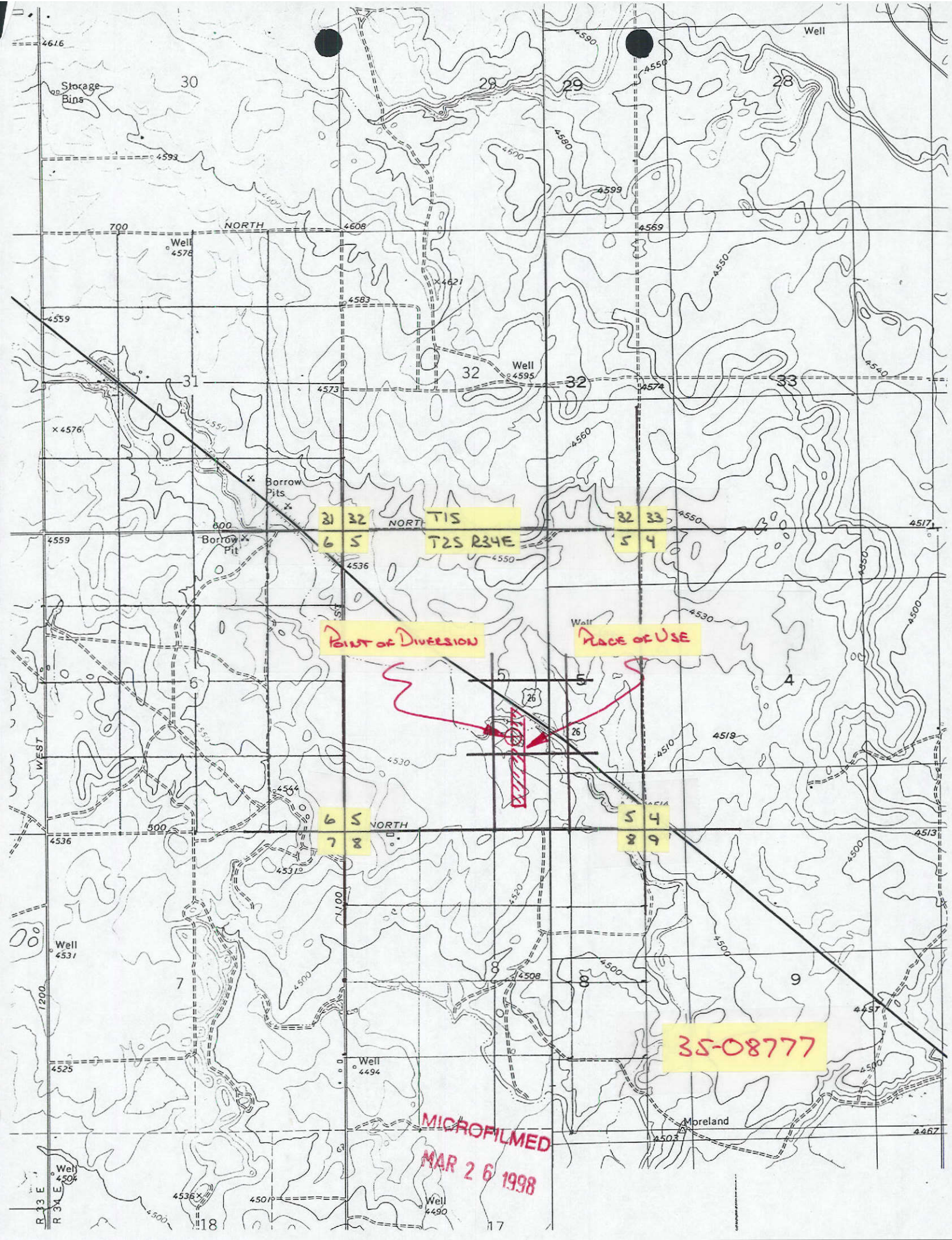
