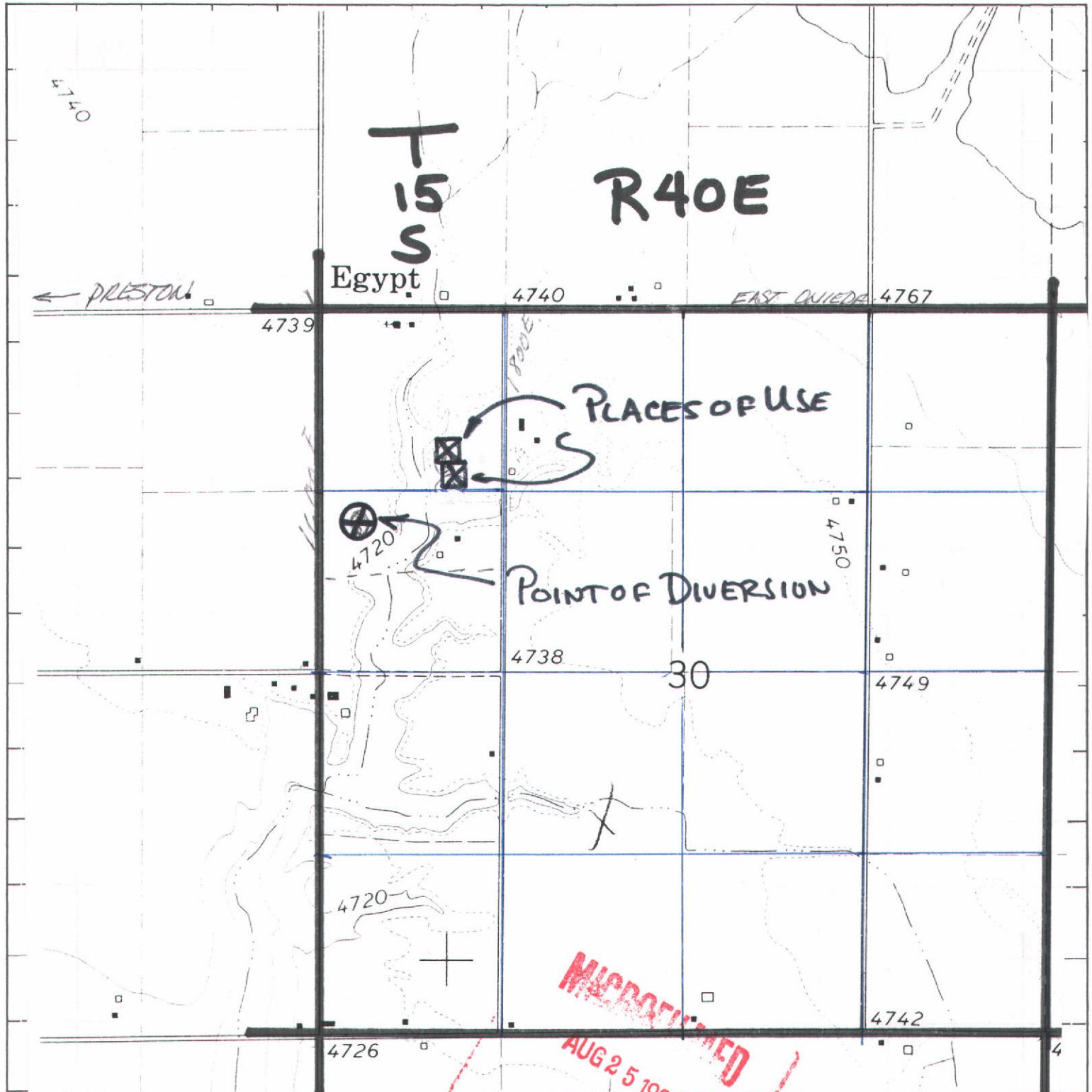


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

W. C. Cullen
(Applicant)

SEP 21 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME

MAY 28 1996

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 13-07532

Name(s) of Permit Holder: W. ELDEAN HOLLIDAY

Mailing Address: 166 SO. 1800 EAST PRESTON, IDAHO 83263

Date Proof is Due: AUGUST 1, 1996 Telephone No. 208 852-1763

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

SINCE THE KNOWN SPRING WAS DRAINED INTO "SPRING CREEK" THROUGH 4"
CLAY TILE WE FOLLOWED THE TILE BACK TO THE SPRING. WE EXCAVATED
AN AREA 8'X7'-6" DEEP. WE CONSOLIDATED WITH 2 SPRING DEPT. SPEC. GRAVEL
& PERFORATED PIPE WAS PLACED. FILTER FABRIC LINED VERTICAL SIDES OF THE SPRING
HOUSED PIPE. MORE GRAVEL, ALL AREA COVERED WITH 20 MIL REINFORCED COSTING \$ 850.00
(OVER)

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

WET SPRING - MY WIFE & I ARE LEAVING INSIDE TO GO TO CYPRUS
ON AN LDS MISSION. WE WOULD APPRECIATE AN EXTENSION
FOR THE REQUESTED PERIOD - THANK YOU

Permit holder(s) request an extension to AUGUST 1, 19 99.

FEE: \$50.00

William A. Malloy
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 1999. JUN 27 1996

Signed this 6TH day of June, 19 96

L. Shw Saylor
Chief, Water Allocation Bureau

FABRIC NOTCHED BACK INTO THE CLAY BANKS OF THE SPRING. 24" OF BLACK TOP SOIL WAS PLACED TO GROUND LEVEL. A 4" CLOSE PIPE CARRIED THE CAPTURED WATER TO THE POINT OF THE UNDERGROUND PVC CISTERN. (NOTE: WE CURRENTLY HAVE 3 GAL PER MINUTE. WE WILL INSTALL A CISTERN, PUMP, BLADDER TANK AND 400' OF 2" LINE. THESE ITEMS HAVE YET TO BE DONE.

