NENW, S32, as licensed and decreed under 35-7639. Until a transfer is filed to correct 35-7639 we should not show an overlap at the point of diversion.

3. CZIMMERM 10/3/1997 DIVERSION DESCRIPTION

Comment: A portion of the property is under contract of purchase from Whitney Johnson. Applicant intends to expand an existing mobile home park of 25 homesites, served by Right No. 35-0639, to 60 total homesites, with the construction of a second well. 2 wells, 1 existing, 1 proposed, with pumps, pressure tanks, and delivery system. Per telecon w/ Dave Wishney, irrigation will be about 83,000 sq. ft. total or 2400 sq. ft. per mobile.

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AUG 15 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-07639

NAME AND ADDRESS: DAVID WISHNEY
PETER E WISHNEY TRUST
SUSAN WISHNEY
PO BOX 837
BOISE, ID 83701

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JAN 20 1999

Department of Water Resources
Adjudication Bureau

SOURCE: GROUNDWATER

QUANTITY: 0.25 CFS
28.80 AFY

PRIORITY DATE: 09/03/1976

POINT OF DIVERSION: T02S R35E S32 NENW Within Bingham County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE 24
Domestic 25 HOUSEHOL PERIOD OF USE 01-01 TO 12-31

QUANTITY
0.25 CFS
28.80 AFY

= 1.2 AF/unit

PLACE OF USE: Domestic Within Bingham County
T02S R35E S32 NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

B. Wood

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that IDLE WHEEL MOBILE ESTATES

Beneficial Use _____ Period of Use _____ Rate of Diversion _____ Annual Volume _____
 Domestic from January 1 to December 31 at 0.25 cfs and 28.8 acre feet
 (24 units) from _____ cfs and _____
 from _____ at _____ cfs and _____
 (non-exclusive)

Subject, however, to the condition that no more than 0.25 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and entitled to for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 28.8 acre feet per year, said waters to be diverted within the NE 1/4, Sec. 32, Twp. 2S, Rge. 35E, B.M. in the County of Bingham

Description and location of place of use:

[illegible]**Total number of acres irrigated**

$$24 \times 1.2 \text{ AF/A} =$$

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of January, 19 80.

Design

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AUG 15 2002

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JUL 22 2002

Department of Water Resources
Page 1

Permit No: 35-9067

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 35-9067

Exam Date: 7/8/2002

1. Current Owner: PETER WISHNEY
PO BOX 837
BOISE ID 83701-0837
(208)336-5955

DAVID WISHNEY
PO BOX 837
BOISE ID 83701-0837
(208)336-5955

SUSAN WISHNEY
PO BOX 837
BOISE ID 83701-0837
(208)336-5955

2. Accompanied by: Ron melton

Phone No:

Address:

Relationship to Permit Holder: manager

3. SOURCE

TRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 35-7639, canal water
2. Other water rights with the same point of diversion: 35-7639

C. DIVERSION AND DELIVERY SYSTEM

— Two wells/pumps
wrong

1. LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

BINGHAM County

NE1/4NW1/4

Sec. 32, Twp 02S, Rge 35E, B.M.

Method of Determination:

GPS/GIS/NAPP PHOTO NW NE Sec 32
NW NE Sec 32

2.

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	
02S	35E	32		X	X														

↑
wrong

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two wells/pumps in NWNE sec 32.

Franklin Electrical 5hp submersible pumps
40-60psi

35-7639 one well 24 units (trailer)

0.25 cfs 28.8 AF/A

* field exam in error POW/POD in wrong legal description
will file transfer to correct this decreed right.

This permit the POW and POD are in error

POD's are in NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 32.

POW is in NW $\frac{1}{4}$ NE $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 32.

50 total trailer spaces.

this permit additional 26 mobile homes

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Method of Determination:

3. ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge</u> <u>Size</u>
Franklin Elec	5 hp			submersible pump	
Franklin Elec	5 hp			submersible pump	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

<u>Measurement</u> <u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>

2. Measurements:

2nd well
 designed for 70 gpm (engineering plans) = 0.16 cfs
 theor. cal = $\frac{(5\text{hp})(6.16)}{35 + 60(2.31)} = .18 \text{ cfs}$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

Measured Method:

use engineering plans for 70 gpm or 0.16 cfs
 second well.

