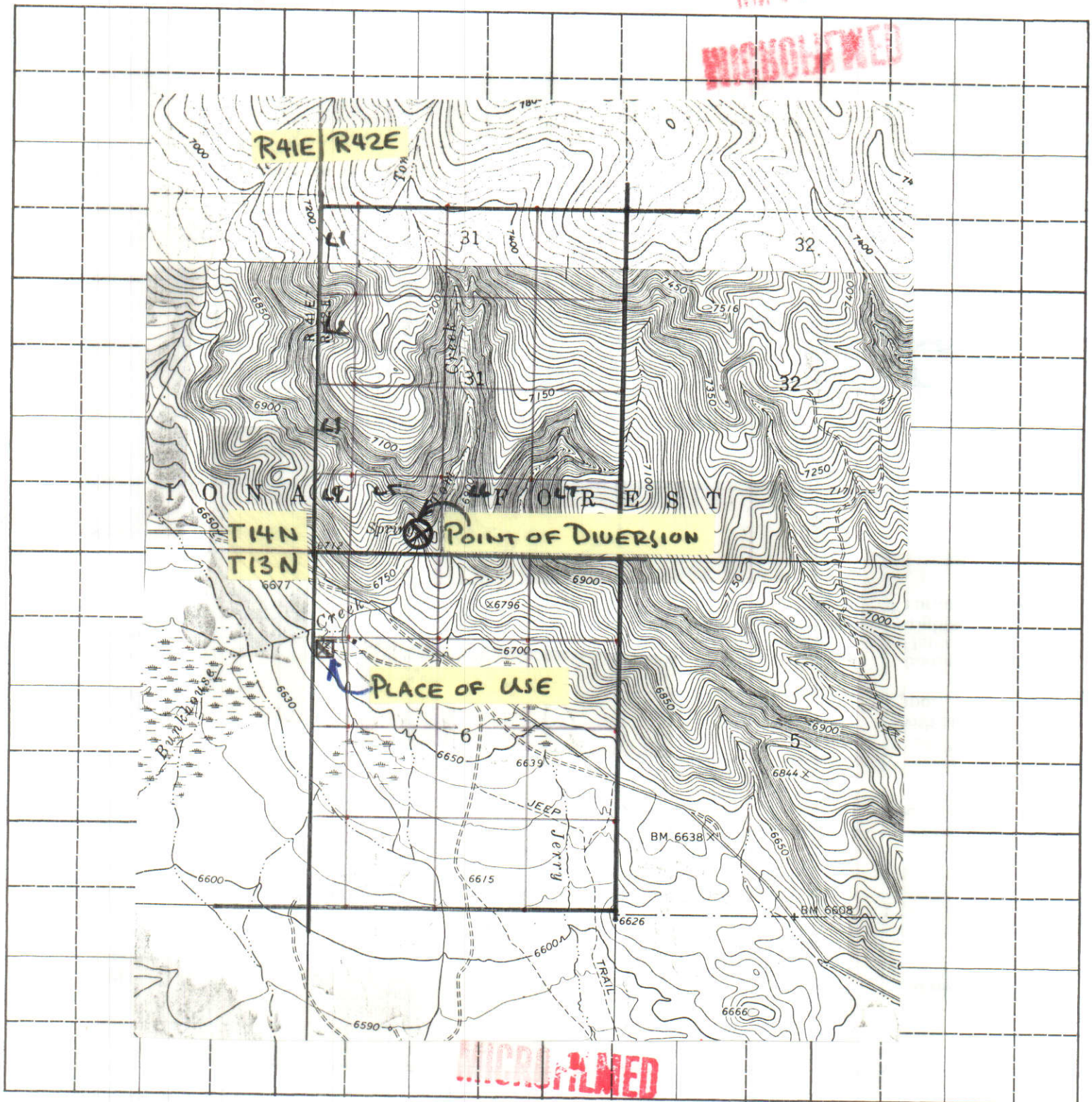


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

JUN 12 1989

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.

