

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. COT-5104
Receipt By: M
Date Received: 10-15-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

OCT 25 2004

DEPARTMENT OF
WATER RESOURCES

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

1. Permit No. 23-11238 Telephone No. 208-483-3395

2. Name of Permit Holder(s): Bert & Lorna Holland

3. Mailing Address: c/o Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130

City Idaho Falls State ID Zip 83405-0130

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. — /yr. —

Well Driller: — Drilling Permit Number: —

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): — Stockwater (No. and type of stock): —

Irrigation (No. of acres): — Other: Aesthetics & Recreation

6. Total rate of diversion and/or volume for which proof is submitted: — cfs OR 2.0 acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes — or No ✓

Has the measuring device been installed? Yes — or No ✓

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Bert Holland Telephone Number: 208-483-3395

Address: 440 Cottonwood, Swan Valley, ID 83449

10. *The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.*

Signature of permit holder: [Signature]
(include your title, if on behalf of company or organization)

Date: 7-20-04

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 23-11238

Priority: September 22, 2003

Maximum Diversion Volume: 2.0 AF

This is to certify, that BERT HOLLAND and/or LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	2.0 AF
RECREATION	01/01 to 12/31	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, Twp 01N, Rge 44E, B.M. BONNEVILLE County

PLACE OF USE: AESTHETIC and RECREATION

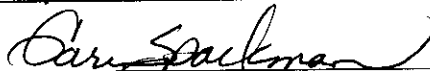
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 44E 18					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Point of diversion and place of use are located within Lots 8 and 9, Blk. 1, South Fork Cottonwood Subdivision No. 2.
5. As mitigation for the use of water under this right, each year the right holder shall rent 2.0 acre feet from the Snake River Rental Pool. Water shall not be diverted under this right if mitigation is not provided.
6. Water stored under this right may be subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
7. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of December, 2003.

MAR 10 2004


KARL J DREHER, Director

NOV 4 2003

FORM 202
12/99

Department of Water Resources

Ident. No. 23-11238

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
SEP 22 2003

To appropriate the public waters of the State of Idaho Dep

Department of Water Resources
Eastern Region

1. Name of Applicant Bert & Lorna Holland Phone 208-523-0620
Mailing address c/o Holden, Kidwell, Hahn & Crapo, PLLC, P.O. Box 50130, Idaho Falls, ID 83405-0130
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 1N Range 44E Sec. 18, in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Bonneville County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | |
|---|
| Amount <u>2.0 AFA</u> for <u>Aesthetic & Recreation</u> purposes from <u>1/1</u> to <u>12/31</u> (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) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) _____ and/or (b) 2.0 AFA
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 36" culvert, 18' deep with 3 HP electric pump and line to back pond
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- 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) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Excavated depressions were lined to convert them into ponds which have been landscaped and beautified for aesthetic purposes and may be used for recreation. The surface area of the ponds and stream is less than one-half acre and the average depth is three to four feet.
- MICHAEL MCD

MICROFILMS

MAR 10 2004

9. Description of place of use:

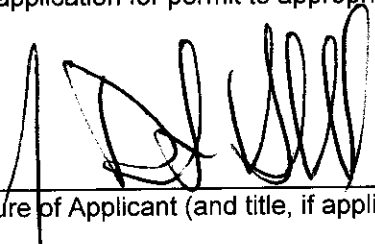
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	44E	18					J & R												

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. None
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Remarks: This property is a portion of lots 8 and 9, Block 1, South Fork Cottonwood Subdivision, Division No. 2, Bonneville County, Idaho. The lined ponds will be filled with the subwater pumped from the 18' deep 36" culvert. There will be no consumptive use except for minimal evaporation. Applicant has applied to the Water District 01 Global Rental Pool for two acre feet per annum which should be more than enough to fill the ponds and mitigate for evaporation loss.
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

