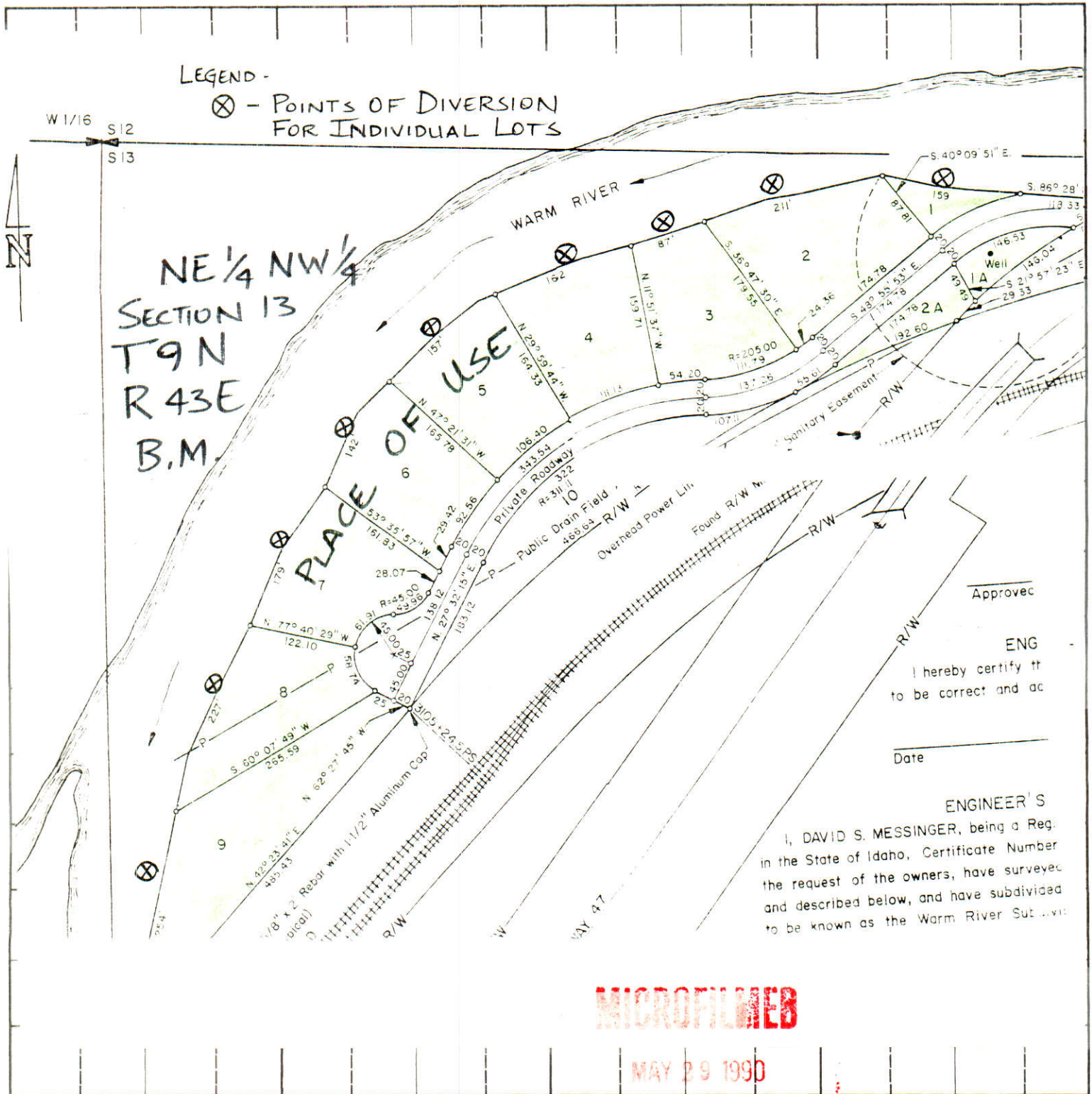


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Warm River Subdivision, Dancer Hall Flat, Sup
David J. Pearson
 (Applicant)

THE FREMONT COUNTY
HERALD-CHRONICLE

ST. ANTHONY, IDAHO
ASHTON, IDAHO

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 For Water Right

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 2
consecutive issues, the first publication hav-

ing been made on July 3, 1986
and the last publication having been made

on July 10, 1986.

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 July 11, 1986

*Kay D. Pata*  
Notary Public.

(SEAL)

My commission expires Aug. 5, 1991

AUG 4 1986

Department of Water Resources  
Eastern District Office

NOTICE OF APPLICATION  
FOR WATER RIGHT

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

21-7371

WARM RIVER SUBDIVISION DANCE  
HALL FLAT CORP, ASHTON, ID 83420  
Source: WARM RIVER trib. to HENRYS  
FORK

Diversion Pt: NENW Sec 13 T 09N R 43E  
Use: IRRIGATION (0.120 CFS)

Date Filed: 06/10/1986

In: NENW Sec 13 T 09N R 43E FOR 4  
ACRES:

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 public interest  
criteria of Sec. 32-203C, Idaho Code. Pro-  
tests must be filed with the Director, Dept.  
of Water Resources, 150 Shoup Ave., Suite  
15, Idaho Falls, Idaho, 83402 on or before  
July 21, 1986.

