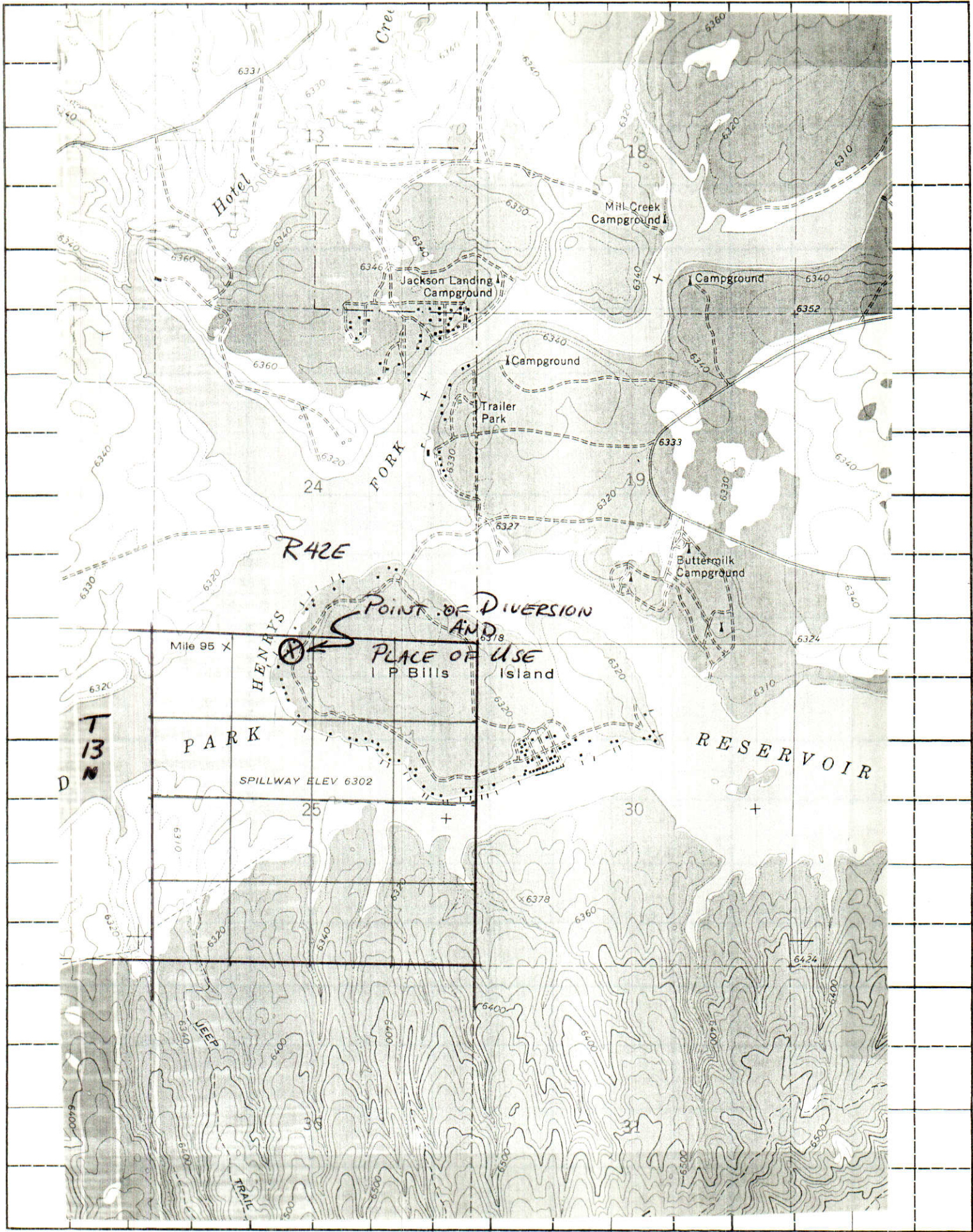


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.
1:24000

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.

Malcolm Reiss
(Applicant)

MICROFILMED

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey
being first duly sworn, upon his
oath, deposes and says:

That she is the Editor.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of Application.....
for Water Right 21-7352

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for 2..... consecutive
issues thereof; first publication

having been made on the 6th.....

day of October....., 1983,

and the last publication on the

13th day of October.....

1983

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Carol Bessey
Subscribed in my presence and
sworn to before me this 18th.....

day of October.....,

1983.

