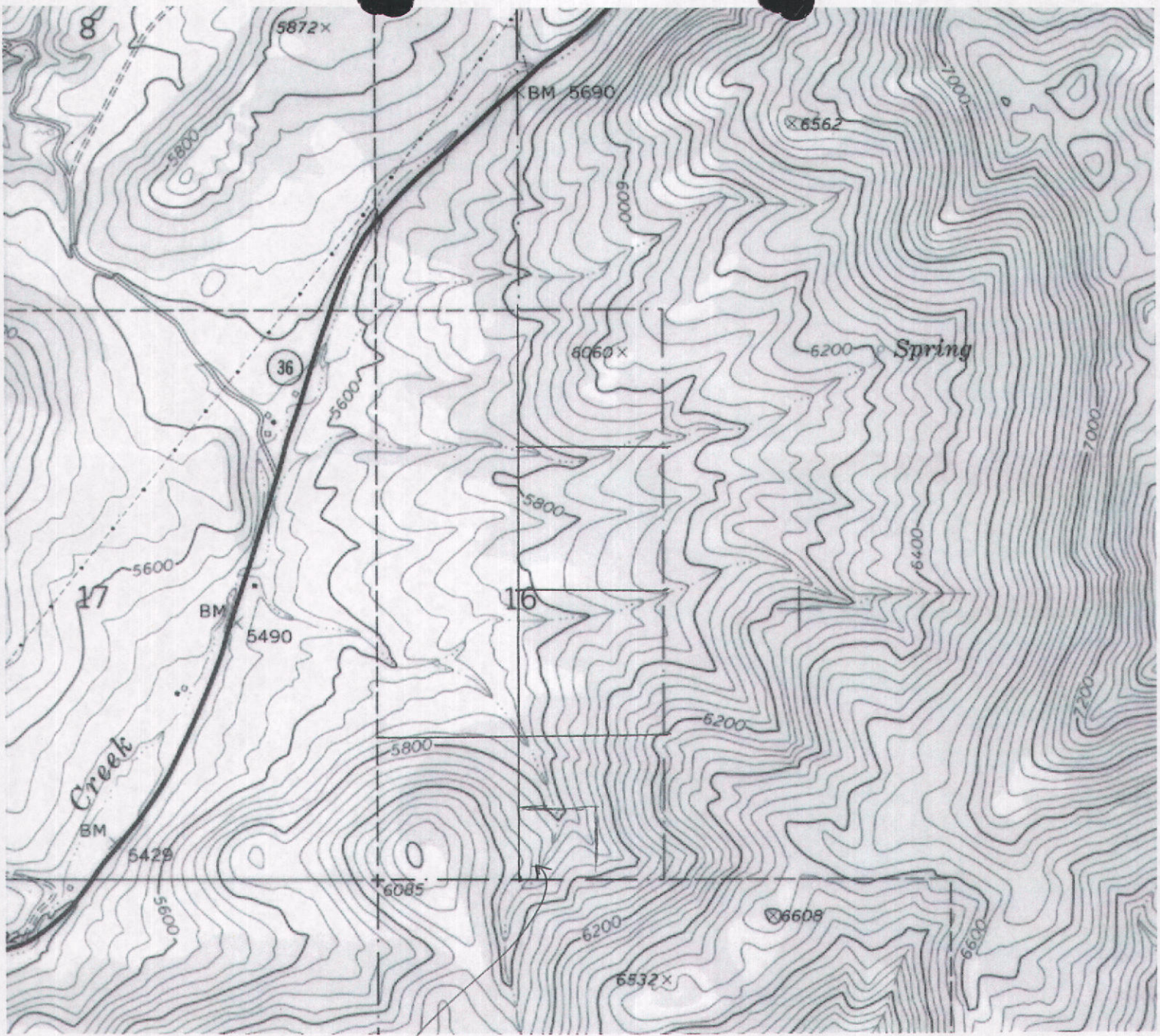


SPRING

T - 13S

R - 41E

S - 16

SW¼ SE¼ SW¼

MICROFILMED

JUL 10 2002

Form No. I-204 12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency **(evidence of delay must be submitted with the request)**, i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit **(evidence must be submitted with the request).**
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America **(reason for request must be submitted)**.

A non-refundable filing fee of **$50.00** must accompany the Request for Extension of Time form.

