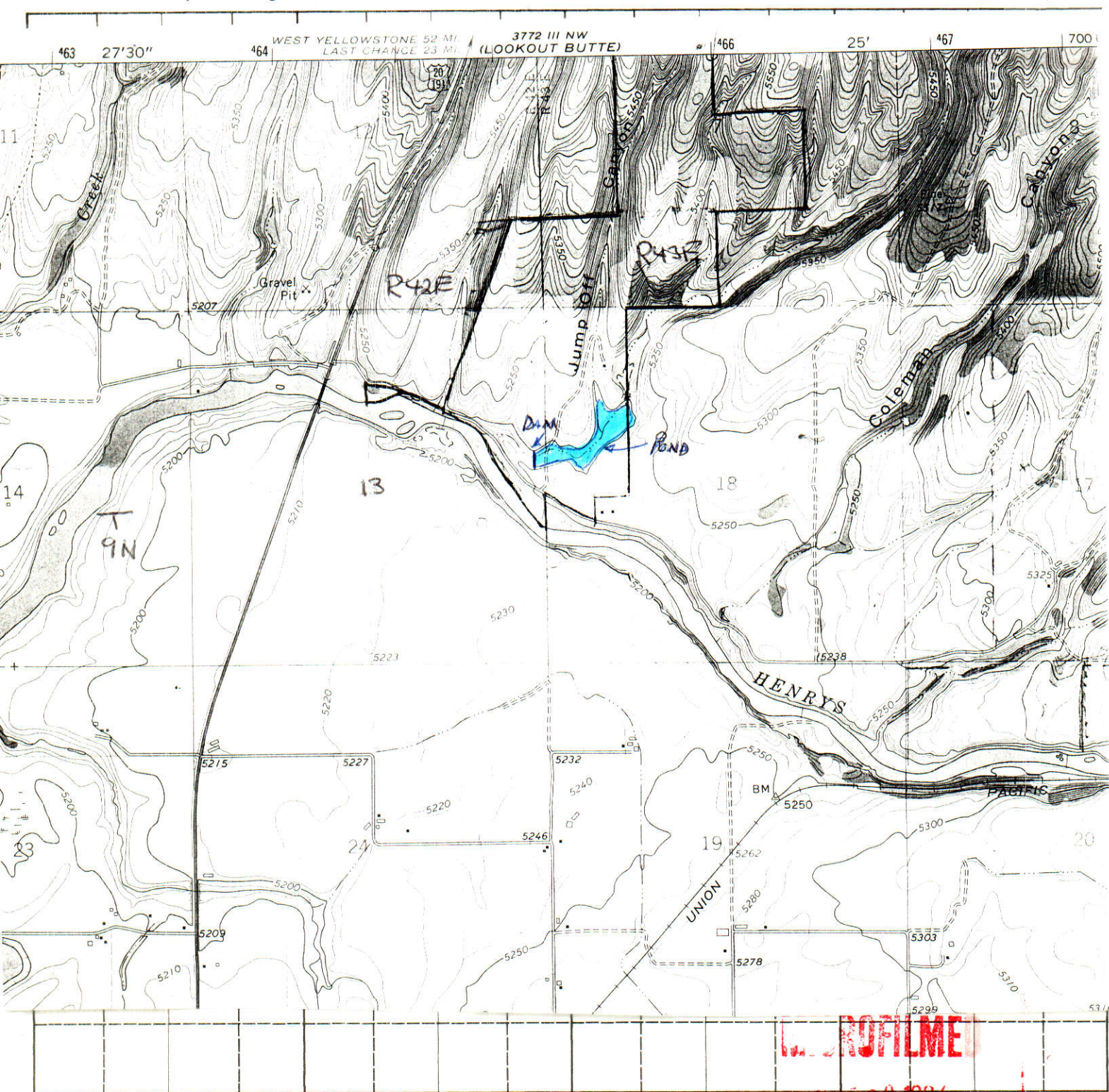


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

[Signature]
(Applicant)

THE FREMONT COUNTY
HERALD-CHRONICLE

ST. ANTHONY, IDAHO
ASHTON, IDAHO

RECEIVED

SEP 1 1987

Department of Water Resources
Eastern District Office

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

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 Water Rights

a copy of which notice appears attached here-
to, 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 hav-

ing been made on Aug. 6, 1987
and the last publication having been made

on Aug. 13, 1987.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the 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 con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston



Subscribed to and sworn to before me
this Aug. 14, 1987

Joseph H. Loda
Notary Public.

(SEAL)

My commission expires June 8, 1993

NOTICE OF APPLICATION
FOR WATER RIGHT

The following applications have been fil-
ed to appropriate the public waters of the
State of Idaho:

21-7373

HENRY'S FORK RANCH
C/O SYLVAN SEELY, P.O. BOX 488,
REXBURG, ID. 83440

Source: SPRING trib. to HENRY'S FORK
Diversion Pt: SESENE Sec 13 T 09N R
42E

Use: RECREATION STORAGE (90.0 AF)
RECREATION FROM STORAGE (90.0 AF)
Date Filed: 06/30/1987

In: SENE Sec 13 T 09N R 42E SWNW
Sec 18 T 09N R 43E

The permits 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 Cod. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho, 83402 on or before
August 24, 1987.

NORM YOUNG
Acting Director

Publ. Aug. 6 and 13, 1987HC.

MICROFILMED

OCT 09 1987

Hand-drawn profile view of a dam structure. The profile shows a spillway on the left, a fuse plug, a crest, and an outlet on the right. Elevation points are marked along the structure: 98.77, 97.78, 97.18, 97.19, 98.58, 99.10, 98.69, 98.38, 98.28, and 98.46. Key dimensions include a crest width of 1.1 ft and a height of 3.8 ft from the spillway to the crest. Notes include "DAM CREST = 98.3 FT", "TOP FUSE PLUG = 97.2 FT", and "SPILLWAY ELEV = 94.5 FT". A cross-section of the spillway is shown with a 20" steel reinforcement bar.

6667 8 0 330

HENRYS FORK RANCH DAM (021-7373)
DOWNSTREAM VIEW OF DAM

SURVEYED BY ANSWER DW - 7/10/91

RESERVED FOR DAM CREST & SPILLWAY - 9/24/97

DE 232 84 TWO - 10/9/97

SCALE: Horiz - 1" = 50 ft

$$VERT - 1'' = 5 FT$$

SURVEY NOTES:

RESV LEVEL = 95.57 FT (7110191)

RESV LEVEL = 95.40 FT (9/24/97)

(3/6" DOWNST M VALVE)

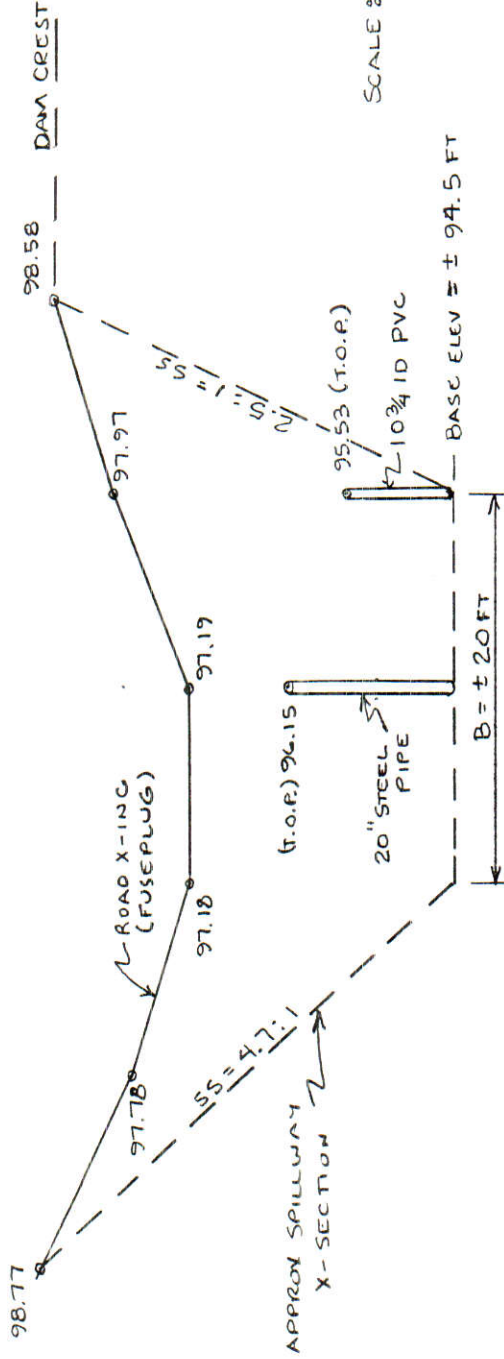
1	1+50	2+50	3+50
2	1+50	2+50	3+50
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90	1+50	2+50	3+50
91	1+50	2+50	3+50

NATIONAL
42.389 200 SHEETS 5 SQUARE
42.382 100 SHEETS 5 SQUARE
42.389 200 SHEETS 5 SQUARE
Made in U.S.A.

42.389	200	SHEETS	5	SQUARE
42.382	100	SHEETS	5	SQUARE
42.381	50	SHEETS	5	SQUARE

MICROFILMED
APR 21 1998

SCALE: HORIZ - 1" = 10 FT
VERT - 1" = 2 FT



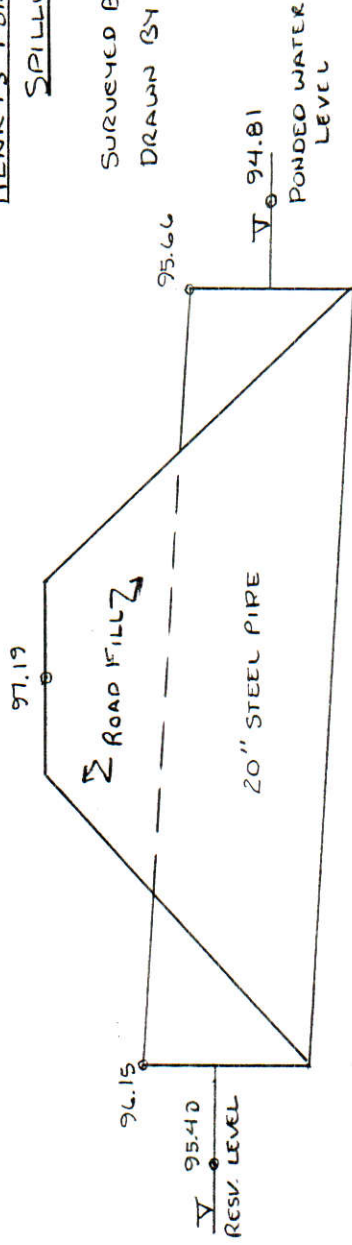
SPILLWAY CROSS SECTION

0+00 0+10 0+20 0+30 0+40 0+50

MICROFILMED
DEC 08 1999

HENRY'S FORK RANCH DAM (D21-7573)
SPILLWAY SECTIONS

SURVEYED BY AMO & DW - 9/24/97
DRAWN BY AMO - 10/9/97



SPILLWAY PROFILE THRU FUSEPLUG @ STATION 0+30 DN X-SECTION

0+00 0+10 0+20 0+30 0+40



MICROFILMED
DEC 08 1999

PE FROM
NT

OM
NT

SLOPE FROM
ENT



MICROFILMED
DEC 08 1999

E FROM

LET PIPE

L

ICH DAM



MICROFILMED

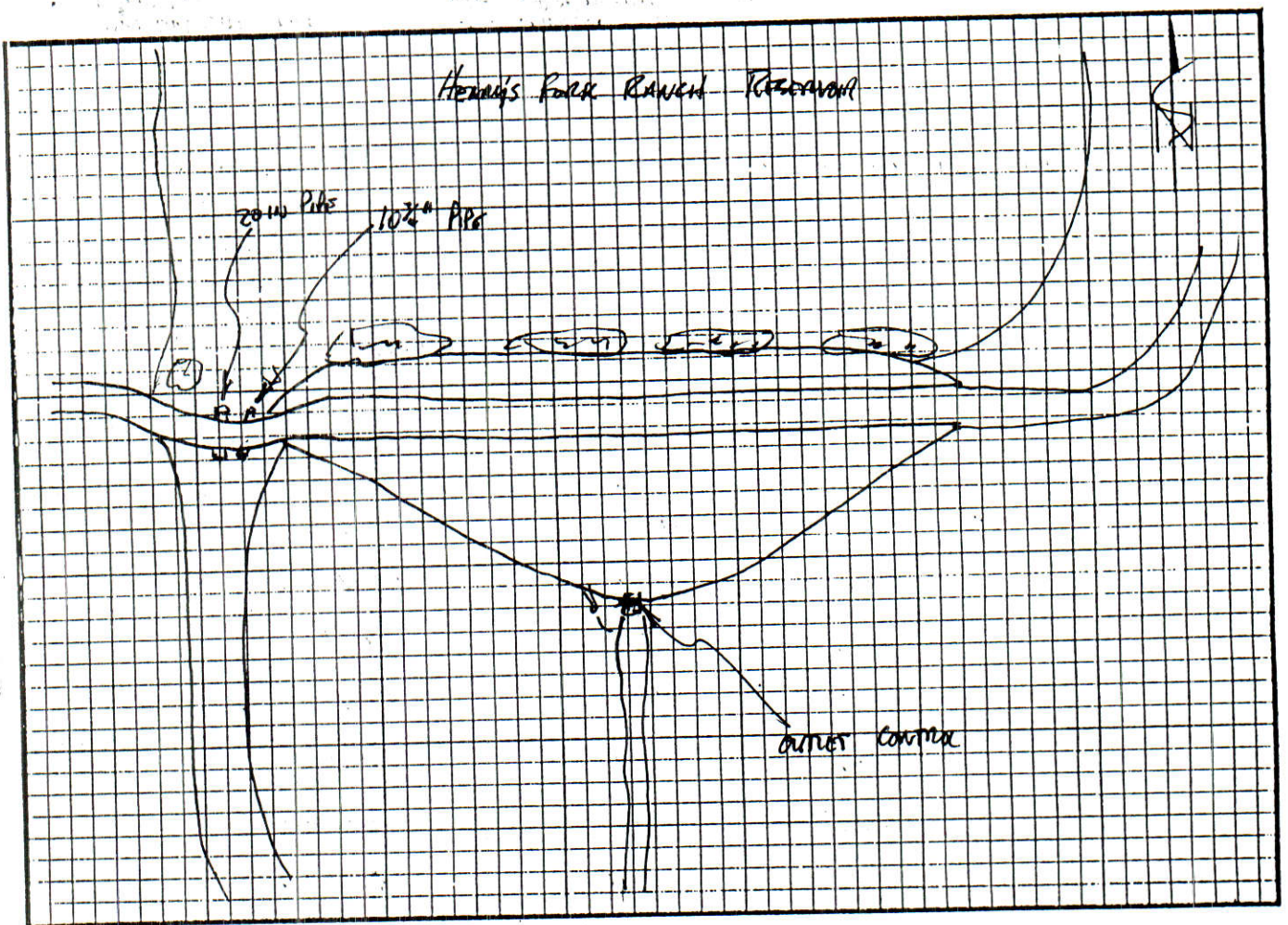
DEC 08 1999

GENERAL CONDITION AND DESCRIPTION OF DAM: Good.