1st well measured at 0.25 cfs 35-7639

total cfs would be 0.41 cfs

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AUG 15 2002

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

$$35-7639 - 0.25 \text{ cfs } 28.8 \text{ AF/A } (24 \times 1.2)$$

$$\text{This permit } 26 \text{ trailer spaces} = 31.2 \text{ AF/A } (1.2)(26)$$

$$\text{totals } .41 \text{ cfs } 60 \text{ AF/A}$$

G. NARRATIVE/REMARKS/COMMENTS

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
DOMESTIC	1/01 to 12/31	0.16 0.250 CFS	31.2 AF/A
	Totals:	0.16 0.250 CFS	31.2 AF/A

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Dave Carlson Date 7/17/2002

Reviewer [Signature] Date 7-17-2002

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AUG 15 2002

35-7639, 35-09067

02S, 35E, SEC. 32



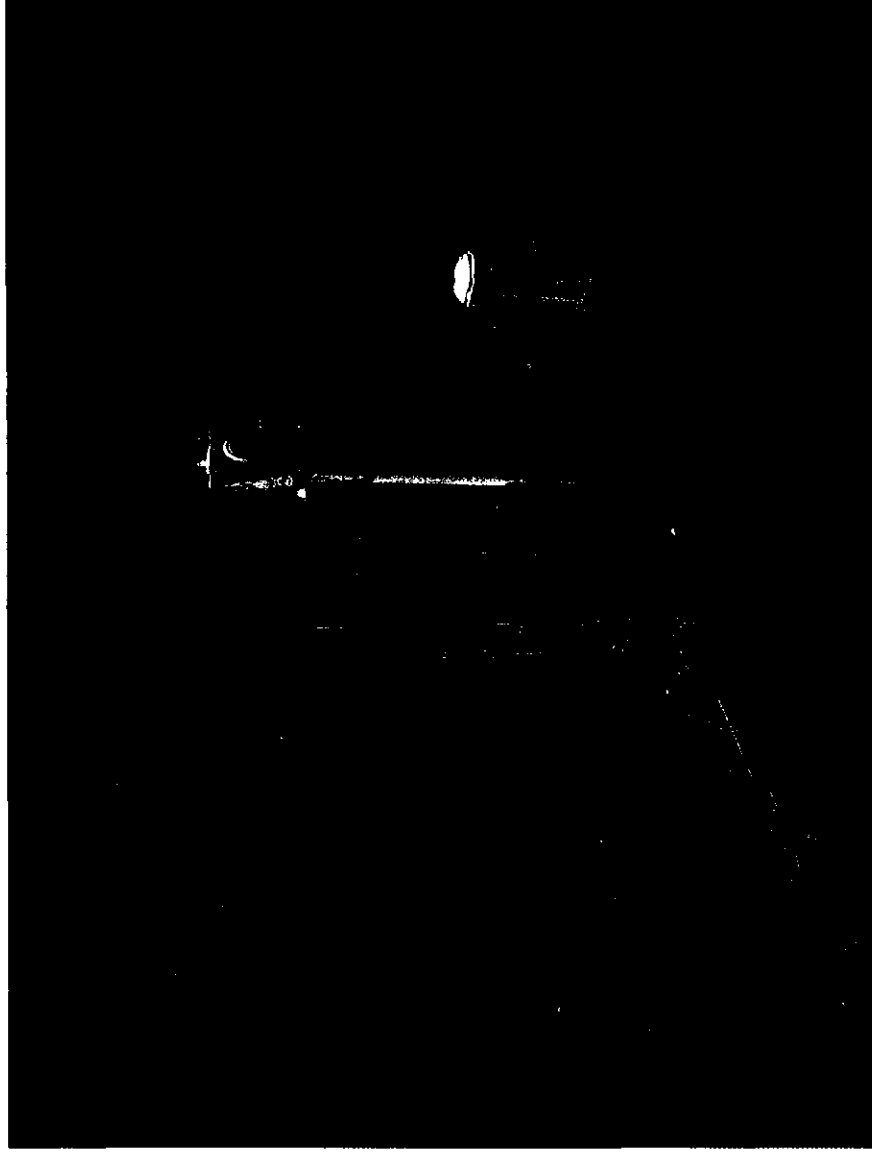
POINT OF DIVERSION



PLACE OF USE

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AUG 15 2002



35-9067 well #1 original well listed

35-7639

pressure tank in well house

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AUG 15 2002



35-9067 - well #2
used together with well #1

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AUG 15 2002

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
_____ 1/4	_____ 1/4	_____ 1/4	
Lat: _____	Long: _____	_____	

1. WELL TAG NO. D 00004981
DRILLING PERMIT NO. 35-98-E-0073-000
Other IDWR No. _____

2. OWNER:
Name David Wishney / Idle Wheels
Address PO Box 837
City Boise State ID Zip 83701

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		Twp. <u>2</u>		North ☐ or South ☒	
E		Rge. <u>35</u>		East ☒ or West ☐	
S		Sec. <u>32</u>		1/4 <u>NE 1/4</u> <u>MU 1/4</u>	
		Gov't Lot _____		County <u>Cingham</u>	
		Lat: _____		Long: _____	
		Address of Well Site <u>Hwy 26</u>		City <u>Blackfoot</u>	

(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
Bentonite	0	40	12 Sacks		Annular

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) -46
Was drive shoe seal tested? ☒ Y ☐ N How? Air

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	-46	1250	Steel	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
Screens _____ Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner

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10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

39 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
100+			

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
8	0	4	TOP SOIL		X
8	4	28	Sand & gravel		X
8	28	34	Brown clay		X
8	34	46	Firm grey Basalt		X
6	46	67	Firm " "		X
6	67	69	Fractured Grey Basalt	X	
6	69	87	Firm grey Basalt		V