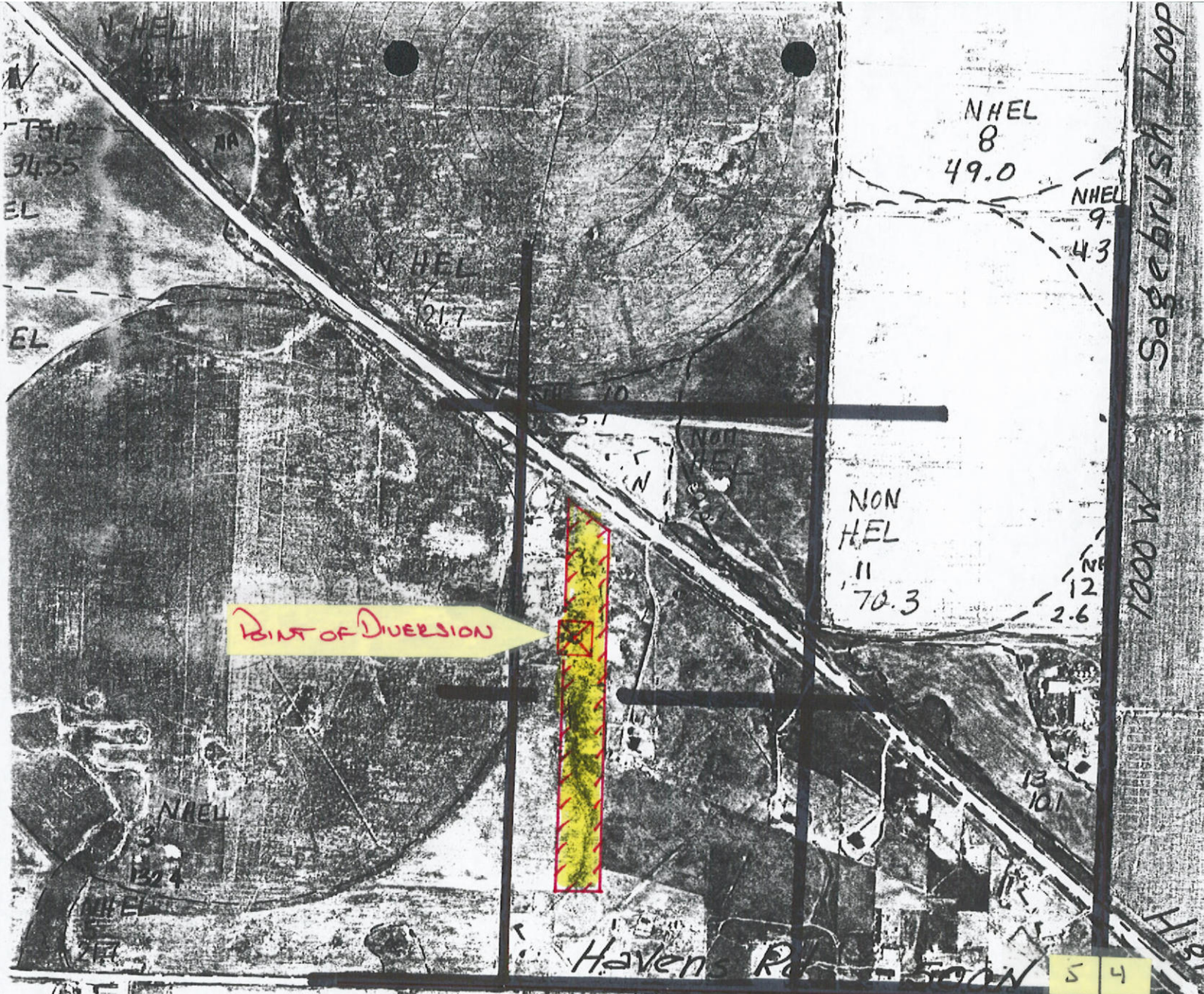