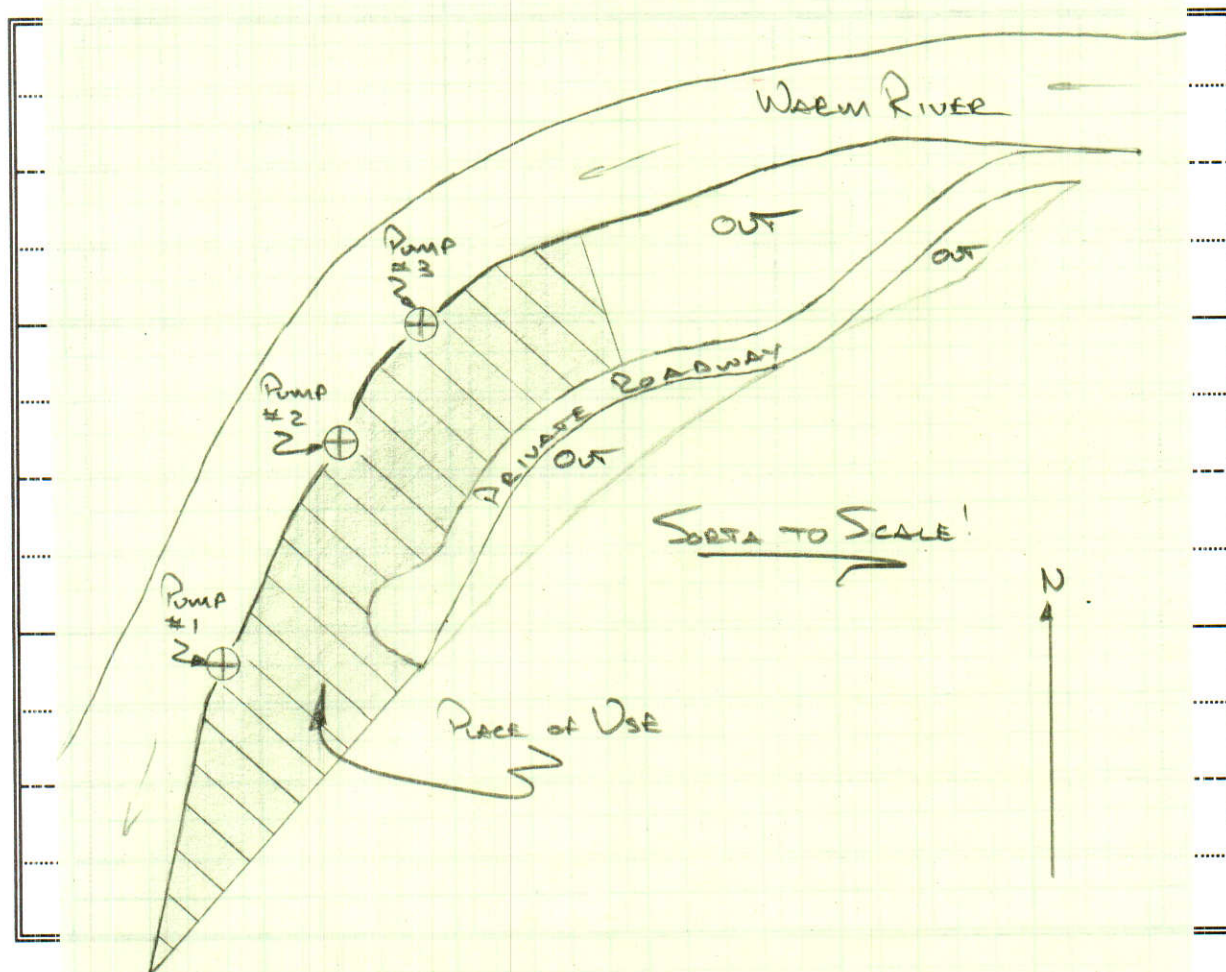
KEN DUNN  
Director

Publ. July 3 and 10, 1986HC

MICROFILMED

MAY 29 1990

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



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS discharge gageage showing location 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 |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| Pump 1                                | DAYTON     | 2  | 9K653            | TEEL      | 1½" 2P104                         |
| Pump 2                                | DAYTON     | 2  | 5K476D           | TEEL      | 1½" 2P104                         |
| Pump 3*                               | ?          | 1½ |                  | ?         | 1½"                               |

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

\* NOTE: Pump #3 IN REPAIR AT TIME OF EXAM

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: — UNABLE TO MEASURE AS DISCHARGE LINES ARE SMALLER DIAMETER THAN MINIMUM MEASURABLE WITH DOPPLER.

FEB 10 1993

V-98

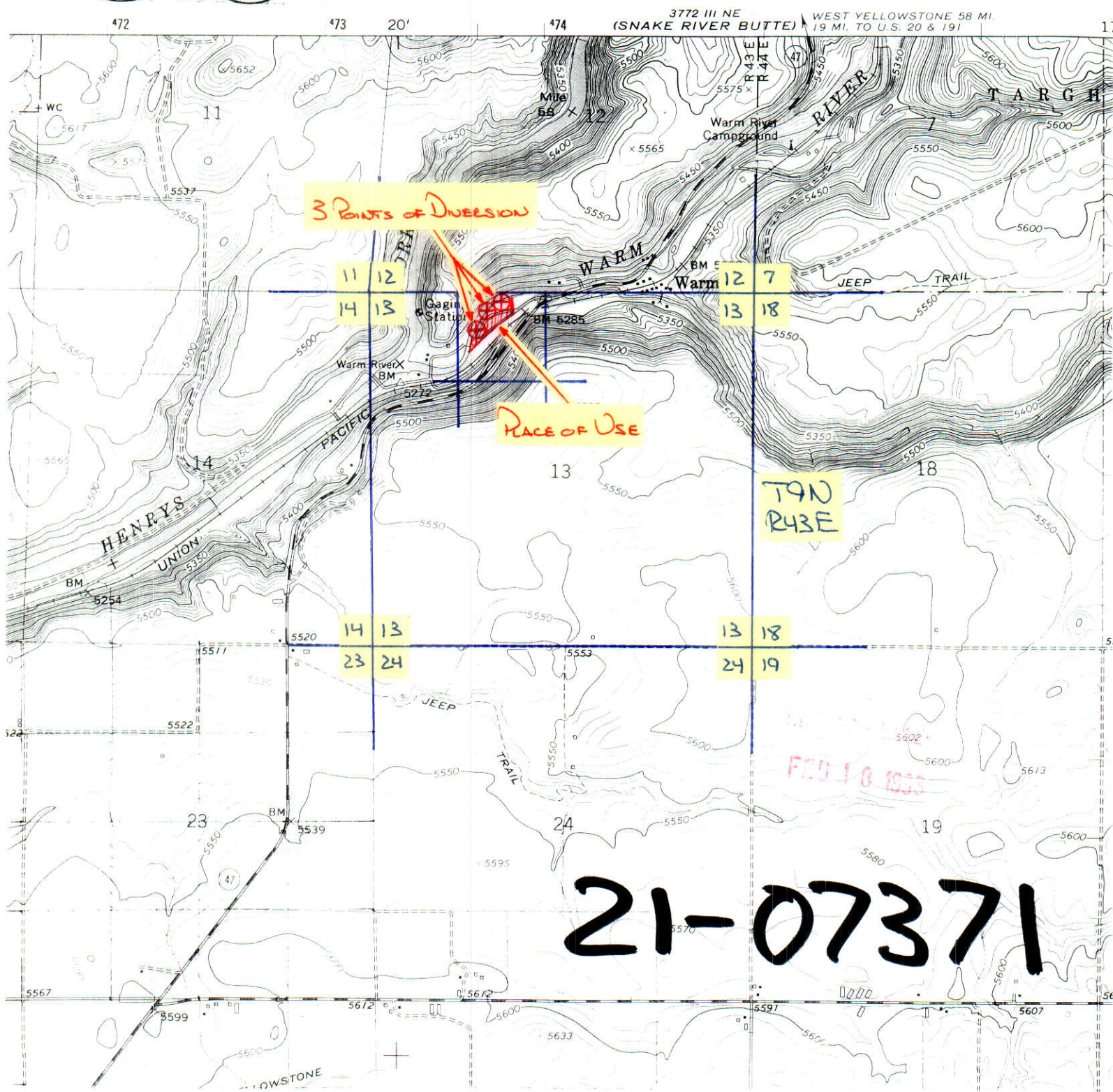




Plate 1 - Point of diversion: Pump #1.

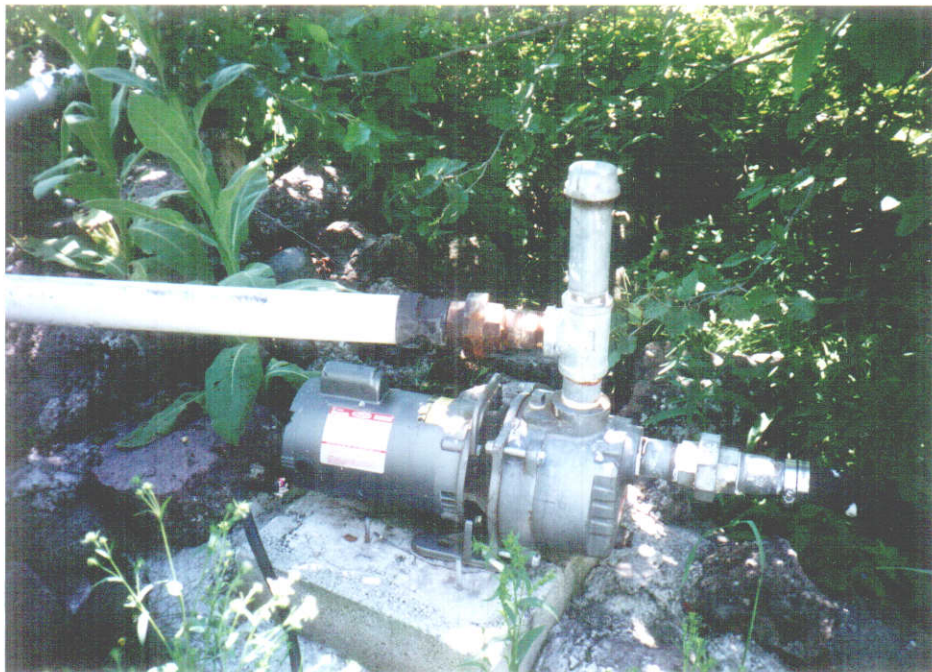


Plate 2 - Point of diversion: Pump #2.