Henry Kopyov
(Applicant)

THE FREMONT COUNTY
St. Anthony, Idaho
Adenton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, Terry Weatherston
being first duly sworn, depose and say,
that I am the printer of THE FREMONT
COUNTY HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in
Fremont County, Idaho; and I do solemnly

swear that the Notice Of Application
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not
in any supplement issue thereof

for Two consecutive issues, the
first publication having

been made on August 4, 1988
and the last publication having

been made on August 11, 1988

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under Idaho
statutes; that it has at least two-
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy-eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

Subscribed to and sworn to before

me this August 12, 1988

George H. Higgins
Notary Public.

(SEAL)

My commission expires June 8, 1993

NOTICE OF APPLICATION FOR WATER RIGHT

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

21-07381
BENOWITZ, MARTIN A., 7682 EL
CAMINO REAL, SUITE 204, CARLSBAD,
CA 920096086

Source: SPRINGS
Tributary: HENRY'S LAKE
Diversion Pt: SWNW Sec 32 T 16N R
43E, SENW Sec 32 T 16N R 43E
Use: FISH PROPAGATION (2,000 CFS)
Date Filed: 6/30/1988
In: T16N R43E S32 SWNW SENW

21-07382
KOPFINGER, HENRY, KOPFINGER,
ROSE, P.O. BOX 224, ISLAND PARK, ID
83429

Source: BUNKHOUSE SPRING
Tributary: SHEEP CREEK
Diversion Pt: LOT 5 (SWSESW) Sec 31 T
14N R 42E

Use: POWER (.670 CFS)
Date Filed: 7/26/1988
In: T13N R42E S06 Lot 5 (SWNW)

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
AUGUST 22, 1988.

R. KEITH HIGGINSON
Director

Publ. Aug. 4 and 11, 1988HC.

RECEIVED
SEP 1 1988

Department of Water Resources
Eastern District Office

MICROFILMED

JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant HENRY OR ROSE KOPFINGER Phone _____

Post office address P.O. BOX 224, ISLAND PARK ID. 83429

2. Source of water supply BUNKHOUSE SPRING which is a tributary of SHEEP CREEK

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 5
Sec. 31 Township 14N Range 42E B.M. FREMONT County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.67 for POWER purposes from 5/1 to 12/1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 0.67 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. COLLECTION BOX, PIPE TO GENERATOR.
(USED IN CONJUNCTION WITH 21-2141)

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 _____ inches; proposed depth of well is _____ 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).

MICROFILMED

JUN 12 1989

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 110 ft. 4.5 kw
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. WATER

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	
13N	42E	6							P										
									(L5)										