[illegible]

See Attachment 1

Frank Underwood
(Applicant)





35-08777

T2S
R34E

MICROFILMED
MAR 26 1998

47
39

EL
1
-1.5

NHEL
1
106.6

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08777

Priority: June 6, 1989

Maximum Diversion Rate: 0.14 CFS

Maximum Diversion Volume: 32.3 AF

This is to certify, that FRANK S UNDERWOOD
891 N SHILLING

BLACKFOOT ID 83221 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 10, 1989; and has submitted Proof of Beneficial Use on May 28, 1991. An examination indicates that the works have a diversion capacity of 0.140 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.14 CFS	32.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.3 AF
	Totals	0.14 CFS	32.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 5, Township 02S, Range 34E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	34E	5	NWSE 4	SWSE 4		8

Total number of acres irrigated: 8

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

MICROFILMED
MAR 26 1998

State of Idaho
Department of Water Resources

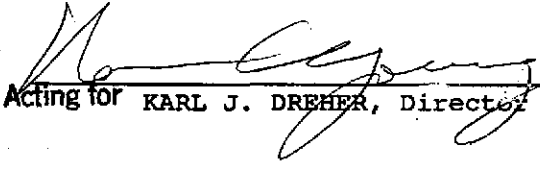
WATER RIGHT LICENSE

WATER RIGHT NO. 35-08777

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 5TH
day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

MAR 26 1998

State of Idaho
Department of Water Resources

RECEIVED

MAR 03 1998

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08777

Department of Water Resources

Date of Priority: June 6, 1989

Maximum Diversion Rate: 0.14 CFS

Maximum Diversion Volume: 32.3 AF

Comes now

FRANK S UNDERWOOD

891 N SHILLING

BLACKFOOT ID 83221

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. 35-08777, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.14 CFS	32.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.3 AF
	Totals	0.14 CFS	32.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 5, Township 02S, Range 34E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	34E	5	NWSE 4	SWSE 4		8

Total number of acres irrigated: 8

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

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 at Frank S Underwood, this 25TH day of FEB, 1998.

MICROFILMED

MAR 26 1998

Frank S Underwood
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08777

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50.00 Receipted by KS # C041609 Date 3.3.98

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. 35-08777 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
8. Stockwater use is for 6 horses and cattle, and domestic use is for one home.

Witness my hand this 5TH day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
MAR 26 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-08777 IN THE
NAME OF FRANK S. UNDERWOOD

)
) ORDER OF REINSTATEMENT
)
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before May 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

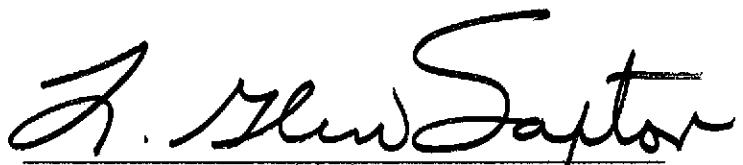
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on May 28, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-08777 be REINSTATED and the priority advanced to June 6, 1989.

Dated this 6th day of June, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JUL 10 1991

RECEIVED

STATE OF IDAHO

MAY 28 1991

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08777 Telephone No. 785-6853
2. Name(s) of Permit Holder(s): Frank Underwood
3. Post Office Address: 891 N. Shilling, Blackfoot, Idh 83221
4. Source of Water: well
- a. If ground water, well driller's name: don't know Date drilled: was drilled before we bought
- b. Pump horsepower: 5 Pressure (psi): _____ Dynamic pumping level (ft.): _____
5. Extent of Use:

Domestic ~~10-25~~ (No. of households)Irrigation 8 (No. of acres)Stockwater 12-25 (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted .20 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ No

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

June Underwood
Name

785-6853
Telephone No.

Address _____

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date

May 25-91

Signature (and title if on behalf of a company or organization)

Frank S. Underwood

NOT RECORDED
JUL 10 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08777

Proposed Priority: May 10, 1989 Maximum Diversion Rate: 0.20 CFS
This is to certify, that **FRANK S. UNDERWOOD**
891 N. SHILLING
BLACKFOOT, ID 83221
has applied for a permit to appropriate water from: **GROUNDWATER**
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>
IRRIGATION	04/01 to 11/01	0.20 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNWSE Sec. 5, Township 02S, Range 34E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	34E	5	NWSE	10		10
Total number of acres irrigated:						10

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1991**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. Stockwater use is for 6 horses and cattle, and domestic use is for one home.

RECORDED

MAY 23 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08777

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23rd day of April, 1990.

J. Glen Saxton
for R. Keith Higginson, Director

MICROFILMED

MAY 23 1990

Fee \$ 30.00

Form 202
6/85

Ident. No. 35 8777

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Frank S. Underwood Phone 208-785-6853
Post office address 891 N Shilling Blackfoot, ID 83221
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 5 Township 2S Range 34E B.M. Bingham County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for Livestock purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.20 and/or (b) 30 N/A
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Submersible pump-set
at 110', Static water level is at 60'. Pump is
5 H.P.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 6" inches; proposed depth of well is + 120' feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

MAY 23 1990

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. Up to 6 head horse and beef
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. One household
- e. Other; describe fully. _____

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	34E	5														10			10
																D			
																S			