21-07371

21-07371



Plate 3 - Point of diversion: Location of pump #3.  
Pump in for repair at time of exam.



Plate 4 - Place of use: Irrigated common area.

21-07371

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 21-07371

Priority: June 10, 1986

Maximum Diversion Rate:

0.09 CFS

Maximum Diversion Volume:

10.5 AF

This is to certify, that WARM RIVER SUBDIVISION  
DANCE HALL FLAT CORP  
C/O O D HOWE III  
PO BOX 627  
ASHTON ID 83420

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated June 10, 1986; and  
has submitted Proof of Beneficial Use on May 16, 1994. An examination indicates  
that the works have a diversion capacity of 0.250 cfs of water from:

WARM RIVER

tributary to HENRYS FORK

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 0.09 CFS                 | 10.5 AF              |

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 13, Township 09N, Range 43E  
FREMONT County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 09N        | 43E        | 13         | NENW         | 3            |              | 3            |

Total number of acres irrigated: 3

CONDITIONS OF APPROVAL AND REMARKS

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

RECORDED  
FEB 18 1986

State of Idaho  
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 21-07371

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Upper Snake River Rental Pool.
11. Three points of diversion are located within the NENW, S13, T9N, R43E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 9<sup>TH</sup>  
day of JANUARY, 1992.

  
Acting for KARL J. DREHER, Director

40-100-11  
FEB 10 1992

IN THE MATTER OF PERMIT NO. 21-07371

IN THE NAME OF WARM RIVER SUBDIVISION

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1994; and,

WHEREAS, the Department lapsed the permit in error on May 6, 1994; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on May 16, 1994;

Dated this 26 day of May, 1994.

  
L. GLEN SAXTON  
Chief, Water Allocation Bureau

JUN 09 1994

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
PROOF OF BENEFICIAL USE

RECEIVED  
MAY 16 1994

Department of Water Resources

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

1. Permit No. 21-07371 Telephone No. \_\_\_\_\_

2. Name(s) of Permit Holder(s): WARM RIVER SUBDIVISION DANCE HALL FLAT CORP.

3. Post Office Address: 810 O.D. HOWE III, P.O. BOX 593, ASHTON, ID 83420

4. Source of Water: WARM RIVER

a. If ground water, well driller's name: \_\_\_\_\_ Date drilled: \_\_\_\_\_

b. Pump horsepower: 2 Pressure (psi): 30 Dynamic pumping level (ft.): 10

5. Extent of Use:

Domestic \_\_\_\_\_ (No. of households) Irrigation 4 (No. of acres)

Stockwater \_\_\_\_\_ (No. and type of stock) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted .12 cfs \_\_\_\_\_ acre/feet

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

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

OR

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

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

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

O. D. HOWE (208) 652-6156  
Name Telephone No.

P.O. BOX 627 ASHTON, ID 83420-0627  
Address

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

5-18-94  
Date

O. D. Howe III PRESIDENT  
Signature (and title if on behalf of a company or organization)

JUN 08 1994

State of Idaho  
Department of Water Resources

NO. 21-07371

**Proposed Priority:** June 10, 1986      **Maximum Diversion Rate:** 0.12 CFS

This is to certify, that **WARM RIVER SUBDIVISION**  
**DANCE HALL FLAT CORP.**  
**C/O SAM HOWE**  
**ASHTON, ID 834200000**

has applied for a permit to appropriate water from:

WARM RIVER tributary of HENRYS FORK

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

| BENEFICIAL USE | PERIOD OF USE | RATE OF DIVERSION |
|----------------|---------------|-------------------|
|----------------|---------------|-------------------|

|            |                |          |
|------------|----------------|----------|
| IRRIGATION | 05/15 to 10/15 | 0.12 CFS |
|------------|----------------|----------|

LOCATION OF POINT(S) OF DIVERSION: NENW Sec. 13, Township 09N, Range 43E  
FREMONT County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> |       | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|-------|--------------|--------------|--------------|--------------|
| 09N        | 43E        | 13         | NE1/4 | 4            |              |              | 4            |

Total number of acres irrigated: 4

**CONDITIONS/REMARKS:**

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1994.
2. Subject to all prior water rights.
3. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
4. 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.
5. 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.
6. 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.
7. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.

# MICROFILMED

MAY 29 1990

State of Idaho  
Department of Water Resources**Permit To Appropriate Water**

NO. 21-07371

CONDITIONS/REMARKS:

8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. No water may be diverted under this permit until adequate supplemental water is obtained for the irrigation season when the natural flow is not available.
10. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
11. Nine points of diversion located in NENW, S13, T9N, R43E.

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

16<sup>th</sup> day of May, 1990.

*for* J. Glen Saxton  
R. Keith Higginson, Director

**MICROFILMED**

MAY 29 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Warm River Subdivision, Dance Hall

1. Name of applicant Flat Corp. c/o Sam Howe Phone 652-7802

Post office address Ashton, Idaho 83420

2. Source of water supply Warm River which is a tributary of Henrys' Fork

3. Location of point of diversion is NE 1/4 of NW 1/4, Govt. Lot         
Sec. 13 Township 9N Range 43E B.M. Fremont County; additional  
points of diversion if any: Nine in same quarter section

4. Water will be used for the following purposes:

Amount \*0.12 0.18 cfs for irrigation purposes from 5/15 to 10/15 (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) \*0.12 0.18 cfs \*as per telecon with Sam Howe 6-13-86 G.S.  
cubic feet per second and/or (b)        acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Individual pumps for the nine lots  
in Warm River Subdivision.

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?       

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

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JUL 23 1986

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

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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  | 43E   | 13   |     |     |     |     | 4   |     |     |     |     |     |     |     |     |     |     |     | 4      |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 4

- Describe any other water rights used for the same purposes as described above. Supplemental water will be leased from the Fremont Madison Irrigation District.
- Who owns the property at the point of diversion? individual lot owners within subdivision.
  - Who owns the land to be irrigated or place of use? Applicant
  - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: \_\_\_\_\_

**RECEIVED**

MAY 29 1991



Received by RDC Date 6-10-86 Time 11:10 Preliminary check by G.S.  
Fee \$ 30<sup>00</sup> Receipted by MD # 39682 Date 6-10-86  
Publication prepared by MD Date 6-25-86 Published in Ashton Herald  
Publication approved QW Date 8-07-86

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

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

e. Other:

**MICROFILMED**

MAY 20 1990

THE FREMONT COUNTY  
HERALD-CHRONICLE

ST. ANTHONY, IDAHO  
ASHTON, IDAHO

AUG 4 1986

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 For Water Right

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 2  
consecutive issues, the first publication hav-

ing been made on July 3, 1986  
and the last publication having been made  
on July 10, 1986

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.

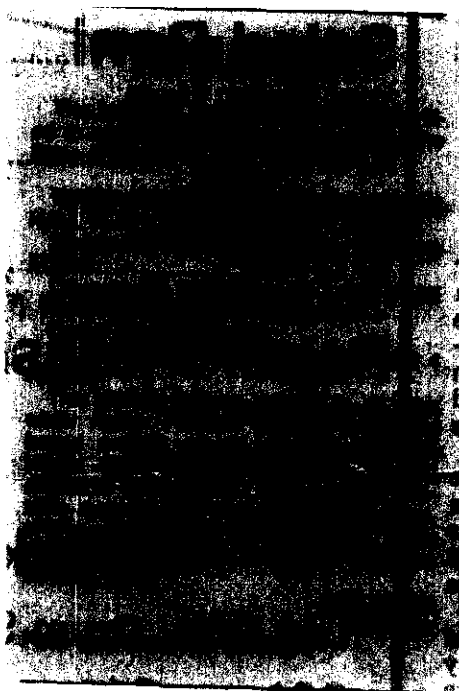
*Terry Weatherston*



Subscribed to and sworn to before me  
this July 11, 1986

*Kay D. Pate*  
Notary Public.  
(SEAL)

My commission expires Aug. 5, 1991



MICROFILMED

MAY 29 1990

*This change  
is for a  
licensed right.*

RECEIVED

FEB 23 1998

Department of Water Resources  
Eastern Region

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

RECEIVED

[ ] Water Right Number(s): 21-07371

MAR 12 1998

Department of Water Resources

[ ] Old Mailing Address: DANCE HALL FLAT CORP. C/O O. D. Howe III

P. O. Box 627

Ashton, ID 83420

[ ] New Mailing Address: DANCE HALL FLAT CORP. C/O Harry J. Lewies

P. O. Box 593

Ashton, ID 83420

[ ] Telephone Number: 208-652-3482

[ ] Signature of Claimant: DANCE HALL FLAT CORP.

