

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
Amt. of Fee \$: 20.00
Receipt No. 0078847
Receipt By: ml
Date Received: 8-11-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 11 2005

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 25-13986 Telephone No. 208 529-2120
2. Name of Permit Holder(s): Valley View Heights Subdivision Water Co.
3. Mailing Address: 4995 S. 5200 E
City Idaho Falls State Id Zip 83406
4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 2 / yr. 79
Well Driller: ANDREWS Drilling Permit Number: 103262
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 7 Stockwater (No. and type of stock): 1 - CATTLE
Irrigation (No. of acres): 5 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .08 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 _____ or No <u>✓</u> |
| | Has the measuring device been installed? | Yes _____ or No <u>✓</u> |
8. Fee Enclosed: \$ _____ (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: James Prince Telephone Number: 529-2120
Address: 4995 S. 5200 E Idaho Falls ID - 83406
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: James Prince (Pres) Date: 7-16-05
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 25-13986

Priority: June 16, 2003

Maximum Diversion Rate: 0.08 CFS

This is to certify, that VALLEY VIEW HEIGHTS SUBDIVISION WATER CO
4995 S 52 E
IDAHO FALLS ID 83406

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.08 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 1, Twp 01N, Rge 38E, B.M., BONNEVILLE 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	
01N 38E 1		X															
		L 2															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2005**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Right 25-07344 is also diverted through the point of diversion described above.
6. Domestic use is for 2 homes.
7. Place of use is located within Lot 2, Blk. 2 and Lot 1, Blk. 3; Valley View Heights Division No. 1.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
9. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

MICROFILMED
OCT 07 2003

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 25-13986

10. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of September, 2003.


for KARL J DREHER, Director

MICHOILWILL
OCT 07 2003

Ident. No. 25-12986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

SEP - 2 2003

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Valley View Heights Subdivision Water Company Phone (208) 529-2120

Mailing address 4995 S 52 E, Idaho Falls, ID 83406

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion is Township 1N Range 38E Sec. 1, in the _____
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot 2, B.M., Bonneville County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .08 for Domestic purposes from 1 - 1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .08 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Well and water delivery system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? 1979; Drilling firm Andrew Well Drilling Contractors;

Well was drilled for (well owner) Dwain Loertscher; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 2

e. Other; describe fully. _____

MICROFILMED

ACT 8 7 2003

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	38E	1		D															

Total number of acres to be irrigated _____

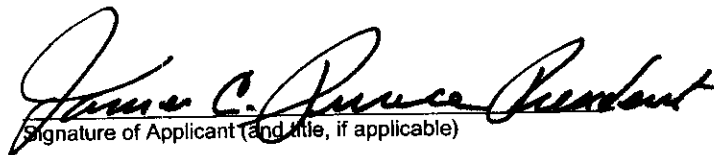
10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? SEE ATTACHMENT
- b. Who owns the land to be irrigated or place of use? SEE ATTACHMENT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: SEE ATTACHMENT

12. Remarks: _____

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

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


Signature of Applicant (and title, if applicable)

Received by Se Date 6/16/03 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by Se # E028882 Date 6/16/03
 Publication prepared by SC Date 8/17/03 Published in Post Register
 Publication approved SC Date 8/27/03