6	81	85	Broken Black Basalt	X	
6	85	100	Firm Black Basalt		X

RECEIVED

AUG 31 1998

Department of Water Resources
Eastern District Office

Completed Depth 100' (Measurable)
Date: Started 8-5-98 Completed 8-5-98

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Independent Drilling Firm No. 343Firm Official Brent Henderson Date 8-27-98and Driller or Operator Kelly Ulin Date 8-27-98

(Sign once if Firm Official & Operator)

Second well

FORWARD WHITE COPY TO WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7639

WATER RIGHT NUMBER: 35-7639

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN WISHNEY PO BOX 837 BOISE, ID 83701 (208)336-5955
Current Owner	DAVID WISHNEY PO BOX 837 BOISE, ID 83701 (208)336-5955
Original Owner	IDLE WHEEL MOBILE EST PO BOX 808 BLACKFOOT, ID 83221
Current Owner	PETER E WISHNEY TRUST PO BOX 837 BOISE, ID 83701 (208)336-5955
Trustee	PETER E WISHNEY BOISE, ID 83701

Priority Date: 09/03/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.250 CFS	28.80 AF
<u>Total Diversion:</u>		0.250 CFS	28.80 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 32, Twp 02S, Rge 35E, B.M.
BINGHAM 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	
02S	35E	32																	
							X												

Conditions of Approval:

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AUG 15 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7639

1. C12 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
2. M02 LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory PROPERTY AKA IDLE WHEEL MOBILE ESTATES PARCEL NO. RP0344500

Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 1/19/1999
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

September 7, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID WISHNEY
SUSAN WISHNEY
PETER WISHNEY
PO BOX 837
BOISE ID 83701

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-09067

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Eastern** Regional Office of the department in Boise at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

RECEIVED

SEP 12 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 35-9067

Reviewed By: dgibson

Date: August 14, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		X
Receipt No.:		CO55323	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	08/06/2001
Date proof due	- 10/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/18/1997
New priority date	= 08/18/1997

Deficiencies of Actions Items

Forward to Drilling Construction for checking on fees. If ok, Acknowledge proof. Otherwise, follow through as DP request.