James E. Holcomb

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton,

RECEIVED

NOV 8 1983

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-7352
REISS, MALCOLM
BUTTERS, C. ERNEST
1986 N. 350 W., SUNSET, UT 84015
Source: GROUNDWATER
Date Filed: 09/21/1983
Diversion Pt: NENW Sec 25 T 13N R 42E
Use: DOMESTIC (0.04 CFS)
In: NENW Sec 25 T 13N R 42E

The permit(s) will be subject to all prior
water rights. Protests must be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402 on or before AUGUST 1, 1983.

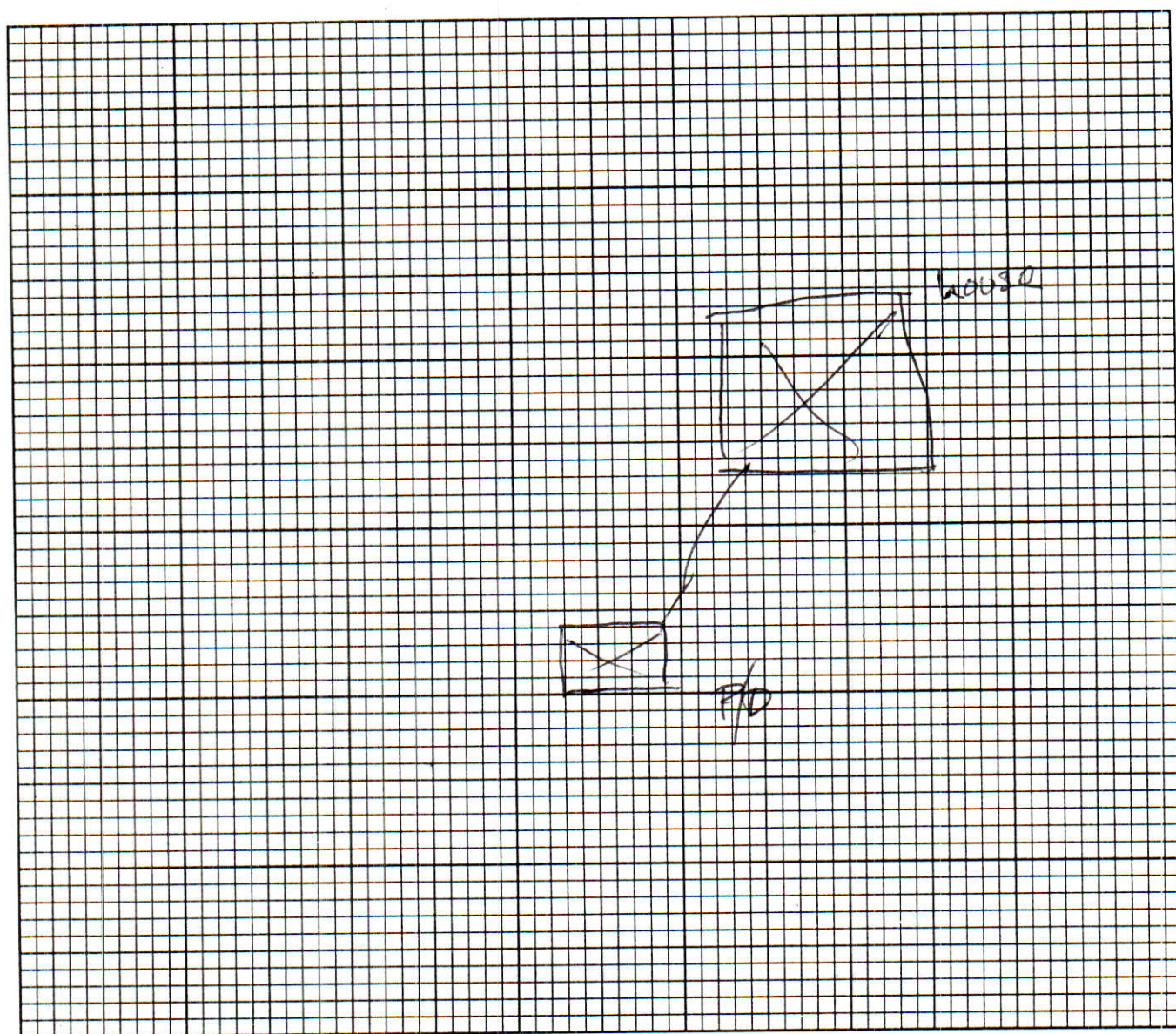
KEN DUNN
Director

Publ. Oct. 6 and 13, 1983AH

MICROFILMED

10. Other water rights on these lands NA
11. Other water right diverted from same p.d. NA

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Land described as Lot 79 & 79E of J.R. Bills
Island Homestead, Plot #1

