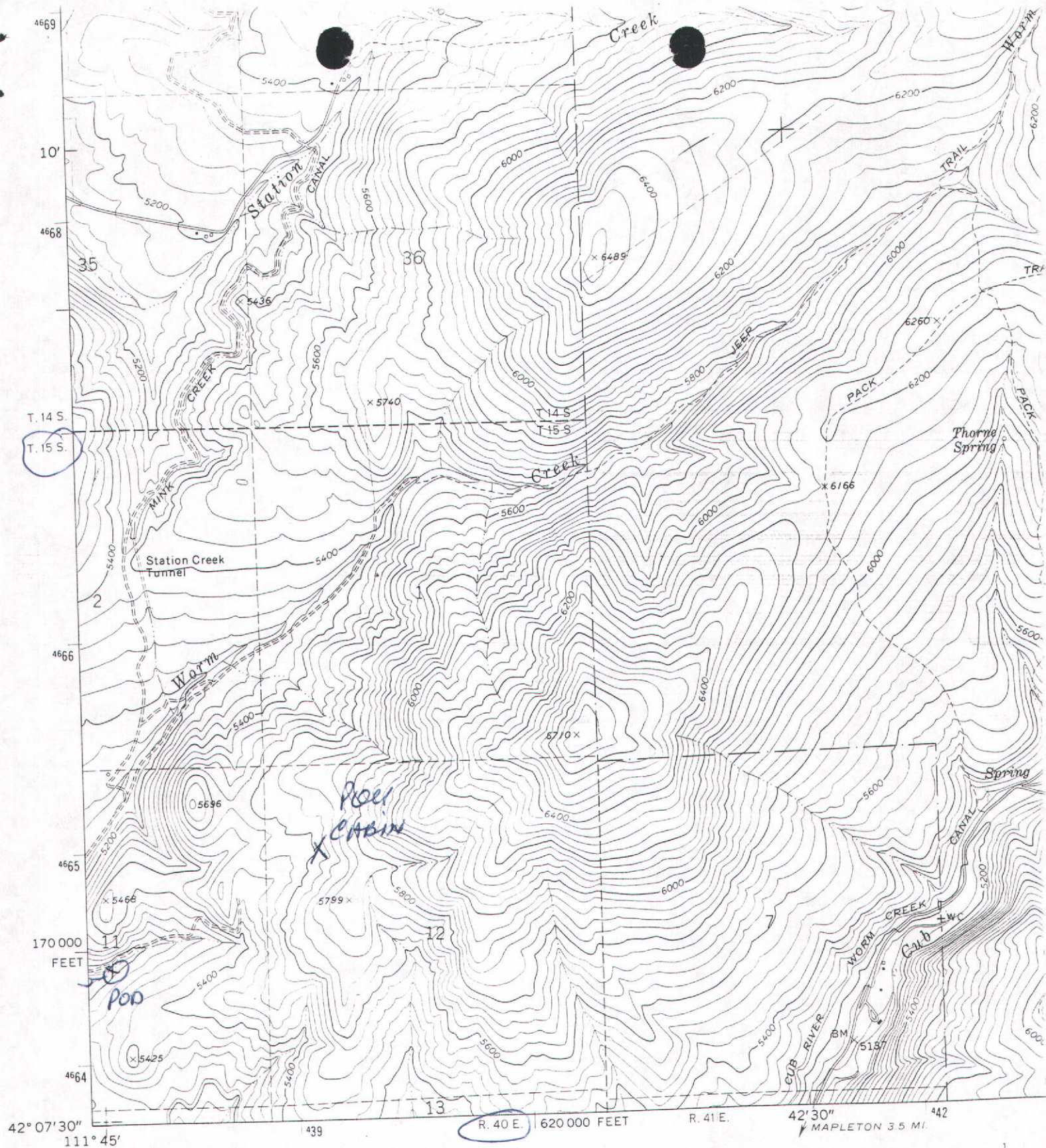




Mapped, edited, and published by the Geological Survey

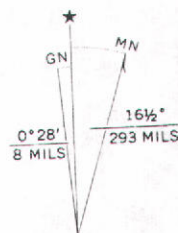
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1968. Field checked 1969

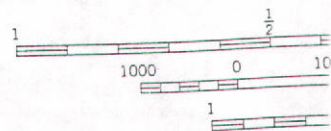
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone

1000-meter Universal Transverse Mercator grid ticks,
zone 12 shown in blue

To place on the predicted North American Datum 1983
move the projection lines 12 meters north and
move the projection lines 12 meters east and west
shown by dashed corner ticks