**Attachment to Application For Permit
Valley View Heights Subdivision Water Company**

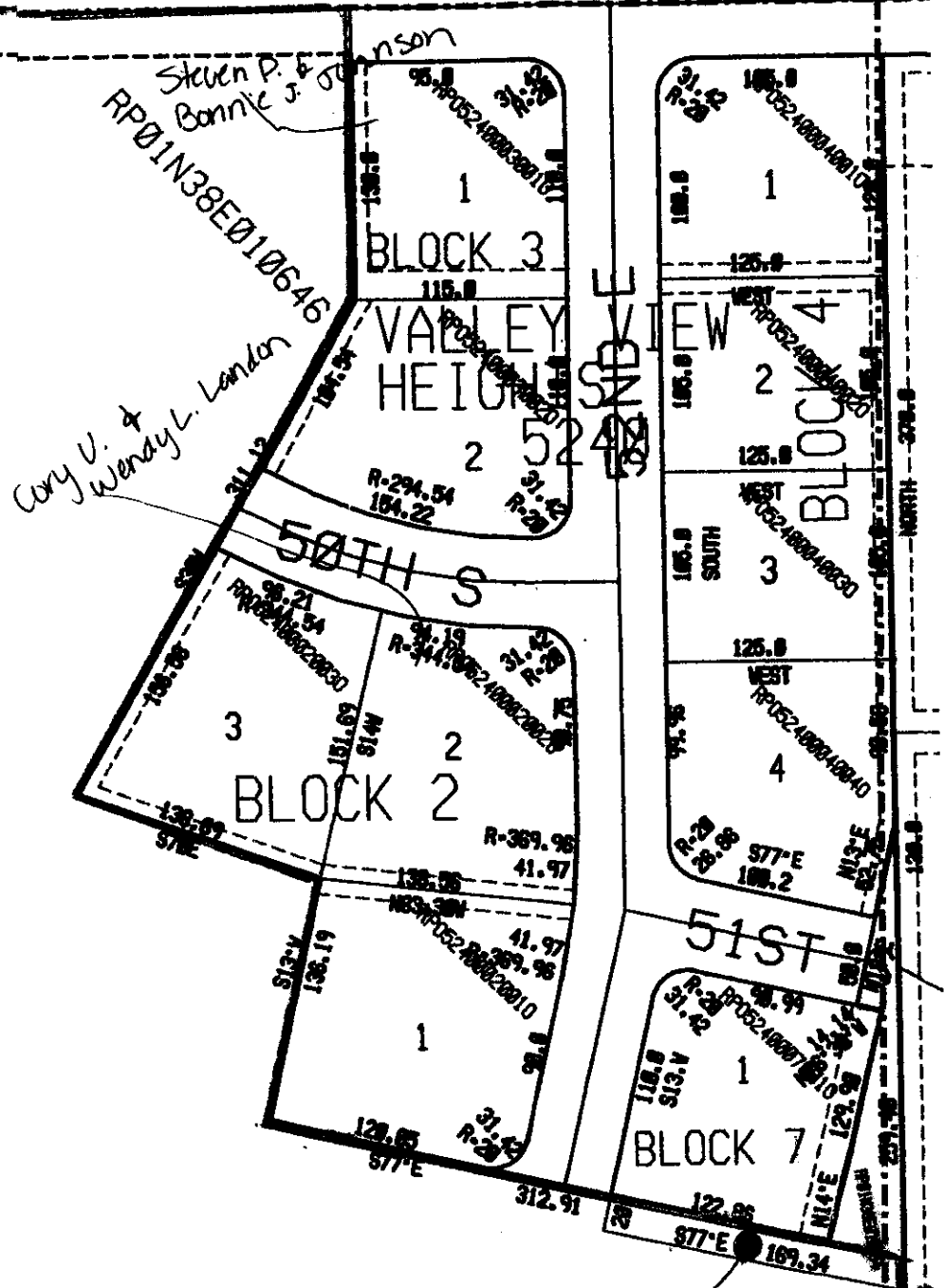
- 11.a Verle and Donna Landon own the property that the well is located on.
- 11.b Corey V. and Wendy L. Landon located on property: Lot 2, Block 2, Valley View Heights, Division No. 1, Bonneville County, Idaho, according to the official plat recorded November 17, 1959 as Recorder's Number 279925, and

Steven P. and Bonnie J. Johnson located on property: Lot 1, Block 3, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to the plat recorded November 17, 1959 in Book 3 of Plats at Page 43.
- 11.c Verle and Donna Landon own the property on which the well is located. See location of well on attached plat map. The applicant, Valley View Heights Subdivision Water Company (Valley View), owns the well and water delivery system. Corey and Wendy Landon (Landon) are members of Valley View and have attached on to the water system owned by the company. See location of Landon property on plat map. In addition, Steve and Bonnie Johnson (Johnson) are members of Valley View and have attached on to the water system. See location of Johnson property on plat map. Both Landon and Johnson have transferred any rights they may have in hooking onto the water system to Valley View. Thus, Valley View is filing for a permit of 2 additional users. There are already 5 other users using the Valley View water system under water license no. 25-07344.