MIKE STUBBLEFIELD AND I RE-SURVEYED THE DAM AFTER MR. LEE HIRED A BACKHOE
TO EXCAVATE THE PILES IN THE SPILLWAY AND LOWER THEM AND THEN REPLACE
THE FUSEPLUG AT A LOWER ELEVATION.

INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.) None

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: ISSUE CERTIFICATE AUTHORIZING STORAGE

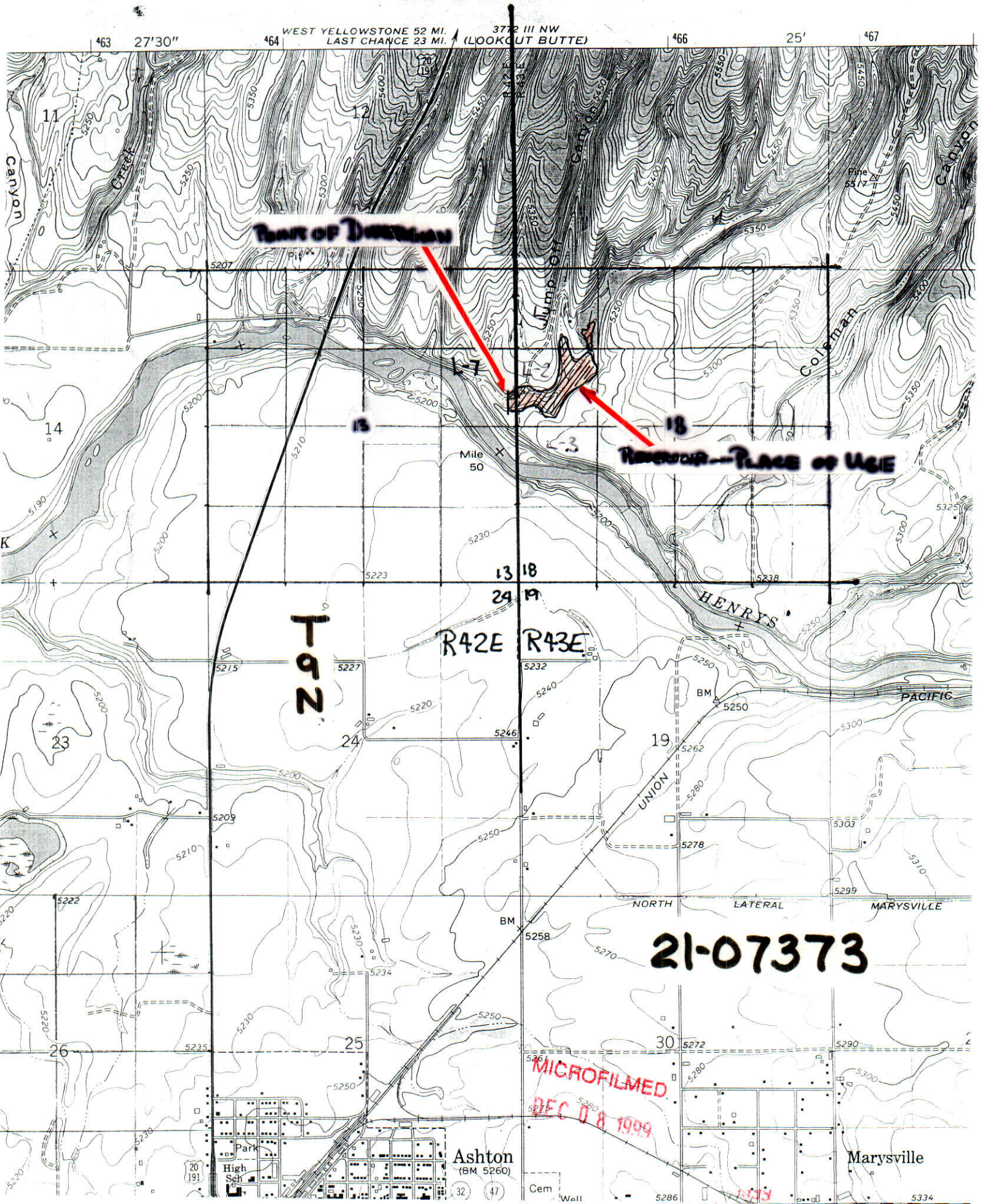
- CONTROL WILLOW GROWTH ON UPSTREAM AND DOWNSTREAM SLOPES
- MONITOR SEEPAGE

Date: SEPT. 24, 1997

Inspected by: Dew

MICROFILMED
DEC 08 1999

MICROFILMED
APR 21 1998



WEST YELLOWSTONE 52 MI.
LAST CHANCE 23 MI. (LOOKOUT BUTTE)

Part of Dutton

Roadway - Place of Use

T29N

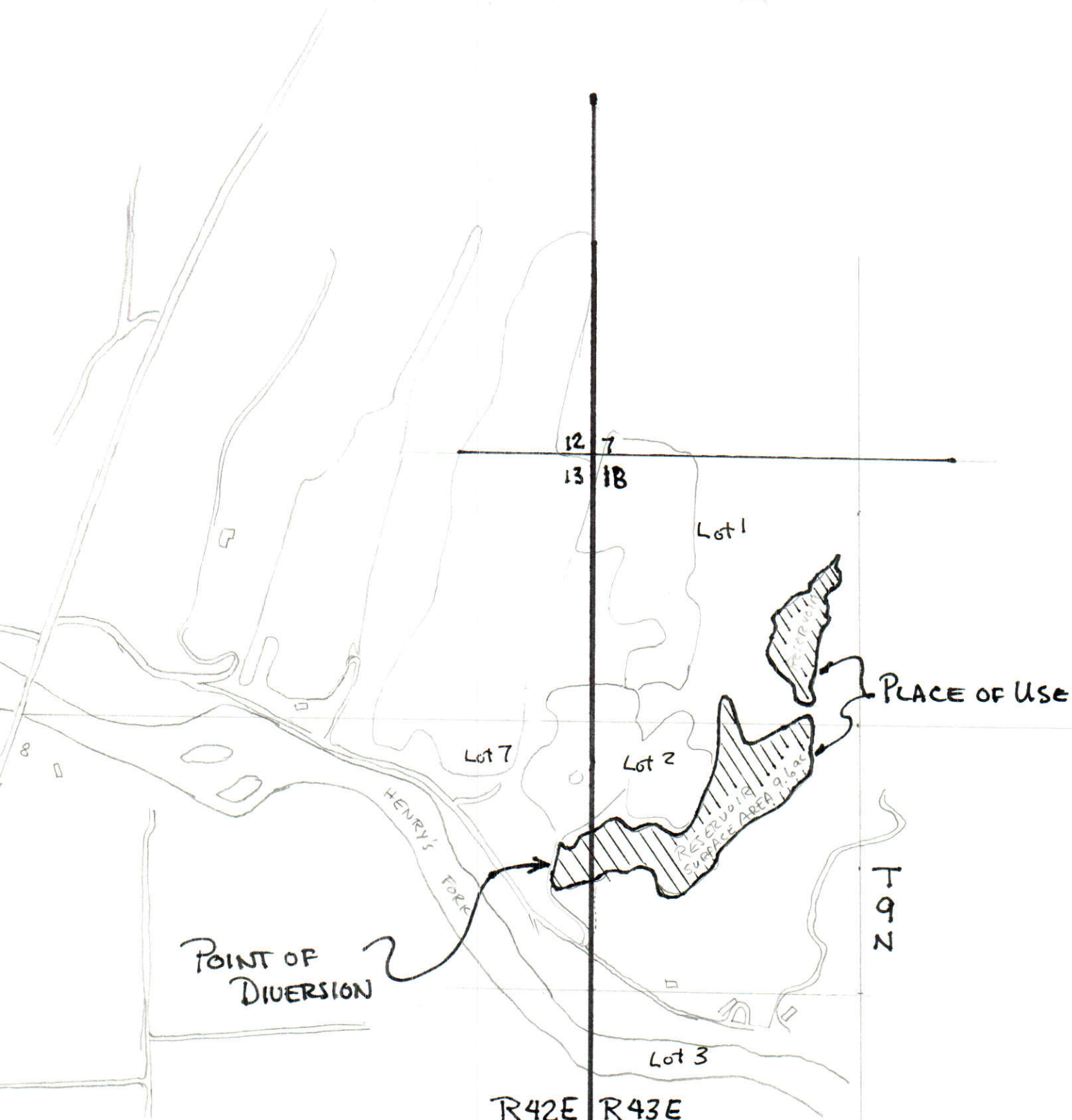
R42E R43E

21-07373

MICROFILMED
DEC 08 1999

Ashton
(BM 5260)

Marysville

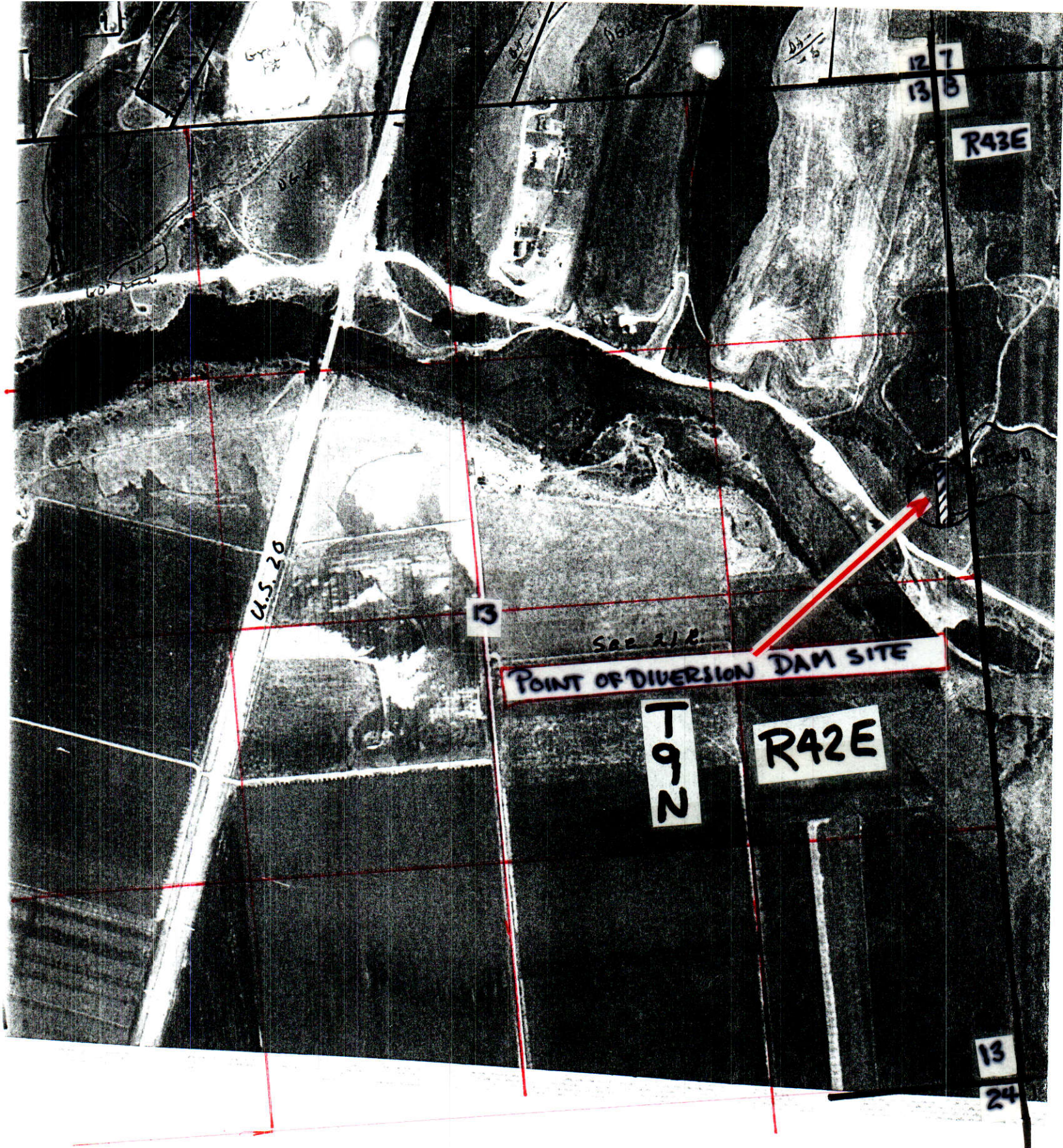


LINE DRAWING TAKEN FROM
FSA (ASCS) COMPLIANCE OVER
FLIGHT SLIDE ON 10 APRIL 1996
by KEITH C. WILSON. NOTE: ALL
SECTION LINES ARE APPROXIMATE

Keith C. Wilson

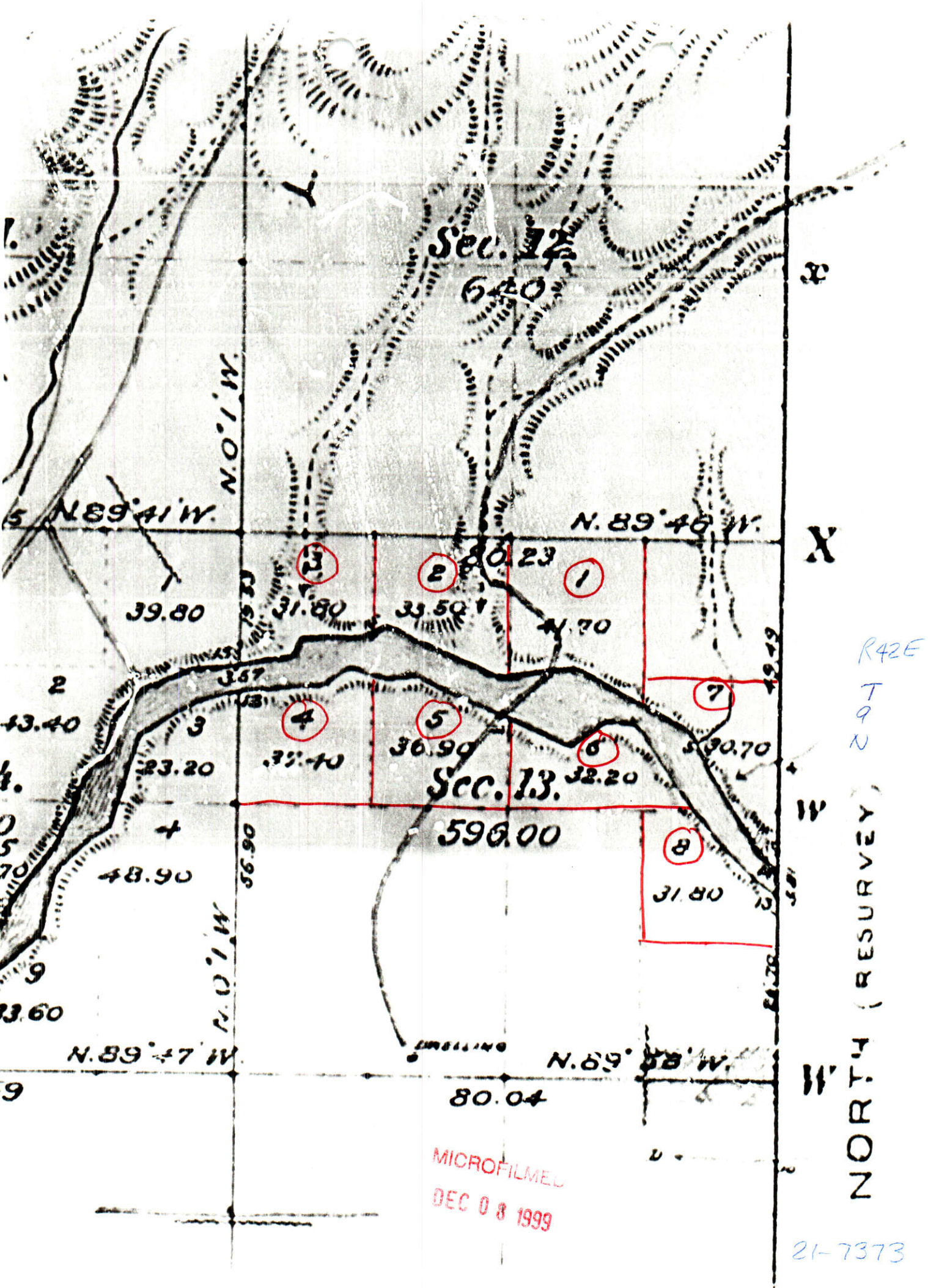
MICROFILMED
DEC 08 1999

21-07373



MICROFILMED
DEC 08 1999

21-07373



Sec. 12
620

Sec. 13
596.00

X

R42E

T 9 N

NORTH (RESURVEY)