UTM GRID AND 1969 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



MICROFILMED
NOV 07 2000

THIS MAP
FOR SALE BY U. S. GEOLOGICAL SURVEY

(FRANKLIN)
3668 III SE

Department of Water Resources

OCT 11 2000

RECEIVED

10.11.00 - Phoned Mr. Porter. He said
address is correct. Gave me
his office address to forward to.
Mail resent to:

Targhee Nat'l Forest
c/o Brent B. Porter
3659 E. Rivier Hwy
Shoshone Falls Rd 83401
Net

IDAHO DEPARTMENT OF WATER RESOURCES	
1301 North Orchard St.	
P.O. Box 83720	
Boise, ID 83720-0098	
(208) 327-7900	
TO	
P13-07583	
BRENT B PORTER	
3465 SAN CARLOS	
IDAHO FALLS	ID 83406

NOT DELIVERABLE
AS ADDRESSED -
RETURN TO SENDER
UNABLE TO FORWARD



MICROFILMED

NOV 07 2000

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 9/25/00

No. 13-07583 Name: Porter Corp. Officers N/A Ad ok ✓ Govt Lots trib adv as warm

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST ✓
worm

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
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

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-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/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 10 / 01 / 2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response fence spring
In/Above MSF - WB9 max flow in creek
PLANNING REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5 clean
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
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

Worm Creek is not a water district so cond

COMMENTS

R04 is not applicable

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 19 2000

Department of Water Resources

PROOF OF BENEFICIAL USE

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. 13-07583 Telephone No. (208) 525-8895

2. Name of Permit Holder(s): BRENT B. PORTER

3. Mailing Address: 3465 SAN CARLOS

City IDAHO FALLS State ID Zip 83406

4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: NA Drilling Permit Number: _____ - _____ - _____ - _____

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR _____ 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: BRENT PORTER Telephone Number: SAME

Address: SAME

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: Brent B. Porter Date: 10/14/2000
(include your title, if on behalf of company or organization)

MICROFILMED

NOV 07 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07583

Priority: August 7, 2000

Maximum Diversion Rate:

0.02 CFS

This is to certify, that BRENT B PORTER
3465 SAN CARLOS
IDAHO FALLS ID 83406

has applied for a permit to appropriate water from:
SPRING tributary of WORM CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.02 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWNWSE , Sec. 11, Township 15S, Range 40E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

15S 40E 12 SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2001.
2. Subject to all prior water rights.
3. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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

28th day of September, 2000

Karl J. Dreher
Karl J. Dreher, Director

MICROFILMED
NOV 27 2000

RECEIVED

SEP 18 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant BRENT B. PORTER Phone 208 525-8895
Mailing address 3465 SAN CARLOS IDAHO FALLS, ID 83406
2. Source of water supply SPRING which is a tributary of WORM CREEK
3. Location of point of diversion is Township 15S Range 40E Sec. 11, in the NW 1/4,
NW 1/4, SE 1/4, Govt. Lot FRANKLIN County;
additional points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount 0.02 for DOMESTIC purposes from 01/01 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)
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) 0.02 and/or (b) _____
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 SPRING WAS DEVELOPED FOR STOCK WATERING IN 1970 - CONNECT TO THE EXISTING PIPELINE

b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet

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

d. Is ground water with a temperature of greater than 85°F being sought? NA

e. If well is already drilled, when? NA; Drilling firm NA

Well was drilled for (well owner) NA; 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.

c. Municipal; show name of municipality.

d. Domestic; show number of households. (1) CABIN, RANCH IMPROVEMENTS

e. Other; describe fully. _____

MICROFILMED

NOV 07 2000

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	
T15S	R40E	12							D	X									

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. NONE FOR SAME PURPOSE
WATER CLAIM FOR STOCK WATERING ON FILE BY BRENT LYLE

11. a. Who owns the property at the point of diversion? BRENT B. PORTER
b. Who owns the land to be irrigated or place of use? BRENT A PORTER

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

12. Remarks: WATER WILL BE USED TO SUPPORT IMPROVEMENTS
TO THE RANCH (CABIN). WATER IS HAULED FROM
SPRING SOURCE TO CABIN - PLANS ARE BEING DEVELOPED
TO PIPE AND PUMP WATER FROM SPRING TO IMPROVEMENT

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.