*Harry J. Lewies*  
Secretary

[ ] Date: February 20, 1998

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

*3.18.98 --- WR 2 database updated - Ket*



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 10, 1998

DANCE HALL FLAT CORP  
C/O HARRY J LEWIES  
PO BOX 593  
ASHTON ID 83420

RE: CHANGE IN ADDRESS FOR WATER RIGHT LICENSE 21-07371

Dear Mr. Lewies:

On February 23, 1998, our office received a request for a change in address for the above referenced water right. I forwarded this request to our Boise office for processing. If you have further questions about this request, please contact the Allocations Department at (208) 327-7900.

Sincerely,

Jennifer Hoagland  
Technical Records Specialist



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

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

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

January 12, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

WARM RIVER SUBDIVISION  
DANCE HALL FLAT CORP  
C/O O D HOWE III  
PO BOX 627  
ASHTON ID 83420

RE: WATER RIGHT NO. 21-07371

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

#### PETITION FOR RECONSIDERATION

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

#### EXCEPTIONS AND BRIEFS

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

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

### ORAL ARGUMENT

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

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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.

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

Sincerely,

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

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 21-07371

WARM RIVER SUBDIVISION  
DANCE HALL FLAT CORP  
C/O O D HOWE III  
PO BOX 627  
ASHTON ID 83420

  
Kari Lynn Townsend  
Secretary

# LICENSE REVIEW CHECKLIST

PERMIT NO. 21-07371

DATE 1/7/98

REVIEWER: SHARLA

|              |                 |             |                                                                 |
|--------------|-----------------|-------------|-----------------------------------------------------------------|
| NAME         | Change <u>—</u> | OK <u>✓</u> | Address Change <u>NO</u> POBox 627                              |
| SOURCE       | —               | ✓           | Is change/clarification of originally intended source? <u>—</u> |
| POINT OF DIV | —               | ✓           | If not, prepare Notice of Intent to Void <u>—</u>               |
| PLACE OF USE | —               | ✓           | Amendment required <u>NO</u>                                    |

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U  
Overlap file pulled & reviewed —

## RATE OF DIV

|                |                       |
|----------------|-----------------------|
| Permitted Rate | <u>.12</u> cfs        |
| Fee limit      | <u>.20</u> cfs \$5000 |
| Measured       | <u>—</u> cfs          |
| Theoretical    | <u>.25</u> cfs        |

Recommended Total Div Rate .09 cfs

ANNUAL VOLUME/  
NATURE OF USES —

|   |                 |                |                              |
|---|-----------------|----------------|------------------------------|
| ✓ | Use <u>Ins.</u> | cfs <u>.09</u> | Volume Calc <u>3X3.5=</u> af |
|   |                 |                | <u>—</u> af                  |
|   |                 |                | <u>—</u> af                  |
|   |                 |                | <u>—</u> af                  |
|   | SUBTOTAL        | <u>.09</u>     | <u>10.5</u> af               |

Flow rate .09 cfs X 183 days X 1.98 = 32.6 af  
Total volume recommended 10.5 af  
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

3 pld in NENW.  
W22 (Upper Snake R. Rental Pool)

CONDITIONS

R04 Watermaster Control WD# 01  
R02 GW Measurement/Measuring Device  
R67 Overlap

— Use-specific conditions  
Advancement of Priority Date Required — yes ✓ no

048,049

SRBA Claim Filed NA  
Adjustment Memo —

1st Amend Letter NA  
2nd Amend Letter NA

RECEIVED

DEC 01 1997

Department of Water Resources

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

## A. GENERAL INFORMATION

Permit No. 21-07371

1. Owner: WARM RIVER SUBDIVISION Phone No. (208) 652-6156

Current Address: 40 O.D. Howe, Dance Hall Flats Co-op, P.O. Box 627, Ashton IN 483420

2. Accompanied by: O. D. Howe EXAM DATE: 8-31-95

**Address:** \_\_\_\_\_ **Phone No.** \_\_\_\_\_

Relationship to Permit Holder: RESIDENT

3. Source: Warm River tributary to Hawes Lake

## B. OVERLAP REVIEW

1. Other water rights with the same place of use: 21-07383 FOR DOMESTIC USE

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

### C. DIVERSION AND DELIVERY SYSTEM

**1. Point(s) of Diversion:**

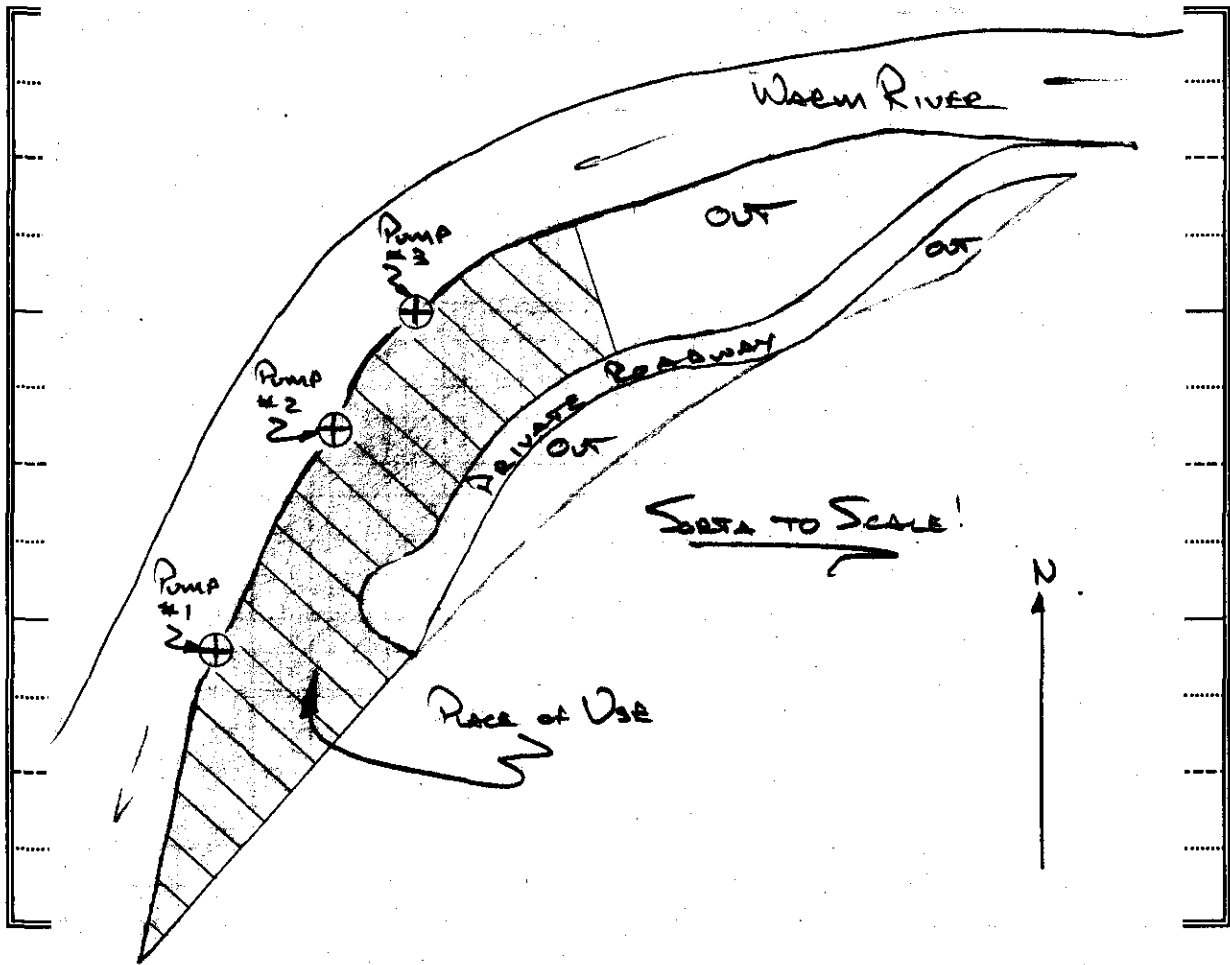
[illegible]