MICAC

OCT 07 2003

49TH S



MICROFILM
OCT 07 2003

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 22, 2006

VALLEY VIEW HEIGHTS SUBDIVISION WATER CO
4995 S 5200 E
IDAHO FALLS ID 83406

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-13986

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.

Also, be advised that Section 42-248, Idaho Code, requires water right owners 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 about the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

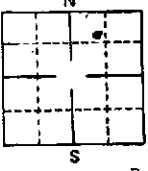
Sincerely,

A handwritten signature in black ink that reads "Christine Roberts". The signature is written in a cursive, flowing style.

Christine Roberts
Technical Records Specialist

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Dwain Loertscher & Verle Landon</u> Address <u>Route 7 Box 113 & 114</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>185</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality <u>Good</u>																																																																																									
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																					
Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																									
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG 103262 <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>10</td><td>0</td><td>6</td><td>Soil</td><td></td><td>X</td></tr><tr><td>8</td><td>6</td><td>82</td><td>Chert-redish brown firm</td><td></td><td>X</td></tr><tr><td>8</td><td>82</td><td>130</td><td>Pumice redish brown soft</td><td></td><td>X</td></tr><tr><td>8</td><td>130</td><td>185</td><td>Pumice firm redish brown</td><td>(X)</td><td>X</td></tr><tr><td>8</td><td>185</td><td>191</td><td>Pumice soft redish brown</td><td></td><td>X</td></tr><tr><td>8</td><td>191</td><td>205</td><td>Pumice firm redish brown</td><td></td><td>X</td></tr><tr><td>8</td><td>205</td><td>215</td><td>Chert firm gray</td><td></td><td>X</td></tr><tr><td>8</td><td>215</td><td>220</td><td>Chert broken gray</td><td></td><td>X</td></tr><tr><td>8</td><td>220</td><td>230</td><td>Chert firm gray</td><td></td><td>X</td></tr><tr><td>8</td><td>230</td><td>235</td><td>Chert broken gray</td><td></td><td>X</td></tr><tr><td>8</td><td>235</td><td>240</td><td>Chert firm gray</td><td></td><td>X</td></tr><tr><td>8</td><td>240</td><td>250</td><td>Chert broken gray</td><td></td><td>X</td></tr><tr><td>8</td><td>247</td><td>250</td><td>Chert broken gray</td><td></td><td>X</td></tr></tbody></table> RECEIVED OCT 25 1979 Department of Water Resources		Hole Diam.	Depth		Material	Water		From	To	Yes	No	10	0	6	Soil		X	8	6	82	Chert-redish brown firm		X	8	82	130	Pumice redish brown soft		X	8	130	185	Pumice firm redish brown	(X)	X	8	185	191	Pumice soft redish brown		X	8	191	205	Pumice firm redish brown		X	8	205	215	Chert firm gray		X	8	215	220	Chert broken gray		X	8	220	230	Chert firm gray		X	8	230	235	Chert broken gray		X	8	235	240	Chert firm gray		X	8	240	250	Chert broken gray		X	8	247	250	Chert broken gray		X
Hole Diam.	Depth		Material		Water																																																																																						
	From	To		Yes	No																																																																																						
10	0	6	Soil		X																																																																																						
8	6	82	Chert-redish brown firm		X																																																																																						
8	82	130	Pumice redish brown soft		X																																																																																						
8	130	185	Pumice firm redish brown	(X)	X																																																																																						
8	185	191	Pumice soft redish brown		X																																																																																						
8	191	205	Pumice firm redish brown		X																																																																																						
8	205	215	Chert firm gray		X																																																																																						
8	215	220	Chert broken gray		X																																																																																						
8	220	230	Chert firm gray		X																																																																																						
8	230	235	Chert broken gray		X																																																																																						
8	235	240	Chert firm gray		X																																																																																						
8	240	250	Chert broken gray		X																																																																																						
8	247	250	Chert broken gray		X																																																																																						
4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		10. Work started <u>2-7-79</u> finished <u>2-15-79</u>																																																																																									
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>.250</u> inches</td><td><u>8</u> inches</td><td><u>1</u> feet</td><td><u>210</u> feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>90+</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☒ Pudding clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld _____ ☐ Cemented between strata Describe access port _____				Thickness	Diameter	From	To	<u>.250</u> inches	<u>8</u> inches	<u>1</u> feet	<u>210</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet																																																								
Thickness	Diameter	From	To																																																																																								
<u>.250</u> inches	<u>8</u> inches	<u>1</u> feet	<u>210</u> feet																																																																																								
_____ inches	_____ inches	_____ feet	_____ feet																																																																																								
_____ inches	_____ inches	_____ feet	_____ feet																																																																																								
_____ inches	_____ inches	_____ feet	_____ feet																																																																																								
Number	From	To																																																																																									
_____ perforations	_____ feet	_____ feet																																																																																									
_____ perforations	_____ feet	_____ feet																																																																																									
_____ perforations	_____ feet	_____ feet																																																																																									
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name <u>25</u> Lot No. _____ Block No. _____ County <u>Bonneville</u> NW ¼ NE ¼ Sec. <u>1</u> T. <u>1</u> N. R. <u>38</u> E. W.		11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Andrew Well Drilling Firm No. 5</u> Contr. _____ Address <u>1268 East 17th Street</u> Date <u>4-20-79</u> <u>Idaho Falls, Idaho 83401</u> Signed by (Firm Official) <u>Andrew J. Andrews</u> and _____ (Operator) <u>Microfilm</u>																																																																																									