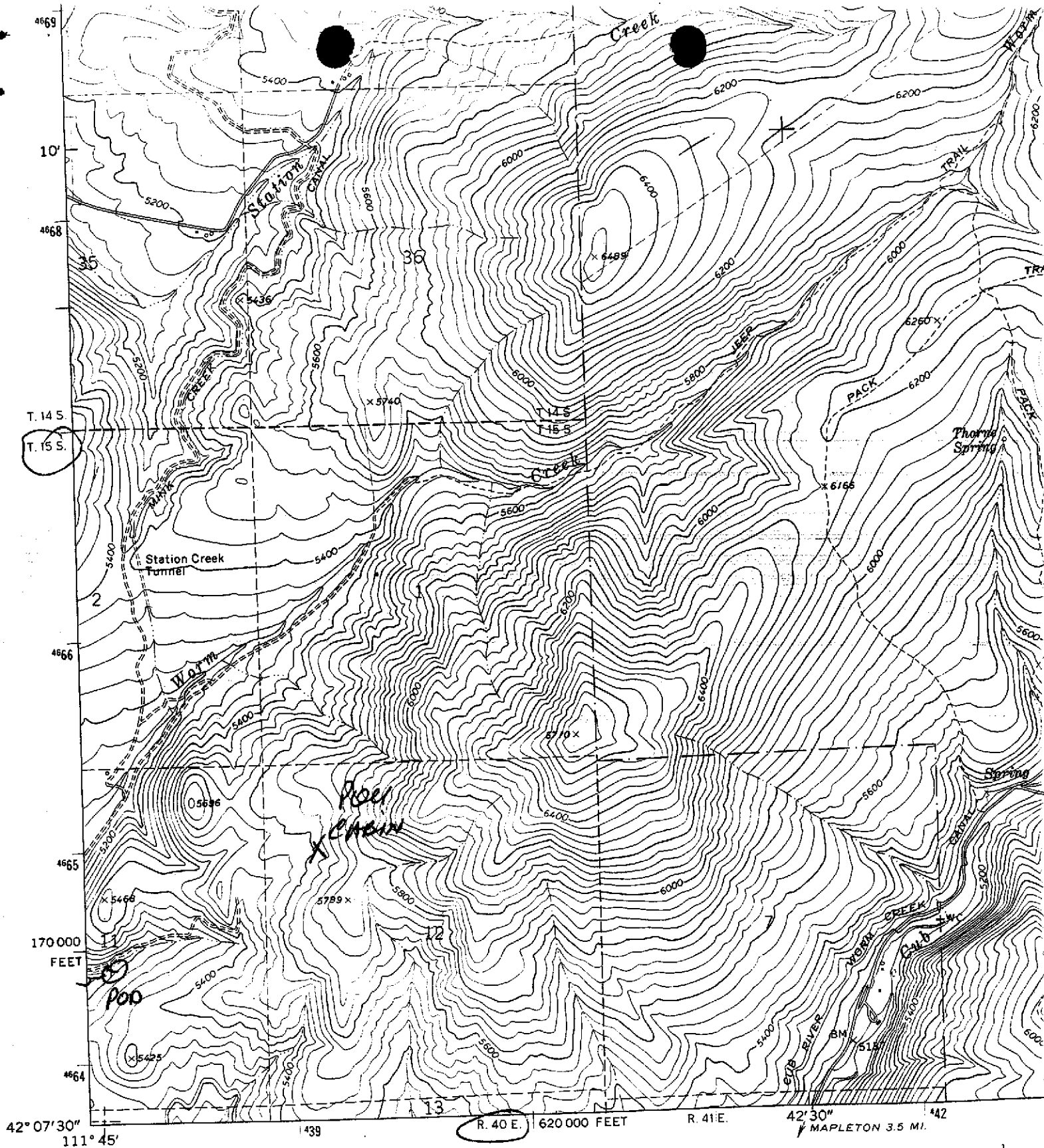
MICROFILMED

NOV 07 2000

Brent B Porter ETUX
Signature of Applicant (and title, if applicable)

Received by A.R. Date 8-7-00 Time 4:35pm Preliminary check by _____

Fee \$ 100.00 Received by SC # E0240416 Date 8-7-00
Publication prepared by SC Date 8/17 & 8/24/00 Published in Preston Citizen
Publication approved SC Date 9/5/00



Mapped, edited, and published by the Geological Survey

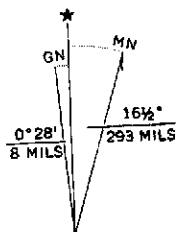
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1968. Field checked 1969