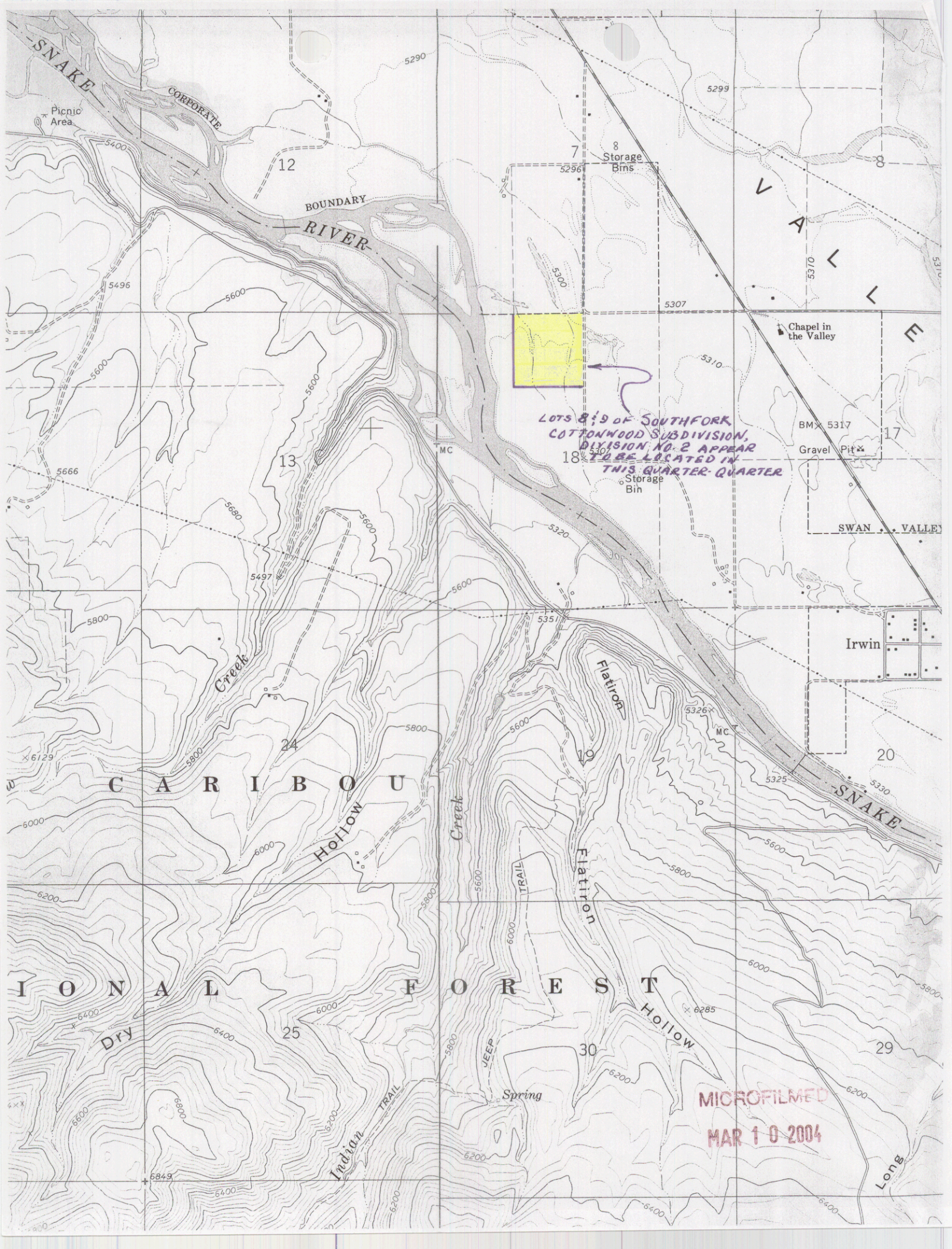
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant (and title, if applicable)

Received by SC Date 9/22/03 Time 3:45 p.m. Preliminary check by _____
 Fee \$ 100.00 Receipted by SC # 6029222 Date 9/22/03
 Publication prepared by SC Date 10/28/10/9/03 Published in Post Register
 Publication approved SC Date 10/31/03

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MAR 10 2004



LOTS 8 & 9 OF SOUTHFORK
COTTONWOOD SUBDIVISION,
DIVISION NO. 2 APPEAR
TO BE LOCATED IN
THIS QUARTER-QUARTER

MICROFILMED
MAR 10 2004

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2006

Bert & Lorna Holland
C/O Holden Kidwell Hahn & Crapo PLLC
PO Box 50130
Idaho Falls ID 83405

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 23-11238

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Also, be advised that Section 42-248, Idaho Code, requires water right owners 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 about the field examination, please contact the **Eastern Regional** Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

A handwritten signature in black ink that reads "Christine Roberts". The signature is written in a cursive, flowing style.

