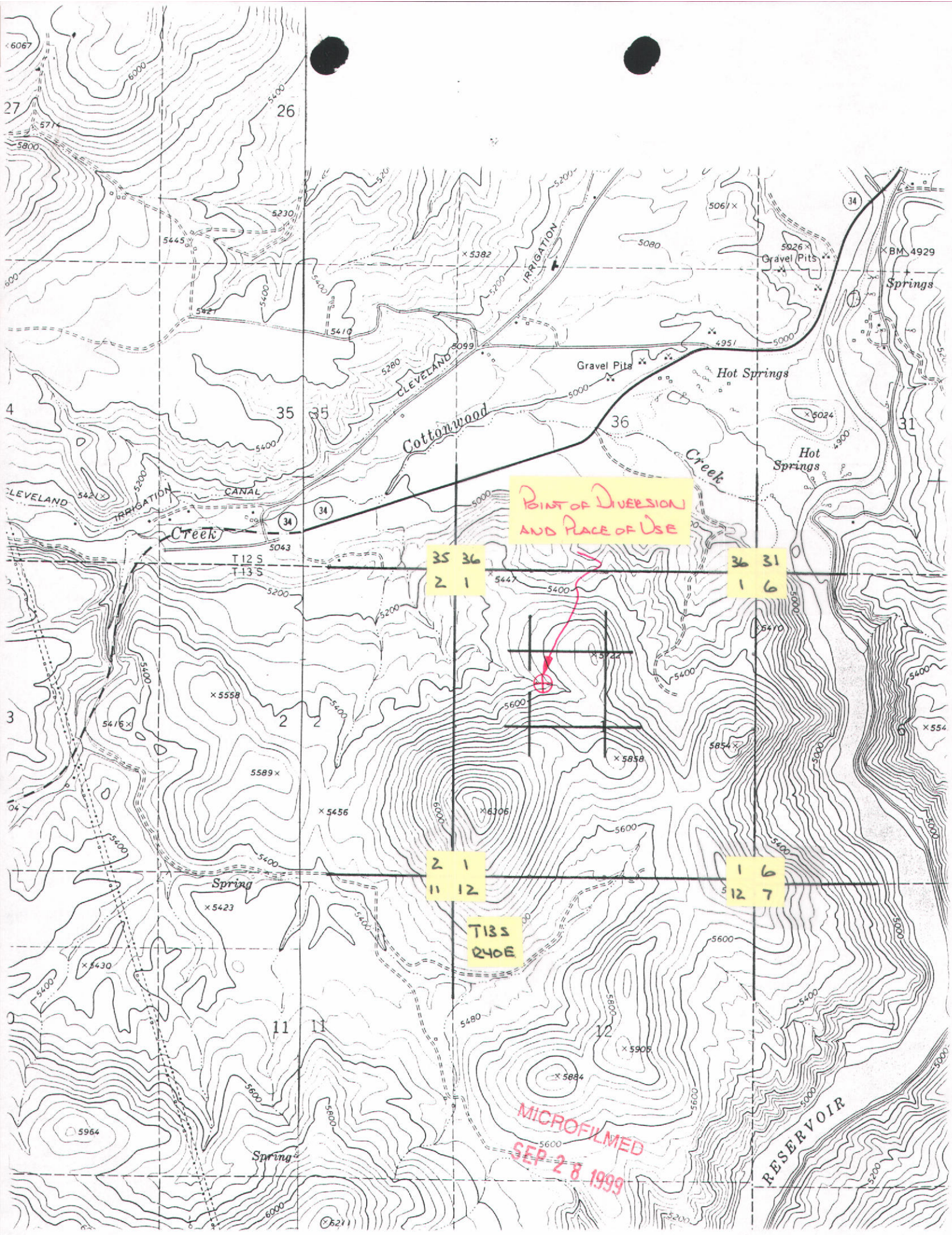
Point of Diversion and Place of Use
35 36
2 1
36 31
1 6
2 1
11 12
1 6
12 7
T13S
R40E
Cottonwood Creek
Cleveland Irrigation Canal
Gravel Pits
Hot Springs
Spring
Reservoir
T 12 S
T 13 S
MICROFILMED
SEP 28 1999

Form No. 217
6/00

FOR OFFICE USE ONLY
Amt. of Fee $ 50.00
Receipt No 035886
Receipt By: TMyers
Date Received: 8-29-01

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 29 2001
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. 13-07579 Telephone No. (208) 337-5767