NOTE *that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.*

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 13-07607

Priority: 03/13/2002 Maximum Diversion Rate: 0.02 CFS

This is to certify, that TOPAZ MARKETING L P
C/O DENNIS LOWER
PO BOX 29
PRESTON ID 83263

has applied for a permit to appropriate water from:

Source: SPRING **Tributary:** BEAR RIVER

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW¼SE¼SW¼ Sec. 16, Twp 13S, Rge 41E, B.M. FRANKLIN County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S 41E 16												X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2003.**
2. Subject to all prior water rights.
3. This right authorizes the watering of livestock directly from the stream without a diversion.
4. Stockwater use is for 70 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of June, 20 02.

KARL J DREHER, Director
for

MICROFILMED
JUL 10 2002

FORM 202
12/99

Ident. No. 13-7607

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY - 9 2002
Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Topaz Marketing L.P./Dennis Lower Phone 801- 479-[illegible]
   Mailing address PO Box 29, 7818 East Hwy 36, Preston, Idaho 83263
2. Source of water supply Spring (UNNAMED) which is a tributary of Bear River
3. Location of point of diversion is Township 13 S Range 41 E Sec. 16, in the SW ¼, SE ¼, SW ¼, Govt. Lot _____, B.M., Franklin County;
   additional points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount 0.02 (cfs or acre-feet per annum) for STOCK WATER purposes from Jan. 1 to Dec. 31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 0.02 CFS (cubic feet per second) and/or (b) _____ (acre feet per annum)
6. Proposed diverting works: n/a
   a. Describe type and size of devices used to divert water from the source Cattle drink out of natural flow,
   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? _____
   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 1 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. 70 Beef Cattle
   c. Municipal; show name of municipality. _____
   d. Domestic; show number of households. _____
   e. Other; describe fully. _____

RECEIVED
MAR 13 2002
Department of Water Resources
Eastern Region

MICROFILMED
JUL 10 2002

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	
13S	41E	16												~~.42~~					~~.42~~
														S					

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Topaz Marketing L.P.

b. Who owns the land to be irrigated or place of use? Topaz Marketing L.P.

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: _____

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.

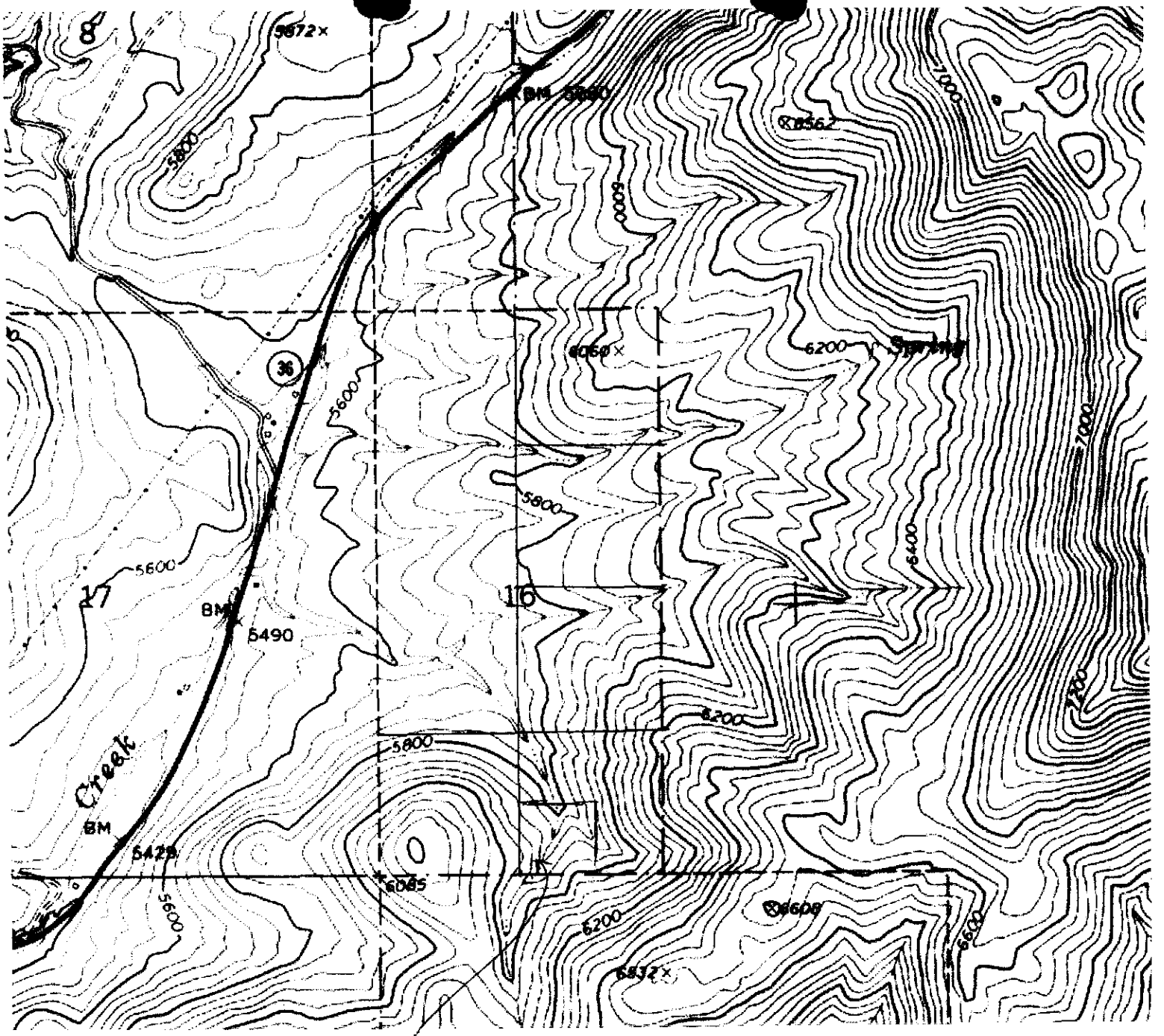
Topaz Marketing L.P. by. General Partner