15. 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

16. Examiner's/Consultant's Signature [Signature] Date 7-18-1986

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

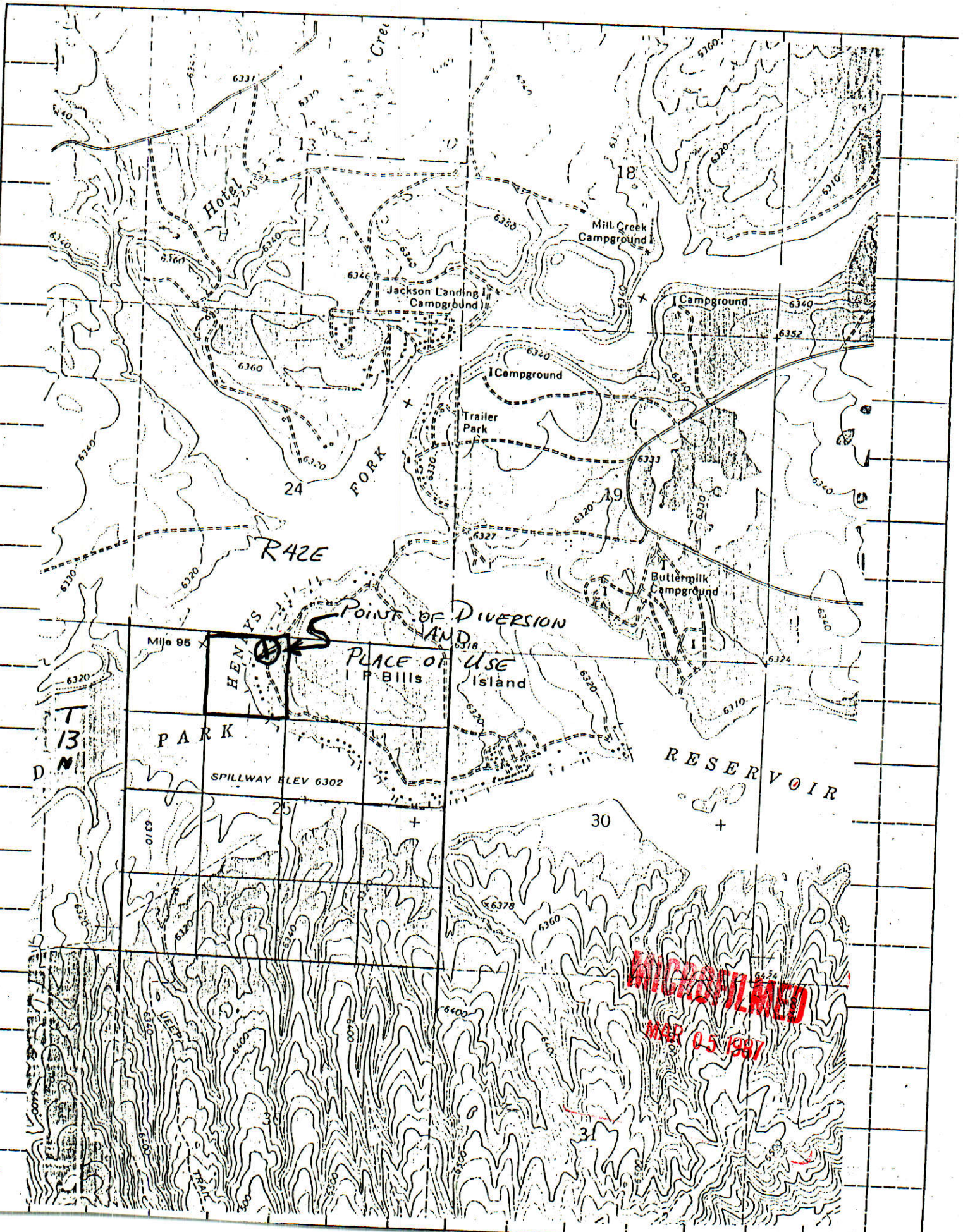
MICROFILMED

MAR 05 1987



21-7352

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



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-7352

Priority: September 21, 1983 Amount: .04 CFS .6 AF

This is to certify, that MALCOLM REISS
C. ERNEST BUTTERS

1986 N. 350 W.
SUNSET, UT 84015

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated September 21, 1983, and has submitted proof to the Department of Water Resources on September 16, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .04 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic	01/01 to 12/31	.04 cfs	.6 af

LOCATION OF POINT OF DIVERSION(S): NENW , Sec. 25, Township 13N, Range 42E
Fremont County

PLACE OF USE: Domestic

TWN RGE SEC

13N 42E 25 NENW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Right covers Lots 79 & 79E, I.P. Bills Island Homesite Plot #1.