MICROFILMED
DEC 08 1999

21-7373

41.35

IV

41.29

20.63

S. 189.53 E.

41.20

II

41.08

Sec. 18

64408

40.96

IV

40.84

20.39

N. 189.34 E.

40.75

II

40.69

Sec. 19

64266

40.64

IV

40.58

MICROFILMED
DEC 08 1999

21-7373

T
9
N

R43E

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 21-07373

Priority: June 30, 1987

Maximum Storage Volume:

90.0 AF

This is to certify, that HENRYS FORK RANCH
C/O SYLVAN SEELY & ROBERT LEE
1330 BARNEY DAIRY ROAD
REXBURG ID 83440

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 30, 1987; and
has submitted Proof of Beneficial Use on May 2, 1989. An examination indicates
that the works have a storage capacity of 90.0 af of water from:

SPRING

tributary to HENRYS FORK

source, and a water right has been established as follows:

BENEFICIAL USE

PERIOD OF USE

ANNUAL VOLUME

RECREATION STORAGE

01/01 to 12/31

90.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 7 (SESENE), Sec. 13, Township 09N, Range 42E
FREMONT County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

09N 42E 13 Lot 7 (SENE)

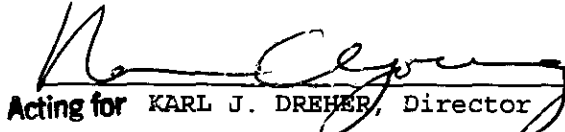
43E 18 Lot 1 (NWNW) Lot 2 (SWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. Recreation storage is for private boating and fishing.
3. Use of water under this right shall be nonconsumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require the right holder to determine the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 16th day of NOVEMBER, 1989.

MICROFILMED

Acting for  KARL J. DREHER, Director

DEC 02 1989

RECEIVED

MAY 20 1999

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 21-07373

Date of Priority: June 30, 1987 Maximum Storage Volume: 90.0 AF

Comes now
C/O SYLVAN SEELY, ¹ HENRYS FORK RANCH
~~PO BOX 488~~ ^{ROBERT R. LEE} 1330 BARNEY DAIRY ROAD
REXBURG ID 83440

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. 21-07373, and requests that the permit be changed as follows:

Source: SPRING tributary to HENRYS FORK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		90.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 7 (SESENE), Sec. 13, Township 09N, Range 42E
FREMONT County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

09N 42E 13	Lot 7 (SENE)	
43E 18	Lot 1 (NWNW)	Lot 2 (SWNW)

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 Robert R. Lee, this 14 day of May, 1999.

REXBURG, IDAHO
MICROFILMED

DEC 08 1999

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 21-07373

FOR DEPARTMENT USE ONLY

Preliminary check by EWK Fee = 50⁰⁰ Receipted by HW # C045514 Date 5/21/99

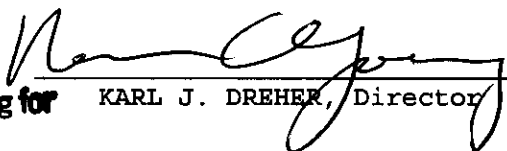
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 21-07373 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. Recreation storage is for private boating and fishing.
3. Use of water under this right shall be nonconsumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require the right holder to determine the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

Witness my hand this 15TH day of NOVEMBER, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED

DEC 08 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVING CERTAIN)
CONDITIONS OF APPROVAL FOR PERMIT)
NO. 21-07373 IN THE NAME OF HENRY'S)
FORK RANCH)
_____)

ORDER

This matter having come before the Department of Water Resources (Department) as a result of a request to waive certain conditions of approval on a permit to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On September 15, 1987, the Department issued Permit No. 21-07373 (permit) authorizing the construction of a reservoir for recreation purposes on a tributary of the Henry's Fork of the Snake River within Water District 01. The permit carried a condition of approval requiring the permit holder to submit to the Department an area capacity curve of the reservoir. The permit also carried a condition of approval requiring the permit holder to determine the rate of loss within the facilities and to provide a source of augmentation water to mitigate all losses.
2. In August, 1999, the permit holder asked the Department to waive the conditions of approval requiring the submittal of an area capacity curve of the reservoir and requiring augmentation water for mitigation.
3. According to Department records, the dam constructed under the permit is classified as a "small" dam in the "low" risk category under Safety of Dams Rules 25.01 and 25.02 (IDAPA 37.03.06.025).
4. Under Safety of Dams Rule 60.01 (IDAPA 37.03.06.060.01.a), small dams in the low risk category do not require submittal of an area capacity curve for the reservoir.
5. The watermaster recommended that the permit be conditioned to have supplemental water available to compensate for losses to the Henry's Fork of the Snake River.
6. Supplemental water has not been required to date to compensate for losses to the Henry's Fork of the Snake River.
7. The watermaster has since advised the Department that alternate language requiring future determination of losses and mitigation could be substituted for the original condition of approval.

MICROFILMED
DEC 08 1999

CONCLUSIONS OF LAW

1. An area capacity curve of the reservoir is not required for regulation of the water use authorized by the permit.
2. The Department should waive the requirement of an area capacity curve of the reservoir.
3. Augmentation water may be necessary in the future to mitigate losses to prior rights of other users.
4. The Department should replace the language of the original condition of approval requiring the permit holder to determine the rate of loss within the facilities and to provide a source of augmentation water to mitigate all losses with alternate language which provides for a future determination of losses and mitigation as the Department determines it to be necessary.

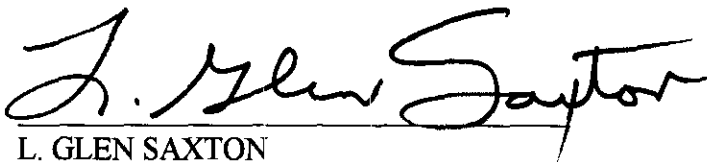
ORDER

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring the permit holder to submit to the Department an area capacity curve of the reservoir is **WAIVED**. The Department retains jurisdiction to require the condition to be reinstated in the future upon a finding of need by the Department.

IT IS FURTHER ORDERED that the condition of approval requiring the permit holder to determine the rate of loss within the facilities and to provide a source of augmentation water to mitigate all losses is **REMOVED** and **REPLACED** by the following condition:

Use of water under this right shall be nonconsumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require the right holder to determine the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

Dated this 9th day of November, 1999.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
DEC 08 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVING THE FLOW)
MEASUREMENT DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 21-07373 IN)
IN THE NAME OF HENRY'S FORK RANCH)
_____)

ORDER

This matter having come before the Department of Water Resources (Department) as a result of a request to waive certain conditions of approval on a permit to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On September 15, 1987, the Department of Water Resources (department) issued Permit 21-07373 (permit) authorizing the construction of a reservoir for recreation purposes on a tributary of the Henry's Fork of the Snake River within Water District 01. The permit carried a condition of approval requiring the permit holder to install measuring devices so that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured. The permit also carried a condition of approval requiring installation of a lockable device to provide the watermaster of Water District 01 (watermaster) suitable control of the diversion
2. In May, 1999, the permit holder asked the department to waive the measuring device requirement and the lockable device requirement.
3. The watermaster has advised the department that measuring devices and the lockable device are currently not necessary for the regulation of the water use authorized by the permit.

CONCLUSIONS OF LAW

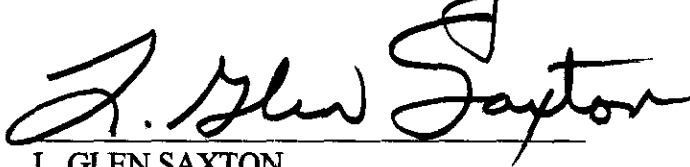
1. Water Appropriation Rule 50.04. (IDAPA 37.03.08.050.04.) requires measuring devices for on-stream reservoirs unless "specifically waived by the director."
2. Installation of permanent measuring devices and a lockable device is currently not necessary for regulation of the water use authorized by the permit.
3. The department should waive the measuring device requirement as provided in Water Appropriation Rule 50.04.
4. The department should waive the lockable device requirement.

MICROFILMED
DEC 08 1999

ORDER

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring the installation of measuring devices so that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured is **WAIVED**. IN ADDITION, the condition of approval requiring the installation of a lockable device is also **WAIVED**. The department retains jurisdiction to require the conditions to be reinstated in the future upon a finding of need by the department.

Dated this 25th day of May 1999.

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." and last name "Saxton" clearly distinguishable.

L. GLEN SAXTON
Chief, Water Allocation Bureau

MAY 06 1988

For Office Use Only
Fee Received \$100.00
Date 8-4-88
Receipt # 0008895
Receipt by B
Reviewed by
Sent to region

RECEIVED

STATE OF IDAHO Water Resources

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 21-7373

Name(s) of Permit Holder: Henry's Fork Ranch C/O Sylvan Seely

Post Office Address: P.O. Box 488, Rexburg, Idaho 83440

Telephone No. 356-9318

Source of Water: Spring Trib to Henry's Fork Snake River

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)
Irrigation _____ (acres) Other/Remark Storage for Recreation

Total rate and/or volume for which proof is submitted _____ cfs 90 acre-feet

Show the date water was first diverted and beneficially used under this permit: Nov 1, 1987

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☒ No
Fee enclosed \$ 100.00
(See License Examination Fee Schedule)

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

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

Robert R. Lee 356-9318
(Name) (Telephone Number)

1530 Barney Dairy Road Rexburg, ID 83440
(Address)

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.

4/30/88
Date

Sylvan Seely
Signature of Permit Holder (and title, if appropriate)

AUG 21 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 21 7373

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant HENRY'S FORK RANCH Phone 356-9318
Post office address % Sylvan Seely, P.O. Box 488 Rexburg, Idaho 83440

2. Source of water supply Unnamed Spring which is a tributary of Henry's Fork

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 13 Township 9N Range 42E B.M. Fremont County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

~~Amount 90 for Fish Prop. storage * purposes from Jan 1 to Dec. 31 (both dates inclusive)~~
~~(cfs or acre-feet per annum)~~

~~Amount 1 for Recreation * purposes from Jan. 1 to Dec. 31 (both dates inclusive)~~
~~(cfs or acre-feet per annum)~~

~~Amount 90 for Fish Prop. * purposes from Jan. 1 to Dec. 31 (both dates inclusive)~~
~~(cfs or acre-feet per annum)~~

~~Amount 90 for Storage for Recreation purposes from 11-2 to 3-31 (both dates inclusive)~~
~~(cfs or acre-feet per annum)~~

~~Amount 90 for Recreation from Storage purposes from 1-1 to 12-31 (both dates inclusive)~~
~~(cfs or acre-feet per annum)~~

5. Total quantity to be appropriated is (a) 1 cubic feet per second and/or (b) 90 acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Dam, Outlet works, spillway

* Changes as per tele-con with Bob Lee on 7-7-87 HWT

b. Height of storage dam 21 feet; active reservoir capacity 80 acre-feet; total
reservoir capacity 90 acre-feet; period of year when water will be diverted to storage:
11-2 * 3-31
Jan. 1 to Dec. 31 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
2 *
5 years (minimum 1 year).

RECORDED

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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. _____
- e. Other; describe fully. Water will be stored during fall and winter for fish propagation and recreation use. When the reservoir is filled, out flow will equal inflow.

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	
9N	42E	13			~~R~~	R													
9N	43E	18							R										

Total number of acres to be irrigated _____

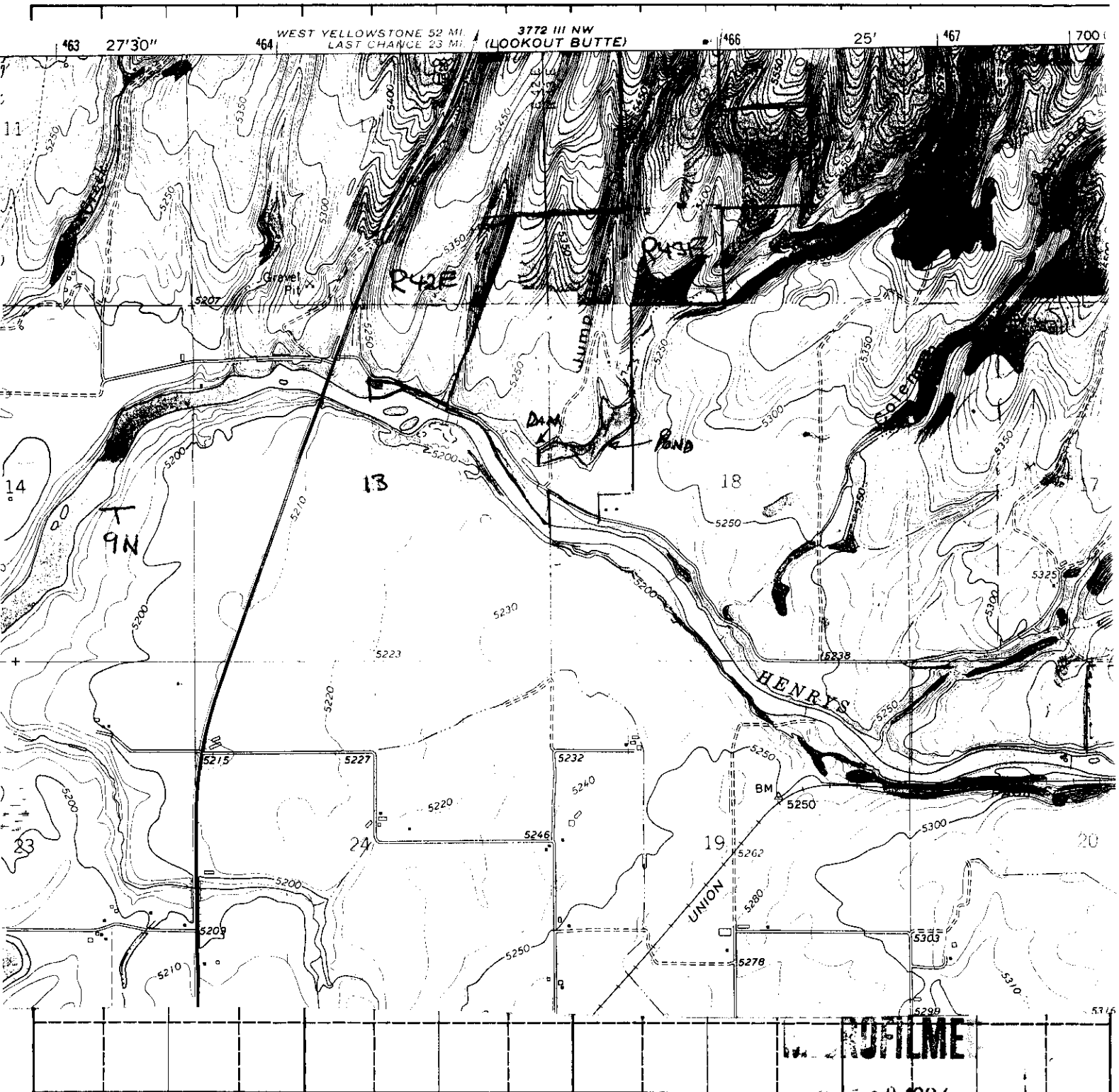
10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Henry's Fork Ranch
- b. Who owns the land to be irrigated or place of use? Henry's Fork Ranch
- 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: Application for a permit to build a small Dam has been made.