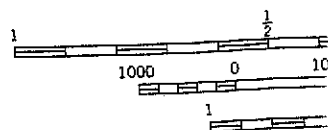
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1000-meter Universal Transverse Mercator grid ticks,
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To place on the predicted North American Datum 1983
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67 meters east as shown by dashed corner ticks



UTM GRID AND 1969 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



MICROFILMED
NOV 07 2000

THIS MAP
FOR SALE BY U. S. GEOLOGICAL SURVEY

(FRANKLIN)
3689 III SE



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

October 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRENT B PORTER
3465 SAN CARLOS
IDAHO FALLS ID 83406

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07583

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, and that it meets the permitted beneficial use.

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) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED
NOV 07 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 13-07583 Reviewed by dg Date 10/20/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?

Domestic

Yes Address same as permit?

Yes Proof timely received?

Correct Uses? _____

If not, complete calculation below.

SOURCE OF WATER

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. _____

/ Amount paid for permit

/ Well log in the file?

/ Correct?

LICENSE EXAMINATION FEE

MEASURING DEVICE

Yes Required?

No Required?

\$50 Amount Submitted

No Installed?

Yes Correct?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof

DATA ENTRY

New Address

No

Proof Made

10/19/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0080854

Date:

Time: 10/19/2000

14:27:27

Received

From: PORTER BRENT B OR BONNIE

Type of Payment

Program Acct

Amount

PROOF OF BENEFICIAL USE #13-07583

56104

229 21 1155

50.00

Total

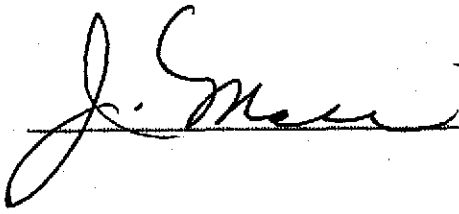
\$

50.00

CHECK

5724

Region: STATE

Signature: 

MICROFILMED

NOV 9 7 2000

Department of Water Resources

OCT 11 1980

RECEIVED

10.11.80 - Phoned Mr. Porter. He said
address is correct. Gave me
his office address to present to.

Mail present to:

Jaycee Nat'l Forest

c/o Brent D. Porter

3659 E. Lerie Hwy

Shoshone Falls Rd 83401

Net

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

TO:
P13-07583
BRENT D. PORTER
3465 SAN CARLOS
IDAHO FALLS ID 83406

RECEIVED
OCT 11 1980
IDAHO DEPARTMENT OF WATER RESOURCES

MICROFILMED

MAY 8 1983



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

September 28, 2000

DIRK KEMPTHORNE
GOVERNOR

BRENT B PORTER
3465 SAN CARLOS
IDAHO FALLS ID 83406

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07583

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

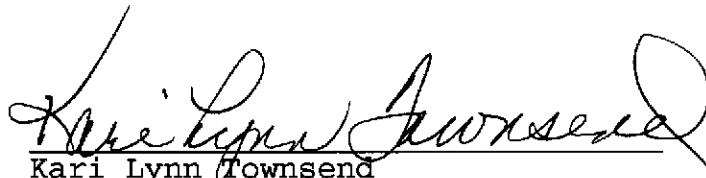
NOV 9 7 2000

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of **September, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 13-07583

BRENT B PORTER
3465 SAN CARLOS
IDAHO FALLS ID 83406


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 07 2000

**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).

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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 9/25/00

No. 13-07583 Name: Porter Corp. Officers N/A Ad ok / Govt Lots trib adv as warm

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST Warm

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
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

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - ~~P05~~ (20s-70s, 81-86)
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-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/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

SURFACE WATER: (✓Flow Chart)

F&G contacted - ~~Yes~~ No Response fence spring
In/Above MSF - WB9 max flow in creek
PLANNING REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (07) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate ~~WB5~~ 11 cabin
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: 10/01/2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - ~~016~~
> 1 yr - 26A(P17)
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/50 range
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 Warm Creek is not a water district so cond

COMMENTS R04 is not applicable

RECEIVED

SEP 18 2000

Department of Water Resources

Dist for Staffing _____
Submitted for advertising _____

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

PORTER

INITIAL REVIEW BY HWT DATE 8-8-00 APPLICATION NO. 13-07583

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 municipality, 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 _____ No Critical groundwater area
_____ 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 Health & Welfare
☒ Id Dept of Fish & Game - Pocatello
_____ Id Dept of Lands
_____ Adjudication Bureau Unit
_____ U.S. BLM
_____ U.S. Forest Service
_____ Water District
☒ Other Jody 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
☐	Yes	☐ No	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 <u>Warm Creek</u>
☐	Yes	☒ No	Special conditions of approval or cover letter below.