Total number of acres to be irrigated 10

10. Describe any other water rights used for the same purposes as described above. None

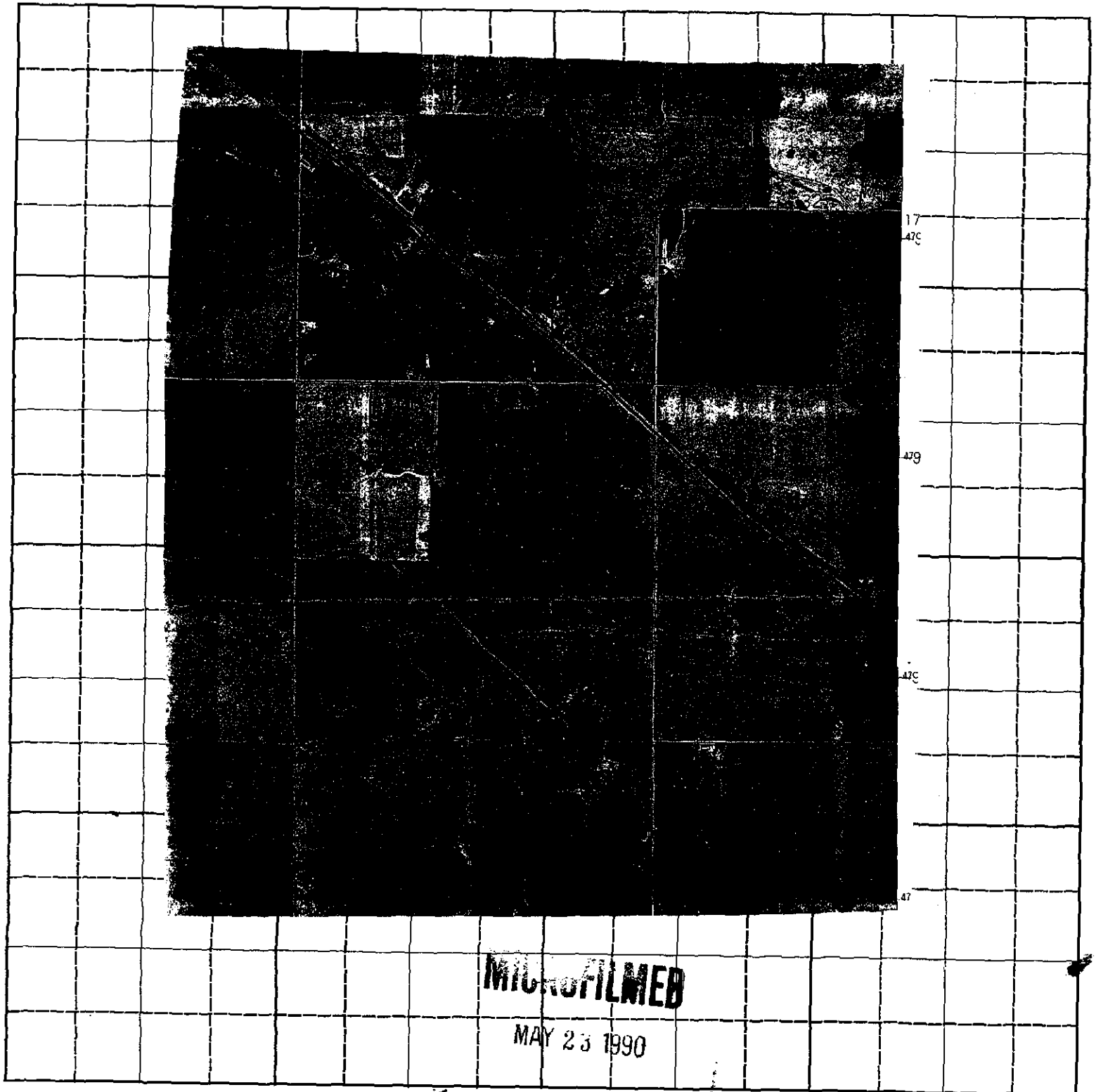
11. a. Who owns the property at the point of diversion? Claimant
- b. Who owns the land to be irrigated or place of use? Applicant * As per telephone conversation
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: The existing well was not found to be permitted in the WR records but has been in use since 1979

MICROFILMED

MAY 25 1990

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

See Attachment 1

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

Frank Underwood
(Applicant)