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

June 30, 2005

VALLEY VIEW HEIGHTS SUBDIVISION WATER CO
4995 S 52 E
IDAHO FALLS, ID 83406

PROOF DUE NOTICE

RE: PERMIT NO. 25-13986

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 September 01, 2005. (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.

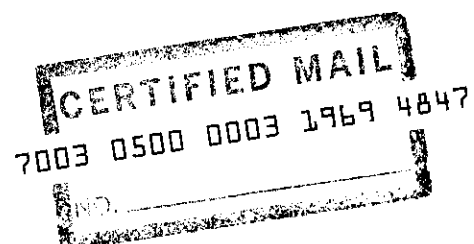
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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, Administrative Assistant
Water Allocation Bureau

Enclosures





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

September 5, 2003

VALLEY VIEW HEIGHTS SUBDIVISION WATER CO
4995 S 52 E
IDAHO FALLS ID 83406

RE: Permit No. 25-13986

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

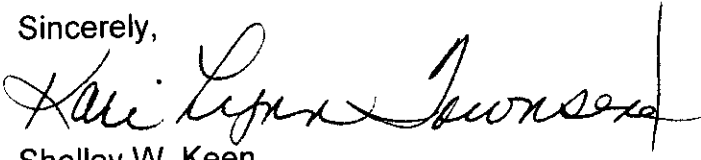
MICROFILMED

OCT 07 2003

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

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

Sincerely,

for 
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

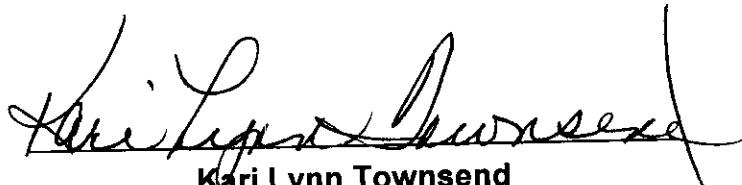
MICROFILMED
OCT 07 2003

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 25-13986

VALLEY VIEW HEIGHTS SUBDIVISION WATER CO
4995 S 52 E
IDAHO FALLS ID 83406



Kari Lynn Townsend
Secretary

MICROFILMED
OCT 07 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

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.

Proof of Publication The Post Register

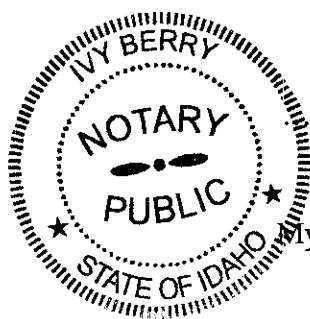
State of Idaho
County of Bonneville

I, ~~Lynn Winter~~ or Danae Jacobsen, first being duly sworn, depose and say: That I am the ~~Production Supervisor~~ or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 7TH day of AUGUST 2003, last publication having been made on the 14TH day of AUGUST 2003 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

.....*D. Jacobsen*.....