2. Name of Permit Holder(s):
HIGH DESERT ENTERPRISES, LLP

3. Mailing Address: 12282 N. Hwy. 34

City Preston State ID Zip 83263

4. Source of Water: UNNAMED STREAM 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): 1,000

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

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs **OR** .20 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 X
Has the measuring device been installed? Yes ____ or No X

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: TERRY ANDRADE Telephone Number: (208) 337-5767

Address: RT. 1 BOX 1207, HOMEDALE, ID 83628

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] GEN. PTR. Date: 7-29-01
*(include your title, if on behalf of company of organization)*

MICROFILMED
OCT 02 2001

State of Idaho
Department of Water Resources

# Permit To Appropriate Water

NO. 13-07574

**Priority:** July 22, 1999 Maximum Storage Volume: 0.2 AF

This is to certify, that **HIGH DESERT ENTERPRISES LLP**
12292 N HWY 34
PRESTON ID 83263
has applied for a permit to appropriate water from:
**UNNAMED STREAM** tributary of **COTTONWOOD CREEK**

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

| BENEFICIAL USE | PERIOD OF USE | RATE OF DIVERSION | ANNUAL VOLUME |
|---|---|---|---|
| STOCKWATER STORAGE | 03/01 to 11/01 | | 0.2 AF |

**LOCATION OF POINT(S) OF DIVERSION:** SENW , Sec. 1, Township 13S, Range 40E
FRANKLIN County

**PLACE OF USE:** STOCKWATER STORAGE

| TWN | RGE | SEC | |
|---|---|---|---|
| 13S | 40E | 1 | SENW |

## 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. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. Rights 13-07564 through 13-07574 when combined are limited to the quantity of water beneficially used by a total of 1,000 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
27th day of September, 1999

MICROFILMED
OCT 26 1999

for Karl J. Dreher, Director

(10)

$50.00

FORM 202
2/96

RECEIVED
SEP 20 1999
Department of Water Resources

Ident. No. 13-07574

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant High Desert Enterprises, LLP Phone (208) 852-1416
   Mailing address 12292 North Highway 34, Preston, ID 83263
2. Source of water supply Unnamed Stream which is a tributary of Cottonwood Creek
3. Location of point of diversion is Township 13S Range 40E Sec. 1, in the NW 1/4, SE 1/4, NW 1/4, Govt. Lot _____, B.M., Franklin County;
   additional points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount 0.20 AFA for Stockwater purposes from 3-1 to 11-1 (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) _____ cubic feet per second and/or (b) 0.20 AFA acre feet per annum
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source Pothole Collection 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? _____
   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 2 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. Range cattle - 1000 HD
   c. Municipal; show name of municipality. _____
   d. Domestic; show number of households. _____
   e. Other; describe fully. _____

MICROFILMED
SEP 28 1999

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 | N E | | | | N W | | | | S W | | | | S E | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 13S | 40E | 1 | | | | | | | | S | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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? 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: _____