**2. Place(s) of Use:**

**Indicate Method of Determination**

[illegible]

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



Scale: 1" =

Copy of color discharge photograph showing location 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 |
|---------------------------------------|------------|-------|------------------|-----------|-----------------------------------|
| Pump 1                                | DAYTON     | 2     | 9K653            | TEEL      | 1 1/2" 2P104                      |
| Pump 2                                | DAYTON     | 2     | SK476D           | TEEL      | 1 1/2" 2P104                      |
| Pump 3*                               | ?          | 1 1/2 |                  | ?         | 1 1/2"                            |

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

\* NOTE: Pump #3 IN REPAIR AT TIME OF EXAM

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: UNABLE TO MEASURE AS DISCHARGE LINES ARE SMALLER DIAMETER THAN MINIMUM MEASURABLE WITH HORYSONK.

FEB 10 1985

E. NARRATIVE/REMARKS/COMMENTS

\* 3 CENTRIFUGAL PUMPS IN WARM RIVER TO SPRINKLER SYSTEM AND VARIOUS HYDRANTS FOR IRRIGATION OF 3 ACRES AROUND HOMES AND IN COMMON AREA OF WARM RIVER SUBDIVISION - DANCE HALL LOT.

\* ALL THREE PUMPS ARE TIED TOGETHER, BUT CAN BE USED INDEPENDENTLY IF NEEDED

\* TWO PUMPS IN PLACE AT TIME OF EXAM. PUMP #3 WAS IN FOR REPAIRS AT TIME OF EXAM

\* FOR Q THEOR:

PUMP #1 LIAT = 10'

PUMP #2 LIAT = 5'

PUMP #3 LIAT = 5'

FOR ALL PUMPS: PSI = 40

EFF = 50%

\* IRRIGATION COVERS LOTS 9, 8, 7, 6, 5 AND W<sup>1</sup>/<sub>2</sub> OF LOT 4

\* OVERLAP 21-07383 (DOMESTIC USE FROM GROUNDWATER)

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

APPROVED  
FOR 10 1003

**F. FLOW CALCULATIONS**X Additional Computation Sheets Attached

Measured Method:

SEE ATTACHED SHEET

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3.0 \times 3.5 = 10.5 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.09 \times 183 \times 1.9835 = 32.7 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 10.5 \text{ AFA}$$

## 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    |                              |                          |
| Irrigation     | 4-15          | 10-15 | 0.09                         | 10.5                     |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 0.09 cfs                     | 10.5 AFA                 |

## 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 DPM Date 11-13-97

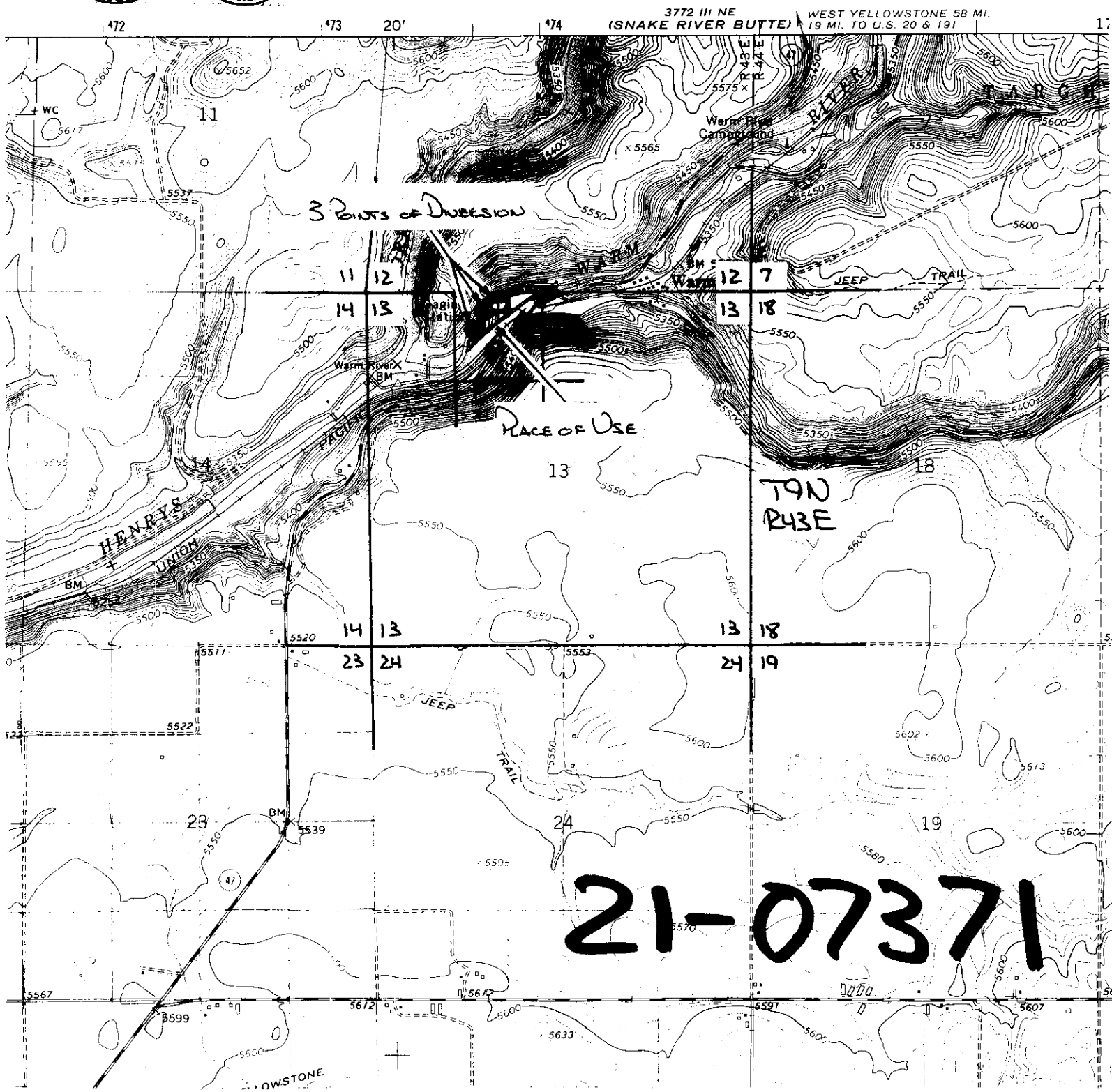
Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

V-98



RIOR





$Q_{THEOR}$  —

$$PUMP \# 1: Q_{THEOR_1} = \frac{2 \text{ HP } (8.814) 0.5 \text{ EFF}}{10' \text{ LIFT} + (40 \text{ PSI} \times 2.308)} = \underline{0.09 \text{ CFS}}$$

$$PUMP \# 2: Q_{THEOR_2} = \frac{2 \text{ HP } (8.814) 0.5 \text{ EFF}}{5' \text{ LIFT} + (40 \text{ PSI} \times 2.308)} = \underline{0.09 \text{ CFS}}$$

$$PUMP \# 3: Q_{THEOR_3} = \frac{1\frac{1}{2} \text{ HP } (8.814) 0.5 \text{ EFF}}{5' \text{ LIFT} + (40 \text{ PSI} \times 2.308)} = \underline{0.07 \text{ CFS}}$$

$$Q_{THEOR} = Q_{THEOR_1} + Q_{THEOR_2} + Q_{THEOR_3} = \underline{0.25 \text{ CFS}}$$

LIMITED BY 0.03 CFS/AC TO:

$$3 \text{ AC} \times 0.03 \text{ CFS} = \underline{\underline{0.09 \text{ CFS}}}$$

21-07371



Plate 1 - Point of diversion: Pump #1.