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 13-07532

Proposed Priority: May 11, 1995

Maximum Diversion Rate:

0.06 CFS

This is to certify, that W ELDON HOLLIDAY

PO BOX 84

PRESTON ID 83263-0084

has applied for a permit to appropriate water from:

SPRING

tributary of SPRING CREEK

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSNW , Sec. 30, Township 15S, Range 40E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

15S 40E 30

NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1996.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 13A.
4. Domestic use is for 2 homes.

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

25th day of July, 1995.

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED
AUG 25 1995

RECEIVED
JUL 20 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 13-7532

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant W. ELDEAN HOLLIDAY Phone 208 852-1763
Post office address P.O. BOX 84 PRESTON, IDAHO 83263
2. Source of water supply UNNAMED UNDERGROUND SPRING which is a tributary of Spring Creek
3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 30 Township 15S Range 40E B.M. Franklin County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 0.06 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 is (a) 0.06 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Spring box, pump to storage tank with on demand pumps to two (2) single domestic homes
- 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 85°F being sought? NO
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 YEAR years (minimum 1 year).

RECEIVED
AUG 25 1995

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

A hand-drawn map on a grid showing a route from Egypt to East Onieda. The map includes grid coordinates (e.g., 4740, 4739, 4738, 4749, 4742, 4726), a compass rose, and handwritten labels: 'T 15 S', 'R40E', 'PLACES OF USE', 'POINT OF DIVERSION', 'PRESTON', and 'EAST ONIEDA'. A large 'X' is marked on the map. A stamp at the bottom reads 'MICROFILMED AUG 25 1966'.

Microfilm
AUG 25 1995

(Applicant)

AUG 25 1995

URGENT

e. Other:

permit.

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.

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.

19

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Assisted by kw Date 5/11/95 Time 1600 hrs Preliminary check by _____

Received by kw Date 5-11-1995 Fee \$ 50.00

Received by _____ Date 6-1-8-95 Published in Bozeman City

Publication prepared by RB Date 11-17-95 Publication approved RB Date _____

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. B-07532 Reviewed by [Signature] Date 8-23-99

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

clam.
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- Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
+ Installed?
+ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address X Proof Made 5-28-99



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 26, 1999

W Eldean Holliday
166 S 1800 E
Preston ID 83263

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07532

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

SEP 21 1999

May 31, 1999

W ELDON HOLLIDAY
166 S. 1800 E
PRESTON ID 832630084

PROOF DUE NOTICE

RE: PERMIT NO. 13-07532

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 August 1, 1999.

(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.

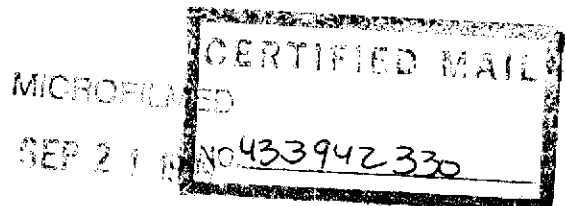
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. B-07532 Reviewed by [Signature] Date 6-5-96

BASIC INFORMATION

5-28-96 Date stamp received

Yes Extension received timely

Yes Fee received and receipted

Yes Name and signature same as permit

Yes Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend extend to August 1, 1999, on basis of due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address 166 S. 1800 E., Preston, Id. 83263

Change Proof Due Date 8-1-99

Change Priority Date X



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 6, 1996

W. Eldon Holliday
166 S 1800 E
Preston, ID 83263

RE: Permit No. 13-07532

Dear Permit Holder:

August

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to ~~June 1, 1999~~. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

JUN 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 25, 1995

W ELDON HOLLIDAY
PO BOX 84
PRESTON ID 83263-0084

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07532

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is 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 is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

MAILED

AUG 25 1995

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 13-7532 Name: Holliday Date: 7/24/95 Ad OK?
Correct Fee? ✓ Receipt #: EDW020 Priority: 5/11/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes Mor GWMA Trust/Non-trust
PROTESTED: unconditionally withdrawn - 020 (Protest Agr) or W19 (See Final/Prelim Order)
SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. (POU cmp) - 01M, 065 (if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. - - - , P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink):

Water District (dom) - 005 (req) WD # BA <SEE MAP & LISTING>
+ 0.2 cfs - 028 (may report) - 01J (meas dev) - P08
=/- 0.2 cfs - 028 (may report) - 01H (lock dev) - P01 or No MD
=/+ 5 a. irr. - 028 (may report) (POU cmp)
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064 (consump. use), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - 021 (Boise R ↑ L Peak); 27A (Payette R); NA
Fish Propagation - 07A-042 (rq) - 010/06A/09E (WQ) - P10; 044 (N 1000 Spr)
Irr =/- 5 acres - 057 (0.03 cfs/A) <DO POU COMPARISON>
+ 5 acres - 03A (0.02 cfs/A) <DO POU COMPARISON>
Mining - 054 (req) & 06A/010/09E - P10
Power - 08A-17K-025-027-01M-01F (P19) - 09E (P10);
+25 cfs - P18; 17G (FERC) or 17M (FERC); 18B-P09
Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

8-1-1996

Form No. 202a
4/87

Dist. for staffing 5-15-95
Submitted for advertising 5-16-95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY AJS DATE 5-16-95 APPLICATION NO. _____

W. Eldon Holliday
REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION

Overlapping place of use (Describe source & relationship to present application on the back.)