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 20th day of FEBRUARY, 1987.

MICROFILMED

Acting for the

Director

Norman C. Young

MAR 05 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Malcolm Reiss or C. Ernest Butters Phone 801-773-2013

Post office address 1986 N. 350 W. Sunset, Utah 84015

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 Township 13N

Range 42E B.M. Fremont County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

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

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

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

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

5. Total quantity to be appropriated:

a. 0.04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump with distribution line

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 80 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 Township 13N

Range 42E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water one.

(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

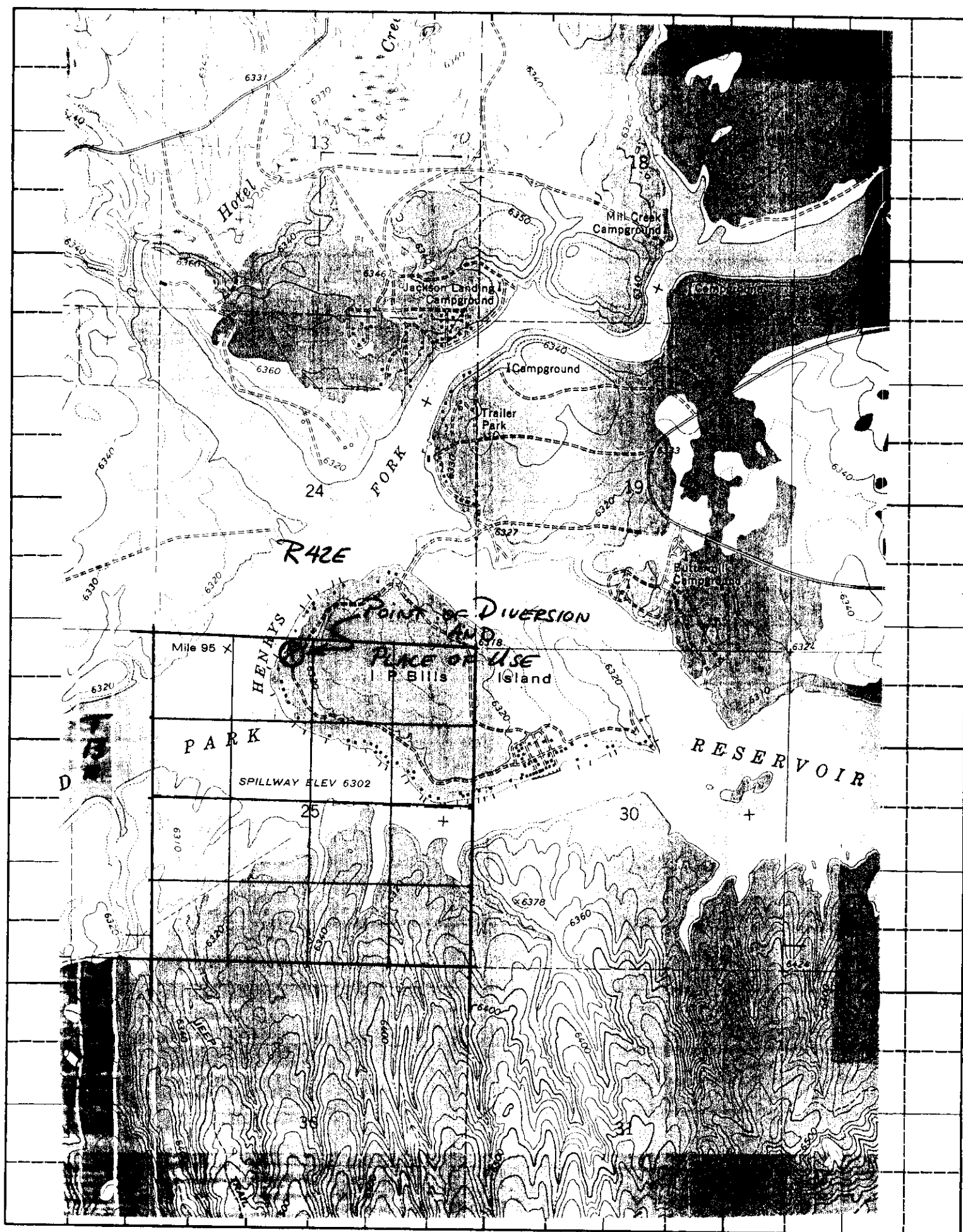
9. a. Who owns the property at the point of diversion Applicants

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Land also described as Lot 79 & 79E of the I.P. Bills
Island Homesite Plot #1

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



Scale: 2 inches equal 4 miles.