See comments below - Huf

Date of priority recommend 8-7-00

By: Huf

Date: 9-12-00

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

Warm Creek has a device but the users have not hired a watermaster. Therefore no comment could be solicited. Watermaster control should be a condition, just in case the district comes about. This right should be limited to in-house use only!

Huf



IDAHO FISH & GAME

SOUTHEAST REGION
1345 Barton Road
Pocatello, Idaho 83204-1819

August 30, 2000
Dirk Kempthorne/Governor
Rod Sando/Director

Mr. Harold Jones
Water Right Supervisor
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED
SEP 05 2000
Department of Water Resources
Eastern Region

RE: Application for Permit #13-07583

Dear Mr. Jones:

Thank you for forwarding the above application for the development of a spring on Worm Creek in Franklin County. The application includes 0.02 cfs for a cabin and ranch improvements. We regret that we have not had an opportunity to visit the site.

Worm Creek is included on the Clean Water Act 303 (d) list of water quality impaired streams in Idaho. Although small in comparison to overall flows in the stream, this spring should provide a continuous source of high quality water to the stream system. As we have discussed previously, it seems as if every spring in southern Idaho has either been developed or in the process of being developed.

We do not wish to protest this application. However, we do request that the spring system is developed such that only water that is needed is piped from the spring and that the flow of remaining water into Worm Creek is maximized. Also, if the spring is not fenced, fencing should be considered, as it could benefit aquatic resources and potentially provide some mitigation for the loss of a portion of the water. Thank you for the opportunity to comment. Please contact Jerome Hansen of this office (232-4703) if we can provide additional information or answer questions.

Sincerely,

Dexter R. Pitman
Southeast Regional Supervisor

DRP/HJH/hjh

Cc: Richard Scully
Natural Resources Policy Bureau
Dave Hull, DEQ
Brent Porter, Id. Falls

MICROFILMED

NOV 07 2000

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Necia Seamons

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

Aug. 16, 2000, and ending
with the issue of Aug. 23, 2000

Necia Seamons
Fee \$ 65.⁰⁰

Subscribed and sworn to before me this 23 day
of Aug., 2000.

Notary Public, residing at Preston, Idaho

My Commission Expires Aug. 4, 2000.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07583

PORTER, BRENT B
3465 SAN CARLOS
IDAHO FALLS, ID 83406

Source: SPRING
Tributary: WARM CREEK
Diversion Pt: NWNWSE Sec 11 T
15S R 40E in FRANKLIN County.

Use:
DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 8/7/2000
In: FRANKLIN County
T15S R40E S12 SWNW

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before SEPTEMBER 5, 2000, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Legal No. 5054 - Publish Aug.
16 and 23, 2000.

MICROFILMED

RECEIVED

SEP 05 2000

Department of Water Resources
Eastern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 9, 2000

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Dear Legal Dept.:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 5, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



MICROFILMED

NOV 07 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07583

PORTER, BRENT B
3465 SAN CARLOS
IDAHO FALLS, ID 83406

Source: SRPING

Tributary: WARM CREEK

Diversion Pt: NWNWSE Sec 11 T 15S R 40E in FRANKLIN County.

Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 8/ 7/2000

In: FRANKLIN County
T15S R40E S12 SWNW

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before SEPTEMBER 5, 2000. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 8/17/2000 & 8/24/2000

MICROFILMED

NOV 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FISH & GAME
1345 BARTON RD
POCATELLO ID 83201

RE: Application for Permit #13-07583

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 September 5, 2000, 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
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

NOV 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JODY WILLIAMS
KRUSE LANDA & MAYCOCK
50 W BROADWAY 8TH FLOOR
SALT LAKE CITY UT 84101

RE: Application for Permit #13-07583 and 13-04351

Dear Jody:

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 September 5, 2000, 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
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

NOV 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRENT B PORTER
3465 SAN CARLOS
IDAHO FALLS ID 83406

RE: Application for Permit # 13-07583 and Claim to a Water Right #13-04351

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on August 17 and 24, 2000. The advertisement will be published once a week 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.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICHOV/MALL

NOV 07 2000