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 SEP 2 8 1999

Chris Maisel

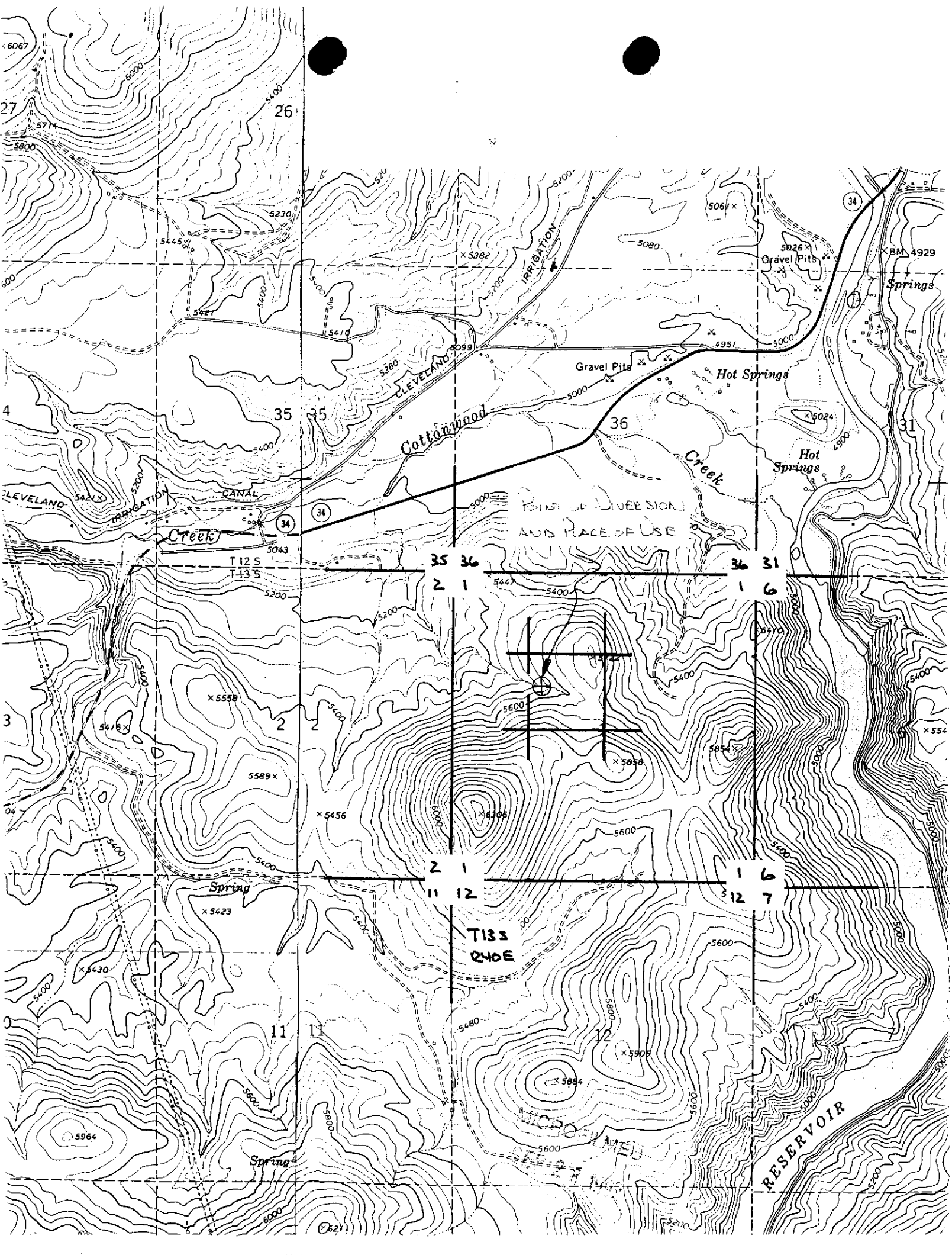
Signature of Applicant (and title, if applicable)

Received by PRM Date 7-22-99 Time 11:15 Preliminary check by _____

Fee $ 50 Receipted by PRM # E025159 Date 7-22-99

Publication prepared by DC Date 8/5/99 & 8/12/99 Published in Preston Citizen

Publication approved VA Date 8/12/99


Cottonwood Creek
Cleveland Irrigation Canal
Gravel Pits
Hot Springs
Spring
Reservoir
T 12 S
T 13 S
T13S
R40E
35
36
31
1
2
6
11
12
7
POINT OF DIVERSION AND PLACE OF USE

Partners in High Desert Enterprises, LLC:

Terry Andrade

Chris Maisel

MICROFILMED
SEP 26 1995

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

September 7, 2001

TERRY ANDRADE
HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON ID 83263

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NOS. 13-07564 THROUGH 13-07574**

Dear ~~Permit Holder:~~ Terry

The department acknowledges receipt of the proofs of beneficial use forms submitted for the above referenced permits. The next step in the process of developing a water right is for the department to review the Field Reports that the Eastern Region prepared, and determine and confirm the use being made of the water for issuance of a license.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
OCT 02 2001

# ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 13-7574 Reviewed By: dgibson Date: September 7, 2001

| | Yes | No | | Yes | No |
|---|---|---|---|---|---|
| Proof received timely? | X | | Drilling permit required? | | X |
| License examination fee required? | X | | Drilling permit No.: | | |
| Appropriate fee submitted? | X | | Drilling permit upgrade needed? | | |
| Receipt No.: | C055886 | | Well driller's report filed? | | X |
| Additional Amount Due: | | | Measuring device required? | | X |
| Name and address same as permit? | X | | Measuring device installed? | | |
| Are the water uses correct? | X | | Measure device waiver requested? | | |

**Priority Calculation**

| | | |
|---|---|---|
| Date proof received | | 08/29/2001 |
| Date proof due | - | 10/01/2001 |
| Lapse notice sent | - | |
| No. of days late | = | 0 |
| Holiday allowance | + | |
| Priority date | + | 07/22/1999 |
| New priority date | = | 07/22/1999 |

**Deficiencies of Actions Items**

Acknowledge proof.