1:24000

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.

Myalcolm Reiss

(Applicant)

RECEIVED

Proposed Priority 9/21/83

MICROFILMED

Assisted by Kew
Received by _____ Date 9-21-83 Time 1510 hrs

Preliminary check by HWT Fee \$ 30.00

Receipted by BP Date 9/21/83 # 29682

Publication prepared by BP Date 9/28/83

Published in Abhton Herald

Publication dates 10/6 - 10/13/83

Publication approved BP Date 11/8/83

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC PC

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. 21-7352, 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 December 1, 19 85.

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. Other:

Witness my hand this 20th day of November, 1984.

J. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey
being first duly sworn, upon his
oath, deposes and says:

That she is the *Editor*.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of Application....
for Water Right...21-7352

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for 2..... consecutive
issues thereof; first publication

having been made on the *6th*.....

day of *October*....., 19*83*,

and the last publication on the

13th.....day of *October*.....

19*83*

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Carol Bessey
Subscribed in my presence *and*

sworn to before me this *18th*.....

day of *October*.....,

19*83*.

James E. Holcomb

[SEAL] Notary Public for the
State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton,

RECEIVED

NOV 8 1983

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-7352

REISS, MALCOLM
BUTTERS, C. ERNEST
1986 N. 350 W., SUNSET, UT 84015
Source: GROUNDWATER
Date Filed: 09/24/1983
Division Pt: NENW Sec 25 T 13N R 42E
Use: DOMESTIC (0.04 CFS)
in: NENW Sec 25 T 13N R 42E

The permit(s) will be subject to all prior
water rights. Protests must be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402 on or before AUGUST 1, 1983.