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



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.

[Signature]
(Applicant)

Proposed Priority 6/30/87

Received by AW Date 6-30-87 Time 1:10 P. Preliminary check by HWS
Fee \$ 45.00 Receipted by dg # 41261 Date 7-9-87
Publication prepared by dg Date 7-29-87 Published in Ashton Herald
Publication approved AW Date 9-01-87

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. 21-7373, 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 October 1, 1989.

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: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Use of water under this permit shall be non-consumptive.

A lockable device, subject to the approval of the Department shall be permanently installed on the outlet pipe in a manner that will provide the watermaster suitable control of the diversion.

For licensing purposes, the permit holder shall submit to the Department an area capacity curve of the reservoir certified by a professional engineer and complying with the standards of the Department.

The Department retains jurisdiction of the permit until all conditions of approval are complied with.

In conjunction with the initial storage of water under this permit, the permit holder must determine that rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.

Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 15th day of September, 1987.

J. Glen Saxton
Chief, Operations
Bureau

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OCT 09 1987

THE FREMONT COUNTY
HERALD-CHRONICLE

ST. ANTHONY, IDAHO
ASHTON, IDAHO

RECEIVED

SEP 1 1987

Department of Water Resources
Eastern District Office

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

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 Water Rights

a copy of which notice appears attached here-
to, 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 hav-