Received by OW Date 5-10-89 Time 1:29 Preliminary check by AMD
Fee \$ 30⁰⁰ Receipted by HWS # E007291 Date 5-10-89
Publication prepared by RB Date 3-18-90 Published in Morning News
Publication approved OW Date 3-30-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

MAY 25 1990

35-08758
PAHL, Gregory Lynn
3183 N. Pleasant Valley Rd.
American Falls, Id. 83211
Source: GROUNDWATER
Diversión Pt: LOT 4 (NWSESE), Sec. 24, T.
06S, R. 30E.
Use: IRRIGATION (.270 CFS).
Total Diversión: (.270 CFS).
Date Filed: 3/07/1989.
In: T06S, R30E, S24, Lot 3 (NESE), NWSE,
SWSE, Lot 4 (SESE).
169.5 ACRES TOTAL.

35-08759
PAHL, Jeffrey J.
P.O. Box 476
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversión Pt: NWSESW, Sec. 24, T. 06S, R.
30E.
Use: IRRIGATION (.980 CFS).
Total Diversión: (.980 CFS).
Date Filed: 3/02/1989.
In: T06S, R30E, S24, NESW, NWSW,
SWSW, SESW.
160.0 ACRES TOTAL.

35-08777
UNDERWOOD, Frank S.
891 N. Shilling
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversión Pt: NWNWSE, Sec. 5, T. 02S, R.
34E.
Use: IRRIGATION (.200 CFS).
STOCKWATER (.020 CFS).
DOMESTIC (.040 CFS).
Total Diversión: (.200 CFS) (30.00 AF).
Date Filed: 5/10/1989.
In: T02S, R34E, S05, NWSE.
10.0 ACRES TOTAL.

35-08778
LORDS, Darrell M.
P.O. Box 282
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversión Pt: SWNW, Sec. 33, T. 05S, R.
31E.
Use: IRRIGATION (.100 CFS).
Total Diversión: (.100 CFS).
Date Filed: 5/31/1989.
In: T05S, R31E, S33, NWNW, SWNW.
5.0 ACRES TOTAL.

35-08779
JACKSON, R. David
P.O. Box 578
Fort Hall, Id. 83203
Source: GROUNDWATER
Diversión Pt: SESWNW, Sec. 20, T. 03S, R.
34E.
Use: IRRIGATION (.200 CFS).
Total Diversión: (.200 CFS).
Date Filed: 5/31/1989.
In: T03S, R34E, S20, NWNW, SWNW,
NESW.
10.0 ACRES TOTAL.

35-08780
FIELDING, Gary R.
134 W. 600 N.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversión Pt: SWSW, Sec. 32, T. 01S, R.
36E.
Use: IRRIGATION (.840 CFS).
Total Diversión: (.840 CFS).
Date Filed: 5/25/1989.
In: T01S, R36E, S31, SWSE; S32, NESW,
SESW.
42.0 ACRES TOTAL.

35-08781
RAY, Jesse W.
RAY, Rosemary

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
State of Idaho)
I, Ted Townsend do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper 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 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices 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 attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks,

the first publication having been made on the

1st day of March, 19 90;
and the last publication having been made on the
8th day of March, 19 90;
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
published in the newspaper and not in a supplement.

On this 19th day of March, in
the year 1990 before me a Notary Public of said State,
personally appeared

Ted Townsend
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Jesse R. Raton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00



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

March 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK S UNDERWOOD
891 N SHILLING
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-08777

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

MAR 26 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MICROFILMED

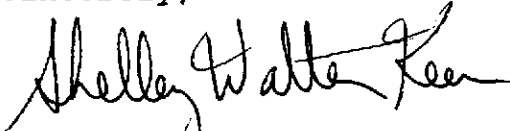
MAR 26 1998

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

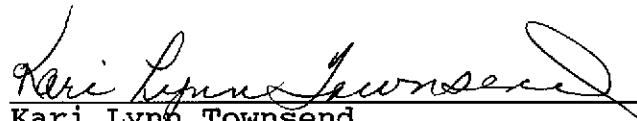
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of March, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 35-08777

FRANK S UNDERWOOD
891 N SHILLING
BLACKFOOT ID 83221


Kari Lynn Townsend
Secretary

MICROFILMED

MAR 26 1998

MEMORANDUM

DATE: February 26, 1998

TO: Water Right File 35-08777

FROM: Shelley W. Keen *SWK*

RE: Amendment Fee

Today the front desk received a \$50.00 check without the required amendment form. I called June Underwood at 208-785-4606 and left a message on her answering machine. Meanwhile, I asked Kathy at the front desk to hold the check until tomorrow before deciding to return it or receipt it.