KEN DUNN
Director

Publ. Oct. 6 and 13, 1983AH

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

February 23, 1988

RE: Permit No. 21-7352

Malcolm Reiss & C. Ernest Butters
1986 N. 350 W.
Sunset, UT 84015

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

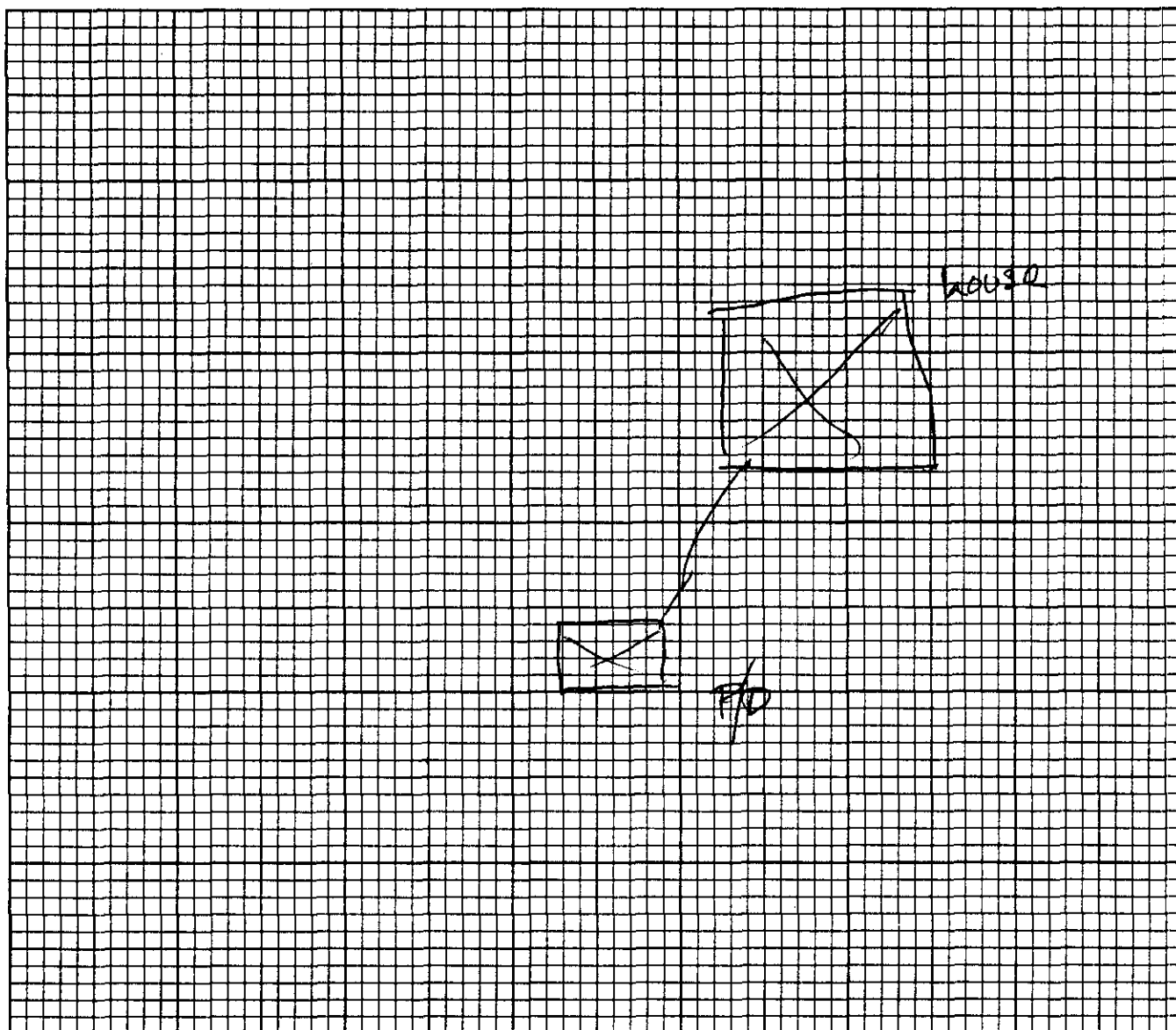
JJ:sc

Enclosure

MICROFILMED

MAR 05 1987

10. Other water rights on these lands NA
11. Other water right diverted from same p.d. NA
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Land described as Lot 79 + 79E of J.P. Dills
Island Hamlets, Plot #1

15. 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

16. Examiner's/Consultant's Signature [Signature] Date 7-18-1986

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

RECEIVED

MAR 05 1987

Permit No. 21-7352

Phone No. 782-3253

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15N	42E	28					R												
MICROFILMED																			
MAR 05 1967																			
																		Total Acres _____	



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
OCT 9 1986

21-7352
Permit No.

Department of Water Resources

1. **Measurement Calculations**

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

1

- b) Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

- c) Volume Calculations for Other Uses:

1 domestic home as per memorandum.
0.04 cfs - 0.6 cfs.

2. **Overlap Review**

- a) Other water rights with same place of use: NA

- b) Other water rights with same point of diversion: NA

- c) Analysis:

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

6. Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
DOMESTIC	1/1	12/31	0.04	0.6