ing been made on Aug. 6, 1987
and the last publication having been made
on Aug. 13, 1987.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the 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 con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston
~~~~~

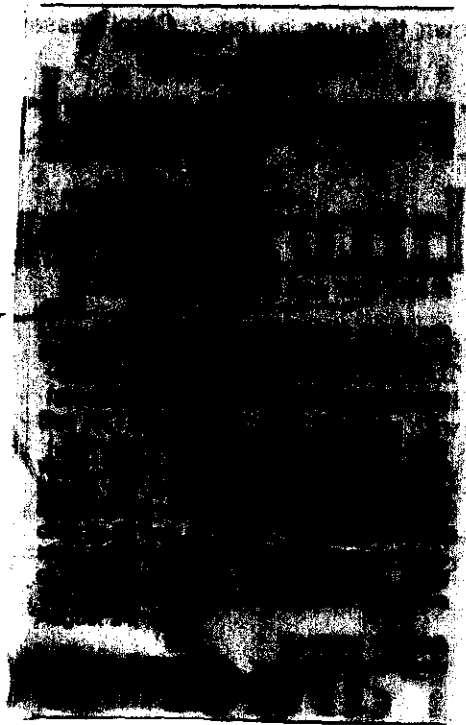
Subscribed to and sworn to before me

this Aug. 14, 1987

*Joseph L. Davis*  
Notary Public.

(SEAL)

My commission expires June 8, 1993



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OCT 09 1987



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

November 16, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

HENRYS FORK RANCH  
C/O SYLVAN SEELY & ROBERT LEE  
1330 BARNEY DAIRY ROAD  
REXBURG ID 83440

RE: WATER RIGHT NO. 21-07373

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 described in the enclosed information sheet.

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

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED  
DEC 08 1999

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of November, 1999, 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. 21-07373

HENRYS FORK RANCH  
C/O SYLVAN SEELY & ROBERT LEE  
1330 BARNEY DAIRY ROAD  
REXBURG ID 83440

  
Kari Lynn Townsend  
Secretary

MICROFILMED

DEC 08 1999

## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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.

### ORAL ARGUMENT

If the Department grants a petition to review a 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.

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DEC 08 1993

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a 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.

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

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DEC 08 1999

## Peppersack, Jeff

---

**From:** Carlson, Ron  
**Sent:** Monday, October 25, 1999 9:36 AM  
**To:** Peppersack, Jeff  
**Subject:** RE: Permit No. 21-07373

Jeff

I like your proposed changes. I did not like the original language.

Ron

-----Original Message-----

**From:** Peppersack, Jeff  
**Sent:** Friday, October 22, 1999 4:58 PM  
**To:** Carlson, Ron  
**Subject:** Permit No. 21-07373

Ron, I thought I would run this by you before proceeding with licensing.

Permit No. 21-07373 is for a 90 AF reservoir used for recreation. The source is a spring which flows into the Henrys Fork. This permit is being prepared for licensing, but there are a couple of conditions that need to be addressed prior to licensing. The first condition requires that the permit holder submit an area-capacity curve of the reservoir certified by a professional engineer. The second condition requires that the rate of loss within the facility must be determined and a source of augmentation water must be provided to mitigate any losses.

The owner, Robert R. Lee has asked that those conditions be waived. It appears that the first condition was put on the permit because the application proposed a 21 foot dam which classified it as an intermediate to large dam requiring an area-capacity curve under dam safety rules. The dam was actually built to 20 feet and would not require the area-capacity curve. It appears that the first condition could be waived.

The second condition was a result of watermaster comments requiring the permit to be subject to having adequate supplemental (storage) water supplies to compensate for losses to the river. Apparently, this has not been an issue to date, but mitigation water may be necessary in the future. I am proposing to replace the existing condition with a new one as follows:

**Existing Condition:**

In conjunction with the initial storage of water under this permit, the permit holder must determine that rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.

**New Condition:**

Use of water under this right shall be nonconsumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require the right holder to determine the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

Do you have any comments or concerns regarding this proposal?

Thanks,

Jeff

MICROFILMED

DEC 08 1999

RECEIVED

AUG 25 1999

Department of Water Resources

1330 Barney Dairy Road  
Rexburg, ID 83440  
August 21, 1999

Shelley Walter Keen  
Water Rights Supervisor  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

Re: Water Rights 21-07373

Dear Ms. Keen:

This is in response to your letter of June 8, 1999 requesting an area capacity curve for the reservoir and mitigation water to mitigate the losses due to seepage and evaporation.

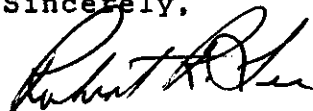
I am willing to go to the expense to determine an area capacity curve for this small reservoir. However, since the reservoir remains full year round and is only used for recreation an area capacity curve would serve no useful purpose. At full capacity the reservoir holds approximately 90 acre feet and has an area of approximately 9 acres.

I am unable to discern any net loss from having a 9 acre reservoir compared to having 9 acres of willows, shrubs, grasses and hydrophytes. The dense vegetation below the dam is much like that which existed in the reservoir area. The seasonal consumptive use of the plants in the reservoir area is estimated to have been about 30 inches/acre (2 1/2 acre feet/acre) for a total of approximately 22.5 acre feet. The seasonal reservoir evaporation loss at 5200 feet elevation is about 2 acre feet/acre for a total of 18 acre feet. Thus there is less loss from reservoir evaporation than from vegetation consumptive use.

There is some minor seepage from the reservoir but the water soon finds its way to the Henrys Fork River which is only about 600 feet from the dam.

Therefore, in light of the foregoing information I am hopeful you will approve the water right without requiring an area capacity curve or water mitigation.

Sincerely,



Robert R. Lee  
MICROFILMED

DEC 08 1999



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098  
Phone: (208) 327-7900 FAX: (208) 327-7866

June 8, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

HENRY'S FORK RANCH  
C/O ROBERT LEE  
1330 BARNEY DAIRY RD  
REXBURG ID 83440

RE: Water Right 21-07373

Dear Mr. Lee:

Thank you for responding to my request for the amendment needed before the water development under Permit 21-07373 can be licensed. I have reviewed the information you provided about the operation of your reservoir, and IDWR currently is inclined to grant your request to waive the measuring device and lockable controlling works requirements. Before the license can be issued, however, I have been directed to pursue two additional items with you.

First, one of the conditions on your permit required you to submit an area capacity curve of the reservoir. I thought the curve would be part of the file maintained by the Dam Safety section, but there is not one there.

Second, I have heard from Water District No. 01 that you have not arranged for a source of augmentation water to mitigate for losses from your reservoir. One of the conditions of your permit requires you to determine the rate of loss due to seepage and evaporation and to provide mitigation water to mitigate the losses to the Henry's Fork system.

I have enclosed a copy of your permit for your review. Please provide the requested information within sixty days. If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen  
Water Rights Supervisor

Enclosure

CC: IDWR Eastern Region

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DEC 08 1999

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 21-07373**

\*\*\*\*\*

FOR DEPARTMENT USE ONLY

Preliminary check by WV Fee = 50.- Received by WV # 045514 Date 5/21/99

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. 21-07373 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
3. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
4. A lockable device shall be permanently installed and maintained on the outlet pipe in a manner that will provide the watermaster suitable control of the diversion.
5. Recreation storage is for private boating and fishing.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

NOT FILMED

DEC 08 1999

KARL J. DREHER, Director

*Proposed modifications of Conditions of Approval*

1. It is not practical to install and maintain measuring devices on the 2 small springs that feed the reservoir and the two outlet pipes from the reservoir. Since there is no diversion from the reservoir the amount of flow entering the reservoir is the same as that leaving the reservoir except for some evaporation and seepage. Flows are  $\leq \frac{1}{2}$  cfs.
2. There is no need for a lockable device because there are no valves ~~on~~ on the outlet pipes. The water flows into the reservoir and out of the reservoir, in an unregulated manner, down to the Henry's Fork River about  $\frac{1}{4}$  mile below the dam.  
*R.R. Lee*



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

April 26, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

HENRYS FORK RANCH  
C/O SYLVAN SEELY  
PO BOX 488  
REXBURG ID 83440

RE: WATER RIGHT NO. 21-07373

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

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DEC 08 1999

WR0749NP  
No. L21-07373

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 04/21/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                              | PRIORITY<br>DATE | WATER USE            | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------------------------------------------------------|------------------|----------------------|-----------------------|-------------------|---------------------|
| C                | HENRYS FORK RANCH<br>C/O SYLVAN SEELY<br>PO BOX 488<br>REXBURG ID 834400000 | 06/30/1987       | RECREATION STORAGE ✓ | 01/01 12/31           |                   | 90.00 AFA           |
| TOTAL DIVERSION: |                                                                             |                  |                      |                       |                   | 90.00 AFA           |

Water Source: SPRING ✓

Tributary to: HENRYS FORK ✓

Stage: LICENSE

Point(s) of Diversion Capacity: 90.00 AFA ✓

Point(s) of Diversion: T09N R42E S13 Lot 07(SESENE) ✓

FREMONT County

Place of use Legal Description for: RECREATION STORAGE

| NE  |     |    |   | NW   |   |   |   | SW   |      |   |   | SE |   |   |   |
|-----|-----|----|---|------|---|---|---|------|------|---|---|----|---|---|---|