Overlapping point of diversion

Yes _____ No _____ Field check required

Field check by _____

Yes _____ No _____ Field report attached

Yes _____ No _____ Critical groundwater area

Yes _____ No _____ Groundwater management area

Yes _____ No _____ Send dam safety information

Yes _____ No _____ Send power requirement letter

Yes _____ No _____ Send fish farm requirement letter

Yes _____ No _____ Power residency affidavit

Yes _____ No _____ Power efficiency form

Yes _____ No _____ Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)

Yes _____ ☒ No _____ Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

RECEIVED
JUL 20 1995
Department of Water Resources

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

SEND COPIES TO NONE 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 6-19-85
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations, attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist.
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 5-11-85
By HWS Date 7-18-85

STATE OFFICE REVIEW

See below for additional information
By Date

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other

Project impacts/implications report

COMMENTS

[illegible]

825
No 4071

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

deposes and says:

being duly sworn,

CO-PUBLISHER

That he is the _____ of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 31, 1995, and ending

with the issue of June 7, 1995

Fee \$ 106.79

Subscribed and sworn to before me this 7 day

of June, 1995.

Kelly Michelson
Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 2001.

S18 NWNE

13-07532

HOLIDAY, W ELDON

PO BOX 84

PRESTON, ID 83263

Source: SPRING

Tributary: SPRING CREEK

Diversion Pt: NWSWNW Sec 30 T

15S R 40E in FRANKLIN County.

Use: DOMESTIC (0.060 CFS)

Total Diversion: (0.060 CFS)

Date Filed: 5/11/1995

In: FRANKLIN County T15S R 40E S30 NWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JUNE 12, 1995.

KARL J. DREHER, Director

Legal No. 4071 — Publish May 31, June 7, 1995.

RECEIVED
JUL 20 1995

Department of Water Resources

RECEIVED
AUG 25 1995

13-07532

HOLLIDAY, W ELDON
PO BOX 84
PRESTON, ID 83263

Source: SPRING

Tributary: SPRING CREEK

Diversion Pt: NWSWNW Sec 30 T 15S R 40E in FRANKLIN County.

Use: DOMESTIC (0.060 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 5/11/1995

In: FRANKLIN County
T15S R40E S30 NWNW

RECEIVED
AUG 25 1995

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JUNE 12, 1995.

KARL J. DREHER, Director

Published: 6/ 1/1995 & 6/ 8/1995

APPROVED
AUG 25 1995

July 17, 1995

W ELDEAN HOLLIDAY
PO BOX 84
PRESTON ID 83263

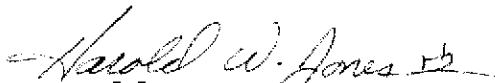
RE: Application for Permit No. 13-07532

Dear Applicant:

This letter is to advise you that the protests filed by Bear Lake Watch, Inc. and Bear River Canal Co. against approval of the above referenced application have been withdrawn.

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

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

PAID 1.00

AUG 25 1995

July 17, 1995

RANDALL M WEINER
LAND & WATER FUND
OF THE ROCKIES
2260 BASELINE RD
BOULDER CO 80302

RE: Application for Permit No. 13-07532

Dear Mr. Weiner:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

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

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

AUG 23 1995

July 17, 1995

D BRENT ROSE
CLYDE SNOW & SWENSON
ONE UTAH CENTER STE 1000
201 S MAIN STREET
SALT LAKE CITY UT 84111-2208

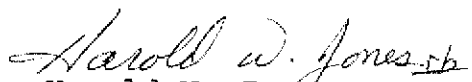
RE: Application for Permit No. 13-07532

Dear Mr. Rose:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

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

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

EX-100-10111

JUL 18 5 1995

Randall M. Weiner
LAND AND WATER FUND OF THE ROCKIES
2260 Baseline Road, Suite 200
Boulder, Colorado 80302
(303) 444-1188
(303) 786-8054 FAX

Laird Lucas
LAND AND WATER FUND OF THE ROCKIES
P.O. Box 1612
Boise, Idaho 83701
(208) 342-7024
(208) 342-8286 FAX

**BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

In the Matter of the	)	Withdrawal of
Application for Permit	)	Petition to Intervene and
No. 13-07532	)	Protest of Bear Lake
W. Eldon Holliday,	)	Watch, Protestant
Applicant	)	

NOW COMES Bear Lake Watch, Inc., a Utah nonprofit corporation,
which hereby submits this withdrawal of its petition to intervene
and protest in the above referenced proceeding.

DATED this 5th day of July, 1995.

Respectfully submitted,


Randall M. Weiner
LAND AND WATER FUND OF THE ROCKIES
2260 Baseline Road, Suite 200
Boulder, Colorado 80302
(303) 444-1188
(303) 786-8054 FAX

RECEIVED
AUG 25 1995

CERTIFICATE OF SERVICE

On this 5th day of July, 1995, I mailed a true and correct copy of the foregoing Protest, postage prepaid, via U.S. mail, to the following:

W. Eldon Holliday
P.O. Box 84
Preston, Idaho 83263

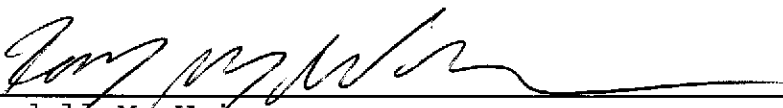
Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

Randall C. Budge, Esq.
Racine, Olsen, Nye, Cooper & Budge
Corner First and Center
P.O. Box 1391
Pocatello, Idaho 83204

Brent Rose, Esq.
Clyde, Snow & Swenson
201 South Main, Suite 1000
Salt Lake City, UT 84111

Jody L. Williams, Esq.
Kruse, Landa & Maycock
50 West Broadway, 8th Floor
Salt Lake City, UT 84101