*Sent proof & application to April 8/4/01 & 9/6/01.
April said this one is ok.*

July 31, 2001

PETER WISHNEY
DAVID WISHNEY
SUSAN WISHNEY
PO BOX 837
BOISE, ID 837010837

PROOF DUE NOTICE

RE: PERMIT NO. 35-9067

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures

MICROFILMED
OCT 02 2001



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 35-09067 Reviewed by [Signature] Date 9-7-99

BASIC INFORMATION

8-13-99 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to October 1, 2001, on basis of due diligence*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 10-1-2001
Change Priority Date X



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 13, 1999

David, Susan and Peter Wishney
PO Box 837
Boise ID 83701

RE: Permit No. 35-09067

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **October 1, 2001**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
SEP 22 1999

July 31, 1999

SUSAN WISHNEY
DAVID WISHNEY
PETER WISHNEY
PO BOX 837
BOISE ID 837010837

PROOF DUE NOTICE

RE: PERMIT NO. 35-09067

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

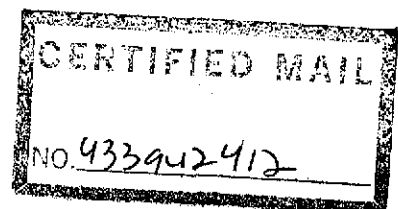
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
SEP 22 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 9, 1997

SUSAN WISHNEY
DAVID WISHNEY
PETER WISHNEY
PO BOX 837
BOISE ID 83701-0837

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-09067

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

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OCT 22 1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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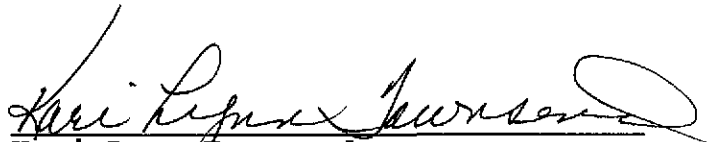
OCT 22 1987

CERTIFICATE OF MAILING

I hereby certify that on the **9th** day of **October, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 35-09067

**SUSAN WISHNEY
DAVID WISHNEY
PETER WISHNEY
PO BOX 837
BOISE ID 83701-0837**


Kari Lynn Townsend
Secretary

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OCT 22 1997

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*No.: 35-0067 Name: Wishney Date: 10/3/97 Ad OK? ✓ Gvmt Lts: **AREA OF CONCERN:** dam**PROTESTED:****SYSTEM COMPLETED:**1 year/no proof
>1 year**GROUNDWATER:** (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

WMD >0.24 cfs

>5 a.
≤ 0.24 cfs/5 acres**DRILLING PERMIT:**~~Existing well~~

Included w/permit

No drilling permit?

irr. in WD

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

Pumped >0.20 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres**SPRINGS/SINK, INACTIVE WD & REST OF STATE**> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres**RIVER BASINS:** (*Surface water):Snake R (01)
(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest. area

Fish Propagation

Irr ≤ 5 acres

> 5 acres

Mining

Muni (in restricted areas)

Power

Stock (BLM/USFS)

Storage (✓ 3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**- No/Yes: ESRP Mor / GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)- P16
- 26A-P17- 067 or No MD (in-stream stock or power)
- No MD
- 01M (report when notified)
- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- No MD- ~~NA~~ (pre 7/1/87; ✓ WDQ3)
- Permit No. - - - - P99
- 046-46B-P23 (post 7/1/87)
- P05 (new well location)- 31A (modify remark *WB9)
- R04 (WD #)-01J-P08 (MD)
- 01H-P01 (LD & MD) or No MD (in-stream stock)- 067 or No MD (in-stream stock or power)
- No MD- 01M or No MD (in-stream stock or power)
- No MD- *W22 P04, NA
- 007-P07 (w/ remark *WB9 if above Weiser), NA
- *W22 (regulated uses), 047-P04 (Payette Lake), NA
- 029 (fish screens)- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 071-070-P53
- 029-007-042(req)-081-R07 (WQ)-P10; 044 (N of 1000 Springs)
- R49/R50/R51/R52 (0.03 cfs/acre +AF)
- R29/R30/R31/R32 (0.02 cfs/acre +AF)
- 054(req)-081-R07-P10
- 022, 075, 004 (+memo?)
- 17H/17K(+uses)-08A-025-01N(P19)-028-081-R07(P10); 027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- R37
- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),- P84 (in 20/30/40/50/60/70/80 (87) basin)
- 058 (<85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)-
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU)- 01PU 2 W01/35-Tit.