Plate 2 - Point of diversion: Pump #2.



Plate 3 - Point of diversion: Location of pump #3.  
Pump in for repair at time of exam.



Plate 4 - Place of use: Irrigated common area.

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 21-07371

Reviewed by [Signature]

Date 5-25-94

GENERAL CONSIDERATIONS

YES Name same as permit?

NO Address same as permit?

NO Proof timely received?

YES If not, complete calculation below.

TYPES OF USE

Irr.

Correct Uses? YES

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. \_\_\_\_\_

☐ Amount paid for permit \_\_\_\_\_ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

YES Required?

50.00 Amount Submitted

YES Correct?

MEASURING DEVICE

YES Required?

YES Installed?

X Waiver requested?

PRIORITY CALCULATION

|                     |  |   |  |
|---------------------|--|---|--|
| Date proof received |  |   |  |
| Date proof due      |  | - |  |
| No. of days late    |  | = |  |
| Priority Date       |  | + |  |
| New Priority Date   |  |   |  |

DEFICIENCIES OR ACTION ITEMS

~~Permit~~ Permit was typed by mistake. Reinstate

Proof acceptable

DATA ENTRY C/O O.D. Howe III.

New Address P.O. Box 593

Ashton, Md. 83420

Proof Made 5-16-94

May 31, 1994

WARM RIVER SUBDIVISION  
DANCE HALL FLAT CORP  
P O BOX 593  
ASHTON ID 83420

**PROOF ACKNOWLEDGEMENT LETTER**

RE: PERMIT NO. 21-07371

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating your permit since the permit was lapsed in error by the department. Please note that your priority date has not been penalized.

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,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED  
JUN 09 1994

WARM RIVER SUBDIVISION  
DANCE HALL FLAT CORPORATION

May 13, 1994

State Of Idaho  
Department Of Water Resources  
1301 North Orchard Street  
Boise, Idaho 83706-2237

Gentlemen:

In response to Julie L. Yarbrough's letter dated 4-11-94,  
I have enclosed the completed "Proof Of Beneficial Use"  
form for Permit No. 21-07371 along with a check for \$50.00  
to cover the cost of the license examination fee.

Please be advised that Sam Howe is no longer president of the  
association. It is requested, therefore, that all future  
correspondence pertaining to the Warm River Subdivision  
Permit No. 21-07371 and Permit No. 21-07383 be mailed to the  
below listed address:

Warm River Subdivision  
Dance Hall Flat Corporation  
C/O O. D. Howe III  
P. O. Box 593  
Ashton, Idaho 83420

Thank you for your assistance.

Sincerely,

*O. D. Howe III* 

O. D. Howe III  
President

JUN 09 1994

# WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

May 6, 1994

WARM RIVER SUBDIVISION

~~DANCE HALL FLAT CORP.~~ 11 Terrace Dr.

~~C/O SAM HOWE~~

~~ASHTON ID 834200000~~ Helena AR 72342-1705

LAPSE NOTICE

RE: PERMIT NO. 21-07371

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

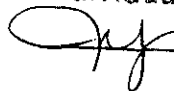
L. GLEN SAXTON  
Chief, Water Allocation Bureau

JUN 09 1994

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5-6-94  
a copy/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.



April 11, 1994

Warm River Subdivision  
Attn: Sam Howe  
11 Terrace Dr.  
Helena, AR 72342-1705

RE: Permit No. 21-07371

Dear Permit Holder:

Enclosed are the forms needed to file proof of beneficial use on water right permit no. 21-07371. The forms were originally sent by certified mail on March 31, 1994, to the name and address listed on the water right permit, but they were returned undelivered by the postal service.

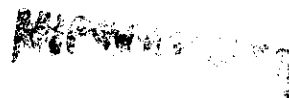
Please read the original enclosed letter, complete the necessary forms and return them to this office on or before the proof due date of June 1, 1994.

If you have any questions or I can be of any assistance, please do not hesitate to call.

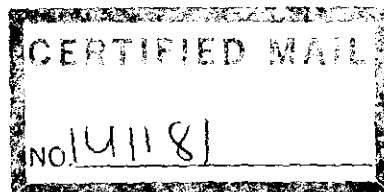
Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

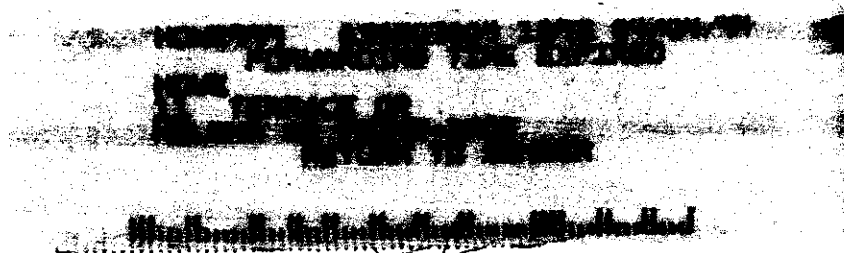
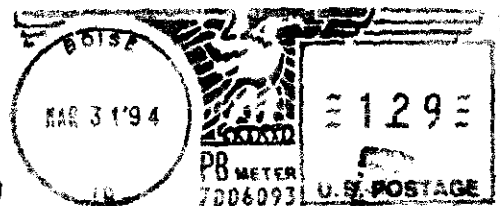
  
JUN 09 1994

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street  
Boise, Idaho 83706-2237



HOWE 999

RECEIVED  
APR 07 1994  
Department of Water Resources



March 31, 1994

WARM RIVER SUBDIVISION  
DANCE HALL FLAT CORP.  
C/O SAM HOWE  
ASHTON ID 834200000

PROOF DUE NOTICE

RE: PERMIT NO. 21-07371

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 June 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

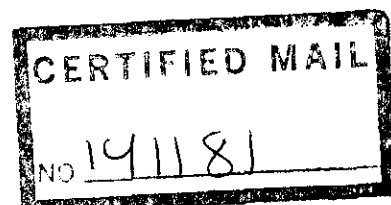
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

JUN 09 1994



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

JUN 4 1990

COMMENCEMENT OF WORKS

Department of Water Resources

Permit No. 21-07371 Dance Hall Flat Corp.  
Name(s) of Permit Holder(s): Warner River Subdivision  
Post Office Address: PO BOX 827  
Ashton ID 83420 Tel. No. 208 652 7603

☒ I hereby certify that construction of diversion works for the above referenced permit began on May 30 1990 (date). I understand that I must continue to develop the water system with due 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\*:

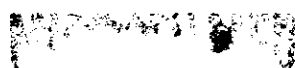
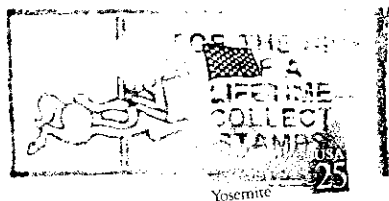
\*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

5-30-90 Dance Hall Flat Corp.  
Alvin J. Howe Secy

P.O. Box 627  
Cotton, Idaho



JUN 09 1994

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720



S T A T E   O F   I D A H O

DEPARTMENT OF WATER RESOURCES

-----

Statehouse  
Boise, Idaho 83720  
(208) 327-7900  
May 16, 1990

WARM RIVER SUBDIVISION  
DANCE HALL FLAT CORP.  
C/O SAM HOWE  
ASHTON, ID 834200000

PERMIT APPROVAL NOTICE

RE: PERMIT NO.      P21-07371

Dear Permit Holder:

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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.

