

SEP 17 2003

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant Brian Esplin Phone 357-5291
Mailing address 756 E 1000 N Shelley, Id 83274
2. Source of water supply GW which is a tributary of _____
3. Location of point of diversion is Township 1S Range 37E Sec. 8, in the _____ 1/4, SW 1/4, SE 1/4, Govt. Lot _____, B.M., Blugham County;
additional points of diversion if any: 1S 37E 8 SWSE
4. Water will be used for the following purposes:
Amount .13 for stock water purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .08 for COMMERCIAL 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)
5. Total quantity to be appropriated is (a) .20 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 two wells 7.5hp
and 5hp to 1100 dairy cattle operation
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 6" inches; proposed depth of well is 120' feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? 1944; 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. 1100 dairy cows
c. Municipal; show name of municipality. 502 MILKING
d. Domestic; show number of households. 575 DRY
e. Other; describe fully.

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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	
15	375	8												s				Stockstock	
		8											X				X	~~8~~	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 27-10318

200 head dairy D/S

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: Dairy put in place in the early 1980's
before 1987. NAPP photo shows dairy operation

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.

MICHAEL

OCT 07 2003

X Brian Espel

Signature of Applicant (and title, if applicable)

Received by DC Date 8/12/2003 Time 11:30 Preliminary check by DC

Fee \$ 100 Received by DC # E029098 Date 8/12/2003

Publication prepared by SC Date 8/21 & 8/28/03 Published in Morning News

Publication approved SC Date 8/29/03

HERD TEST DAY AVERAGES
ESPLIN DAIRY

COMPLETE HERD

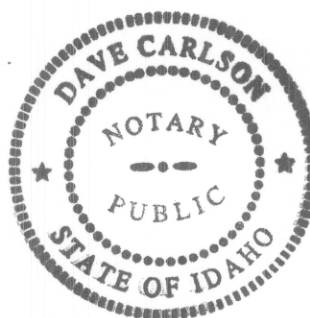
test date	-- Milking Herd Averages --				-- Overall Herd Averages --			
	# Cows	#Milk	%Bfat	%PROT	# Cows	#Milk	%Bfat	%PROT
07May87	485	63.7	2.58	2.56	574	53.9	2.58	2.56
24May87	486	65.9	2.75	2.92	580	55.2	2.75	2.92
11Jun87	485	65.8	2.61	2.76	567	56.3	2.61	2.76
24Jun87	498	64.7	2.48	2.62	564	57.1	2.48	2.62
11Jul87	502	63.4	2.32	2.44	575	55.3	2.32	2.44
27Jul87	486	63.5	2.64	2.96	566	54.5	2.64	2.96
11Aug87	466	63.4	2.60	2.91	564	52.4	2.60	2.91
28Aug87	458	63.1	2.49	2.78	550	52.5	2.49	2.78
09Sep87	468	63.2	2.42	2.70	557	53.1	2.42	2.70
27Sep87	481	59.5	2.23	2.48	572	50.1	2.23	2.48
13Oct87	470	58.0	2.12	2.35	576	47.3	2.12	2.35
25Oct87	473	56.4	3.22	3.16	579	46.1	3.22	3.16
11Nov87	473	54.0	3.06	2.99	558	45.8	3.06	2.99
24Nov87	467	53.5	2.91	2.84	553	45.1	2.91	2.84
11Dec87	455	52.0	2.69	2.64	541	43.8	2.69	2.64

LACTATION ONE COWS

test date	-- Milking Herd Averages --				-- Overall Herd Averages --			
	# Cows	#Milk	%Bfat	%PROT	# Cows	#Milk	%Bfat	%PROT
07May87	171	56.4	2.71	2.65	193	49.9	2.71	2.65
24May87	172	58.8	2.78	2.94	196	51.6	2.78	2.94
11Jun87	168	59.7	2.70	2.83	194	51.7	2.70	2.83
24Jun87	170	58.6	2.61	2.72	191	52.1	2.61	2.72
11Jul87	172	57.8	2.41	2.51	198	50.2	2.41	2.51
27Jul87	163	58.2	2.70	2.92	189	50.2	2.70	2.92
11Aug87	155	58.5	2.68	2.91	186	48.8	2.68	2.91
28Aug87	149	58.1	2.66	2.88	174	49.8	2.66	2.88
09Sep87	156	58.1	2.58	2.79	179	50.6	2.58	2.79
27Sep87	166	55.5	2.32	2.50	190	48.5	2.32	2.50
13Oct87	161	54.8	2.25	2.42	189	46.6	2.25	2.42
25Oct87	165	54.1	3.40	3.15	191	46.8	3.40	3.15
11Nov87	172	52.1	3.29	3.06	191	46.9	3.29	3.06
24Nov87	172	50.8	3.19	2.98	192	45.5	3.19	2.98
11Dec87	173	49.4	3.00	2.81	190	45.0	3.00	2.81