- 10/1/ 1999

- no plat required per SWF.2 wells:
existing
1 new

MEMORANDUM

TO: File No. 35-09067

FROM: Cindy Zimmerman³.

SUBJECT: Application Review

DATE: October 6, 1997

To clarify irrigation under this domestic use, I called Dave Wishney today. Mr. Wishney clarified that surface water is used on the existing 25 mobile home yards. Surface water is not available to the adjacent 35 mobile home lots to be developed under this right. Groundwater will be used as the primary source for lawn irrigation of the new 35 mobile home lots. Mr. Wishney calculated that approximately 83,000 sq. ft. will be irrigated. Average lawn size is anticipated to be 2400 sq. ft. or approx. 1/20 acre per lot.

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OCT 22 1997

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DEPARTMENT OF WATER RESOURCES

Dist. for staffing
Submitted for advertising 8-20-97Form No. 202
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMITINITIAL REVIEW BY HWS DATE 8-20-97 APPLICATION NO. 35-9067REQUIRED 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 subdivisions, 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 Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

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 DEQ - Pocatello

☒ Idaho Dept. of Health & Welfare	☐ U.S. BLM
☐ Idaho Dept. of Fish & Game	☐ U.S. Forest Service
☐ Idaho 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 9-22-97
☒ 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 Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below.

This is a mobile home park & I was told no plat is needed, only approval by Pt2. See attached letter.

Date of priority recommended 8-18-1997
By: [Signature] Date: 9-29-1997

STATE OFFICE REVIEW

By _____ Date: _____
ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

[illegible]

AFFIDAVIT OF PUBLICATION

County of Bingham)

State of Idaho)

I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot,
aforesaid for more than one year past;
that said newspaper heretofore complied
with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published to-
wit: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive Weeks
the first publication having been made on
the 9th day of Sept
1997 and the last publication having
been made on the 11th day of
Sept 1997; that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

On this 22nd day of Sept, in
the year 1997, before me a Notary
Public of said State, personally appeared
Jacqueline Graham

known or identified to me to be the per-
son whose name is subscribed to the with-
in instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that he executed the same.

Jacqueline Graham
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

October 16, 2002.

Affidavit Processing Fee. \$5.00

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

35-09067

WISHNEY, David
WISHNEY, Susan
WISHNEY, Peter
P.O. Box 837
Boise, Idaho 83701
Source: GROUNDWATER
Diversion Pt.: NENW, Sec. 32, T. 02S,
R35E, in BINGHAM County.
Use: DOMESTIC (0.250 CFS)
Total Diversion: (0.250 CFS).
Date Filed: 8/18/1997
In: Bingham County
T02S, R35E, S32, NENW

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the applicant and the Director, Dept. of
Water Resources, along with a \$25.00 fil-
ing fee, Eastern Region, 900 N. Skyline,
Idaho Falls, Idaho, 83402, on or before
SEPTEMBER 22, 1997.

KARL J. DREHER
Director

(3423)
Pub.: 9/4, 11

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SEP 24 1997

Department of Water Resources
Eastern Region

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The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before SEPTEMBER 22, 1997.

Published: 9/ 4/1997 & 9/11/1997

KARL J. DREHER, Director

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OCT 22 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 26, 1997

Legal Notices Department
THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 22, 1997.

Yours truly,

Rita Bodell
Secretary

Encl.

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OCT 22 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

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OCT 22 1987

35-09067

WISHNEY, DAVID
WISHNEY, SUSAN
WISHNEY, PETER
PO BOX 837
BOISE, ID 83701

Source: GROUNDWATER

Diversion Pt: NENW Sec 32 T 02S R 35E in BINGHAM County.