July 31, 2001

HIGH DESERT ENTERPRISES LLP
12292 N HWY 34
PRESTON, ID 83263

PROOF DUE NOTICE

RE: PERMIT NOS. 13-7564 through 13-7574

Dear Permit Holder:

One of the conditions of approval of the above referenced water permits was that proof of the extent of your beneficial use must be submitted to this office on or before October 01, 2001. (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, Admin. Asst.
Water Allocation Bureau

Enclosures

MICROFILMED
OCT 0 2 2001

CERTIFIED MAIL
7099 3220 0005
NO. 5178 6411

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 27, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HIGH DESERT ENTERPRISES LLP
12292 N HWY 34
PRESTON ID 83263

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07574

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.**

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED
SEP 2 8 1999

CERTIFICATE OF MAILING

I hereby certify that on the **27th** day of **September, 1999**, 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. 13-07574**

**HIGH DESERT ENTERPRISES LLP**
**12292 N HWY 34**
**PRESTON ID 83263**

Kari Lynn Townsend
Secretary

MICROFILMED
SEP 2 8 1999

# Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

## ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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SEP 2 8 1999

## CERTIFICATE OF SERVICE

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

## FINAL ORDER

The Department 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 Department 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.

FILMED
SEP 28 1999

# APPLICATION FOR PERMIT
## STATE OFFICE ANALYSIS

by SCurtis

No.: 13-07574 Name: HDE Date: 9/23/99 Ad OK? ___ ✓ Gvmt Lts: ___

**AREA OF CONCERN:** - No/Yes: ___ Mor / ___ GWMA / Trust / Non-trust

**PROTESTED:** - ~~020 (Protest Agreement) or *W19 (Order)~~ resolved & withdrawn upon expl. of 1,000 acre-ft total

stock vs. stock storage non-fatal

**SYSTEM COMPLETED:**

- > 1 year - ~~26A~~ P17
- ≤ 1 year/no proof - P16

**GROUNDWATER:** (✓ FLO-CH)

DRILLING PERMIT
- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5acres - No MD

~~WMD~~
- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5acres - 01M (report when notified)
- ≤ 0.24 cfs/5acres - No MD

**SURFACE WATER:** (✓ FLO-CH) (Surface water that *doesn't sink* is regulated): see 13-07564

- FISH & GAME CONTACTED: - YES / NO; WHEN: 9/99 RESPONSE: NONE
- IN/ABOVE MSF (✓ MAP) - *WB9 ___
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # 11 )
  - > 0.20 cfs - 01J-P08 (MD & LD)
  - ≤ 0.20 cfs - 01H-~~P01~~ (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
  - > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
  - ≤ 0.24 cfs/5acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
  - > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
  - ≤ 0.24 cfs/5acres - No MD

**RIVER BASINS:** (*Surface water*):

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

**USE:**

- ~~STORAGE (✓3 compo.)~~ - ~~18A~~ (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - ~~R66/R67/R68/R69~~ (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
  - > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- ~~STOCKWATER~~ - ~~R37 (BLM/USFS); NA~~ special remark
- MINING - 054*(req)* -081-P10
- FISH PROPAGATION - 029(70's only)-007-042*(req)*-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (~~FERC~~); 18B-P09; >25 cfs-P18

MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102

DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070

FIRE PROTECTION - 077

**LOCATION:**

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (~~87~~) basin)
- SWAN FALLS FLAG (✓Code) - ___
  - Trust - 051-052-053-P74 (Consumptive Uses), NA
  - Non-Trust (1) - 048-049 (Consumptive Uses), NA

**OWNERSHIP:** - 004 (PD/PU) ___

**OTHER CONDITIONS:** - ___

**STANDARD REMARKS:** - ___

**BENEFICIAL USE DUE:** - 10/1/2001

**COMMENTS:** - Partners

RECEIVED

Send Copies

SEP 2 0 1999

DEPARTMENT OF WATER RESOURCES

Dist. for staffing _____
Submitted for advertising _____

Form No. 202
4/87

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

High Desert Enterprise
INITIAL REVIEW BY HWS DATE 7-27-99 APPLICATION NO. 13-07574