Christine Roberts
Technical Records Specialist

Encl.

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

RECEIVED
OCT 25 2004
DEPARTMENT OF
WATER RESOURCES

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

October 21, 2004

Deborah Gibson
Idaho Department of Water Resources
322 E. Front St.
PO Box 83720
Boise, ID 83720-0098

Re: Permit No. 23-11238

Dear Ms. Gibson:

We are enclosing with this letter the completed Proof of Beneficial Use form on behalf of Bert & Lorna Holland for the above numbered permit together with their check in the amount of \$50.00 for the license examination fee. If anything else is needed, please let us know.

Yours very truly,



Kent W. Foster

Enclosures

September 30, 2004

BERT HOLLAND
LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS, ID 83405-0130

PROOF DUE NOTICE

RE: PERMIT NO. 23-11238

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 December 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

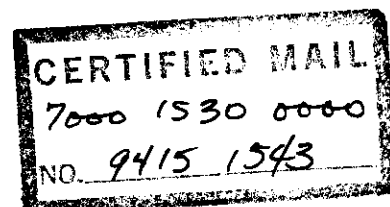
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 1, 2003

BERT HOLLAND
LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

RE: Permit No. 23-11238

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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 into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

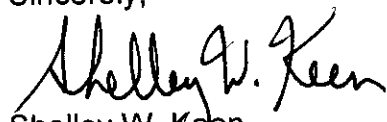
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
MAR 10 2004

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

MAR 10 2004

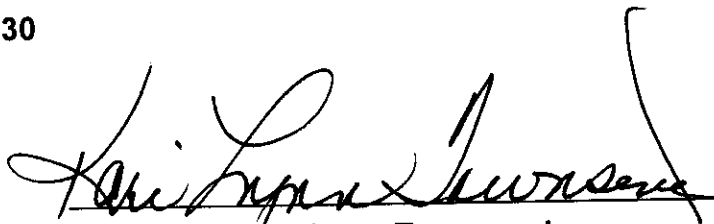
CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

23-11238

BERT HOLLAND
LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

Kari Lynn Townsend
Secretary

MICROFILMED
MAR 10 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: November 21, 2003
To: Water Right File 23-11238
From: Shelley Keen *SKK*
Re: Permit Review

Permit review and data entry by S. Keen on 11/21/2003.

OVERLAPPING RIGHTS

No overlapping rights were identified. Permit 23-7158 is for a neighboring project.

PROOF OF BENEFICIAL USE DUE DATE

The application is deficient because the applicant did not indicate a number of years required for completion of the project. Because the application refers to the development in the past tense, suggesting that it is complete or nearly complete, I recommend that proof be due in one year.

APPLICATION RECEIVED DATE

The legal notice for this application indicated that it was received on 9/23/2003. The actual date received is 9/22/2003. Because all the other applications received on 9/22/2003 and 9/23/2003 are in different administrative basins, nobody could be harmed by advertising the wrong date. Therefore, re-advertisement is not necessary.

MITIGATION

The mitigation requirement is identical with that of Permit 23-11237, which was also recently approved.

MICROFILMED
MAR 10 2004

Proof of Publication The Post Register

RECEIVED

OCT 30 2003

Department of Public Safety
Bureau of Criminal Investigation

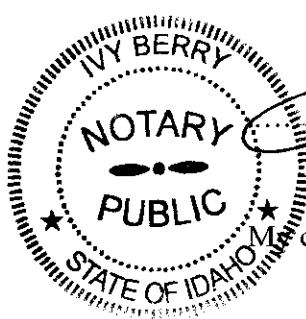
State of Idaho
County of Bonneville

I, ~~Lynn Winter or~~ Danae Jacobsen, first being duly sworn, depose and say: That I am the ~~Production Supervisor or~~ Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 2ND day of OCTOBER 2003, last publication having been made on the 9TH day of OCTOBER 2003 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

[Signature]

Subscribed and sworn to before me, this 27TH day of OCTOBER 2003



[Signature]
Notary Public

My commission expires January 10, 2009

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MAR 10 2004

Use: AESTHETIC

01/01 To 12/31 2 AFA

Total Diversion:

2 AFA

Date Filed: 09/23/2003

Place Of Use: AESTHETIC

T01N R44E S18 NENW NWNW Lot 1

This property is a portion of Lots 8 and 9, Block 1, South Fork Cottonwood Subdivision No. 2, Bonneville Co, Idaho. The lined ponds will be filled with the sub water pumped from the 18' deep 36" culvert. There will be no consumptive use except for minimal evaporation. Applicant has applied to the Water District 01 Global Rental Pool for two acre feet per annum which should be more than enough to fill the ponds and mitigate for evaporation loss.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before October 20, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published: October 2, 9, 2003

PUBLIC NOTICE

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

23-11238

BERT HOLLAND

LORNA HOLLAND

C/O HOLDEN KIDWELL

HAHN & CRAPO PLLC

PO BOX 50130

IDAHO FALLS ID 83405-0130

Point(s) of Diversion: NENW S18

T01 R44E, BONNEVILLE County

Source GROUND WATER

MICROFILMED

MAR 10 2004

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION OF WATERMASTER

Application for Permit No 23-11238

Applicant's Name: BERT HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

- c) ☐ I oppose approval of this application for the following reasons:

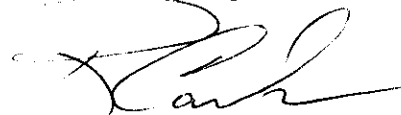
- d) ☒ Additional Comment:

WATER DISTRICT 1 WOULD NOT REGULATE THIS USE.
HOWEVER WD 120 MIGHT HAVE SOME INTEREST

Dated this 21st day of October,

Water District No: 01

Watermaster's Signature



MICROFILMED

MAR 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 24, 2003

RON CARLSON
WATERMASTER
IDAHO FALLS, ID 83402

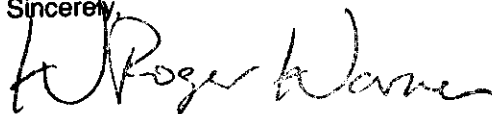
RE: Application for Permit No 23-11238

Dear RON CARLSON:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office by October 20, 2003.

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

Sincerely,


W Roger Warner
Water Right Supervisor

Enclosure(s)

WRW:sc

MICROFILMED

MAR 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
September 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BERT HOLLAND
LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

RE: Application for Permit No 23-11238

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Post Register on October 2 and 9, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the 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 Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,


W. Roger Warner
Water Right Supervisor

WRW:sc

MICROFILMED

MAR 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 24, 2003

Legal Notice Department
POST-REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

RE: Application for Permit No. 23-11238

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 20, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
9/24/03
Se*

Miner

MAR 10 2004

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

23-11238

BERT HOLLAND
LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130
Point(s) of Diversion: NENW S18 T01 R44E, BONNEVILLE County
Source GROUND WATER

Use: AESTHETIC 01/01 To 12/31 2 AFA
Total Diversion: 2 AFA

Date Filed: 09/23/2003

Place Of Use: AESTHETIC

T01N R44E S18 NENW NWNW Lot 1

This property is a portion of lots 8 and 9, Block 1, South Fork Cottonwood Subdivision No. 2, Bonneville Co, Idaho. The lined ponds will be filled with the sub water pumped from the 18 ' deep 36" culvert. There will be no consumptive use except for minimal evaporation. Applicant has applied to the Water District 01 Global Rental Pool for two acre feet per annum which should be more than enough to fill the ponds and mitigate for evaporation loss.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before October 20, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on October 2 and 9, 2003

MAR 10 2004

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
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FREDERICK J. HAHN, III
KARL R. DECKER
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DeANNE CASPERSON**

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

September 19, 2003

Ron Carlson
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RECEIVED

SEP 22 2003

Department of Water Resources
Eastern Region

Dear Mr. Carlson:

We are enclosing with this letter an Application for Permit on behalf of Bert and Lorna Holland together with the filing fee of \$100.00 and some attached maps. Since this matter came to us with similarities to the previous application we filed on behalf of Mr. Stephen E. Martin, we have proceeded in the same manner.

We hereby apply to District 01 Rental Pool for the rental of 2 acre feet per annum under the provisions of the global rental pool. As we understand it, the charge is \$6.00 per acre foot, and we have enclosed a separate check made payable to Water District 01 in the amount of \$12.00 for the first years rental. If there is anything else we need to do or can be of assistance in any manner, please feel free to call us at your convenience.

Yours very truly,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\11766 HOLLAND, BERT & LORNA\Ron Carlson ltr 091903 wpd\cdv

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MAR 10 2004