Steven S. Dunn, Esq.
Merrill & Merrill
P.O. Box 991
Pocatello, ID 83204



Randall M. Weiner

RECEIVED
AUG 25 1995

Randall M. Weiner
 LAND AND WATER FUND OF THE ROCKIES
 2260 Baseline Road, Suite 200
 Boulder, Colorado 80302
 (303) 444-1188
 (303) 786-8054 FAX

RECEIVED

JUN 23 1995

Department of Water Resources
 Eastern District Office

Laird Lucas
 LAND AND WATER FUND OF THE ROCKIES
 P.O. Box 1612
 Boise, Idaho 83701
 (208) 342-7024
 (208) 342-8286 FAX

**BEFORE THE DEPARTMENT OF WATER RESOURCES
 STATE OF IDAHO**

In the Matter of the	)	
Application for Permit	)	Petition to Intervene and
No. 13-07532	)	Protest of Bear Lake
W. Eldon Holliday,	)	Watch, Protestant
Applicant	)	

1. Bear Lake Watch, Inc. is a Utah nonprofit corporation which was organized in 1994 to protect and restore the environment and waters of Bear Lake. Bear Lake Watch is seeking to assure that the public interest is served when decisions are made that have an impact on the allocation and utilization of Bear Lake's water.

2. The approximately 150 members of Bear Lake Watch live and/or have businesses in the Bear River basin and have a direct and substantial interest in this proceeding.

3. Bear Lake Watch, Inc. believes that the requested groundwater withdrawals will affect it and its members by reducing the contribution of groundwater to the surface flow of the Bear River below Bear Lake.

4. Indeed, many of the members of Bear Lake Watch, Inc. have already been directly and negatively impacted by low water levels

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AUG 25 1995

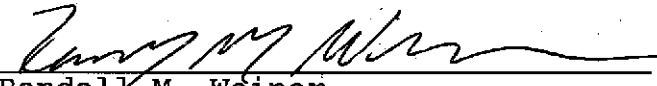
in Bear Lake, which have resulted, in part, from the huge demand for water from those currently entitled to water in the Bear River basin. Should the requested groundwater withdrawals be permitted, there will likely be less water in the Bear River to meet the demands of those currently entitled to water. As a result, more water may be removed from Bear Lake to meet these downstream demands, thereby lowering Bear Lake further than it would have been without the proposed withdrawals.

5. Further lowering of Bear Lake will greatly impact the members of Bear Lake Watch. It will result in lower property values, reduced fishing opportunities, additional boating problems, and reduced business revenues derived from the tourists who flock to a stable and healthy lake environment but stay away from a marshy and mosquito infested waterfront.

WHEREFORE, Bear Lake Watch, Inc. respectfully moves to intervene and protests this application and requests that it be denied.

DATED this 19th day of June, 1995.

Respectfully submitted,


Randall M. Weiner
LAND AND WATER FUND OF THE ROCKIES
2260 Baseline Road, Suite 200
Boulder, Colorado 80302
(303) 444-1188
(303) 786-8054 FAX

Laird Lucas
LAND AND WATER FUND OF THE ROCKIES
P.O. Box 1612
Boise, Idaho 83701
(208) 342-7024
(208) 342-8286 FAX

RECEIVED
AUG 25 1995

CERTIFICATE OF SERVICE

On this 19th day of June, 1995, I mailed a true and correct copy of the foregoing Protest, postage prepaid, via U.S. mail, to the following:

W. Eldon Holliday
P.O. Box 84
Preston, Idaho 83263

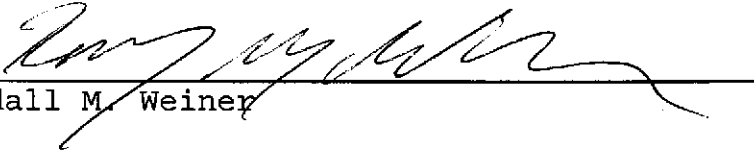
Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

Randall C. Budge, Esq.
Racine, Olsen, Nye, Cooper & Budge
Corner First and Center
P.O. Box 1391
Pocatello, Idaho 83204

Brent Rose, Esq.
Clyde, Snow & Swenson
201 South Main, Suite 1000
Salt Lake City, UT 84111

Jody L. Williams, Esq.
Kruse, Landa & Maycock
50 West Broadway, 8th Floor
Salt Lake City, UT 84101

Steven S. Dunn, Esq.
Merrill & Merrill
P.O. Box 991
Pocatello, ID 83204



Randall M. Weiner

200-24-1000
AUG 25 1995

D. Brent Rose
Clyde, Snow & Swenson, P.C.
One Utah Center, Suite 1000
201 South Main Street
Salt Lake City, Utah 84111-2208
Telephone (801) 322-2516

**BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

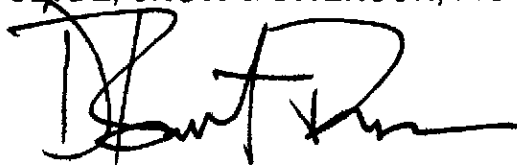
In the Matter of Application to
Appropriate Water No. 13-07532
Filed by: W. Eldon Holliday

WITHDRAWAL OF PROTEST
BY BEAR RIVER CANAL COMPANY

COMES NOW, Bear River Canal Company, a Utah non-profit mutual water company (the "Canal Company"), by and through its legal counsel above-named, who hereby withdraws its Petition to Intervene and Protest in the above-captioned matter.

DATED this 10th day of July, 1995.

CLYDE, SNOW & SWENSON, P.C.