| T   | R   | S  |   | T    | R | S |   | T    | R    | S |   | T  | R | S |   |
| 09N | 42E | 13 | : | 01-R | : | : | : | 01-R | 02-R | : | : | :  | : | : | : |

Pou County: FREMONT

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
21-07055

Conditions of Approval:

- ✓ 18A - The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
- ✓ 027 - Use of water under this right shall be non-consumptive.
- ✓ R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

Remarks: GEN A lockable device shall be permanently installed and maintained on the outlet pipe in a manner that will provide the watermaster suitable control of the diversion.

RS/private boating  
& fishing.

Dates: App. Received: 06/30/1987 Priority Date: 06/30/1987  
Proof Due Date: 10/01/1989 Proof Made Date: 05/02/1989  
Exam Made Date: 04/10/1996 Exam Sent to S.O.: 05/07/1997  
Licensed Date:

Misc: Water District Number: 01 Field Exam Fee: R (Received)

Audit: 04/21/99 SCURTIS

## MEMORANDUM

**TO: File 21-07373**

**FROM: Sharla**

**DATE: April 22, 1999**

**RE: Recommendation Adjustment(s)**

The adjustments to licensing recommendations for Permit 21-07373 are as follows:

### H. RECOMMENDATIONS

|                    |             |         |
|--------------------|-------------|---------|
| Recreation Storage | 1/1 – 12/31 | 1.2 afa |
|--------------------|-------------|---------|

Outflow of excess water once the reservoir is full does not constitute a “recreation from storage” component. Recreation storage is the only use.

Exam Date: April 10, 1996  
Examiner: Keith Wilson

MICROFILMED  
DEC 08 1999

# LICENSE REVIEW CHECKLIST

PERMIT NO. 21-07373 DATE 6/22/98 REVIEWER: SHARLA  
4/21/99

NAME OK  
 Address OK

SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40

W32 (multiple in 1/4)  
 W36 (overlap)  
 W59 (subd. desc)

Overlaps: Right(s): \_\_\_\_\_  
 File reviewed \_\_\_\_\_ Profile reports printed \_\_\_\_\_

PLACE OF USE Chg ☐ Change (P41/P47) ☒ Add (P41/P42) Feds - P43  
NWNW, S18

W60 (subd. desc)  
 W27 (ppu acre limit)

Overlaps: Right(s): \_\_\_\_\_  
 File reviewed \_\_\_\_\_ Profile reports printed \_\_\_\_\_

PD & PU amend (P37) Feds - P48

## RATE OF DIV

Permitted Rate 90.0 cfs af

Fee limit 1.00 cfs \$100.00 (100 af)

Measured \_\_\_\_\_ cfs

Theoretical \_\_\_\_\_ cfs

Recommended Total Div Rate 90.0 cfs af

| WATER USES      | Change (P46) |               |           |
|-----------------|--------------|---------------|-----------|
| <u>Rec Stor</u> | <u>OK</u>    | <u>90</u> cfs | <u>af</u> |
|                 |              | cfs           | af        |
|                 |              | cfs           | af        |
|                 |              | cfs           | af        |
|                 |              | cfs           | af        |
|                 |              | cfs           | af        |
| TOTALS          |              | cfs           | af        |

Irrig - overlap (R58-R61, R62-R65, R66-R69)  
 supp. gw (WB7/065/079)  
 overlap spec. combined rts (W35)  
 <1acre (W31)  
 Domestic (W01/WB5/070/071/075)  
 Power (W42 or W43/025/027/R22 or R23)  
 Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate \_\_\_\_\_ cfs X \_\_\_\_\_ days X 1.98 = \_\_\_\_\_ af

REMARKS meas dev.

ADD'L CONDITIONS RO4 Watermaster Control WD# 01  
 \_\_\_\_\_ GW Measurement/Measuring Device

021 Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority \_\_\_\_\_ yes ☒ no

SRBA Claim NA

Adjust Memo USE  
 Amend letters P41, P38  
P42

# DAM SUMMARY SHEET

April 3, 1998

## HENRYS FORK RANCH

21 - 7373

INVENTORY \_\_\_\_\_ AF  
BASIN \_\_\_\_\_ 21  
DAM NUMBER \_\_\_\_\_ 7373  
FED ID NUMBER \_\_\_\_\_ ID00438  
DAM NAME \_\_\_\_\_ HENRYS FORK RANCH  
COUNTY \_\_\_\_\_ FREMONT  
STREAM \_\_\_\_\_ TR-HENRYS FORK  
REGION \_\_\_\_\_ E  
PURPOSE \_\_\_\_\_ R  
RISK CATEGORY \_\_\_\_\_ 3  
SIZE CATEGORY \_\_\_\_\_ 3  
Q-Q SECTION \_\_\_\_\_ SENE  
SECTION \_\_\_\_\_ 13  
TOWNSHIP \_\_\_\_\_ 09N  
RANGE \_\_\_\_\_ 42E  
LATITUDE DEC \_\_\_\_\_ 44.1089  
LONGITUDE DEC \_\_\_\_\_ 111.4357  
DAM TYPE \_\_\_\_\_ EARTH  
STORAGE CAPACITY \_\_\_\_\_ 90.00 ACFT  
HEIGHT \_\_\_\_\_ 19.50 FT  
DRAINAGE AREA \_\_\_\_\_ 3.90 SQMI  
RESERVOIR AREA \_\_\_\_\_ 10.00 AC  
YEAR COMPLETED \_\_\_\_\_ 1987  
CREST ELEVATION \_\_\_\_\_ 5,200.00 MSL  
CREST LENGTH \_\_\_\_\_ 270.00 FT  
SPILLWAY TYPE \_\_\_\_\_ ERCHAN  
SPILLWAY DEPTH \_\_\_\_\_ 3.80 FT  
SPILLWAY CAPACITY \_\_\_\_\_ 174.00 CFS  
OUTLET TYPE \_\_\_\_\_ PVC  
OUTLET SIZE \_\_\_\_\_ 12 IN  
OUTLET CAPACITY \_\_\_\_\_ 10.00 CFS  
IDF \_\_\_\_\_ Q50  
IDF MAGNITUDE \_\_\_\_\_ 160.00 CFS  
RELEASE CAPACITY \_\_\_\_\_ 184.00 CFS

CONDITION \_\_\_\_\_ FR  
MAINTENANCE \_\_\_\_\_ ROUTINE  
INSPECTION DATE \_\_\_\_\_ 0997 MO/YR  
CERTIFICATE EXP DATE \_\_\_\_\_ 1199 MO/YR  
LAST RISK EVALUATION \_\_\_\_\_ 0690 MO/YR  
SURVEY DATE \_\_\_\_\_ 7/10/91 MO/DD/YR  
CALL UP DATE \_\_\_\_\_ MO/DD/YR  
CERT ISSUE DATE \_\_\_\_\_ 3/ 5/98 MO/DD/YR  
INSPECTION INTERVAL \_\_\_\_\_ 2YR  
PHASE I INSP DATE \_\_\_\_\_  
OPERATION PLAN \_\_\_\_\_ N  
SEISMIC ANALYSIS \_\_\_\_\_ N  
RESTRICTED \_\_\_\_\_ Y  
JOINT INSPECTION \_\_\_\_\_  
QUAD NUMBER \_\_\_\_\_ V97  
QUAD NAME \_\_\_\_\_ ASHTON

DAM OWNER \_\_\_\_\_ HENRYS FORK RANCH  
ADDRESS - 1 \_\_\_\_\_ C/O SYLVAN F SEELY  
ADDRESS - 2 \_\_\_\_\_ P O BOX 488  
CITY \_\_\_\_\_ REXBURG  
STATE \_\_\_\_\_ ID  
ZIP CODE \_\_\_\_\_ 83440  
ZIP SUFFIX \_\_\_\_\_  
PHONE \_\_\_\_\_ 3569318  
AREA CODE \_\_\_\_\_ 208

GENERAL REMARKS : FUSEPLUG IN SPILLWAY LOWERED TO PRESENT ELEVATION AND DAM CREST RAISED IN 1997.

TECHNICAL REMARKS : 2.8' HIGH PLUG IN SPILLWAY WITH 20" STEEL & 10.75 PVC PIPES THRU FILL. SPILLWAY AND RELEASE CAP ARE WITH 2.0' FREEBOARD AND FUSEPLUG REMOVED. OUTLET HAS 6" VALVE ON DOWNSTREAM END. WITH FUSEPLUG IN PLACE MAXIMUM CAPACITY THRU PIPES IS APPROXIMATELY 21 CFS BEFORE FUSEPLUG OVERTOPS.

RESTRICTIONS : THE ELEVATION OF THE TOP OF THE FUSEPLUG IN THE SPILLWAY SHALL BE MAINTAINED AT LEAST 1.0 FOOT BELOW THE LOWEST ELEVATION OF THE DAM CREST. A MINIMUM OF 2.0 FEET OF FREEBOARD SHALL BE MAINTAINED ON THE DAM EMBANKMENT AT ALL TIMES.

ALTERNATE CONTACTS : BOB LEE, PARTNER, PH = 356-9506.

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DEC 08 1999

# HENRY'S FORK RANCH (D21-7373)

## SPILLWAY HYDRAULICS

$$Q_{50} = 160 \text{ CFS}$$

SPILLWAY DIMENSIONS:

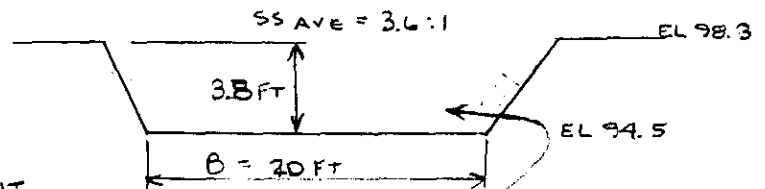
ASSUME FUSE PLUG WASHES OUT COMPLETELY.

$$Q = CLH$$

$$L = \frac{B}{3} + \frac{2(SS)(H)}{3}$$

$$\text{FETCH (F)} \approx 1000 \text{ FT} \quad F_B = 2 + 1.9 \sqrt{F} \approx 2 \text{ FT}$$

| ELEV               | H   | C    | L    | Q       |
|--------------------|-----|------|------|---------|
| 95.5               | 1.0 | 2.8  | 22.4 | 63. CFS |
| 96.2               | 1.7 | 2.94 | 24.1 | 157 CFS |
| AT REQ'D FB — 96.3 | 1.8 | 2.96 | 24.3 | 174 CFS |



2- 2.5' HIGH FUSE PLUG IN SPILLWAY WITH 10 3/4" PVC PIPE & 20" STEEL PIPE THRU FILL (SEE SURVEY IN FILE)

WITH FUSE PLUG REMOVED, SPILLWAY WILL PASS  $Q_{50} = 160 \text{ CFS}$  WITH 2.1 FT

$F_B$ . WITH PIPES IN PLACE THEN FUSEPLUG,  $Q_{CAP} = \pm 5 + 16 = 21 \text{ CFS}$  BEFORE

FUSEPLUG IS OVERTOPPED. SPILLWAY IS ADEQUATE. NEED CONDITION ON

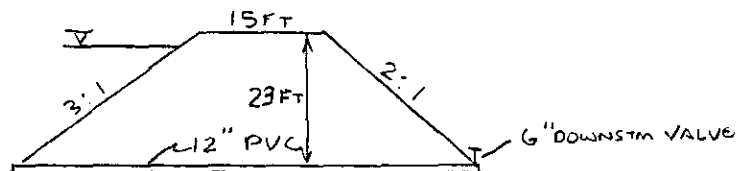
STORAGE TO MAINTAIN TOP OF FUSEPLUG AT LEAST 1.0' BELOW LOW POINT IN DAM

CREST & MAINTAIN A MINIMUM OF 2'  $F_B$  ON DAM EMBANKMENT AT ALL TIMES.

## OUTLET HYDRAULICS

$$D = 1 \text{ FT} \quad H = 20 \text{ FT}$$

$$L = 120 \text{ FT} \quad n = .01$$



$$Q = \frac{6.3 D^2 H^{1/2}}{2.5 + 184.8 n^2 \frac{L}{D^{1.33}} + K_c \left( \frac{a_1}{a_2} \right)^2}^{1/2}$$

$$\frac{a_1}{a_2} = \frac{\pi D_1^2}{4} \quad \frac{D_1^2}{D_2^2} = \frac{1}{.25} = 4.0$$

FOR GRADUAL CONTRACTION  $K_c = .1$

FOR ABRUPT CONT.  $K_c = .5$

USE  $K_c = .2$

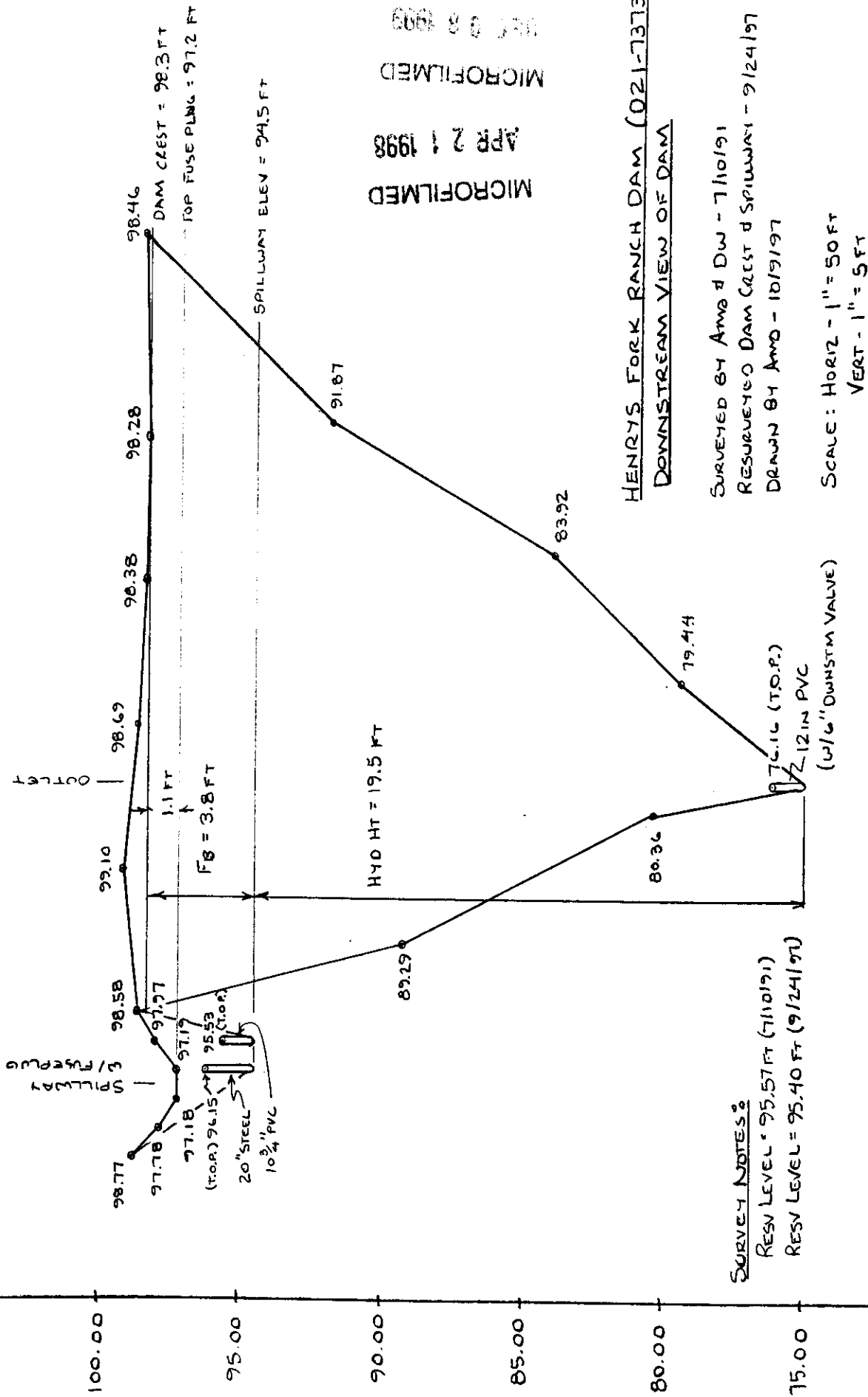
$$Q = \frac{6.3 (1)^2 (20)^{1/2}}{\left[ \frac{2.5 + 184.8 (.01)^2 \left( \frac{120}{1^{1.33}} \right)}{7.92} + .2 (4.0)^2 \right]^{1/2}} = 10 \text{ CFS}$$

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DEC 8 1995

AMG  
9/21/89  
REVISED  
10/24/91  
10/9/97

B.M. = 102.89 FT. SET 'PK' NAIL IN ROCK OUTCROP, LOCATED ON TOP OF HIGH FLAT ROCK ON EDGE OF RESV, ± 82 FT FROM MAIN DAM & ± 22.5 FT TO LEFT OF OUTLET CONTROLS.



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APR 21 1998  
MAY 28 1999

# HENRY'S FORK RANCH DAM (021-7373) DOWNSTREAM VIEW OF DAM

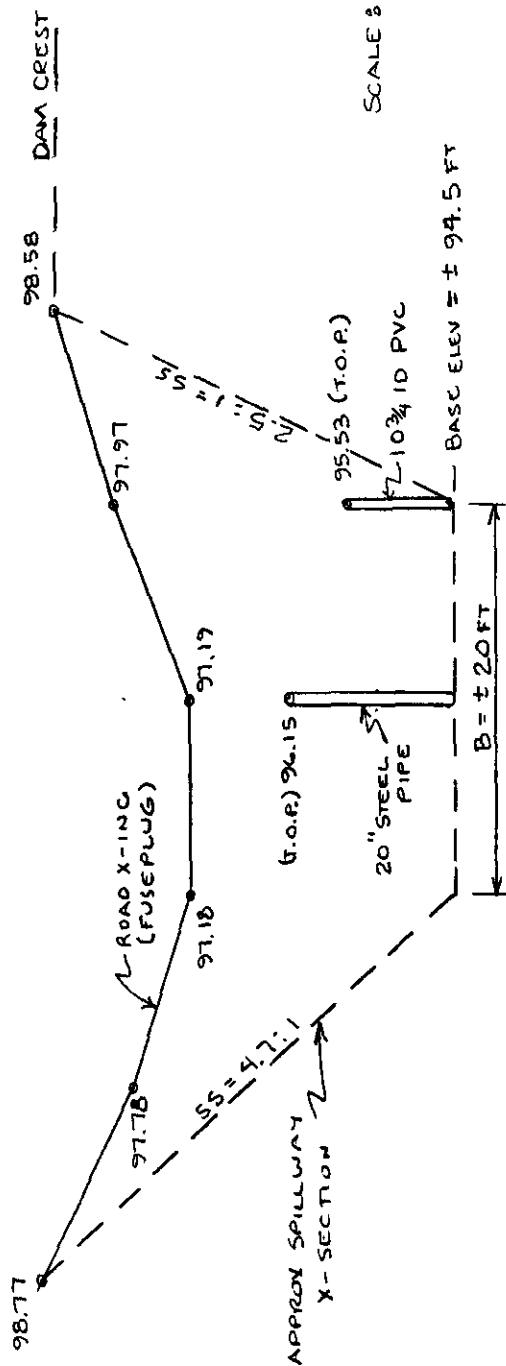
SURVEYED BY ANDREW DW - 7/10/91  
RESURVEYED DAM CREST & SPILLWAY - 9/24/97  
DRAWN BY ANDREW - 10/9/97

SCALE: HORIZ - 1" = 50 FT  
VERT - 1" = 5 FT

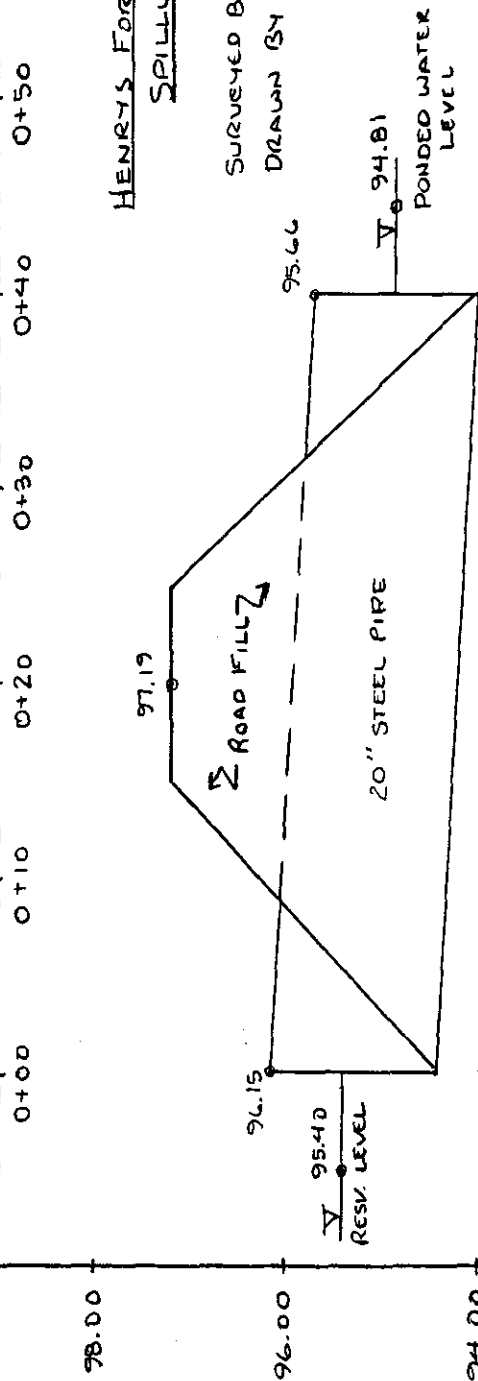
SURVEY NOTES:  
RESV LEVEL = 95.57 FT (7/10/91)  
RESV LEVEL = 95.40 FT (9/24/97)

APR 21 1998  
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SCALE: HORIZ - 1" = 10 FT  
VERT - 1" = 2 FT



SPILLWAY CROSS SECTION



SPILLWAY PROFILE THRU FUSEPLUG @ STATION 0+30 ON X-SECTION

HENRY'S FORK RANCH DAM (D21-1873)  
SPILLWAY SECTIONS  
SURVEYED BY AMST DW - 9/24/97  
DRAWN BY AMST - 10/9/97

SURVEYED BY AMO4 DW - 9/24/97  
DRAWN BY AMO - 10/9/97

DRAWN BY Auro - 10/9/97

|        |            |          |
|--------|------------|----------|
| 42-381 | 50 SHEETS  | 5 SQUARE |
| 42-382 | 100 SHEETS | 5 SQUARE |
| 42-389 | 200 SHEETS | 5 SQUARE |

NATIONAL  
MADE IN U.S.A.



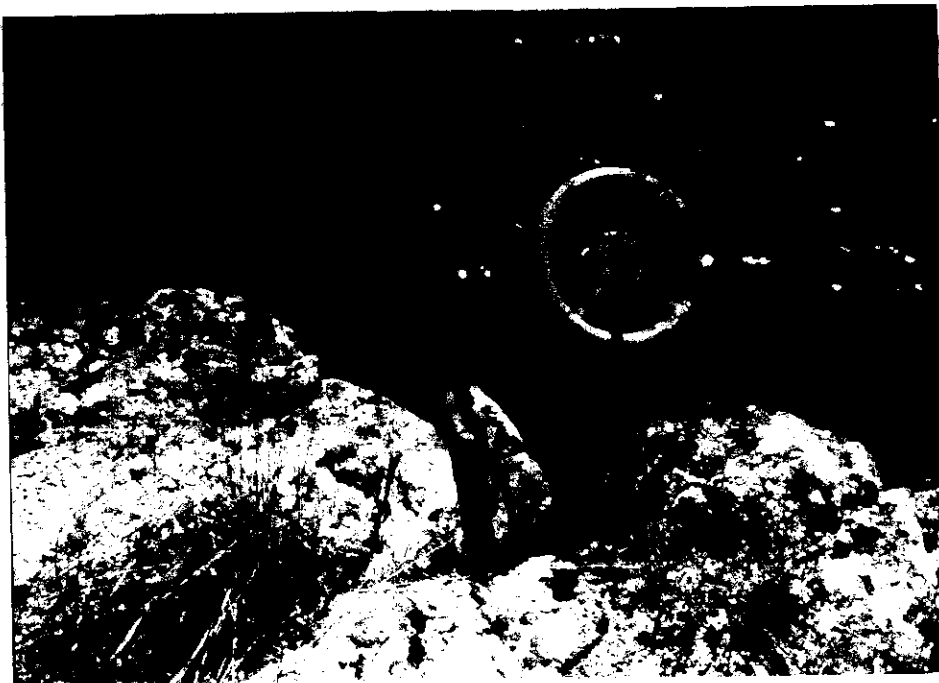
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MICROFILM  
DEC 0 8 1999

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JCH DAM



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DEC 0 6 1969

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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FEB 27 1998

RECORD OF INSPECTION OF DAM

Department of Water Resources

Name of dam: HENRY'S FORK RANCH Stream: TR- HENRY'S FORK ☐ Offstream

Name of owner: BOB LEE & SYLVAN SPELEY Location: SENE, SEC 13, T 9 N, R 24 E

Individuals accompanying inspector: MIKE STABLEFIELD

Reservoir characteristics: Dam height 20 FT Surface area 10 ACRES Storage capacity 90 AF

Hazard class: LOW RISK Photographs: NO

CONDITION OF EMBANKMENT OR STRUCTURE: ☐ Poor ☐ Fair ☒ Good ☐ Excellent

Type: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other \_\_\_\_\_

|                                    | UPSTREAM SLOPE | CREST        | DOWNSTREAM SLOPE                         | TOE AREA |
|------------------------------------|----------------|--------------|------------------------------------------|----------|