Use: DOMESTIC	(	0.250 CFS)
Total Diversion:	(	0.250 CFS)

Date Filed: 8/18/1997

In: BINGHAM County	
T02S R35E S32	NENW

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OCT 22 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1997

DAVID WHISHNEY
PO BOX 837
BOISE ID 83701

RE: Notice of Application for Permit No. 35-09067

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on Sept. 4 & 11, 1997. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

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OCT 22 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1997

IDAHO DEPT OF HEALTH & WELFARE
DIVISION OF ENVIRONMENTAL QUALITY
224 S ARTHUR
POCATELLO ID 83204

RE: Application for Permit No. 35-09067

Dear Sir:

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 September 22, 1997, 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/rb
enc.

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OCT 22 1997

DAVID E. WISHNEY

ATTORNEY AT LAW
601 WEST HAYS STREET, SUITE 11
P.O. BOX 837
BOISE, IDAHO 83701
(208) 336-5955

August 20, 1997

Mr. Harold Jones
Idaho Department of Water Resources
VIA FACSIMILE (208) 525-7177

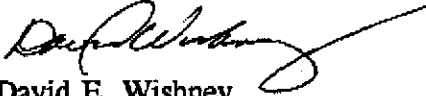
Re: Application For Permit

Dear Mr. Jones:

Per our telephone conversation of August 18th, following please find the special use permit which was approved by Bingham County for expansion of the Idle Wheels Mobile Home Park in Blackfoot. As we discussed, the proposed development involves the addition of 35 new homesites. Since the project involves a the expansion of an existing rental community, rather than a subdivision, the platting procedures are not applicable.

I trust this information will answer your inquiries. However, should you require anything additional, please call me at your convenience.

Very Truly Yours,


David E. Wishney

enclosures (6 pages)

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OCT 22 1997



BINGHAM COUNTY PLANNING & ZONING



501 North Maple • P.O. Box 725 • Blackfoot, Idaho 83221 • (208) 785-5005

Secretary Ext. 317 • Building Inspector Ext. 367 • Zoning Administrator Ext. 365

August 19, 1997

Mr. Ronald Melton
Idle Wheels Trailer Court
447 W 100 N
Blackfoot, ID 83221

RE: Special Use Permit

Dear Mr. Melton:

This letter is to notify you that the Bingham County Planning and Zoning Board approved your application for an expansion of the Idle Wheels Mobile Home Park. The approval is based on the Special Use Section of the Bingham County Zoning Ordinance and the Section pertaining to mobile home parks. I have enclosed both sections for your information.

Please consider this letter and attachments as your Special Use Permit. If you have any questions or we can be of any further service, please do not hesitate to call this office at 208-785-5005, Ext. 115.

Thank you,

A handwritten signature in cursive script, reading "Sue Betty".

Sue Betty, Zoning Administrator
Bingham County, Idaho

Attachments included

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OCT 22 1997

- 10.2.7 A statement evaluating the effects on adjoining property; the effects of such elements as noise, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Plan.

10.3 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES

The Board shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- 10.3.1 Will constitute a special use as established on the Official Schedule of District Regulations for the zoning district involved;
- 10.3.2 Will be harmonious with and in accordance with the general objectives or with any specific objective of the Plan and/or this Ordinance (see 8.2);
- 10.3.3 Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as far as is possible;
- 10.3.4 Will not be unduly hazardous or disturbing to existing or future neighboring uses;
- 10.3.5 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the County;
- 10.3.6 Will be served adequately by essential public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such service;
- 10.3.7 Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants;
- 10.3.8 Will have vehicular approaches to the property which will be so designed as not to constitute a hazard to traffic on adjacent public thoroughfares; and

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OCT 22 1997

- 13.3.6 Minimum health standards as set forth by the Health Authority will be met.

13.4 MINIMUM AREA REQUIREMENTS

The minimum area required for a new Mobile Home Park shall be not less than two (2) acres. Expansion of an existing Mobile Home Park must increase the overall size to not less than two (2) acres. In addition to this minimum area, the following is required:

- 13.4.1 Density shall not exceed seven (7) mobile homes per acre excluding road area requirements; and
- 13.4.2 A recreation area may be required to serve the needs of park residents.