D. Brent Rose,
Attorneys for Bear River Canal Company

RECORDED

AUG 25 1995

CERTIFICATE OF MAILING

I hereby certify that on this 10th day of July, 1995, I mailed a true and correct copy of the foregoing Withdrawal of Petition and Protest, postage prepaid, to the following:

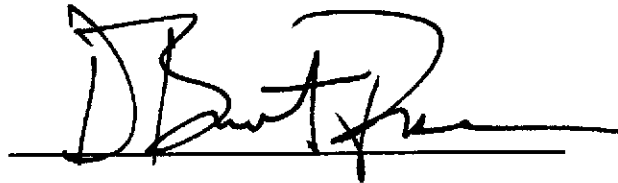
Idaho Department of Water Resources
Easter Division
900 N. Skyline Drive
Idaho Falls, Idaho 83402

David Styer
Bear River Canal Company
275 North 1600 East
Tremonton, Utah 84337

Randall C. Budge
Racine, Olson, Nye, Cooper & Budge
P.O. Box 1391
201 East Center Street
Pocatello, Idaho 83204-1391

Jody L. Williams
Kruse, Landa & Maycock
Eighth Floor, Bank One Tower
50 West Broadway
Salt Lake City, Utah 84101-2034

Randall M. Weiner
LAND AND WATER FUND OF THE ROCKIES
2260 Baseline Road, Suite 200
Boulder, Colorado 80302

A handwritten signature in black ink, appearing to read "D Styer", is written over a horizontal line.

MAILED

AUG 25 1995

Receipt # E021155

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JUN 19 1995

Department of Water Resources
East District Office

D. Brent Rose
Clyde, Snow & Swenson, P.C.
One Utah Center, Suite 1000
201 South Main Street
Salt Lake City, Utah 84111-2208
Telephone (801) 322-2516

**BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

In the Matter of Application to
Appropriate Water No. 13-07532
Filed by: W. Eldon Holliday

PETITION TO INTERVENE AND
PROTEST OF BEAR RIVER
CANAL COMPANY

COMES NOW, Bear River Canal Company, a Utah non-profit mutual water company (the "Canal Company"), by and through its legal counsel above-named, who hereby files this Petition to Intervene and Protest in the above-captioned matter, and in support hereof states as follows:

1. The Canal Company is the owner of certain water rights judicially decreed to the Canal Company and its predecessors-in-interest in that certain case known and styled as *Utah Power & Light Company v. Richmond Irrigation Company, et al.*, dated February 21, 1922, commonly known as the "Kimball Decree," and other prior appropriated and certificated rights recognized by law in the State of Utah.

2. The Canal Company's right to the use of water diverted pursuant to its water rights described above is supplemented with water out of storage in Bear Lake pursuant to the terms of a contract entered into by and between Utah Power & Light

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AUG 25 1995

Company and Utah-Idaho Sugar Company, the Canal Company's predecessor-in-interest, dated December 30, 1912. The 1912 Agreement obligates Utah Power & Light Company to supplement the natural flow of the Bear River, in satisfaction of the Canal Company's rights thereunder, up to 900 c.f.s. of water during the irrigation season, May 1st through October 31st, and 150 c.f.s. of water during the non-irrigation season, November 1st through April 30. Water utilized by Utah Power & Light Company to satisfy its obligations to the Canal Company under the 1912 Agreement is stored in Bear Lake.

3. Water under the Canal Company's water rights as herein described serves 1,600 shareholders who collectively irrigate over 65,000 acres in Utah.

4. The Canal Company's water rights are an extremely important and valuable asset, not only to the Canal Company and its shareholders who depend upon the water delivered thereunder for their livelihood, but also to the economy of Box Elder County and the State of Utah. These rights must be protected and preserved inviolate from interference and impairment.

5. The water of the Bear River and its tributaries was fully adjudicated in the Kimball Decree, in Utah, and in the case known and styled as *Utah Power & Light Company v. Last Chance Canal Co, Ltd.*, in Equity No. 203, dated July 14, 1920, commonly known as the "Dietrich Decree," in Idaho.

6. The Bear River and its tributaries below Stewart Dam is fully appropriated. There is no water available for appropriation.

7. The source of Applicant's proposed appropriation is or may be tributary to the Bear River.

RECEIVED
AUG 25 1995

8. The diversion and use of water by the Applicant pursuant to the proposed appropriation will diminish the flow of the Bear River and, as a direct result, will interfere with and otherwise impair the prior vested rights of the Canal Company in and to the use of waters of the Bear River and its tributaries, and its contract right to the use of water in storage in Bear Lake.

9. Approval of the Application is in conflict with the local public interest. Any increase in demand for the use of water in the Bear River and its tributaries, as a result of any new appropriation in the Bear River Basin, will correspondingly increase the demand for delivery of Bear Lake storage water in satisfaction of Utah Power & Light Company's contract obligations to the Canal Company and other contract holders, thereby further depleting an already insufficient water supply in storage in the Lake. Moreover, any action which serves to decrease the supply of water in storage in Bear Lake is likewise severely detrimental to those having non-consumptive uses and interests in the Lake including recreation, wildlife and fish habitat.

WHEREFORE, Petitioner hereby respectfully requests:

A. that the Petitioner be granted leave to intervene and participate as a party in the above action;

B. that the Application be denied; and

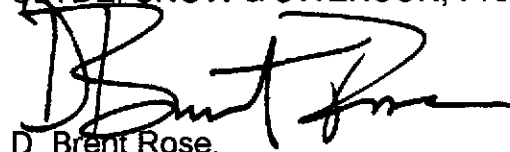
C. that the Petitioner and its legal counsel be provided with copies of all pleadings, correspondence and other documents filed or served in the above matter, that it be duly notified, in advance, of all hearings on the Application and that counsel be afforded the opportunity of input with respect to the scheduling of hearing dates in order

RECEIVED
AUG 25 1995

to accommodate the Petitioner's scheduling of interested parties and other witnesses.

DATED this 15th day of June, 1995.

CLYDE SNOW & SWENSON, P.C.