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? USFS

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

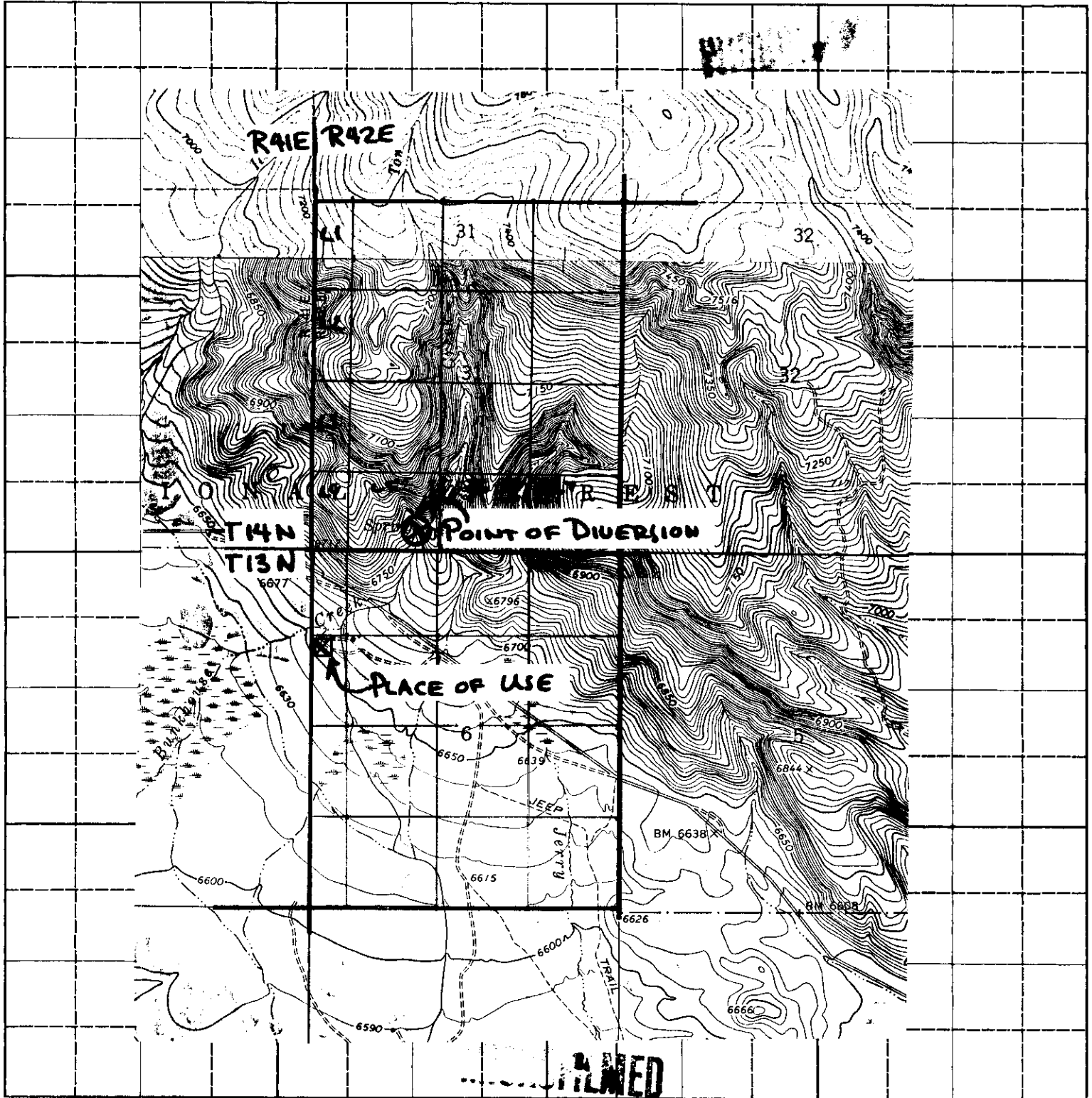
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. APPLICANT HAS SPECIAL USE PERMIT

12. Remarks: HYDROPOWER DEVELOPED IN 1974 AND IS USED IN CONJUNCTION WITH 21-2141

MICROFILMED

JUN 12 1985

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.

JUN 12 1989

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.

Henry Koppinger
(Applicant)

ASST KOW Proposed Priority 7/26/88

Received by OW Date 7-26-88 Time 3:00P Preliminary check by EMC

Fee \$ 45⁰⁰ Received by OW # E000895 Date 8-4-8-11-88

Publication prepared by dg Date 7-27-88 Published in Herald Chronicle

Publication approved dg Date 9-12-88

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. 21-7382, and said application is hereby APPROVED.

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 April 1, 19 90.

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: SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL E THROUGH P:

Witness my hand this 24th day of March, 1989.

J. Glen Saxton

MICROFILMED

JUN 12 1989

ATTACHMENT TO CONDITIONS OF APPROVAL

FOR PERMIT NO. 21-7382

- e. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- f. Use of water under this permit shall be non-consumptive.
- g. 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.
- h. 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.
- i. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- j. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
- k. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
- l. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- m. The water right acquired under this permit 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 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.
- n. The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
- o. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.
- p. The maximum combined rate of diversion under this right and Right 21-2141 shall not exceed 0.67 cfs.

Witness my hand this 24th day of March, 1989.