REQUIRED INFORMATION

- ✓ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ✓ Address
- ✓ Source (See USGS Quad for names of water sources)
- ✓ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ✓ County
- ✓ Quantity (flow and/or volume)
- ✓ Period of Use
- ✓ Nature of proposed use (Include description of use.)
- ✓ Description of diverting works
- ✓ Time required for beneficial use of water
- ✓ Place of use or acres irrigated
- ✓ Map
- ✓ Signature (If applicant is corp., partnership, or municipality, title of 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 Field check required
  Field check by _____
- ____ Yes ____ No Field report attached
- ____ Yes ____ No Critical groundwater area
- ____ Yes ____ No Groundwater management area
- ____ Yes ____ No Send dam safety information
- ____ Yes ____ No Send power requirement letter
- ____ Yes ____ No Send fish farm requirement letter
- ____ Yes ____ No Power residency affidavit
- ____ Yes ____ No Power efficiency form
- ____ Yes ____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ____ Yes ✗ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____

_____ Date Requested _____

PROCESSING

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

SEND COPIES TO

___ Idaho Dept. of Health & Welfare
X Idaho Dept. of Fish & Game
___ Idaho Dept. of Lands
___ Adjudication Bureau Unit
___ U.S. BLM
___ U.S. Forest Service
X Water District 11
___ Other ___

FINAL REGIONAL PROCESSING REVIEW

✓ Yes ___ No Affidavit of publication received
✓ Yes ___ No Application published correctly. If not, record action taken ___

✓ Yes ___ No Publication dates & paper, recorded on application
✓ Yes ___ No Protests received
Final date for protest Aug 23 1999
✓ Yes ___ No Protests, dates, resolution of protest, recorded on application
___ Yes ___ No Recommendations attached
___ Yes ___ No Measuring device required
___ Yes ___ No Access port required
___ Yes ___ No Will water be delivered by watermaster? If yes, what Dist. ___
___ Yes ___ No Special conditions of approval or cover letter below.

Date of priority recommended 7-22-99
By: ALW Date: 9-16-99
STATE OFFICE REVIEW

By ___ Date: ___
ADDITIONAL INFORMATION

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

September 16, 1999

JODY L WILLIAMS
KRUSE, LANDA, & MAYCOCK LLC
50 W BROADWAY STE 800
SALT LAKE CITY UT 84101

RE: Withdrawal of protest on Permit No.s: 13-07564, 13-07565, 13-07566, 13-07567, 13-07568, 13-07569, 13-07570, 13-07571, 13-07572, 13-07573, and 13-07574

Dear Protestants:

This Department has received your withdrawal of protest against the application of High Desert Enterprise.

If you have any questions, please call our office.

Sincerely,

Harold W. Jones

Harold W Jones
Water Rights Supervisor

HWJ/sc

MICROFILMED
SEP 2 8 1999

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

September 16, 1999

HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON ID 83263

RE: Withdrawal of protest on Applications of Permit No. 13-07564, 13-07565, 13-07566, 13-07567, 13-07568, 13-07569, 13-07570, 13-07571, 13-07572, 13-07573, and 13-07574

Dear Sir:

This Department has received a withdrawal of protest from Jody L Williams on behalf of Pacificorp.

Our office will continue to process your applications.

If you have any questions, please call our office.

Sincerely,

Harold W. Jones

Harold W Jones
Water Rights Supervisor

HWJ/sc

MICROFILMED
SEP 2 8 1999

**KRUSE, LANDA & MAYCOCK, L.L.C.**
EIGHTH FLOOR, BANK ONE TOWER
50 WEST BROADWAY (300 SOUTH)
SALT LAKE CITY, UTAH 84101-2034
E-mail: jwilliams@klmlaw.com
www.klmlaw.com

MAILING ADDRESS
Post Office Box 45561
Salt Lake City, Utah 84145-0561

TELEPHONE: (801) 531-7090
TELECOPY: (801) 531-7091
(801) 359-0388

JODY L. WILLIAMS

WRITER'S VOICE MAIL
(801) 531-7090 ext. 234

September 13, 1999

RECEIVED
SEP 15 1999
Department of Water Resources
Eastern Region

Harold Jones
Idaho Department of Water Resources,
Eastern Region
900 No. Skyline Dr.
Idaho Falls, Idaho 83402-1718

RE: High Desert Enterprises LLP
13-07564, 13-07566, 13-07567, 13-07568, 13-07569,
13-07570, 13-07571, 13-07572, 13-07573 and 13-07574

Dear Mr. Jones:

Based upon the representations of the enclosed letter PacifiCorp received on September 9, 1999, PacifiCorp hereby withdraws its Protest to the above referenced applications.