D. Brent Rose,
Attorneys for Bear River Canal Company

CERTIFICATE OF MAILING

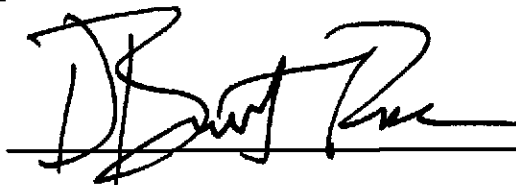
I hereby certify that on this 15th day of June, 1995, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

Idaho Department of Water Resources
Eastern Division
900 N. Skyline Drive
Idaho Falls, Idaho 83402

David Styer
Bear River Canal Company
275 North 1600 East
Tremonton, Utah 84337

Randall C. Budge
Racine, Olson, Nye, Cooper & Budge
P.O. Box 1391
201 East Center Street
Pocatello, Idaho 83204-1391

Jody L. Williams
Kruse, Landa & Maycock
Eighth Floor, Bank One Tower
50 West Broadway
Salt Lake City, Utah 84101-2034



RECEIVED
AUG 25 1995

July 5, 1995

JODY L WILLIAMS
KRUSE LANDA & MAYCOCK
EIGHTH FLOOR BANK ONE TOWER
50 W BROADWAY (300 SOUTH)
SALT LAKE CITY UT 84101-2034

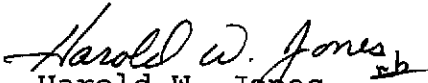
RE: Application for Permit No. 13-07532

Dear Mr. Williams:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

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

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

RECEIVED
AUG 25 1995

July 5, 1995

W ELDEAN HOLLIDAY
PO BOX 84
PRESTON ID 83263

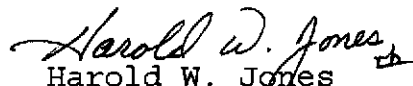
RE: Application for Permit No. 13-07532

Dear Applicant:

This letter is to advise you that the protest filed by PacifiCorp Electric Operations against approval of the above referenced application has been withdrawn.

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

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

RECEIVED
AUG 25 1995

KRUSE, LANDA & MAYCOCK, L.L.C.

EIGHTH FLOOR, BANK ONE TOWER
50 WEST BROADWAY (300 SOUTH)
SALT LAKE CITY, UTAH 84101-2034

JODY L. WILLIAMS

TELEPHONE: (801) 531-7090
TELECOPY: (801) 359-3954
(801) 531-9892

WRITER'S VOICE MAIL
(801) 567-2147

June 27, 1995

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED

JUN 29 1995

Department of Water Resources
Eastern District Office

Re: Protests to applications to appropriate water

Dear Idaho Department of Water Resources,

Enclosed for filing please find PacifiCorp's withdrawal of protest to the following application to appropriate water in the Bear River basin.

13-07532 W. Eldon Holliday

We have mailed copies of the withdrawal of protest to the applicant.

If you have questions or need further information to process this withdrawal of protest, please contact me at the phone number listed on this letterhead.

Very truly yours,

KRUSE, LANDA & MAYCOCK


Jody L. Williams

cc: Carly Burton
Mike Winslow

RECEIVED

AUG 25 1995

**Jody L. Williams, Attorney
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, 8th Floor
Salt Lake City, Utah 84101
Telephone: (801) 531-7090**

MAILING CERTIFICATE

On this 27th day of June, 1995, I mailed a true and correct copy of the foregoing Withdrawal of Protest, postage prepaid, to:

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

W. Eldon Holliday
P.O. Box 84
Preston, Idaho 83263

Carly Burton
PacifiCorp
1407 West North Temple, Room 199
Salt Lake City, Utah 84140

Randall C. Budge, Esq.
Racine, Olson, Nye, Cooper & Budge
Corner First & Center
P.O. Box 1391
Pocatello, Idaho 83204

Brent Rose, Esq.
Clyde, Snow & Swenson
201 South Main Suite 1000
Salt Lake City, Utah 84111

Bear River Water Users Association
c/o J. Kent Horton
587 Wasatch Blvd.
Smithfield, Utah 84335

Randall M. Weiner
Land & Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, Colorado 80302

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AUG 25 1995



**Department of Water Resources
Eastern District Office**

3. Protestant believes that withdrawals of groundwater in Franklin County, Idaho, such as that proposed by the applicant, will diminish the groundwater inflow contribution to the surface flow of the Bear River, to which Protestant and many other Idaho and Utah water users have prior existing water rights.

4. Protestant has entered into many contracts with irrigators in Idaho and Utah along the Bear River, some of whom may be Protestants in this matter, for supply of supplemental storage water from Bear Lake when the natural flow of the Bear River is insufficient to satisfy existing water rights. However, due to the high irrigation demands throughout the past seven year drought, the level of Bear Lake has dropped significantly, endangering Protestant's ability to continue to deliver supplemental irrigation water pursuant to its contracts.

5. Granting the application of Applicant would adversely affect Protestant's water rights by decreasing the amount of Bear River natural flow water it could use for generation at its Bear River hydroelectric plants, as well as increase the already unsustainable demand on Protestant's Bear Lake storage water pursuant to the supplemental irrigation water contracts.

6. Protestant's supplemental storage water supply from Bear Lake is fully allocated, and Protestant will not offer a new supplemental storage water contract to Applicant. Even if some water is available from time to time to satisfy Applicant's proposed uses, the supply under such a late priority would be sporadic at best, probably usable for a short time only in the spring, and not adequate to sustain Applicant's needs throughout its requested annual period of use.