J. Glen Saylor

MICROFILMED

JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, Henry Kopfinger of P.O. Box 224
Island Park
(name) (city)

county of Fremont, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at

_____ Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that _____
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

State of Idaho _____)
County of Donnerstag) ss.

Henry Kopfinger
Applicant

On this 26th day of July, 1988, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Calleen Wray
Notary Public residing at
Idaho Falls

8231

My commission expires:

5/29/1991

MICROFILMED

JUN 12 1989

THE FARMER, Journal
St. Anthony, Idaho
Hamden, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, Terry Weatherston
being first duly sworn, depose and say,
that I am the printer of THE FREMONT
COUNTY HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in
Fremont County, Idaho; and I do solemnly

swear that the Notice Of Application
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not
in any supplement issue thereof

for two consecutive issues, the
first publication having

been made on August 4, 1988
and the last publication having

been made on August 11, 1988

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under Idaho
statutes; that it has at least two-
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy-eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

Subscribed to and sworn to before

me this August 12, 1988

Clayton H. [Signature]

Notary Public.

SEAL

My commission expires June 3, 1993

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07381

BENOWITZ, MARTIN A., 7682 EL
CAMINO REAL, SUITE 204, CARLSBAD,
CA 920096086

Source: SPRINGS

Tributary: HENRYS LAKE

Diversion Pt: SWNW Sec 32 T 16N R
43E, SENW Sec 32 T 16N R 43E

Use: FISH PROPAGATION (2,000 CFS)

Date Filed: 6/30/1988

In: T16N R43E S32 SWNW SENW

21-07382

KOPFINGER, HENRY, KOPFINGER,
ROSE, P.O. BOX 224, ISLAND PARK, ID
83429

Source: BUNKHOUSE SPRING

Tributary: SHEEP CREEK

Diversion Pt: LOT 5 (SWSESW) Sec 31 T
14N R 42E

Use: POWER (.670 CFS)

Date Filed: 7/26/1988

In: T13N R42E S06 Lot 5 (SWNW)

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
AUGUST 22, 1988.

R. KEITH HIGGINSON
Director

Publ. Aug. 4 and 11, 1988HC.

RECEIVED
OCT 1 1988

Department of Water Resources
Eastern District Office

MICROFILMED

JUN 12 1989

April 13, 1990

HENRY KOPFINGER
ROSE KOPFINGER
P.O. BOX 224
ISLAND PARK, ID 83429

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07382

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 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

MICROFILMED

APR 17 1990

1/00

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 21-7382

Date: 4/4/90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely
☒ N/A Reinstated

Source of Water:

- ☒ Surface water
☒ Groundwater
☒ 1. well log in file
☒ 2. drilling permit
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

see letter *Proof acceptable*

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<u>N/A</u>	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

[Signature]

RECEIVED
FEB 21 1990

For Office Use Only
Amt. of Fee \$ 15.00
Date 2/21/90
Receipt No. CC14834
Received by J. Harrison
2/21/90

STATE OF IDAHO
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.

Permit No. 21-07382 Telephone No. NONE

Name(s) of Permit Holder(s): HENRY KOPFINGER

Post Office Address: P.O. BOX 224 ISLAND PARK, ID. 83429

Source of Water: BUNKHOUSE CREEK (SPRING)

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic 1 (No. of households)

Irrigation 35 (No. of acres)

Stockwater 12 (No. and type of stock)

Other SPRINKLER

HORSES + CATTLE

HYDRO POWER

Total rate and/or volume for which proof is submitted .65 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 1974

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ 15.00 (See License Examination Fee Schedule)

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

ELLSWORTH ENGINEERING

Name

Telephone No.

IDAHO FALLS, IDAHO

Address

RECORDED

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

APR 17 1990

FEB 13/90
Date

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

February 13, 1990

RECEIVED
FEB 21 1990

Department of Water Resources

Ms. Rita Fleck
Secretary/Records Manager
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Dear Ms. Fleck:

In answer to your letter of January 31, 1990, I will not be able to have my pipeline inspected before April 1, 1990.