MICROFILMED

MAR 26 1998



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

February 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK S UNDERWOOD
891 N SHILLING
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-08777

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

If you have any questions, please call me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

MAR 26 1998



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

January 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK S UNDERWOOD
891 N SHILLING
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-08777

Dear Permit Holder(s):

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 that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it 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.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
MAR 26 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08777

DATE 12/29/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>No</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>✓ swse</u>	<u>—</u>	Amendment required <u>No</u>
			Amendment required <u>Yes</u>

Does map agree with written description? — yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.20</u> cfs
Fee limit	<u>.20</u> cfs \$50 ⁰⁰
Measured	<u>.14</u> cfs
Theoretical	<u>.15</u> cfs $5 \times 8.8 \times .7 / 2.31 \times 40 + 120 = .15$
Recommended Total Div Rate <u>.14</u> cfs	

ANNUAL VOLUME/ NATURE OF USES

Use	cfs	Volume Calc	
<u>Sw</u>	<u>.14</u>	<u>8 x 4.0 = 32.0</u>	af
<u>Stock</u>	<u>.01</u>	<u>.3</u>	af
<u>—</u>	<u>—</u>	<u>—</u>	af
<u>—</u>	<u>—</u>	<u>—</u>	af
SUBTOTAL	<u>.14</u>	<u>32.3</u>	af

Flow rate .14 cfs X 214 days X 1.98 = 59.3 af
 Total volume recommended 32.0 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

Flow GW Measurement/Measuring Device

Flow Overlap

048,049

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

Adjustment Memo —

1st Amend Letter P41 P38

2nd Amend Letter P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 10 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08777

1. Owner: FRANK S. UNDERWOOD Phone No. (208) 785-6853

Current Address: 891 N. SHILLING, BLACKFOOT, ID 83221

2. Accompanied by: JUNE UNDERWOOD EXAM DATE: 10-2-1995

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	5	2S	34E	BINGHAM	USGS, ONSITE

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	34E	5														4	4		8

MICROFILMED

MAR 26 1998

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 200 million to 400 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.



Photo of Diversion and System Attached

4.

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

1.

2. Measurements: $Q_{\text{meas}} = 64.01 \text{ GPM}$ $\frac{64.01}{448.8} = 0.14 \text{ cfs}$

MICROFILMED
MAR 26 1998

E. NARRATIVE/REMARKS/COMMENTS

WELL WITH SUBMERSIBLE PUMP TO 4" PORTABLE MAINLINE TO
SPRINKLER SYSTEM AND STOCK FACILITIES.

STOCK USE INCLUDES UP TO TOTAL OF 20 HEAD MIXED
HORSES AND CATTLE.

NO DOMESTIC USE IN PLACE AT TIME OF EXAM

AMEND PLACE OF USE AS SHOWN

GPS TAG A0000109

Have conditions of permit approval been met? ☐ yes ☐ no

MICROFILMED
MAR 26 1998

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{MEAS}} = 64.01 \text{ GPM}$$

$$8 \text{ ACRES} \times 0.02 = 0.16 \text{ CFS}$$

$$64.01 / 448.8 = 0.14 \text{ CFS}$$

$$\text{Stockwater: IDWR STD FOR 20 WD} = 0.01 \text{ CFS}$$

$$\text{RECOMMEND: IRR} = 0.14$$

$$\text{STK} = 0.01$$

$$\text{TOTAL} = 0.14$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{IR}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 8 \text{ ACRES} \times 4.0 = 32.0 \text{ AFA}$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.14 \times 214 \times 1.9835 = 59.4 \text{ AFA}$$

$$V = \text{Smaller of } V_{\text{IR}} \text{ and } V_{\text{D.R.}} = 32.0 \text{ AFA}$$

2. Volume Calculations for Other Uses:

$$\text{IDWR STD FOR 20 WD} = 0.3 \text{ AFA}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4-1	10-31	0.14	32.0
Stockwater	1-1	12-31	0.01	0.3
Totals:			0.14	32.3