7. In addition to diminishing the quantity of Bear River water available to satisfy prior existing water rights, Protestant believes that granting the above-referenced application would conflict with the local public interest in the three following areas by reducing groundwater inflow into the Bear River: First, increased reliance by existing users on supplemental irrigation

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AUG 25 1995

water delivered from Bear Lake to make up the depletion from Bear River natural flow will stress Protestant's ability to supply the full amount of Bear Lake water already allocated to existing water users. Second, as the level of Bear Lake drops, recreation and other non-consumptive uses at the lake are adversely affected. The new Idaho State Parks & Recreation boat launch has been unusable for several years; the new State park receives little use due to its distance from the water; facilities built with State funds are unusable, and visitor days and the attendant revenue they produce for the State plummet. The local economy at the lake suffers. Third, traditional habitat for indigenous fish in Bear Lake is decreased. Other wildlife species which depend on the lake will have similar problems due to habitat loss. The spread of noxious weeds and tamarisk is accelerated along the lake shore.

WHEREFORE, Protestant respectfully protests the above-referenced application and requests that it be denied.

DATED this 15th day of June, 1995.

PACIFICORP, dba
UTAH POWER & LIGHT COMPANY

By

Jody L. Williams

Jody L. Williams, Attorney
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, 8th Floor
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

RECEIVED
AUG 25 1995

MAILING CERTIFICATE

On this 15th day of June, 1995, I mailed a true and correct copy of the foregoing Protest, postage prepaid, to:

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

W. Eldon Holliday
P.O. Box 84
Preston, Idaho 83263

Carly Burton
PacifiCorp
1407 West North Temple, Room 199
Salt Lake City, Utah 84140

Randall C. Budge, Esq.
Racine, Olson, Nye, Cooper & Budge
Corner First & Center
P.O. Box 1391
Pocatello, Idaho 83204

Brent Rose, Esq.
Clyde, Snow & Swenson
201 South Main Suite 1000
Salt Lake City, Utah 84111

Bear River Water Users Association
c/o J. Kent Horton
587 Wasatch Blvd.
Smithfield, Utah 84335



REGISTERED
AUG 25 1995



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

June 27, 1995

W ELDEAN HOLLIDAY
PO BOX 84
PRESTON ID 83263

RE: Application for Permit No. 13-07532

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of the above referenced permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Idaho Code § 42-203):

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

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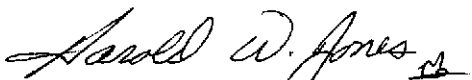
AUG 25 1995

W. Eldean Holliday
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office
Enc.

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AUG 25 1995



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

June 27, 1995

RANDALL M WEINER
LAND & WATER FUND
OF THE ROCKIES
2260 BASELINE RD
BOULDER CO 80302

RE: Applications for Permit No.s 11-07403 DELVIN & TONI HUMBLE
11-07411 VYRON RANDALL OSTLER
13-07500 RALPH, KENT, & STEVEN
JOHNSON
13-07505 GLEN MERRILL
13-07509 WALLINGFORD DEVELOPMENT
13-07511 FAIRVIEW WATER DIST
13-07532 W. ELDON HOLLIDAY

Dear Mr. Weiner:

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

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203) the following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?

2. Is the proposed water supply insufficient for the purpose intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

AUG 25 1995

Randall M. Weiner
Land & Water Fund
Page 2

5. Will the proposed use under this permit conflict with the local public interest?

6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Sincerely,

Harold W. Jones *rh*
HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

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APR 11 1995

APR 11 1995



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

June 27, 1995

D BRENT ROSE
CLYDE SNOW & SWENSON
ONE UTAH CENTER STE 1000
201 S MAIN STREET
SALT LAKE CITY UT 84111-2208

RE: Applications for Permit No.s 11-07403 DELVIN & TONI HUMBLE
11-07411 VYRON RANDALL OSTLER
13-07500 RALPH, KENT, & STEVEN
JOHNSON
13-07505 GLEN MERRILL
13-07509 WALLINGFORD DEVELOPMENT
13-07511 FAIRVIEW WATER DIST
13-07532 W. ELDON HOLLIDAY

Dear Mr. Rose:

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

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203) the following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

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

RECEIVED
JUL 25 1995

D. Brent Styer
Page 2

5. Will the proposed use under this permit conflict with the local public interest?

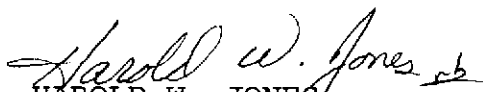
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb-
pc: IDWR - State Office

RECEIVED
AUG 25 1995



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

June 27, 1995

JODY L WILLIAMS
KRUSE LANDA & MAYCOCK
EIGHTH FLOOR BANK ONE TOWER
50 W BROADWAY (300 SOUTH)
SALT LAKE CITY UT 84101-2034

RE: Applications for Permit No.s 11-07403 DELVIN & TONI HUMBLE
11-07411 VYRON RANDALL OSTLER
13-07500 RALPH, KENT, & STEVEN
JOHNSON
13-07505 GLEN MERRILL
13-07509 WALLINGFORD DEVELOPMENT
13-07511 FAIRVIEW WATER DIST
13-07532 W. ELDON HOLLIDAY

Dear Protestant:

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

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203) he following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

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

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Jody L. Williams

Page 2

5. Will the proposed use under this permit conflict with the local public interest?

6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Sincerely,

Harold W. Jones rb
HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office

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JUN 23 1995

Department of Water Resources
Eastern District Office

LAND AND WATER FUND

Legal Aid For The Environment

June 19, 1995

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Director, Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

Re: Protests to applications to appropriate water

Dear Director:

On behalf of Bear Lake Watch, a citizens's group comprised of homeowners and recreationalists on Bear Lake, enclosed please find an original and one copy of seven (7) petitions to intervene and protest the following applications to appropriate water in the Bear River basin.