Signature of Applicant (and title, if applicable)

Received by HWJ Date 3-13-02 Time _____ Preliminary check by _____
Fee $ 100 Receipted by HWJ # F027538 Date 3-13-02
Publication prepared by SC Date 4/3 & 4/10/02 Published in Preston Citizen
Publication approved SC Date 5/1/02

MICROFILMED

JUL 10 2002



SPRING

T - 13S

R - 41E

S - 16

SW¼ SE¼ SW¼

MICROFILMED

JUL 1 0 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 13-7607 Reviewed By: dgibson Date: December 30, 2004

	Yes	No		Yes	No
Proof received timely?	X		Drilling permit required?		
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E027538, E029827		Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?		X	Measure device waiver requested?		

Priority Calculation

Date proof received		05/14/2004
Date proof due	-	07/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	03/13/2002
New priority date	=	03/13/2002

Deficiencies of Actions Items

Proof filed with a diversion rate of 0.12 cfs which is not appropriate since permit was issued for 0.02 cfs. However, proof also states it is for 10 cattle, which is less than the permit was issued for. Because there is no diversion required for this permit, the 0.12 cfs will be ignored and the field exam will confirm the actual diversion amount.
Acknowledge proof.

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 13-7607 Reviewed By: dgibson Date: May 29, 2003

	Yes	No		Yes	No
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	E027538, C069152		Has the permit been involved in litigation?	X	
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?		X	Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received		05/19/2003	New proof due date	07/01/2004
Date proof due	-	07/01/2003		
Lapse notice sent	-			
No. of days late	=	0		
Holiday allowance	+			
Priority date	+	03/13/2002		
New priority date	=	03/13/2002		

Action Taken

Acknowledge Request and extend proof to July 1, 2004.

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

June 24, 2002

TOPAZ MARKETING L P
C/O DENNIS LOWER
PO BOX 29
PRESTON ID 83263

RE: Permit No. 13-7607

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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.
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
JUL 10 2002

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JUL 10 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2002 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. 13-7607

TOPAZ MARKETING L P
C/O DENNIS LOWER
PO BOX 29
PRESTON ID 83263

Kari Lynn Townsend
Secretary

MICROFILMED
JUL 10 2002

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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 Idaho Water Resource Board (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).

MICROFILMED

JUL 10 2002

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.

MICROFILMED
JUL 10 2002

Sheila

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION FORM

Application for Permit No 13-7607
Applicant's Name: TOPAZ MARKETING L P
C/O DENNIS LOWER
PO BOX 29
PRESTON ID 83263

Recommendation:

a) ___ I do not oppose approval of this application.

b) X 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:

Dated this 14 day of JUNE.