The minimum area required for a new Travel Trailer Park shall be not less than two (2) acres. Expansion of an existing Travel Trailer Park must increase the overall size to not less than two (2) acres.

A Mobile Home Park and Travel Trailer Park may be combined; however, the minimum area requirements shall be as provided above and the uses shall be separate.

13.5 CONTENTS OF APPLICATION FOR A MOBILE HOME OR TRAVEL TRAILER PARK

An application for a Mobile Home Park or Travel Trailer Park shall be filed with the Administrator by at least one (1) owner or lessee of property for which such development is proposed. The application shall contain the following information:

- 13.5.1 Name, address and phone number of applicant;
- 13.5.2 Legal description of property;
- 13.5.3 Description of existing use;
- 13.5.4 Zoning district;
- 13.5.6 A vicinity map showing the location and boundaries of the park in relationship to adjacent properties and a statement evaluating

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13-2
OCT 22 1997

within concrete curbing or other approved method;

- b. Minimum space between stands shall be fourteen (14) feet, end-to-end; twenty-five (25) feet, side-to-side; one side yard, twenty (20) feet and one side yard five (5) feet; and
- c. Temporary or permanent structures situated in one space shall be separated by at least five (5) feet from temporary or permanent structures or mobile homes in an adjoining space.

13.6.3 Setbacks--

- a. A mobile home park shall observe a twenty (20) foot setback from all abutting property; and
- b. Setback from any County road shall be the same as required in 7.2.1.

13.6.4 Accessways--

- a. Accessways shall connect each mobile home space to a public roadway and shall be constructed to conform to standard engineering practice based on the bearing ratio of the soil and as approved by the County Engineer;
- b. Accessways shall have the following minimum widths:
 - Entrance and collector accessways with guest parking on both sides, thirty-six (36) feet;
 - Collector accessways with parking on one side, twenty-eight (28) feet;
 - Minor accessway or cul-de-sac with no parking, twenty (20) feet; and
 - Cul-de-sac diameter, ninety (90) feet.
- c. Accessways shall be lighted at night to provide a minimum of one and one-half (1.5) foot candles of illumination.

13.6.5 Walkways--

- a. Walkways shall be provided from each mobile home space to the service buildings and recreational area or areas and from the patio to the accessway;

13-4
MICROFILMED

OCT 22 1997

storage of accessory items such as boats, vacation trailers, campers and related equipment owned by park residents; and

- b. Such items will be stored in the storage area and not parked beside the mobile homes.

13.6.9 Refuse Disposal--

- a. Storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent habitat, insect breeding areas, accident hazards or air pollution;
- b. All refuse shall be stored in rodentproof containers, which shall be located not more than five hundred (500) feet from any mobile home space and shall be provided in sufficient number and capacity to prevent refuse from overflowing;
- c. Racks or holders shall be provided for all refuse containers and shall be designed to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around containers;
- d. All garbage shall be collected weekly; and
- e. Incinerators shall be constructed only with approval of the Health Authority and shall not be used for disposal of garbage.

13.6.10 Insect and Rodent Control--

Insect and rodent control as recommended by the Health Authority shall be applied.

13.6.11 Utilities--

- a. All gas shall be installed as regulated by appropriate Code or ordinance;
- b. An electrical outlet supplying at least two hundred (200) amps shall be provided for each mobile home space and wires for service to light poles and mobile home spaces shall be underground and waterproof;
- c. The park shall be well drained, with provisions for drainage made in accordance with plans approved by the County Engineer;
- d. Sewage disposal must meet all rules and regulations of the Health Authority; and

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

AUGUST 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID E WISHNEY
PO BOX 837
BOISE ID 83701

Mr. Wishney:

Enclosed is your application for transfer and check #14092 for \$100.00.

License 35-07639 currently has no adjudication claim filed. All you need to do is file the adjudication claim in your name. This can be done at our State Office on N Orchard in Boise.

If you have any question, please call me.

Sincerely,

Harold W Jones
Water Rights Supervisor

Enclosure

HWJ:sc

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OCT 22 1997