Very truly yours,

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

Jody L. Williams

Jody L. Williams

JLW:bjw

cc: High Desert Enterprises, LLP
Bear River Water Users Association
Randall M. Weiner
Brent Rose, Esq.
Randall Landolt
Randall C. Budge. Esq.
Jim Kimbal
Cheryl C. Williss, Chief

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SEP 28 1999

received
9-9-99

High Desert Enterprises LLP
12292 North Hwy. 34
Preston, ID 83263
Telephone: (208) 852-1416

Sept. 2, 1999

RECEIVED
SEP 15 1999
Department of Water Resources
Eastern Region

Jody L. Williams, Esq.
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, Suite 800
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

RE: Applications for water right before the Department of Water Resources State of Idaho;
Applications for Permit No. 13-07564, 13-07565, 13-07566, 13-07567, 13-07568, 13-07569, 13-07570, 13-07571, 13-07572, 13-07573, 13-07574

Dear Jody,

Pursuant to your filing of protest against the issuance of the above referenced applications for water rights and our subsequent telephone conversation concerning the applications we wish to confirm our intention as discussed.

With reference to item #7 on your protest, we wish to confirm that the applications as filed with the Department of Water Resources, State of Idaho are expressly intended to water the same 1,000 head herd of livestock as stated in the applications. Additionally, we confirm that the use of the water from all sources will be limited to the applications and claims to the requirements of the same 1,000 head herd.

As per our telephone conversation and item #7 in the protest as filed, we now understand that PacificCorp will withdraw its protest of our applications.

We thank you for your attention and now assume that your protest action will be withdrawn.

High Desert Enterprises LLC
Terry Andrade

Chris Maisel

cc: Water Resources Board, State of Idaho

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SEP 2 8 1999

High Desert Enterprises LLP
12292 North Hwy. 34
Preston, ID 83263
Telephone: (208) 852-1416

Sept. 2, 1999

RECEIVED
SEP 0 8 1999
Department of Water Resources
Eastern Region

Jody L. Williams, Esq.
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, Suite 800
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

RE: Applications for water right before the Department of Water Resources State of Idaho;
Applications for Permit No. 13-07564, 13-07565, 13-07566, 13-07567, 13-07568, 13-07569, 13-07570, 13-07571, 13-07572, 13-07573, 13-07574

Dear Jody,

Pursuant to your filing of protest against the issuance of the above referenced applications for water rights and our subsequent telephone conversation concerning the applications we wish to confirm our intention as discussed.

With reference to item #7 on your protest, we wish to confirm that the applications as filed with the Department of Water Resources, State of Idaho are expressly intended to water the same 1,000 head herd of livestock as stated in the applications. Additionally, we confirm that the use of the water from all sources will be limited to the applications and claims to the requirements of the same 1,000 head herd.

As per our telephone conversation and item #7 in the protest as filed, we now understand that PacificCorp will withdraw its protest of our applications.

We thank you for your attention and now assume that your protest action will be withdrawn.

High Desert Enterprises LLC
Terry Andrade

Chris Maisel

cc: Water Resources Board, State of Idaho

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SEP 2 8 1999

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 30, 1999

JODY L WILLIAMS, ESQ
KRUSE, LANDA & MAYCOCK LLC
50 W BROADWAY STE 800
SALT LAKE CITY UT 84101

RE: Applications for Permit No. 13-07564, 13-07565, 13-07566, 13-07567, 13-07568, 13-07569, 13-07570, 13-07571, 13-07572, 13-07573, and 13-07574

Dear Protestant:

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

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

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

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SEP 2 8 1999

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

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

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

**Sincerely,**

Harold W. Jones

**HAROLD W. JONES**
**Water Rights Supervisor**

**HWJ: sc**

**cc: IDWR - State Office**

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SEP 2 6 1999

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 30, 1999

HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON ID 83263

RE: Applications for Permit No. 13-07564, 13-07565, 13-07566, 13-07567, 13-07568, 13-07569, 13-07570, 13-07571, 13-07572, 13-07573, and 13-07574

Dear Applicant:

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

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

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

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

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

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

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

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

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SEP 2 8 1999

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

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

**Sincerely,**

Harold W. Jones

**HAROLD W. JONES**
**Water Rights Supervisor**

**Enclosure**

**HWJ:sc**

**cc: IDWR - State Office**

MICROFILMED
SEP 2 8 1999

Received faxed copy 8/23/99 @ 4:18 pm

Jody L. Williams, Esq.
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, Suite 800
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