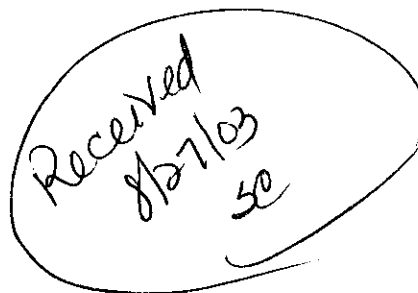
Subscribed and sworn to before me, this 26TH day of AUGUST 2003



.....*Ivy Berry*.....
Notary Public

My commission expires January 10, 2009

MICROFILMED
OCT 07 2003



PUBLIC NOTICE

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

25-13986

VALLEY VIEW HEIGHTS
SUBDIVISION WATER CO

4995 S 52 E

IDAHO FALLS ID 83406

Point(s) of Diversion: NWNE S1

T01N R38E, BONNEVILLE County

Source GROUND WATER

Use: DOMESTIC

01/01 To 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 07/15/2003

Place Of Use: DOMESTIC

T01N R38E S1 NWNE

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 25, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published: August 7, 14, 2003

MICROFILMED
OCT 07 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
July 30, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

VALLEY VIEW HEIGHTS SUBDIVISION WATER CO
4995 S 52 E
IDAHO FALLS ID 83406

RE: Application for Permit No 25-13986

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Post Register on August 7 and 14, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,


W. Roger Warner
Water Right Supervisor

WRW:sc

MICROFILMED
OCT 07 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2003

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

RE: Application for Permits

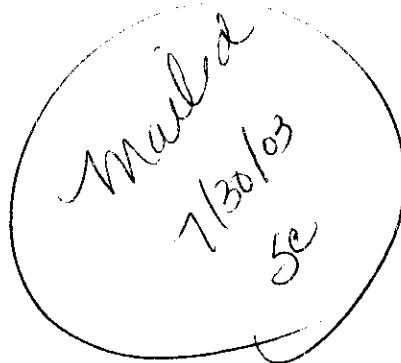
Dear Cathy Von Borstel:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 25, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

OCT 17 2003

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

25-13986

VALLEY VIEW HEIGHTS SUBDIVISION WATER CO

4995 S 52 E

IDAHO FALLS ID 83406

Point(s) of Diversion: NWNE S1 T01N R38E, BONNEVILLE County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 07/15/2003

Place Of Use: DOMESTIC

T01N R38E S1 NWNE

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 25, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 7 and 14, 2003

MICROFILMED

OCT 6 7 2003



**Beard
St. Clair**

Beard St. Clair Gaffney McNamara Calder PA

Jarin O. Hammer
Attorney at Law
2105 Coronado Street
Idaho Falls, ID 83404-7495

Direct Dial (208)557-5207
Office(208) 523-5171 Fax (208) 523-5069
Email hammer@IdahoFallsLaw.com
Internet www.IdahoFallsLaw.com

June 12, 2003

Department of Water Resources
ATTN: Dennis Dunn
900 N. Skyline Drive
Idaho Falls, ID 83402

Re: Claim No. 25-07344

Dear Mr. Dunn:

Please find enclosed for filing a Application for Permit. Also, enclosed is a check in the amount of \$100.00 for the filing fee.

If you have any questions, please do not hesitate to call me.

Sincerely,

Jarin O. Hammer

Enclosure: As Stated

MICROFILMED

RECEIVED

JUN 16 2003

WINSTON V. BEARD JOHN G. ST. CLAIR MICHAEL D. GAFFNEY HARLOW J. McNAMARA GREGORY C. CALDER
JARIN O. HAMMER JARED W. ALLEN LAURIE BAIRD GAFFNEY CHAD A. CAMPOS KARI MARIE CAMPOS
Idaho Falls Region