Allowable Maximums: 04cf 6afa

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks: _____

10. 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 _____

11. Examiner's Signature James Carl Date 7-18-86

Checked in Regional Office by H. W. Jones Date 9-3-88

Approved in State Office by [Signature] Date 2-17-87

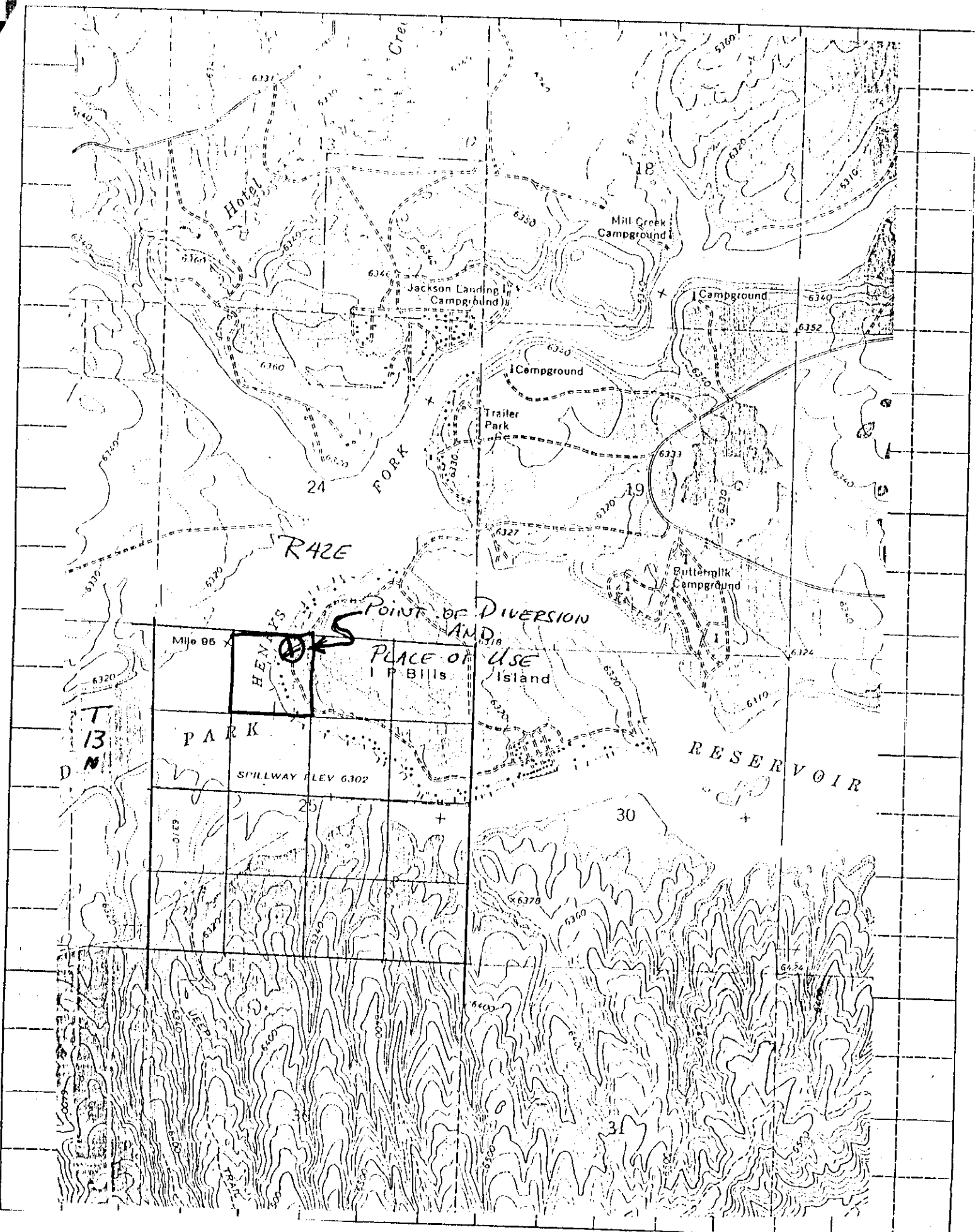
Date 7-18-86

Date 9-3-88

Date 2-17-87

21-7352

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

October 21, 1986

Mr. Kevin B. Homer
Wright, McNamara, Homer & Davis
445 No. Capital
P.O. Box 578
Idaho Falls, ID 83402

Re: Permit Nos. 21-7352 and 21-7368

Dear Mr. Homer:

As requested in your letter of September 29, I have researched our records and located permits for domestic use from a groundwater source within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 13 N., Rge. 42 E. Enclosed are copies of Permit No. 21-7352 in the name of Malcolm Reiss or C. Ernest Butters and Permit No. 21-7368 in the names of Frank and/or Beverly Scott.

Permit No. 21-7352 in the name of Malcolm Reiss or C. Ernest Butters was filed September 21, 1983 for 0.04 cfs for domestic purposes from a groundwater source for a single household diverting within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 13 N., Rge. 42 E. Remarks also further described the land as Lot 79 & 79E of the I.P. Bills Island Homesite Plot #1. Proof of beneficial use was submitted on September 15, 1985.

Permit No. 21-7368 in the names of Frank and/or Beverly Scott was filed February 28, 1986 for 0.04 cfs for domestic purposes from a groundwater source for a single household diverting within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Govt. Lot 1, Sec. 25, Twp 13 N., Rge 42 E. The land is further identified as Lot #78 - I.P. Bills Island. Proof of beneficial use was submitted on April 24, 1986.

Both permits are in good standing and all that remains is that a field examiner from Eastern Region in Idaho Falls conduct a field examination of the system before licensing. A field examination could provide you with additional information regarding the system.

Please note that both permits identify the applicants as the owner of the property at the point of diversion and the place of use.

I have also researched our records for well logs in the above names for wells drilled in the legal description of the point of diversion. Enclosed is a well log for a well drilled in 1967 for domestic use in the name of Frank Scott.

Mr. Kevin B. Homer
October 21, 1986
Page 2

With regard to your inquiry on drilling a well, enclosed is a pamphlet entitled "Rules and Regulations Well Construction Standards." You may also want to contact the Central District Health Department in the area to ascertain what local requirements may be required in drilling a well for single family domestic use.