I am located at the 6800' level and the spring at 7000' where right now there is 8 feet of snow and can be 15 feet by April. The only way to get up there is by snowmobile. The home is 10 miles from the highway and has never been plowed out before May 1-15 depending on the snowpack.

The pipeline, sprinkler and irrigation system has been installed and completed since 1974 and the hydropower since 1975 and has been in use ever since.

I winter in Palm Springs, California and will not be able to return to my home until May 15; therefore I am requesting an Extension of Time since all my pertinent papers relating to the pipeline are in my Safety Deposit Box in Idaho.

If you need further information from me, my address and phone number is listed below.

Sincerely,

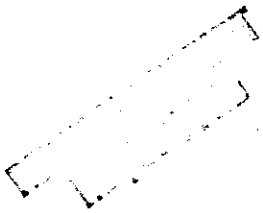
Henry Kopfinger
Henry Kopfinger
43 Santa Ana
Palm Springs, CA. 92264
(619) 324-3476

Enclosure - \$15.00 Fee

MICROFILMED

APR 17 1990

Henry Kopfinger
43 Santa Ana
Palm Springs, Ca. 92264



Ms. Rita Fleck
Secretary/Records Manager
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECORDED
APR 17 1990

February 26, 1990

Henry or Rose Kopfinger
P.O. Box 224
Island Park, ID 83429

RE: PERMIT 21-7382 - PROOF OF BENEFICIAL USE

Dear Mr. Kopfinger:

I have reviewed the proof of beneficial use which you submitted in connection with the above referenced permit.

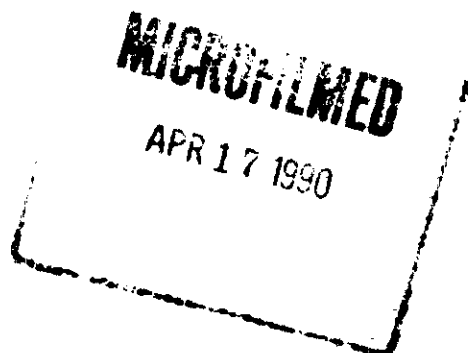
The proof submittal did not include the license examination fee in the amount of \$100. Since you submitted a fee of \$15 with the proof affidavit, you now only need to submit an additional \$85. Please submit this fee within thirty (30) days in order to make the proof acceptable by the department.

The authorized use of this permit is for hydropower even though additional uses are shown on the proof you have submitted.

Please feel free to contact the department if you have additional questions.

Sincerely,

RITA I. FLECK
Secretary/Records Manager



138053
January 31, 1990

HENRY KOPFINGER
ROSE KOPFINGER
P.O. BOX 224
ISLAND PARK, ID 83429

PROOF DUE NOTICE

RE: PERMIT NO. 21-07382

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 April 1, 1990. (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

MICROFILMED

APR 1 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 8, 1989

RE: Permit No. 21-7382

HENRY KOPFINGER
ROSE KOPFINGER
P.O. BOX 224
ISLAND PARK, ID 83429

Dear Permit Holder(s):

Please be advised that your application for permit has been approved, and a copy is enclosed. You may still need to obtain approval from FERC and/or PUC.

Please be advised that prior applications for permit have been filed to appropriate water from your source which may impact the availability of water to be used under this permit. Therefore, you should be sure to analyze the impact of these rights before making a major investment into your water use project.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

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 the statement of beneficial use that must be submitted when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:hm

Enclosures

RECEIVED

JUN 12 1989

Form No. 202a
1/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Grant DATE 7/27/88 APPLICATION NUMBER 21-7382

REQUIRED 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 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.) NA
- ☐ 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

Department of Water Resources

PROCESSING

☒ Yes ☐ No 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 dg-729 ☒ U.S. Forest Service dg-729
☐ Idaho Dept. of Lands ☒ Water District 01 dg-729
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received 9-2-88
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received withdrawn
Final date for protest 8-22-88
☐ 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
☒ Yes ☐ No Special conditions of approval or cover letter below.