Receipt #E025237

RECEIVED
AUG 24 1999
Department of Water Resources
Eastern Region

Steven S. Dunn, Esq.
Merrill & Merrill
P.O. Box 991
Pocatello, Idaho 83204
Telephone: (208) 232-2286

Attorneys for PacifiCorp dba Utah Power and Light

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

| | |
|---|---|
| **In the Matter of Application for Permit No. 13-07574 High Desert Enterprises, LLP Applicant** | **Protest of PacifiCorp, an Oregon Corporation, dba Utah Power & Light Company, Protestant** |

1. PacifiCorp, an Oregon corporation doing business in Idaho as Utah Power & Light Company ("Protestant"), 1407 West North Temple, Suite 270, Salt Lake City, Utah 84140, hereby files this protest before the Department of Water Resources in the above-referenced proceeding. Please send notices and correspondence regarding this protest to

Jody L. Williams
Kruse, Landa & Maycock
50 West Broadway, #800
Post Office Box

2. Protestant owns water rights in the Bear River and Bear Lake decreed in the matter of *Utah Power & Light Company v. The Last Chance Canal Company, Limited, et al*, in Equity No. 203, July 14, 1920, and *Utah Power & Light Company v. Richmond Irrigation*

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SEP 28 1999

*Company, et al,* February 21, 1922, as well as other rights in the Bear River below Applicant's proposed point of diversion.

3. Applicant has filed 4 statutory claims and 11 new applications, each for the purpose of stockwatering of 1,000 head of livestock. Applicant also has filed an application for 1 domestic use, which Protestant is not protesting.

4. Applicant's proposed sources are close to the Bear River, or Cottonwood Creek, which contribute to the flow of the river. In total, Applicant's new applications would be a significant use of water which would interfere with the senior water rights of Applicant and others.

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

6. Granting the application of Applicant would adversely affect Protestant's water rights by decreasing the amount of Bear River natural flows used by PacifiCorp and its contract holders. When less water is available in Bear River, the contract holders must use more Bear Lake storage water.

7. If Applicant will state that all of its statutory claims and new applications are to water the same 1,000 head herd of livestock, and will limit its use from all sources under all applications and claims to the requirements of one 1,000 head herd, PacifiCorp will withdraw its protest. PacifiCorp will not offer a Bear Lake replacement water contract to Applicant.

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SEP 2 8 1993

8. In addition to diminishing the Bear River water available to satisfy prior existing water rights and contracts, Protestant believes that granting the above-referenced application would conflict with the local public interest in the three following areas by reducing requiring a greater use of Bear Lake: First, reliance by existing users on supplemental irrigation water delivered from Bear Lake will be impaired. Second, when the level of Bear Lake drops in extended droughts, recreation and other non-consumptive uses at the lake are adversely affected. The local economy at the lake suffers. Third, traditional habitat for indigenous fish in Bear Lake is decreased. Other wildlife species which depend on the lake will have similar problems due to habitat loss. The spread of noxious weeds and tamarisk is accelerated along the lake shore.

9. PacifiCorp encourages Applicant to consider acquisition of an existing water right in the vicinity of Bear Lake as replacement water.

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

DATED this 23rd day of August, 1999.

PACIFICORP, dba
UTAH POWER & LIGHT COMPANY

By Jody L. Williams

Jody L. Williams, Attorney
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, Suite 800
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

MICROFILMED
SEP 2 6 1999

## MAILING CERTIFICATE

On this 23rd day of August, 1999, I mailed a true and correct copy of the foregoing Protest, postage prepaid, to:

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

High Desert Enterprises, LLP
12292 North Highway 34
Preston, ID 83263

Randall Landolt
PacifiCorp
825 NE Multnomah, Suite 1500
Portland, OR 97232

Randall C. Budge. Esq.
Racine, Olson, Nye, Cooper & Budge
P O Box 1391
Pocatello, ID 83204-1391

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

Randall M. Weiner
Ecological Consultants for the Public Interest
1942 Broadway, Suite 408
Boulder, CO 80302

Jim Kimbal
P.O. Box 145
St. Charles, Idaho 83272

Brent Rose, Esq.
Clyde, Snow, Sessions & Swenson
201 South Main Suite 1300
Salt Lake City, Utah 84111

Cheryl C. Williss, Chief
Division of Water Resources
P.O. Box 25486
Denver Federal Building Mail Stop 60189
Denver, Colorado 80225

Barbara J. Wallin



MICROFILMED
SEP 2 8 1999

87-

4858

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the PUBLISHER 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

8-4, 1999, and ending

with the issue of 8-11 1999

J. Walter Ross

Fee $ 308.03

Subscribed and sworn to before me this 11 day

of August, 1999.