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 DAVID MAYER Date 10-16-97

Reviewer _____ Date _____

SEAL

MICROFILMED

MAR 26 1998

0109.8 MMSEC
100.29 % T0

00-00 00:1000 *R
+003.00 % AI2

00-00 00:1100 *R
+638.768E-1GPM

00-00 00:1200 *R
+640.088E-1GPM

00-00 00:1200 *R
+640.088E-1GPM

OUTER DIAMETER
2.9000 IN

PIPE MATERIAL
? AL, DI

WALL THICKNESS
0.0500 IN

SOUND VELOCITY
1400 M/S-

SPACING
1.131 IN U

0109.8 MMSEC
100.29 % T0

00-00 00:1000 *R
+003.00 % AI2

00-00 00:1100 *R
+638.768E-1GPM

00-00 00:1200 *R
+640.088E-1GPM

00-00 00:1200 *R
+640.088E-1GPM

OUTER DIAMETER
2.9000 IN

PIPE MATERIAL
? AL, DI

WALL THICKNESS
0.0500 IN

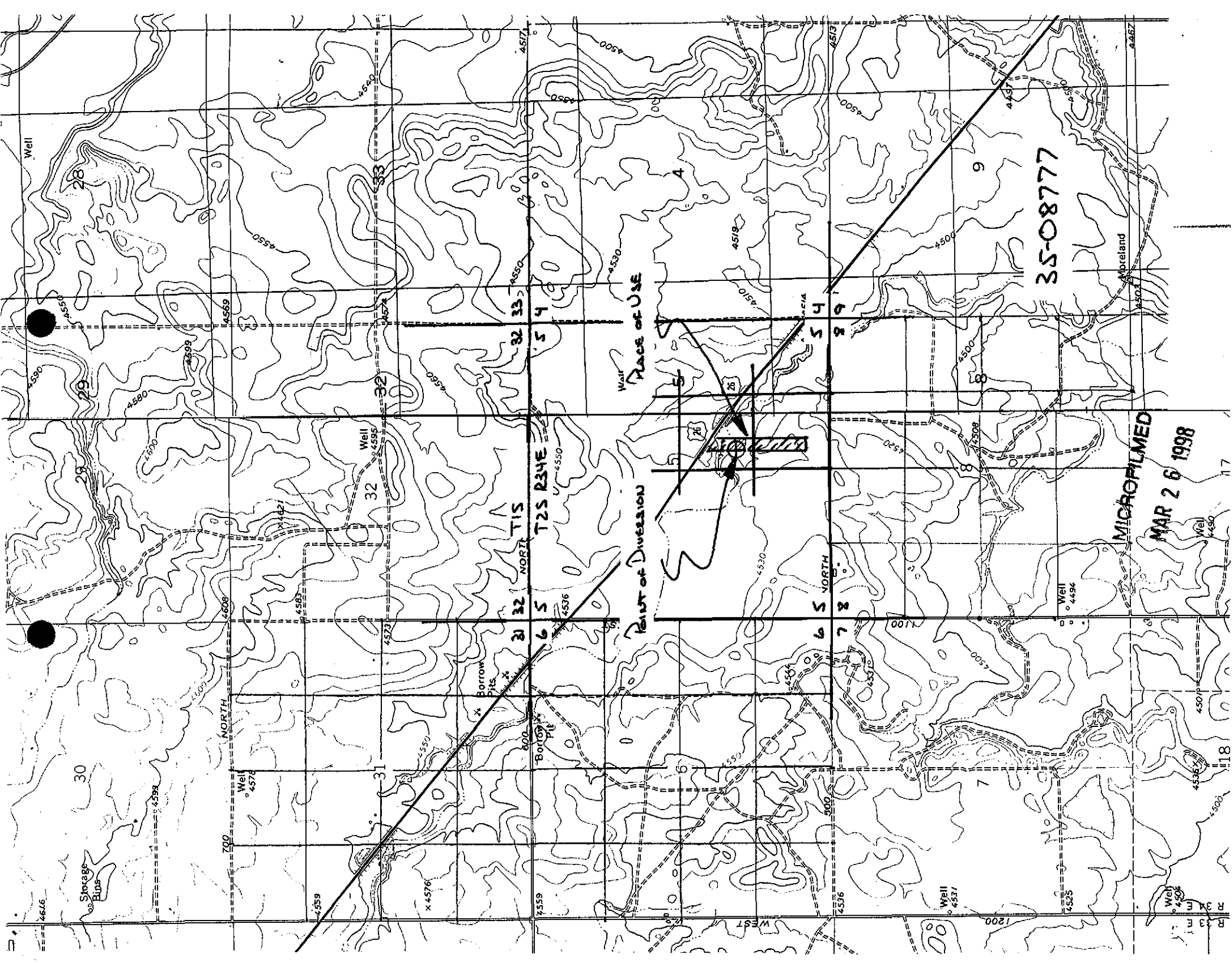
SOUND VELOCITY
1400 M/S-

SPACING
1.131 IN U

MICROFILMED

MAR 26 1968

35-08777



NHEL
8

49.0

NHEL
9

43

NON
HEL

11
70.3

POINT OF DIVERSION

47
29

35-08777 5

5 4
8 9

T2S
R34E

MICROFILMED
MAR 26 1998

1.5

June 12, 1991

FRANK S. UNDERWOOD
891 N. SHILLING
BLACKFOOT, ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08777

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED

JUL 10 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-8777

Date 5.31.91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
NO Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☐ Surface water source
☒ Ground water source
NA Drill permit req'd?
1979 ☒ Copy in file? Drill permit no. _____
☒ Amt paid for drilling permit? _____ Correct?
☒ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
50.00 Amount submitted?
☒ Correct amount?

MEASURING DEVICE

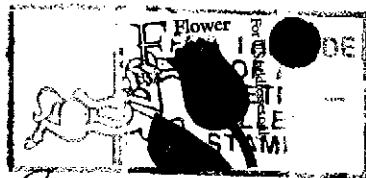
- NO Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

PRIORITY CALCULATION

Date proof received May 28, 1991 178
Date proof due May 1, 1991 - 121
No. of days late = 27
Priority date May 10, 1989 + 130
NEW PRIORITY DATE June 6, 1989 = 157

Mr Frank Underwood
891 N Shilling
Blackfoot ID
83221-1842



Department of Water Resources
301 N Orchard St.
State house Mail
Boise Ida
83720

JUL 10 1991

RECEIVED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

May 3, 1991

FRANK S. UNDERWOOD
891 N. SHILLING
BLACKFOOT, ID 83221

LAPSE NOTICE

RE: PERMIT NO. 35-08777

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1991. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

MICROFILMED

JUL 10 1991

CERTIFICATION OF MAILING

I hereby certify that on 5-8-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138125

February 28, 1991

FRANK S. UNDERWOOD
891 N. SHILLING
BLACKFOOT, ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 35-08777