Signature Pete Peterson

MICROFILMED
JUL 10 2002

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

May 31, 2002

PETE PETERSON
WATER DISTRICT #11
2483 RIVERDALE
PRESTON ID 83263

RE: Application for Permit 13-7607

Dear Mr. Peterson:

Our Eastern Region office has reviewed the above referenced Application for Permit and forwarded it to the State Office for final action. The region office attempted to contact you by letter requesting your comment as Watermaster on the proposed development. No reply has been received.

Idaho statutes require a recommendation from the Watermaster when appropriate and the department provides the Watermaster Comment Form for that purpose. I have enclosed a comment form, a copy of the application for your review and a copy of the statutes explaining the requirement for your recommendation. Please return the completed form directly to me as soon as possible. The application will be withheld from processing until you submit your recommendation.

If you require additional information regarding this matter, please call me directly at (208) 327-5452 or e-mail me at scurtis@idwr.state.id.us and I will be happy to assist you.

Sincerely,

Sharla Curtis

Sharla Curtis
Sr. Water Resource Agent

Enclosures

Cc: Topaz Marketing
PO Box 29
Preston, ID 83263

MICROFILMED
JUL 10 2002

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 5/24/02

No. 13-7607 **Name:** Topaz **Corp. Officers** Den Pr. **Ad ok** ✓ **Govt Lots**

AREA OF CONCERN: ~~No~~/Yes _____ **Moratorium** _____ **GWMA** ~~TRUST/NON-TRUST~~

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT
- All wells - 046
- Basin 34 - 084 (if necessary)

WMD - North/East/West
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 067

~~WMD~~
- Supp irr (irr = only use) - 065-104
- Supp irr (+ other uses) - 100-105
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M

SURFACE WATER: (√Flow Chart)
- F&G contacted - Yes/No Response
- In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD ~~- R04 (WD# 11)~~
- ≤ 0.20 cfs/others - 01H, 01P or No MD
- > 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or ~~WD~~
- ≤ 0.24 cfs/5 acres - No MD
- >0.24 cfs/5 acres - 01M or No MD

Instream Stockwatering not regulated by wtmasters but comments req'd from wt masters prior to approval

RIVER BASINS: (SW special considerations)
- Snake R (01) - W23, N/A
- (02,03) - 007 (w/ remark WB9 if above Weiser)
- Payette R (65) - W23, 047 (Payette Lake)
- Salmon R (70's) - 029 (fish screens)
- Weiser R (67) - 086-087

LOCATION:
- Boise Front LoGeo - 058 (<85 GW)
- Mitigation - 121
- Trust - 051(consumptive uses)
- Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:
- STORAGE - 18C-01H-01P-18B-NA
- IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
- > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
- STOCKWATER - R37 (BLM/FS)-111 (instream stock)
- MINING - 054-106
- HEAT/COOL - R07 (injection well)
- FIRE PROT - 077
- COMMERCIAL/ INDUSTRIAL - 106-R07
- DAIRY - 082-WD8
- POWER - 17H or 17K (+uses)-17G (under FERC) or 17M (not FERC regulated) 025-027-R22-08A

USES:
- MUNICIPAL
  - Restricted area - 022,075
  - Irr., GW supp to SW - 102
  - Future needs - 007,109
- FISH PROP - 029 (70's only)-007-122-106
- DOMESTIC
  - Surface water - WB5 (Big Wood/Boise above Star Bridge)
  - - 27A (Payette R)
  - >1 in restricted area - 070-071-075(no parks/common areas)
  - Irr separate or none allowed - WB5
  - GW w/irrigation from SW evident - 065-104
  - Moratorium approvable - W03 (2500 gpd – meets domestic def i.e. D/convenience store)

BENEFICIAL USE DUE: 6/01/2003

MISC CONDITIONS/REMARKS:
- Protested - 020-W19
- Development Period > 1 yr - 26A
- Ownership - 004
- Non-consumptive - 027
- Water Quality - 106-R07
- Multiple pd's per ¼¼ - W32
- Subd lot desc (pd) - W59
- Subd lot desc (pu) - W60
- Use definitions - W02 example – S/30 range 70
- Pre-1987 development - 068-074 (allow 120 days for proof due)
- Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map) **IRR VOLUME/ACRE** _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

RECEIVED

MAY - 9 2002

Department of Water Resources

Dist for Staffing_____
Submitted for advertising 3-14-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY HWJ DATE 3-14-02 APPLICATION NO. 13-7607