Date of priority recommended 7-26-1988
By HWT Date 2-21-89

STATE OFFICE REVIEW

P18, P19, P16 25 4849 04 01E 08A 09E 17K 17M
05 (01, Snake River)

By kw Date 3/6/89

ADDITIONAL INFORMATION

Conditions: <05> W001 <17K> <01F>
App. in NONTRUST area-

file copy discarded

POWER CALCULATIONS FOR APPLICATION NO. 21-7382

P = 4.5 Kilowatts .74 X hp

Q = cfs 0.67

H = feet 110'

e = efficiency

- ☒ 1.) Affidavit of Residency
- ☒ 2.) Ownership of Facilities
- N/A 3.) *Financial Ability
- NONE 4.) Feasibility of Project
 - a. Plans, drawings
 - b. Economic analysis
- N/A 5.) *Compliance w/FERC
 - *only for projects of more than 25 cfs or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{4.5(11.8)}{0.67 \times 110} = \frac{53.1}{73.7} = 0.72 \checkmark$$

Based on the above calculations the proposed project must have an 72 % efficiency.

OVERLAP REVIEW

P/D 21-2141

P/U 21-2141 - irrig, domestic & stock
01-0340 - irrig.

BYPASSED AREA P14

NOTED

JUN 12 1989

KW
3/6/89

STAFF SHEET FOR POWER GENERATION

I Initial Review By: KC Winters Application No. _____

Date Requested _____ In File _____

A. _____ ☒ Form 205/206.

B. _____ ☒ Efficiency is between 85% and 60%.

$$E = \frac{P (11.8)}{QH} = \frac{(4.5)(11.8)}{(6.67)(110)} = 0.720 \times 100 = 72\%$$

II Post Publication Review By: _____

A. Not Protested

1. 0 to 373 kw (500 Hp)

Date Requested _____ Date Received (one or more) _____

_____ Engineering feasibility report.

_____ Preliminary design report.

_____ Contracts to construct project.

_____ Contracts to purchase power.

_____ Verification that an application has been submitted to F.E.R.C.

_____ Other: _____

2. 373 kw (500 Hp) and higher

Date Requested _____ Date Received (all three are required) _____

_____ Preliminary Engineering Report.

_____ Itemized cost estimate.

_____ Verification of financial ability.

B. Protested

1. 0 to 111 kw (150 Hp)

_____ Supplement information has been submitted.

_____ Hearing should be scheduled.

2. 111 kw (150 Hp) and higher

_____ Supplemental information has been submitted.

_____ Received verification of a F.E.R.C. ruling.

_____ Hearing should be scheduled.

JUN 12 1989

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 21-7382 and
have the following comments objections to the approval of this
application for permit:

There is nothing contained in
this application or other
information to indicate a
Potential adverse impact on
Prior water rights

2/21/89

Date



RONALD D. CARLSON, WATERMASTER
Water District No. 01

INDEXED

JUN 12 1989

February 15, 1989

RE: Application for Permit No. 21-7382 KOPFINGER

Mr. T. S. Tixier
Regional Forester
U.S. Forest Service
324 25th Street
Ogden, Utah 84401

Dear Mr. Tixier:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced application. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

RECEIVED

JUN 12 1989

February 14, 1989

RE: Application for Permit No. 21-7382

Henry or Rose Kopfinger
P.O. Box 224
Island Park, Idaho 83429

Dear Applicants:

This letter is to advise you that the U.S. Forest Service has withdrawn their protest against the approval of the above referenced application. The Department has now resumed processing of your application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

RECEIVED

JUN 12 1989



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540

Date: Nov. 28, 1988

Mr. Ernest Carlson
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Dear Mr. Carlson:

On August 11, we protested Application for Permit No. 21-07382 filed by Henry or Rose Kopfinger. We have met with the Kopfinger's and resolved the protest. Therefore, we withdraw our protest