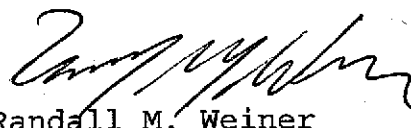
11-07403: Delvin Humble and Toni Humble
11-07411: Vyron Randall Ostler
13-07500: Ralph Johnson, Kent Johnson, Steven Johnson
13-07505: Glen Merrill
13-07509: Wallingford Development, Inc.
13-07511: Fairview Water District
13-07532: W. Eldon Holliday

Enclosed please also find our check in the amount of \$175 to cover the costs of our protests.

Kindly date stamp the copy of this letter and return in the enclosed, stamped envelope.

Please do not hesitate to contact me if I can be of assistance.

Very truly yours,


Randall M. Weiner
Senior Attorney

Enc.

cc: Merlin Olsen, President, Bear Lake Watch

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EIGHTH FLOOR, BANK ONE TOWER
50 WEST BROADWAY (300 SOUTH)
SALT LAKE CITY, UTAH 84101-2034

JODY L. WILLIAMS

TELEPHONE: (801) 531-7090
TELECOPY: (801) 359-3954
(801) 531-9892

WRITER'S VOICE MAIL
(801) 567-2147

June 15, 1995

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JUN 16 1995

Department of Water Resources
Eastern District Office

W. Eldon Holliday
P.O. Box 84
Preston, Idaho 83263

Dear Mr. Holliday:

I am enclosing a copy of a protest to your application to appropriate ground water in the Bear River Basin in Idaho. After you filed your application, the State of Idaho issued a moratorium on further appropriation of water in the Bear River Basin. That moratorium was lifted on May 5, 1995 and applications which had been filed but were not yet approved when the moratorium was entered are now being processed by the Idaho Department of Water Resources. Yours is one of those applications.

The groundwater which you are attempting to appropriate in the Bear River Basin eventually flows to the Bear River and makes up the water rights for downstream water users. Thus, there is little hydrological difference between a withdrawal of groundwater or an appropriation of surface water if you are in the Bear River Basin. While most people look at the Bear River in summer and notice that it is bank full of water, that water is not the natural flow of the River. PacifiCorp has entered into contracts with irrigation users downstream on the Bear River to supplement their water rights as the summer proceeds with storage water released from Bear Lake. In the past, it was PacifiCorp's practice to offer contracts to Idaho water appropriators so that they could continue to pump water from their wells late into the season when their use would otherwise interfere with downstream water rights.

Prior to the moratorium, it was PacifiCorp's policy to protest each new application for water in the Bear River Basin over the amount of 0.015 cfs. The reason for the 0.015 cfs exception was to allow for a water supply for new single family homes being built in rural areas outside of community water supply systems. For applications to appropriate water in excess of 0.015 cfs, prior to the moratorium, PacifiCorp offered applicants an opportunity to replace the water which they were using which would flow into the Bear River by entering into a contract to release storage water from Bear Lake. However, over the past drought, it has become apparent to PacifiCorp that it no longer has storage water in Bear Lake which it can sell to downstream users to replace their depletion on the river system. Thus, PacifiCorp has reinstituted its practice of protesting applications above 0.015 cfs.

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W. Eldon Holliday

June 15, 1995

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If the Idaho Department of Water Resources does approve your application to appropriate water, PacifiCorp and the other water users with senior water rights in the Bear River Basin encourage you to seriously consider the amount of water you will be able to use without a storage water contract from Bear Lake and compare that to the costs you will incur in drilling your well. Except in very wet flood years, like 1984, PacifiCorp believes that there will only be water available for you to use, if at all, for a very short time in the spring. A water right with a 1990s priority date would have virtually no water available for diversion during the summer and early fall months to meet your likely water demands.

Should you decide to convert your application to a 0.015 cfs request for each of your two homes, or for a total diversion of 0.030, please notify PacifiCorp and pursuant to PacifiCorp's policy, it will withdraw the protest to your application to appropriate water. If you have any questions regarding this protest, you may telephone me at the number listed on this letterhead, or Carly Burton, PacifiCorp's Hydrological Supervisor, at (801) 220-2174.

Sincerely,

KRUSE, LANDA & MAYCOCK, L.L.C.



Jody L. Williams

JLW:ldp

Enc.

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KRUSE, LANDA & MAYCOCK, L.L.C.

EIGHTH FLOOR, BANK ONE TOWER
50 WEST BROADWAY (300 SOUTH)
SALT LAKE CITY, UTAH 84101-2034

JODY L. WILLIAMS

TELEPHONE: (801) 531-7090
TELECOPY: (801) 359-3954
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WRITER'S VOICE MAIL
(801) 567-2147

June 15, 1995

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

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Department of Water Resources
Eastern District Office

Re: Protests to applications to appropriate water

Dear Idaho Department of Water Resources,

Enclosed for filing please find PacifiCorp's protests to the following applications to appropriate water in in the Bear River basin.

11-07403	Delvin & Toni Humble
11-07411	Vyron Randall Ostler
13-07500	Ralph B. Johnson, Kent B. Johnson, Steven A. Johnson
13-07505	Glen Merrill
13-07509	Wallingford Development
13-07511	Fairview Water District
13-07532	W. Eldon Holliday

PacifiCorp's check for \$175 (\$25 for each protest) is also enclosed.

We have mailed copies of the protests to the applicants.

If you have questions or need further information to process these protests, please contact me at the phone number listed on this letterhead.

Very truly yours,

KRUSE, LANDA & MAYCOCK



Jody L. Williams

cc: Carly Burton
Mike Winslow

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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

June 2, 1995

W ELDEAN HOLLIDAY
PO BOX 84
PRESTON ID 83263

RE: Application for Permit No. 13-07532

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the News Examiner on June 1 & 8, 1995. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

AUG 25 1995