**MICROFILMED**

**MAY 29 1990**

[ ]

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures

**MICROFILMED**

MAY 29 1990

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

SEND COPIES TO Idaho Dept. of Health & Welfare U.S. BLM  
Idaho Dept. of Fish & Game U.S. Forest Service  
Idaho Dept. of Lands Water District  
Adjudication Bureau Unit Other

FINAL REGIONAL PROCESSING REVIEW

Yes No Affidavit of publication received  
Yes No Application published correctly. If not, record action taken.

Yes No Publication dates & paper, recorded on application  
Yes No Protests received  
Final date for protest  
Yes No Protests, dates, resolution of protest, recorded on application  
Yes No Recommendations attached  
Yes No Measuring device required  
Yes No Access port required  
0 Yes No Will water be delivered by watermaster? If yes, what Dist. 01  
Yes No Special conditions of approval or cover letter below.

See below for additional information  
Date of priority recommended 6-10-1986  
By Date

STATE OFFICE REVIEW

P01, P17 01H 2648 49 05(01) 11A 04

See below for additional information  
By kw Date 5-1-90

ADDITIONAL INFORMATION

App. in NON-TRUST area - (from hold drawer)  
Allow 4 yrs. to develop -

MEMO

FROM: Ron Carlson

TO: File 21-7371

Prior to the upheaval caused by Swan Falls the Department had ceased to issue permits on the upper Snake unless they had associated with them adequate supplemental storage supplies. Now that Swan Falls is resolved I do not believe the position of surface water applications on the upper Snake has changed at all.

Applications like this one for the Dance Hall Flats Corp. should be processed with the same review and conditions they would have received prior to Swan Falls. I do not believe the acreage indicated should even be considered as part of the 20,000 acres, since the water supply is essentially stored water. I recommend this application be approved with the following conditions.

- 1) The diversion of water under this right shall be subject to control by the watermaster of Water District 01.
- 2) This right shall only be considered valid if, prior to the irrigation season, the permit holder demonstrates to the satisfaction of the watermaster of Water District 01 that he has adequate storage supplies available.

**RECEIVED**  
MAY 29 1990

Jim,  
I think  
any processing  
right now is  
premature. G.S.

Lets just hold  
& process in  
order.

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Gary Spackman APPLICATION NUMBER: \_\_\_\_\_  
CHECK: \_\_\_\_\_

- |                                                                                                                                |                                               |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <input checked="" type="checkbox"/> Source.                                                                                    | Field check by: _____                         |
| <input checked="" type="checkbox"/> Point of diversion.                                                                        | Date: _____                                   |
| <input checked="" type="checkbox"/> County.                                                                                    | Comments: <u>To much water for acreage OK</u> |
| <input checked="" type="checkbox"/> Quantity of water and period of use.                                                       | _____                                         |
| <input checked="" type="checkbox"/> Description of diverting works.                                                            | _____                                         |
| <input checked="" type="checkbox"/> Time required for beneficial use of water.                                                 | _____                                         |
| <input checked="" type="checkbox"/> Place of use or acres irrigated.                                                           | _____                                         |
| <input checked="" type="checkbox"/> Map. <u>No map OK</u>                                                                      | _____                                         |
| <input checked="" type="checkbox"/> Signature.                                                                                 | _____                                         |
| <input checked="" type="checkbox"/> Fee.                                                                                       | _____                                         |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Field check required.                                      | _____                                         |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Critical groundwater area.                                 | _____                                         |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Request dam safety information. Sent by: _____ Date: _____ | _____                                         |
| <input type="checkbox"/> Yes <input type="checkbox"/> No* In form to receipt.                                                  | _____                                         |

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEND COPIES TO:

- |                                                                     |                       |                |
|---------------------------------------------------------------------|-----------------------|----------------|
| <input type="checkbox"/> Idaho State Health Department.             | Copies sent by: _____ | Date: _____    |
| <input checked="" type="checkbox"/> Idaho Fish and Game Department. | <u>MD</u>             | <u>6-25-86</u> |
| <input checked="" type="checkbox"/> Idaho Department of Lands.      | <u>MD</u>             | <u>6-25-86</u> |
| <input type="checkbox"/> U.S. Bureau of Land Management.            | _____                 | _____          |
| <input type="checkbox"/> U.S. Forest Service.                       | _____                 | _____          |
| <input checked="" type="checkbox"/> Other <u>D.D. #1</u>            | _____                 | <u>8-8-86</u>  |

PROCESSING:

- |                                                                                                                                               |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--|
| <input type="checkbox"/> Yes <input type="checkbox"/> No Platted by: _____ Map No. _____                                                      |  |
| <input type="checkbox"/> Yes <input type="checkbox"/> No Other rights on same place of use. _____                                             |  |
| <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No* In form for advertising.                                      |  |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Final date for protests: <u>7-21-86</u>                                   |  |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Protests received. If yes, record information on 4th page of application. |  |

FINAL REGIONAL PROCESSING REVIEW:

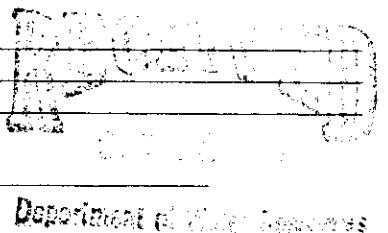
- |                                                                                                                                                |  |
|------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <input checked="" type="checkbox"/> Affidavit of publication received. Date: <u>8-04-86</u>                                                    |  |
| <input checked="" type="checkbox"/> Application published correctly. If not, record action taken: _____                                        |  |
| <input checked="" type="checkbox"/> Fee amount, receipt date & number, recorded on application.                                                |  |
| <input checked="" type="checkbox"/> Publication dates and paper, recorded on application.                                                      |  |
| <input type="checkbox"/> Protests, dates, withdrawal, etc., recorded on application.                                                           |  |
| <input type="checkbox"/> Recommendation & initial, recorded on application.                                                                    |  |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Measuring device required.                                                 |  |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Access port required.                                                      |  |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will water be delivered by watermaster? If yes, what district? <u>01</u> ✓ |  |
| <u>6/10/86</u> Date of priority recommended.                                                                                                   |  |
| Special conditions of approval or cover letter. <u>SEE MEMO</u>                                                                                |  |

not a DCMI -  
hold for rules & regs.

By: RDC Date: 9/26/86  
STATE OFFICE REVIEW: \_\_\_\_\_

- |                                                                   |  |
|-------------------------------------------------------------------|--|
| <input type="checkbox"/> See attached sheet for more information. |  |
| By: _____ Date: _____                                             |  |

copy to Terry Kalang



POINT OF DIVERSION AND STREAM INDEX INFORMATION

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |

| TRACT                   | SEC   | TWP   | RGE   | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-------|-------|-------|--------------|---------------|-------|
| -----                   | ----- | ----- | ----- | -----        | -----         | ----- |
| IDAHO STREAM CODE INDEX |       |       |       |              |               |       |
| -----                   |       |       |       |              |               |       |



September 2, 1986

RECEIVED

SEP 4 1986

Department of Water Resources  
Eastern District Office

Mr. Ernest Carlsen  
Assistant Regional Supervisor  
150 Shoup - Suite 15  
Idaho Falls, Idaho 83402

Dear Mr. Carlsen:

In connection with your August 21st, 1986 letter, I talked with Mr. Ron Carlson of your office, as your letter suggested.