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 subdivision, 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 municpality, title of signatory 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 X No Critical groundwater area
- X Yes _____ No Groundwater management area
- _____ Yes (No Send dam safety information
- _____ Yes (No Send fish farm requirement letter
- _____ Yes) No Power residency affidavit
- _____ Yes) No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
- _____ Yes (No **Public Water System**
- _____ Yes (No **Planning section review**
- _____ Yes) No **Moratorium Hold file**
- _____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____

_____

_____ Date Requested_____

PROCESSING:

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

SEND COPIES TO:

- _____ Id Dept of Environmental Quality
- _____ Id Dept of Fish & Game
- _____ Id Dept of Lands
- _____ Adjudication Bureau Unit
- _____ U.S. BLM
- _____ U.S. Forest Service
- _____ Water District
- X Other Jodi Williams

FINAL REGIONAL PROCESSING REVIEW:

✓ Yes	___ No	Affidavit of publication received
✓ Yes	___ No	Application published correctly. If not, record action taken
		_____
✓ Yes	___ No	Publication dates & paper, recorded on application
___ Yes	✓ No	Protests received
		Final date for protest_____
___ Yes	___ No	Protests, dates, resolution of protest, recorded on application
___ Yes	___ No	Recommendations attached
___ Yes	___ No	Measuring device required
___ Yes	___ No	Access port required
___ Yes	___ No	Will water be delivered by watermaster? If yes, what District _____
___ Yes	___ No	Special conditions of approval or cover letter below.

Date of priority recommend 3-13-2002

By: [signature] Date: 5-2-02

STATE OFFICE REVIEW:

By: _____ Date: _____

ADDITIONAL INFORMATION: _____

LOCAL PUBLIC INTEREST:

Comments received from:

___ City	___ Id Fish & Game	___ Irrigation District
___ County	___ Id Health & Welfare	___ Canal Company
___ Reservations	___ Div. Of Environment	___ Other _____

Project impacts/implications report

COMMENTS

№ 5325

AFFIDAVIT OF PUBLICATION

RECEIVED
MAY 01 2002
Department of Water Resources
Eastern Region

STATE OF IDAHO, }
County of Franklin } ss.

Rodney Boam being duly sworn,

deposes and says:

That he is the Editor 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 April 3, 2002 and ending with the issue of April 10, 2002

Rodney P. Boam

Fee $ 78.21

Subscribed and sworn to before me this 15th day of April, 2002

Ann Lowings

Notary Public, Residing at Preston, Idaho

My Commission Expires 10/26 2006

ANN LOWINGS NOTARY PUBLIC STATE OF IDAHO

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7607
TOPAZ MARKETING LP
C/O DENNIS LOWER
PO BOX 29
PRESTON ID 83263

Point(s) of Diversion: SWSESW S16 T13S R41E, FRANKLIN County
Source SPRING,
Tributary To BEAR RIVER
Use: STOCKWATER
01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 03/14/2002
Place of Use: Stockwater
T13S R41E S16 SESW

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 April 22, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal No. 5325 – Publish April 3 and 10, 2002.

MICROFILMED

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

March 25, 2002

Jody L Williams
Kruse Landa & Maycock
50 W Broadway 8th Floor
Salt Lake City UT 84101

RE: Application for Permit #13-07607, Claim to a Water Right #11-07486 and 13-07608

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is April 22, 2002, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

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JUL 1 0 2002

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

March 25, 2002

TOPAZ MARKETING L P
C/O DENNIS LOWER
PO BOX 29
PRESTON ID 83263

RE: Application for Permit No 13-7607

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 Preston Citizen on April 3 and 10, 2002. 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.

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

Sincerely,

Harold W. Jones

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED
JUL 10 2002

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

March 25, 2002

Legal Notice Department
PRESTON CITIZEN
PO BOX 472
PRESTON ID 83263

RE: Application for Permit No. 13-7607

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 April 22, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed 3/26/02 SC

MICROFILMED
JUL 10 2002

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

13-7607

TOPAZ MARKETING L P
C/O DENNIS LOWER
PO BOX 29
PRESTON ID 83263

Point(s) of Diversion: SWSESW S16 T13S R41E, FRANKLIN County
Source SPRING, Tributary To BEAR RIVER

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 03/14/2002

Place Of Use: STOCKWATER

T13S R41E S16 SESW

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 April 22, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on April 3 and 10, 2002

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JUL 1 0 2002