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 May 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

UNRECORDED

JUL 10 1991

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 24, 1990

FRANK S. UNDERWOOD
891 N. SHILLING
BLACKFOOT, ID 83221

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08777

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

RECORDED

MAY 23 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

INDEXED

MAY 23 1990

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

**NON-TRUST
HOLD**

INITIAL REVIEW BY Seneca Dunn DATE 19 June 89 APPLICATION NUMBER 35 8777

REQUIRED INFORMATION

Frank S. Underwood

- ☒ 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 signator 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 _____

APR 08 1990

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ 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 3-19-90
☐ 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. 01-P05
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 5-10-89
By HWS Date 3-30-90

STATE OFFICE REVIEW P05, P23 P16 46 48 49
By KW See below for additional information
Date 4-18-90

ADDITIONAL INFORMATION

App. in NON-TRUST area-

13-Feb-1990

Frank S. Underwood
891 N. Shilling
Blackfoot, ID 83221

RE: Application for Permit No. 35-8777

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News on March 1 & 8, 1990. The advertisement will be published 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.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

MAY 23 1990

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 13, 1990

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 MARCH 19, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

MAY 23 1990

35-08777

UNDERWOOD, FRANK S.
891 N. SHILLING
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt: NWNWSE Sec 5 T 02S R 34E

Use: IRRIGATION	(.200 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)

Total Diversion: (.200 CFS) (30.00 AF)

Date Filed: 5/10/1989

In: T02S R34E S05 NWSE

10.0 ACRES TOTAL

MICROFILMED

MAY 23 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 19, 1990.

R. Keith Higginson, Director

Published 3/01/1990 & 3/08/1990

MICROFILMED

MAY 23 1990

21-Jul-1989

Frank S. Underwood
891 N. Shilling
Blackfoot, ID 83221

RE: Application for Permit No. 35-8777

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned the identification number listed above. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor
HWJ/rb

MICROFILMED

MAY 23 1990