| Surface cover material             | <u>NONE</u>    | <u>ROAD</u>  | <u>NONE</u>                              |          |
| Growth                             | <u>WILLOWS</u> | <u>NONE</u>  | <u>GRASS, WEEDS, &amp; A FEW WILLOWS</u> |          |
| Settlement or cracks               | <u>NONE</u>    | <u>NONE</u>  | <u>NONE</u>                              |          |
| Surface erosion                    | <u>NONE</u>    | <u>NONE</u>  | <u>NONE</u>                              |          |
| Debris                             | <u>NONE</u>    | <u>NONE</u>  | <u>NONE</u>                              |          |
| Animal burrows                     | <u>NONE</u>    | <u>NONE</u>  | <u>NONE</u>                              |          |
| Crest width and slope measurements | <u>3:1</u>     | <u>15 FT</u> | <u>2:1</u>                               |          |

CONDITION OF OUTLET WORKS: ☐ Poor ☐ Fair ☐ Good ☐ Excellent

Location: ☐ Left side ☐ Center ☐ Right side ☐ Other \_\_\_\_\_

Description and condition: TURNSTERN ON BUTTERFLY VALVE

Gate hoist: ☒ Manual ☐ Electric ☐ Other \_\_\_\_\_

Stem: ☐ Inclined from entrance to crest ☐ Vertical on tower at entrance  
☐ Vertical through dam from crest ☒ Downstream valve

Entrance: SUBMERGED Outlet: 12 IN. DIA. PVC PIPE

CONDITION OF SPILLWAY: ☐ Poor ☐ Fair ☐ Good ☐ Excellent

Location: ☐ Left abutment ☐ Right abutment ☐ Away from dam ☐ Other \_\_\_\_\_

Base width 20 IN DIA STEEL PIPE Freeboard at crest 3.8 FT - BOTTOM OF FILLING Sideslope 5:1 R Channel slope MILD TO MODERATE Fetch \_\_\_\_\_

Overflow channel: ☒ Well defined ☒ Flow directed away from toe ☐ Flow could reach toe

Erosion control present: NONE Erosion present: NONE

Maintenance condition: Debris FILLING OVER PIPES IN SPILLWAY CHANNEL Growth WILLOWS & GRASS IN CHANNEL

SEEPAGE:

Reservoir level during inspection: FULL - FLOWING THROUGH PIPES

|                                          | TOE AREA                       | DOWNSTREAM SLOPE                         | ABUTMENTS   | OTHER              |
|------------------------------------------|--------------------------------|------------------------------------------|-------------|--------------------|
| Piping of material evident (Est. G.P.M.) | <u>NONE</u>                    | <u>NONE</u>                              | <u>NONE</u> |                    |
| Flowing water (Est. G.P.M.)              | <u>NONE</u>                    | <u>NONE</u>                              | <u>NONE</u> |                    |
| Marshy or standing water                 | <u>NONE</u>                    | <u>NONE</u>                              | <u>NONE</u> |                    |
| Damp                                     | <u>NONE</u>                    | <u>NONE</u>                              | <u>NONE</u> |                    |
| Evident from growth present              | <u>IN BOTH SIDES OF OUTLET</u> | <u>WILLOW GROWTH HALF WAY UP THE DAM</u> | <u>NONE</u> | <u>MICROFILMED</u> |

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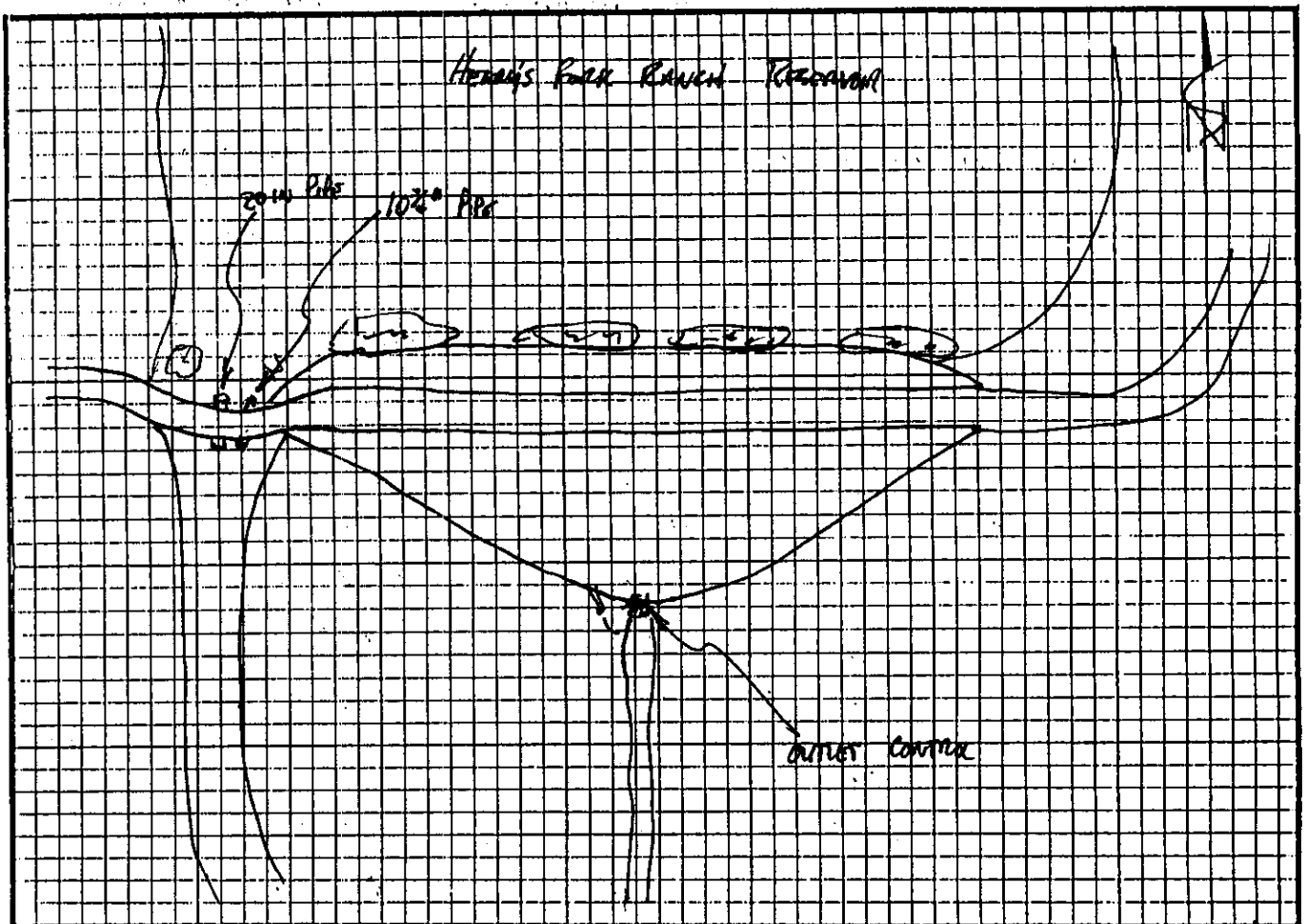
APR 21 1998

GENERAL CONDITION AND DESCRIPTION OF DAM: Good

MIKE STUBBLEFIELD AND I RE-SURVEYED THE DAM AFTER MR. LOE HIREN A BACKHILL  
TO EXCAVATE THE PIPES IN THE SPILLWAY AND LOWER THEM AND THEN REPLACE  
THE FUSIONS AT A LOWER ELEVATION.

INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.) None

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: ISSUE CERTIFICATE AUTHORIZING STORAGE

- CONTROL WILLOW GROWTH ON UPSTREAM AND DOWNSTREAM SLOPES
- MONITOR SEEPAGE

Date: Sept. 24, 1997

Inspected by: Dew

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DEC 08 1995

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APR 21 1998

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

MAY 09 1996

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 21-7373

1. Owner: Henry's Fork Ranch.

Phone No. 356-9313/3787

Current Address: P.O. Box 488, Rexburg, ID 83440

2. Accompanied by: ROBERT P. LEE

EXAM DATE: 10 Apr 96

Address: 1330 BARNEY DAIRY RD, REXBURG, ID 83440 Phone No. \_\_\_\_\_

Relationship to Permit Holder: GEN-PARTNER

3. Source: SPRING

tributary to Henry's Fork

**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            |
|-----------|-----------|-----|-----|-----|------|------|------|---------|--------------------------------------------|
|           | 7         | SE  | SE  | NE  | 13   | 9N   | 42E  | PREMONT | On Site, FSA Aerial; Compliance overflight |
|           |           |     |     |     |      |      |      |         |                                            |
|           |           |     |     |     |      |      |      |         |                                            |
|           |           |     |     |     |      |      |      |         |                                            |

2. Place(s) of Use:

Indicate Method of Determination ON SITE, FSA EQUIPMENT

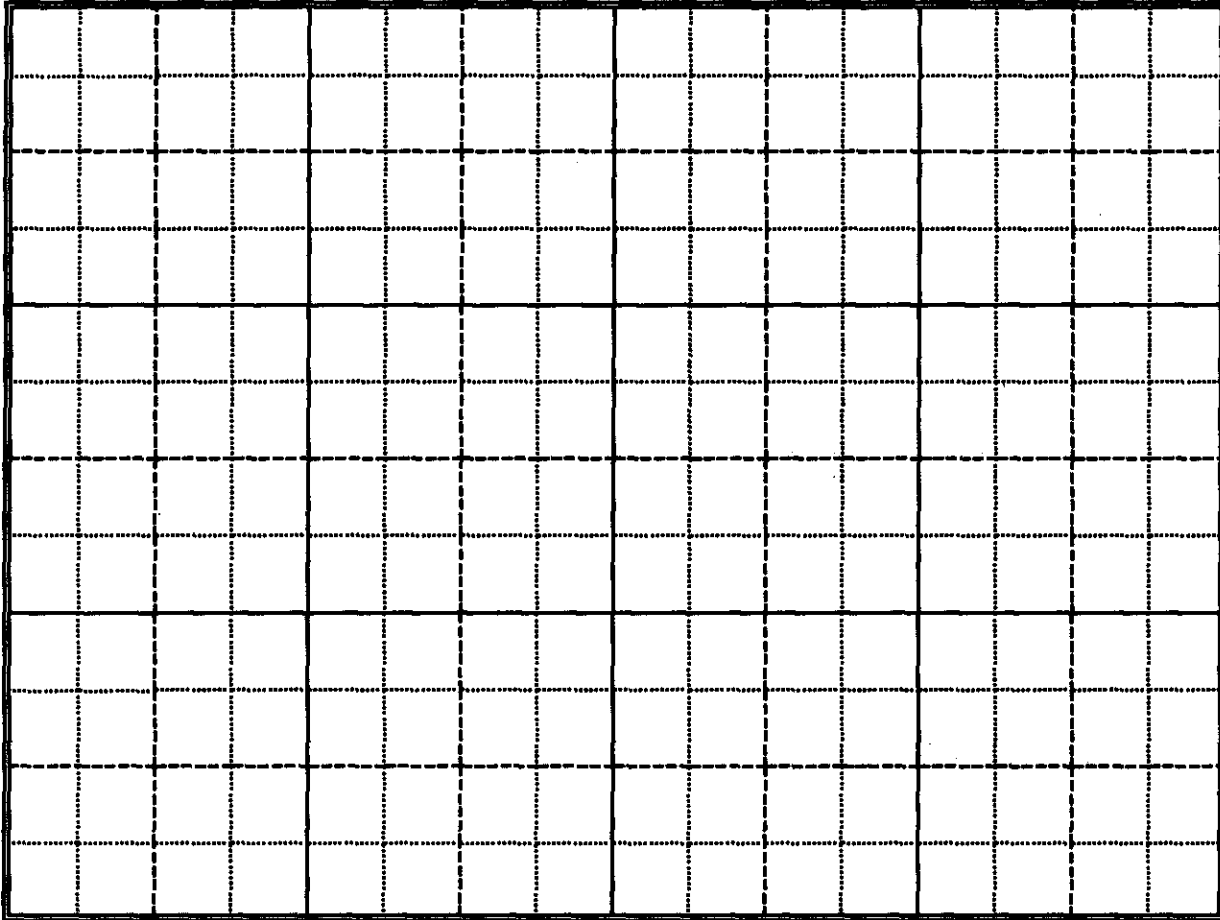
| TWP | RGE | SEC | NE |    |    |          | NW |          |          |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----------|----|----------|----------|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE       | NE | NW       | SW       | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 9N  | 42E | 13  |    |    |    | L-1<br>R |    |          |          |    |    |    |    |    |    |    |    |    |        |
| 9N  | 43E | 18  |    |    |    |          |    | L-1<br>R | L-2<br>R |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |          |    |          |          |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |          |    |          |          |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |          |    |          |          |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |          |    |          |          |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |          |    |          |          |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |          |    |          |          |    |    |    |    |    |    |    |    |    |        |

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

*RECREATIONAL POND - SEE ATTACHED PAGES*



Scale: 1" =

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

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

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| LEVEL & SURVEY ROD    |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: Max Depth = 19.9' Measured with Dave Wabnitz (Safety of Dams Program)  
9.6 ac Surface Area determined with Planimeter @ Fremont FSA office

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NOV 19 1980

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**E. NARRATIVE/REMARKS/COMMENTS**

SERFACE AREA DETERMINED BY USING PLANIMETER; AERIAL PHOTO,  
AND COMPLIANCE OVERFLIGHT SLIDE ALL FROM THE FREMONT COUNTY  
FSA(ASCS). MOST RECENT AERIAL DID NOT HAVE THE RESERVOIR.

\* Source should also include JUMPOFF CANYON

No measuring device

Lockable device - has a gate valve at down stream toe of  
Dam that could possibly be use for Locking Gate

NOTE: RESERVOIR is approximately 60 vertica feet above Henrys Fork  
I would ASSUME THAT ANY loss from seepage would be tributary  
to HENRYS FORK

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

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**F. FLOW CALCULATIONS**

Additional Computation Sheets Attached

Measured Method:

$$\begin{aligned} \text{RESERVOIR CAPACITY} &= 0.4 \times \text{Max. Depth} \times \text{Surface Area} \\ &= (0.4)(19.9') \left[ 9.6 \text{ ac} \times 43560 \frac{\text{ft}^2}{\text{ac}} \right] = 3,328,680.96 \text{ ft}^3 \\ &= 76.4 \text{ af} \end{aligned}$$

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

## 2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use          | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------------|---------------|-------|------------------------------|--------------------------|
|                         | From          | To    |                              |                          |
| STORAGE FOR RECREATION  | 11/2          | 3-31  |                              | 76.4                     |
| RECREATION FROM STORAGE | 1/1           | 12/31 |                              | 76.4                     |
|                         |               |       |                              |                          |
|                         |               |       |                              |                          |
| Totals:                 |               |       |                              | 76.4                     |

## 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 KEITH C. WILSON Date 10 April 1996

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

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DEC 08 1999

463 27'30"

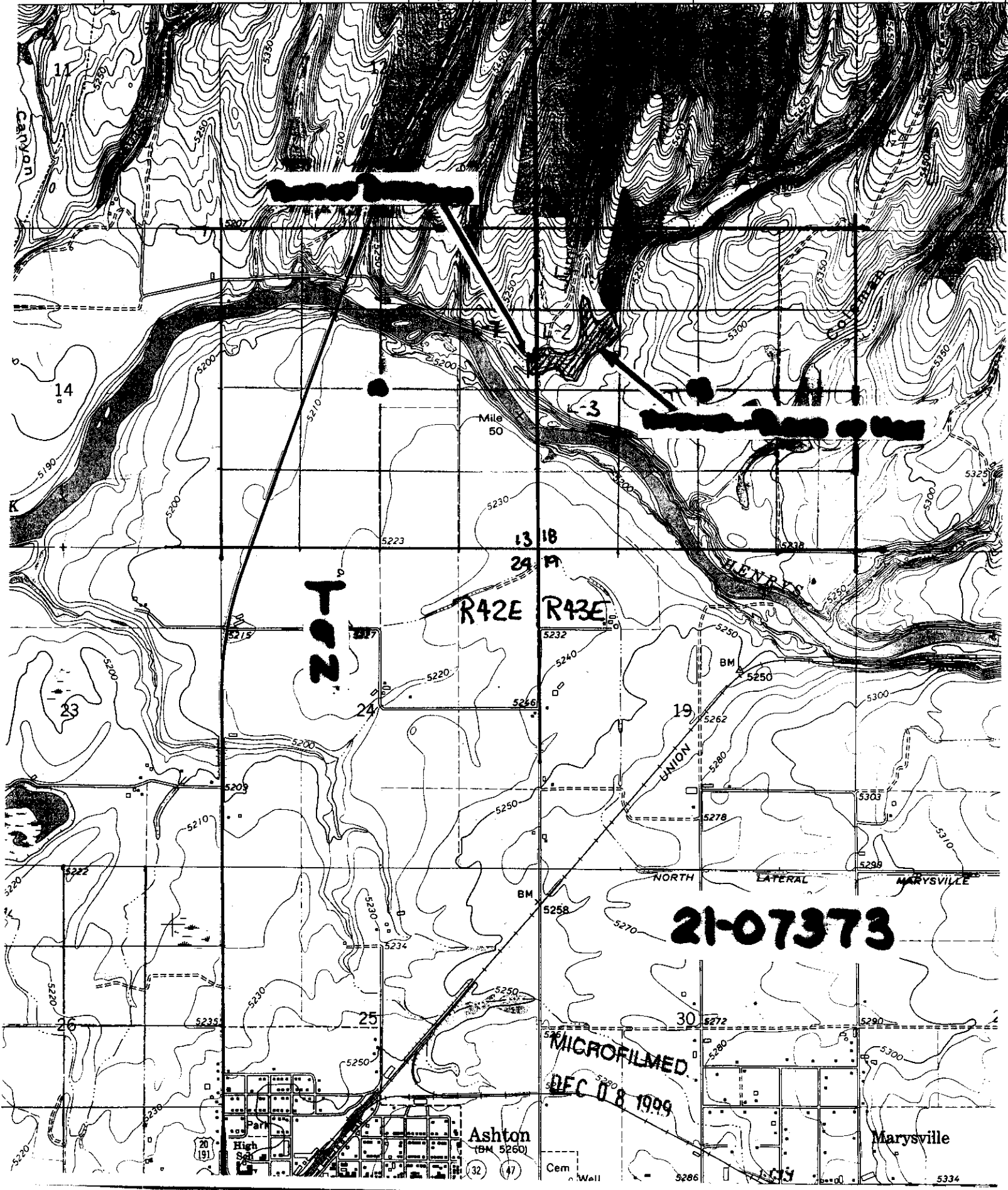
464 WEST YELLOWSTONE 52 MI.  
LAST CHANCE 23 MI.

37°2' III NW  
(LOOKOUT BUTTE)

466

25'

467



NOT

R42E R43E

21-07373

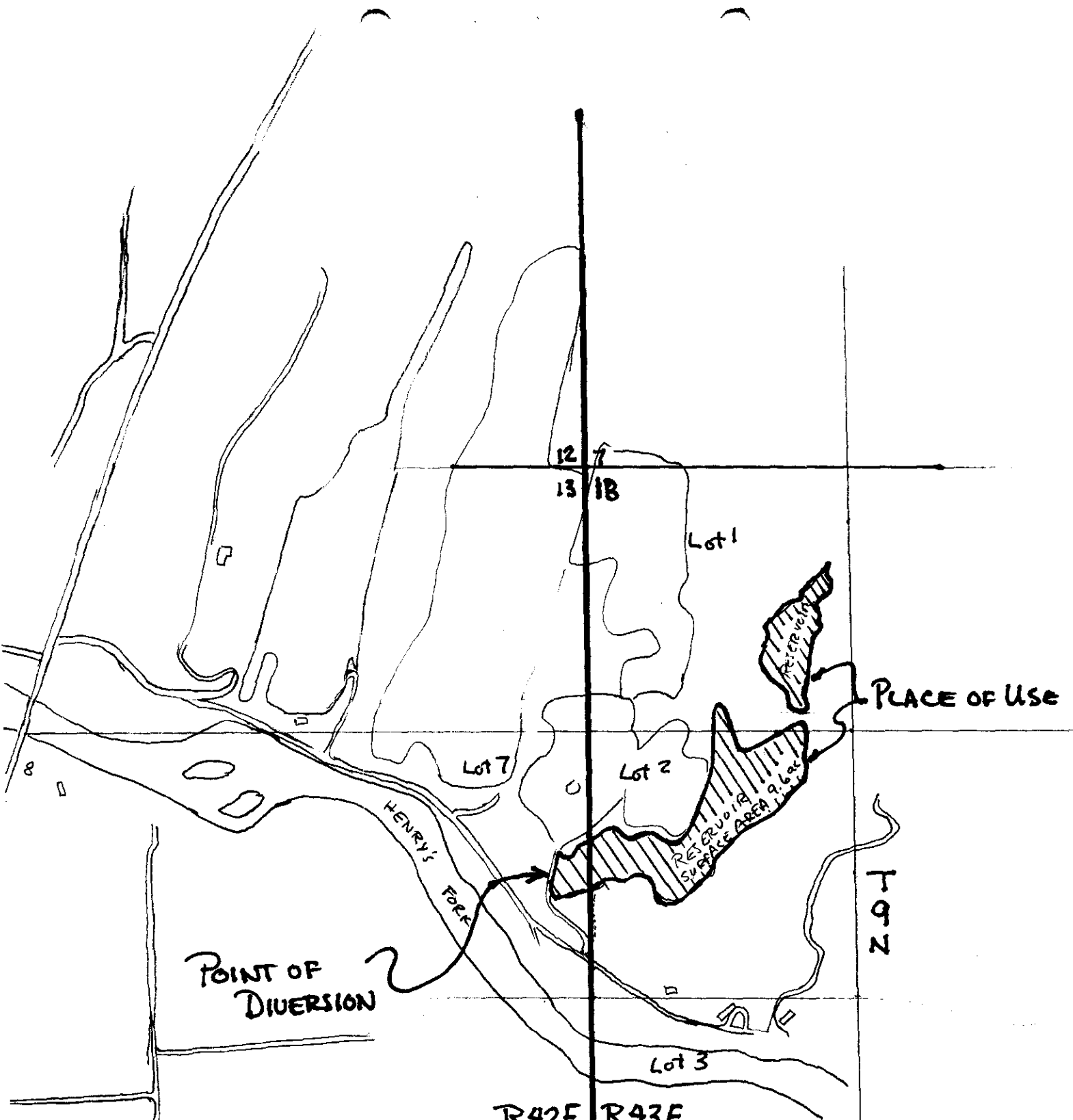
MICROFILMED  
DEC 08 1999

Ashton  
(BM 5260)

Marysville

Cem. Well

5334



LINE DRAWING TAKEN FROM  
FSA (ASCS) COMPLIANCE OVER  
FLIGHT SLIDE ON 10 APRIL 1996  
by KEITH C. WILSON. NOTE: ALL  
SECTION LINES ARE APPROXIMATE

*Keith C. Wilson*

MICROFILMED  
DEC 08 1999

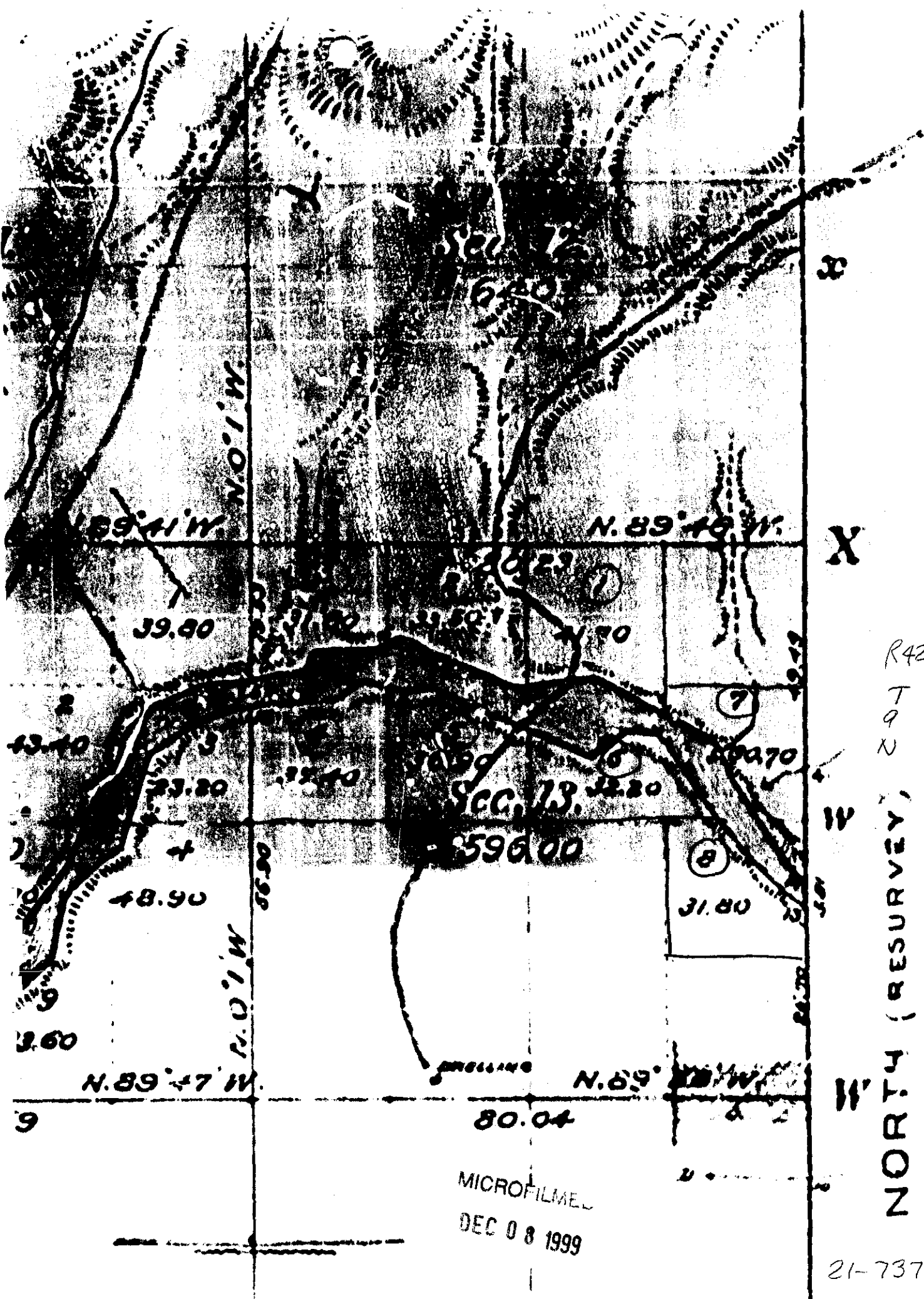
21-07373



MICROFILMED

DEC 08 1999

21-07373



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NORTH (RESURVEY),

MICROFILMED  
DEC 08 1999

21-7373

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IV

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20.63

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41.20

II

41.08

Sec. 18

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40.81

20.39

5.18938 E.

40.75

II

40.69

Sec. 19

64266

40.64

IV

40.58

MICROFILMED  
DEC 08 1999

160 21 7373

T  
9  
N

R43E

6

6

September 13, 1989

Permit No. 21-7373

Henrys Fork Ranch  
c/o Sylvan Seely  
P.O. Box 488  
Rexburg, ID 83440

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

KEITH C. WILSON  
Sr. Resource Agent

KCW:lk

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SEP 08 1989

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 21-2323

Date: 8/11/89

General Considerations:

Y Name same as permit  
Y Signature the same as permit holder  
N Address change \_\_\_\_\_ If yes, prepare a data entry  
Y Proof received timely  
N Reinstated

Source of Water:

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

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

*Proof Acceptable*

Priority Calculation:

|                     |       |       |
|---------------------|-------|-------|
| Date proof received | _____ | _____ |
| Date proof due      | _____ | -     |
| No. of days late    | _____ | =     |
| Priority date       | _____ | +     |
| NEW PRIORITY DATE   | _____ | =     |

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

## CONVERSATION MEMORANDUM

DATE July 89, Aug. 89  
FILE 21-7373

NAME OF PARTY

Robert Lee

EMPLOYEE

Rita Fleck

RE:

I came across the proof of beneficial use form and check attached which were in the file as I was preparing to mail the proof of beneficial use form.

I contacted Robert Lee and requested another check. He wanted us to send the check through. I did.

August 3, 1989

The check did not clear the bank. I contacted Mr. Lee. He has since changed banks and had forgotten about that at the time I discussed this with him. He will send another check.

MICROFILMED

AUG 21 1989

INTER-DEPARTMENT MEMO — 1

DATE 08-02-89

FROM Nancy Curry

TO Rita Fleck

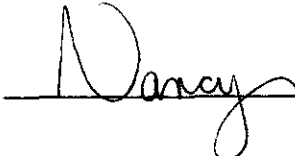
SUBJECT Returned Check

Attached is a check from Henry's Fork Ranch in Rexburg which was returned because account was closed. Please contact them and tell them we need cash or a money order for \$100.00 since their check was rejected.

Thank you.

21-7373

RECEIVED  
AUG 21 1989

  
SIGNATURE

HENRY'S FORK RANCH

P. O. BOX 488

REXBURG, IDAHO 83440

185

April 29, 1988

92-42/1241

Pay to the  
order of

One Hundred Dollars

**MICROFILMED**

Dollars



IDAHO FIRST NATIONAL BANK  
REXBURG OFFICE  
P.O. Box 125  
Rexburg, Idaho 83440

AUG 21 1989

For

Examination Fee

Robert H. Lee

⑆124100420⑆ 110047010780⑆ 1850 ⑆0000010000⑆

Idaho First National Bank  
92-1 12 Boise, Idaho

PAY TO THE ORDER OF  
STATE TREASURER

Department of Water Resources

105-11200

651

12

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44  
1-  
C

BOLLE, DIMITRI

1160 THE BANK, 100 TO, N.Y.

↓ 7270813 ↑

— 22 —

**RECEIVED**  
**AUG 21 1989**

AUG 21 1989

ENDORSEMENT  
GATE

WEST ONE BANK  
07/28/89  
12410019

07/28/89  
08:53:47

HENRY'S FORK RANCH

EXAM FEE

0630121 1238 6490

\$100.00

\$100.00

CHECK 185

Idaho Department of Water Resources

Region: STATE

Signature: \_\_\_\_\_

**MICROFILMED**  
AUG 21 1989

**RECEIPT  
For Monies Paid  
to the  
IDAHO DEPARTMENT OF WATER RESOURCES**

**Receipt No:** C008629

**Date:** 07/28/89  
**Time:** 08:53:47

**Received**

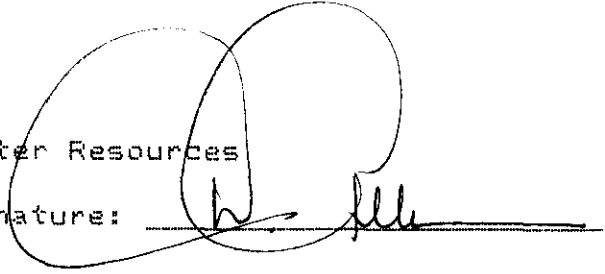
**From:** HENRY'S FORK RANCH

| Type of Payment | Program Acct Class | Amount          |
|-----------------|--------------------|-----------------|
| EXAM FEE        | 0630121 1238 6490  | \$100.00        |
| <b>Total</b>    |                    | <b>\$100.00</b> |

CHECK 185

Idaho Department of Water Resources

Region: STATE

Signature: 

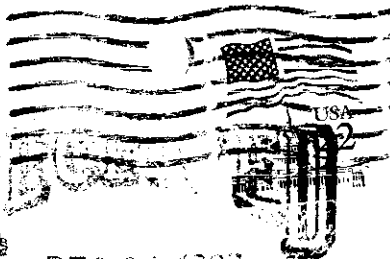
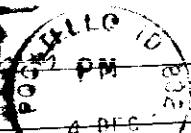
**MICROFILMED**

**AUG 21 1989**

Henry's F. & W.

P.O. Box 488

Rexburg, Idaho



**MICROFILMED**

AUG 21 1989



DEC 07 1987

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
COMMENCEMENT OF WORKS

Permit No. 21-7373  
Name(s) of Permit Holder(s): Honey Fork Ranch  
Post Office Address: Sylvan Seely P.O. Box  
Rexburg, Idaho 83440 Tel: 356-9318

☒ I hereby certify that construction of diversion works for the above referenced permit began on Nov. 2, 1987 (date) I understand that I must continue to develop the water system with diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control\*:

\*Note: A financing difficulty is not an acceptable reason.

Dec 3, 1987  
Date

Sylvan Seely  
Signature of Permit Holder



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

September 18, 1987

RE: Permit No. 21-7373

Henry's Fork Ranch  
c/o Sylvan Seely  
Box 488  
Rexburg, ID 83440

Dear Permit Holders:

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

Construction of the dam identified in the permit can commence after the separate approval of the Application to Construct a Small Dam has been granted by the Department. If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

JJ:sc  
Enclosure

RECEIVED

OCT 09 1987

INTER-DEPARTMENT MEMO — 1

FROM *E. Carlsen.*

DATE *3 Sept. '87*

TO *File 21-7373.*

SUBJECT *Conditions of Approval:*

✓d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

✓The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

✓Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

★A lockable device, subject to the approval of the Department shall be permanently installed on the outlet pipe in a manner that will provide the watermaster suitable control of the diversion.

★For licensing purposes, the applicant shall submit to the Department an area capacity curve of the reservoir certified by a professional engineer and complying with the standards of the Department.

★The Department retains jurisdiction of the permit until all conditions of approval are complied with.

<<45>> ~~★ In conjunction with the initial storage of water under this permit,~~  
~~Prior to placing water to beneficial use under this permit,~~ the permit holder must determine the rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.

## INTER-DEPARTMENT MEMO — 1

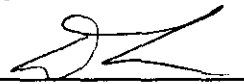
FROM Dave LePard

DATE 9/10/87

TO Kay Walker

SUBJECT Henrys Fork Ranch Dam D 21-7373

We have reviewed the application for a small dam associated with this water right, and did not see any problems except for the size of the spillway. We have sent a letter to the owner about the dam already so further comment in your draft letter will not be necessary.

  
SIGNATURE

State of Idaho  
Department of Water Resources

21-7373

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

APPLICATION NUMBER: Henny's Fork Ranch

CHECK:

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☒ Fee.  
☐ Yes ☒ No Field check required.  
☐ Yes ☒ No Critical groundwater area.  
☐ Yes ☒ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☒ Yes ☐ No\* In form to receipt.

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Private boating & fishing - NO Commercial use  
Strike Fish propagation & qdy. as per tele-con with  
Bob Lee on

SEND COPIES TO:

- ☐ Idaho State Health Department.  
☒ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☒ Other W.D.L.

Copies sent by: \_\_\_\_\_

Date: \_\_\_\_\_

dg

7-30-87

9-2-87

2 a)

PROCESSING:

- ☐ Yes ☒ No  
☐ Yes ☒ No  
☒ Yes ☐ No\*  
☐ Yes ☒ No

Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_

Other rights on same place of use. \_\_\_\_\_

In form for advertising.

Final date for protests: 8-24-87

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9-01-87  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.

☒ Yes ☐ No Measuring device required.

☐ Yes ☒ No Access port required.

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? #1 ✓

10-30-87 Date of priority recommended.

Special conditions of approval or cover letter.

Recommend conditions for large dam storage in a Water District.  
See memo dated 3 Sept. 87

non-consumptive use - ok to process

2 yrs. is a reasonable amt. of time  
for B/U development

By: Ernest Carlson

Date: 3 Sept. 87

STATE OFFICE REVIEW:

109,217

2618A

05

(01 Snake River)

RECEIVED

☐ See attached sheet for more information.

By: KW

Date: 9/10/87

SEP 03 1987

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv.  
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.  
lot (R) REACH

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lot (R) REACH

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TRACT SEC TWP RGE gov't rediv.  
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.  
lot (R) REACH

IDAHO STREAM CODE INDEX

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 21-7373 and  
have the following comments/objections to the approval of this  
application for permit:

*This Permit should be conditioned  
to make it subject to having  
adequate supplemental (storage)  
water supplies to compensate  
for losses to the river*

*8/31/87*

Date

*Ronald D. Carlson*

RONALD D. CARLSON, WATERMASTER  
Water District No. 01

**FILED**

OCT 09 1987

August 25, 1987

The Ashton Herald  
P.O. Box 258  
Ashton, Idaho 83420

Re: Application No. 21-7373, Henry's Fork Ranch

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on August 6, and August 13, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Deena Green  
Office Secretary

**MICROFILMED**

OCT 09 1987

July 30, 1987

State of Idaho  
Department of Fish & Game  
Box 25  
Boise, Idaho 83720

Re: Application for Permit No. 21-7373, Henry's Fork Ranch

Gentlemen:

We are enclosing a copy of an application that may be of interest to you. Please review the application and submit any comments you may have to our Department as soon as possible. The last date for protest is August 24, 1987, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Ernest Carlsen  
Assistant Regional Manager

EC/dg

Enclosure

**MICROFILMED**

OCT 09 1987

July 30, 1987

Henry's Fork Ranch  
c/o Sylvan Seely  
P.O. Box 488  
Rexburg, Idaho 83440

RE: Application for Permit No. 21-7373

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. 21-7373. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in The Ashton Herald. The advertisement will be published for two 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  
Assistant Regional Manager

EC/dg

**MICROFILMED**

OCT 09 1987

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

JULY 29, 1987

The Ashton Herald  
P. O. Box 258  
Ashton, Idaho 83420

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 24, 1987.

Yours truly,

Michele Davis  
Office Secretary

Encl.

**MICROFILMED**

OCT 09 1987

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

The following applications have been filed to appropriate  
the public waters of the State of Idaho:

The permits 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 24, 1987.

Norm Young

Acting Director

Published August 6, and August 13, 1987

**MICROFILMED**

OCT 09 1987

21-7373

HENRY'S FORK RANCH

C/O SYLVAN SEELY, P.O. BOX 488, REXBURG, ID 83440

Source: SPRING trib. to HENRY'S FORK

Diversion Pt: SESENE Sec 13 T 09N R 42E

Use: RECREATION STORAGE (90.0 AF)  
RECREATION FROM STORAGE (90.0 AF)

Date Filed: 06/30/1987

In: SENE Sec 13 T 09N R 42E EWNW Sec 18 T 09N R 43E

**MICROFILMED**

OCT 09 1987