KELLY MICKELSEN NOTARY PUBLIC STATE OF IDAHO

Notary Public, Residing at Preston, Idaho

My Commission Expires 8/14, 2001.

MICROFILMED SEP 2 8 1999

RECEIVED
AUG 2 7 1999
Department of Water Resources
Eastern Region

## NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07563
HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: SPRING
Tributary: SINKS

Diversion Pt: SWNESE Sec 3 T 13S R 40E in FRANKLIN County.

Use:

Date Filed:

In:

13-07567
HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: SPRINGS
Tributary: SINKS

Diversion Pt: SWNWSW Sec 27 T 13S R 40E in FRANKLIN County.

Use:
STOCKWATER (0.200 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 7/22/1999

In: FRANKLIN County
T13S R40E S27 NWSW

13-07568
HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: UNNAMED STREAM
Tributary: SINKS

Diversion Pt: NWNWNW Sec 13 T 13S R 40E in FRANKLIN County.

Use:
STOCKWATER (0.20 AF)
Total Diversion: (0.20 AF)

Date Filed: 7/22/1999

In: FRANKLIN County
T13S R40E S13 NWNW

13-07569
HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: UNNAMED STREAM
Tributary: SINKS

Diversion Pt: SWSWNW Sec 7 T 13S R 41E in FRANKLIN County.

Use:
STOCKWATER (0.20 AF)
Total Diversion: (0.20 AF)

Date Filed: 7/22/1999

In: FRANKLIN County
T13S R41E S07 SWNW

13-07570
HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: UNNAMED STREAM
Tributary: COTTONWOOD CREEK

Diversion Pt: NESESE Sec 3 T 13S R 40E in FRANKLIN County.

Use:
STOCKWATER STORAGE (0.20 AF)

13-07574
HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: UNNAMED STREAM
Tributary: COTTONWOOD CREEK

Diversion Pt: NWSENW Sec 1 T 13S R 40E in FRANKLIN County.

Use:
STOCKWATER (0.20 AF)
Total Diversion: (0.20 AF)

Date Filed: 7/22/1999

In: FRANKLIN County
T13S R40E S01 SENW

Any protests 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 AUGUST 23, 1999, 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. 4858 – Publish Aug. 4 and 11, 1999.

MICROFILMED

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

July 29, 1999

PETE PETERSON
2483 RIVERDALE
PRESTON ID 83263

RE: Application for Permit #13-07570, 13-07571, 13-07572, 13-07573 and 13-07574

Dear Pete:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by August 23, 1999.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

MICRO
SEP 2 8 1999

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

July 29, 1999

ID FISH & GAME
1345 BARTON RD
POCATELLO ID 83201

RE: Applications for Permit #13-07570, 13-07571, 13-07572, 13-07573 and 13-07574

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 August 23, 1999, 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.

MICRO
SEP 2 8 1999

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

July 28, 1999

HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON ID 83263

RE: Applications for Permit #13-07563, 13-07564, 13-07565, 13-07566, 13-07567, 13-07568, 13-07569, 13-07570, 13-07571, 13-07572, 13-07573, and 13-07574
Claims to a Water Right #13-04342, 13-04343, 13-04344, and 13-04345
Amended Claim to a Water Right # 13-04263

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on August 5 and 12, 1999. 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

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED
SEP 2 8 1999

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

JULY 28, 1999

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 AUGUST 23, 1999.

Yours truly,

Sharla Cox

Sharla Cox
Senior Secretary

Encl.

Mailed 7/29/99 SC

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07574

HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: UNNAMED STREAM Tributary: COTTONWOOD CREEK

Diversion Pt: NWSENW Sec 1 T 13S R 40E in FRANKLIN County.

Use: STOCKWATER ( 0.20 AF)
Total Diversion: ( 0.20 AF)

Date Filed: 7/22/1999

In: FRANKLIN County
T13S R40E S01 SENW

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 AUGUST 23, 1999. 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/ 5/1999 & 8/12/1999

MICROFILMED
SEP 28 1999