Although no filing is required with this Department for a single family household for domestic purposes from a groundwater (a well), a filing may be made if desired. A filing is required, however, for multiple households for domestic purposes from a well. The definition of domestic purposes is as follows:

Domestic purposes is water for household use or livestock and water used for all other purposes including irrigation of up to one-half acre of land in connection with said household where total use is not in excess of 13,000 gallons per day.

Enclosed is a billing for the copies

If you have additional questions or need further assistance, please do not hesitate to contact us at our State Office here in Boise or our regional office in Idaho Falls.

Sincerely,

ROBERTA GARRETT
Records Supervisor

1s

Enclosures

cc: Eastern Region

WRIGHT, McNAMARA, HOMER & DAVIS
ATTORNEYS

A PARTNERSHIP OF PROFESSIONAL CORPORATION S

ROGER E. WRIGHT P.A.
EARLOW J. McNAMARA P.A.
KEVIN B. HOMER P.A.
TODD M. DAVIS P.A.

Department of Water Resources

September 29, 1986

Idaho Water Resources Board
450 West State Street
Boise, Idaho 83702

Re: Mr. and Mrs. Malcom Reiss
Mr. and Mrs. Frank Scott

Dear Sir or Madam,

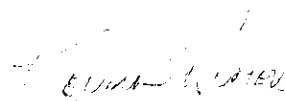
This law firm has been representing Mr. and Mrs. Malcom and Adriana Reiss of 1986 North 350 West, Sunset, Utah, in attempting to resolve a dispute over a culinary water well which they own jointly with Mr. and Mrs. Frank Scott of 51 Doud Street, Blackfoot, Idaho. The well itself is located on or near the boundary line between the summer homes located on lots 78 and 78E (Frank Scott parcel) and lots 79 and 79E (Malcolm Reiss parcel) in the Bill's Homesite addition to Fremont County, Idaho (on Bill's Island in Island Park), in Section 25, Township 13 North, Range 42 East.

Would you kindly research your files and tell me, from your agency's point of view and according to your official file, which of the two parties is listed as the owner of the well (or both, if that is the case). Also, please tell me whether the necessary permits for that well have been secured and, in a general sense, the status of that well according to your files.

Would you also please send me information about the requirements for digging a new culinary well. I have been told that all new wells must be capped above ground level, but I would appreciate knowing the details of this and other requirements.

Thank you for your cooperation with this request.

Very truly yours,


Kevin B. Homer

KBH/cw

cc. Malcom Reiss

(208) 523-1433
115 NORTH CAPITOL
POST OFFICE BOX 578
IDAHO FALLS, ID 83402

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 19, 1986

MALCOLM REISS
1986 N. 350 W.
SUNSET UT 84015

RE: Permit No. 21-7352

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,
s/HAROLD W. JONES
Sr. Resource Agent

APPROVED
FEB 22 1986

RECEIVED
SEP 26 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
SEP 16 1985
Department of Water Resources
Eastern District Office

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 21-7352

Name(s) of Permit Holder: Malcolm Reiss or C. Ernest Butters

Post Office Address: 1986 N. 350 W., Sunset, Utah 84015

Telephone No. (801) 773-2013

Source of Water: Groundwater

Extent of Use:

Domestic 1 (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: June 1, 1969

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

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

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

SAME

(Name) (801) 773-2013

SAME

(Address) (801) 782-3253
(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

16 Sept 1985
Date

Malcolm Reiss
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

November 28, 1984

RE: Permit No. 21-7352

Malcolm Reiss or C. Ernest Butters
1986 North 350 West
Sunset, UT 84015

Dear Permit Holder:

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

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use postcard that must be submitted when your project is completed.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc
Enclosures

RECEIVED
NOV 29 1984

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

APPLICATION NUMBER: 21 7352

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: _____

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 _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: Oct 24, 1983
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 11/8/83
☒ 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? _____
9-21-83. Date of priority recommended.
Special conditions of approval or cover letter. _____

STATE OFFICE REVIEW:

By: Ernest Carlson

Date: Nov. 11, 1983.

- ☐ See attached sheet for more information.

By: AC

Date: 11-17-83

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POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 24, 1983.

KEN DUNN, Dir.

Published 10/6 & 10/13/83.

MICROFILMED

21-7352_

REISS, MALCOLM
BUTTERS, C. ERNEST

1986 N. 350 W., SUNSET, UT 84015

Source. GROUNDWATER

Date Filed: 09/21/1983

Diversion Pt. NENW Sec 25 T 13N R 42E

Use. DOMESTIC (0.04 CFS)

In. NENW Sec 25 T 13N R 42E

MICROFILMED