Sincerely,

for
T.S. TIXIER
Regional Forester

cc:
Targhee NF

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JUN 12 1989

Department of
Eastern District Office





State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 16, 1988

Henry or Rose Kopfinger
P.O. Box 224
Island Park, ID 83429

Dear Applicants:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your applications No. 21-7382. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the five items. Although representation by legal

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JUN 12 1989

Henry or Rose Kopfinger
September 16, 1988
Page 2

counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

RECEIVED
JUN 12 1989

September 16, 1988

RE: Application for Permit No. 21-7382

Mr. J. S. Tixier, Regional Forester
U.S. Forest Service
324 25th Street
Ogden, UT 84401

Dear Mr. Tixier:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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JUN 12 1989

Mr. J. S. Tixier
September 16, 1988
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the five items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

JUN 12 1989



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540

Date: **AUG 11 1988**

Mr. Ernest Carlson
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

RECEIVED

AUG 12 1988

Department of Water Resources
Eastern District Office

Dear Mr. Carlson:

We are writing about Application for Permit No. 21-07382 filed by Henry or Rose Kopfinger to appropriate 0.67 cfs from Bunkhouse Spring for power purposes. This letter will alert you to our concerns with this Application.

The Applicant is diverting 0.67 cfs from the same source under Application for Permit No. 21-2140. The Applicant has a Special Use Permit from the Forest Service for the pipe which conveys the water across National Forest land to the point of use. In the special use permit, the Applicant has agreed to leave water in the stream from the point of diversion to the National Forest boundary for livestock and wildlife use. We interpret Application for Permit No. 21-07382 as an Application to divert an additional 0.67 cfs. If so, there is inadequate water for the Applicant and National Forest water needs for wildlife and livestock. The Application also violates the spirit and intent of the clause in the special use permit. In sum, our ability to manage National Forest resources, i.e., wildlife and range, will be injured if this Application is approved.

The Application should be denied. If the Application is approved, the applicant must still obtain a special use permit to occupy National Forest lands. An environmental assessment will be prepared pursuant to the National Environmental Policy Act of 1969. This document will identify the conditions imposed on the special use permit one of which might limit the amount of water the permittee may divert.

We would be happy to meet with the Applicant to resolve our differences.

If you have any questions, please call.

Sincerely,

J. S. Tixier
for J. S. TIXIER
Regional Forester

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JUN 12 1989





State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 29, 1988

U.S. Forest Service
P.O. Box 208
St. Anthony, Idaho 83445

RE: Application for Permit No. 21-07382

Dear Sir:

This office is currently in the process of publishing notice that the above application was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received by August 22, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

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JUN 12 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 29, 1988

State of Idaho
Dept. of Fish & Game
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Application for Permit No. 21-07382

Dear Sir:

This office is currently in the process of publishing notice that the above application was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received by August 22, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

RECORDED

JUN 12 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 29, 1988

Henry or Rose Kopfinger
P.O. Box 224
Island Park, ID 83429

RE: Application for Permit No. 21-07382

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 21-07382. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Herald Chronicle. 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,

Ernest Carlsen
Water Rights Supervisor

EC/dg

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JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 834
(208) 525-7161

JULY 27, 1988

HERALD CHRONICLE
P.O. BOX 10
REXBURG, ID 83440

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 AUGUST 22, 1988.

Yours truly,

Deena Green
Secretary

Encl.

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JUN 12 1989

NOT1 OF APPLICATION FOR WATER HT

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

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JUN 12 1989

21-07382

KOPFINGER, HENRY
KOPFINGER, ROSE
P.O. BOX 224
ISLAND PARK, ID 83429

Source: BUNKHOUSE SPRING

Tributary: SHEEP CREEK

Diversion Pt: LOT 5 (SWSESW) Sec 31 T 14N R 42E

Use: POWER (.670 CFS)

Date Filed: 7/26/1988

In: T13N R42E S06 Lot 5 (SWNW)

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JUN 12 1989

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 AUGUST 22, 1988.

R. Keith Higginson, Director

Published 8/04/1988 & 8/11/1988

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JUN 12 1989