He advised that a letter from Fremont-Madison Irrigation District, as enclosed, would satisfy your requirement for documentation as to availability of storage water.

I thank you for your assistance in this instance, and look forward to completion of this application.

Very truly yours,

*Sam Howe*

Sam Howe  
Warm River Subdivision  
Dance Hall Flat Corp.  
Ashton, Idaho 83420

Encl.

MICROFILMED

MAY 29 1990

## FREMONT-MADISON IRRIGATION DISTRICT

P. O. BOX 5  
ST. ANTHONY, IDAHO 83445

September 2, 1986

BOARD MEMBERS  
LORIN C. YOUNG  
JAMES MAX MORTENSEN  
G. EMERY DAVIS

**RECEIVED**

SEP 4 1986

Department of Water Resources  
Eastern District Office

BOARD MEMBERS  
NORMAN HILLAM  
LELAND E. CLARK  
RONNIE ARD  
LORIN KAUER

Mr. Sam Howe  
Dance Hall Flat Corp.

Dear Mr. Howe:

This letter is to confirm that Dance Hall Flat Corp. has rented 4 acre feet of Island Park storage water for the 1986 irrigation season. This storage water is rented on a year to year basis and Fremont-Madison Irrigation District does not guarantee its availability.

Sincerely,

*Dale L. Swensen*

Dale L. Swensen

**MICROFILMED**

MAY 29 1990

August 21, 1986

Sam Howe  
Warm River Subdivision  
Dance Hall Flat Corp.  
Ashton, Idaho 83420

RE: Application for permit 21-7371

This office has completed the publication portion for processing the above captioned application. But prior to recommending it for final administrative action we need confirmation that arrangements have been made to acquire an alternate source of water for those periods when natural flow is not available.

Since the diversion of water from the Henry's Fork based on a water right with a 1986 priority would normally be limited to a few weeks at the beginning of summer, the need to acquire additional water will be an annual occurrence. To ensure storage water can be leased as a replacement for natural flow you need to provide documentation verifying its availability and how the Department can be assured it will be acquired annually.

Supplemental water is normally obtained either from Fremont Madison Irrigation District or the Upper Snake River Valley Water Bank. Information regarding the water bank can be obtained from Ron Carlson, Watermaster, Water District 1, 150 Shoup, Suite 15, Idaho falls, Idaho 83402, phone 525-7172.

Final administrative action on this application will be deferred pending arrival of the information requested above. In the meantime the application will be held in this office. If you have any questions feel free to contact me.

Respectfully submitted.

Ernest Carlsen  
Assistant Regional Supervisor

EC/md

**MICROFILMED**

MAY 29 1990

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 21-7371 and have the following comments/objections to the approval of this application for permit:

I do not believe these lands  
are in the Fremont-Madison Irrigan.  
district & therefore Fremont-Madison  
probably cannot lease them  
stored water. However, I know of  
no reason why water could not  
be leased from the water bank  
for each lot owner.

8/8/86

Date

Ronald D. Carlson

RONALD D. CARLSON, WATERMASTER  
Water District No. 01

**MICROFILMED**

MAY 29 1990

July 21, 1986

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

RE: Application No. 21-7028; Anthony Scarpelli  
Application No. 21-7371; Warm River Subdivision, Dance Hall  
Flat Corporation

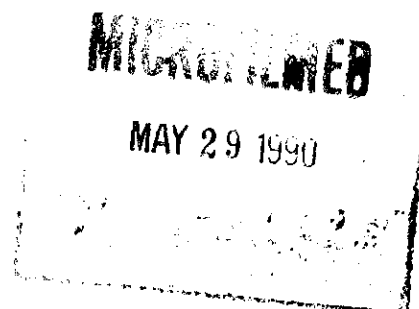
Gentlemen:

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  
July 3, and July 10, 1986.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

MICHELE DAVIS  
Office Secretary





IDAHO DEPARTMENT OF FISH AND GAME  
REGION 6  
1515 Lincoln Road  
Idaho Falls • Idaho • 83401

RECEIVED

JUL 9 1986

Department of Water Resources  
Eastern District Office

July 8, 1986

Mr. Ernest Carlsen  
Assistant Regional Supervisor  
150 Shoup, Suite 15  
Idaho Falls, ID 83402

Re: Permit No. 21-7371, Warm River Subdivision

Dear Ernie:

Idaho Department of Fish and Game has reviewed the referenced water right application, and we have no objection based on the request of 0.12 cfs for irrigation.

We request the applicant be required to screen the pump intake to prevent losses of rainbow and brown trout fry and fingerlings to the diversion.

Thank you for the opportunity to comment.

Sincerely,



Herbert A. Pollard II  
Regional Supervisor  
Region 6

HAP:SE:ai  
cc: USFWS (Wolflin)  
Program Coordination  
Bureau of Fisheries

MICROFILMED

MAY 29 1990



# STATE OF IDAHO

## DEPARTMENT OF LANDS

Eastern Idaho Area Office  
Route 1, Box 400 (Beeches Corner)  
Idaho Falls, Idaho 83401

**RECEIVED**

JUL 3 1986

Department of Water Resources  
Eastern District Office

June 30, 1986

Ernest Carlsen  
Assistant Regional Supervisor  
Department of Water Resources  
150 Shoup - Suite 15  
Idaho Falls, Idaho 83402

Dear Mr. Carlsen:

Thank you for providing a copy of "Application for permit No 21-7321 - Warm River Subdivision" for our review.

At this time our Department is assuming no jurisdiction over the bed of the Warm River. However, we do reserve the right to require proper permits or easements for this encroachment if at any time it is determined that this department does have administrative responsibilities for the bed of the Warm River. We are so notifying the applicant of this.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Wood".

James B. Wood  
Assistant Area Supervisor

JBW/sak

**MICROFILMED**

MAY 29 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

JUNE 25, 1986

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 JULY 21, 1986.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

RECEIVED  
MAY 29 1990

NOTICE OF APPLICATION

FOR WATER RIGHT

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

21-7371

WARM RIVER SUBDIVISION, DANCE HALL FLAT CORP

FRUITLAND, ID 83420

Source: WARM RIVER trib. to HENRY'S FORK

Diversion Pt: NENW Sec 13 T 09N R 43E

Use: IRRIGATION (0.120 CFS)

Date Filed: 06/10/1986

In: NENW Sec 13 T 09N R 43E FOR 4 ACRES :

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 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 July 21, 1986.

KEN DUNN

Director

Published 7/3/86 & 7/10/86.

**MICROFILMED**

MAY 29 1990

June 21, 1986

Idaho Fish and Game  
1515 Lincoln Rd.  
Idaho Falls, Idaho 83401

RE: Application for Permit No. 21-7371, Warm River Subdivision,  
Dance Hall Flat Corp.

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is July 21, 1986, 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 Supervisor

EC:md

Enclosure

**MICROFILMED**

MAY 29 1990

June 21, 1986

Idaho Department of Lands  
Rt. 1, Box 400.  
Idaho Falls, Idaho 83401

RE: Application for Permit No. 21-7371, Warm River Subdivision,  
Dance Hall Flat Corp.

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is July 21, 1986, 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 Supervisor

EC:md

Enclosure

**MICROFILMED**

MAY 29 1990



RECEIVED

JUN 17 1986



Department of Water Resources  
Eastern District Office

June 13, 1986

Mr. Gary Spackman  
Dept. of Water Resources  
Suite 15  
150 Shoup  
Idaho Falls, Idaho 83401

Dear Mr. Spackman:

Enclosed is a photo copy of Dance Hall Flat, showing the lots  
and location of Warm River.

Hope this is in accord with your request.

Sincerely,

*Harry J. Lewis*  
Harry J. Lewis

HJL:jh

Encl.

MICROFILMED

MAY 29 1990