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OCT 07 2003



Bruce Espin

subscribed and sworn to before me this
12 day of August 2003
notary public Dave Carlson

January 1, 1988

HERD INVENTORY REPORT
ESPLIN DAIRY
COW INVENTORY

1987 *End Inventory*

Total number of cows.....	545	100.0%
Number of cows milking.....	448	82.2%
Number of fresh cows.....	74	13.6%
Number of bred cows.....	85	15.6%
Number of open cows.....	64	11.7%
Number of pregnant cows.....	225	41.3%
Number of dry cows.....	97	17.8%
Number of cows in lactation #1.....	193	35.4%
Number of cows in lactation #2.....	119	21.8%
Number of cows in lactation #3.....	95	17.4%
Number of cows in lactation #4.....	75	13.8%
Number of cows in lactation #5.....	29	5.3%
Number of cows in lactation #6.....	20	3.7%
Number of cows in lactation #7.....	8	1.5%
Number of cows in lactation #8.....	3	.6%
Number of cows in lactation #9.....	1	.2%
Number of cows in lactation #10+.....	2	.4%

HEIFER INVENTORY

Total number of heifers.....	521	100.0%
Number of virgin heifers.....	329	63.1%
Number of bred heifers.....	189	36.3%
Number of open heifers.....	0	0.0%
Number of pregnant heifers.....	3	.6%
Number of barren heifers.....	0	0.0%
Heifers 1 to 3 months old.....	64	12.3%
Heifers 4 to 6 months old.....	52	10.0%
Heifers 7 to 9 months old.....	79	15.2%
Heifers 10 to 12 months old.....	80	15.4%
Heifers 13 to 15 months old.....	53	10.2%
Heifers 16 to 18 months old.....	45	8.6%
Heifers 19 to 21 months old.....	56	10.7%
Heifers 22 to 24 months old.....	61	11.7%
Heifers 25 to 27 months old.....	12	2.3%
Heifers older than 27 months.....	19	3.6%

BULL INVENTORY

Total number of bulls.....	4	100.0%
Number of breeder bulls.....	4	100.0%
Number of vealer bulls.....	0	0.0%
Number of feeder bulls.....	0	0.0%
Bulls 1 to 3 months old.....	0	0.0%
Bulls 4 to 6 months old.....	1	25.0%
Bulls 7 to 9 months old.....	0	0.0%
Bulls 10 to 12 months old.....	1	25.0%
Bulls 13 to 15 months old.....	0	0.0%
Bulls 16 to 18 months old.....	1	25.0%
Bulls 19 to 21 months old.....	0	0.0%
Bulls 22 to 24 months old.....	1	25.0%
Bulls 25 to 27 months old.....	0	0.0%
Bulls older than 27 months.....	0	0.0%



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OCT 07 2003

Bruce Esplin

*Subscribed and sworn to before me this
12 day of August 2003
Notary Public Dave Carlson*

DAIRY
operation

SESU

SWSE

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POD'S



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

August 12, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

RE: Application for Permit No. 27-11959

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 September 8, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
8/13/03
se*

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OCT 9 7 2003

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

27-11959

BRIAN ESPLIN
756 E 1000 N
SHELLEY ID 83274

Point(s) of Diversion: SWSE S8 T01S R37E and SWSE S8 T01S R37E, BINGHAM County

Source GROUND WATER

Use: STOCKWATER	01/01 To 12/31	0.13 CFS
COMMERCIAL	01/01 To 12/31	0.08 CFS

Total Diversion: 0.20 CFS

Date Filed: 08/12/2003

Place Of Use: STOCKWATER and COMMERCIAL

T01S R37E S8 SESW SWSE

Please note: This dairy operation was put into place before 1987.

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 September 8, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 21 and 28, 2003

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OCT 07 2003



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

August 12, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRIAN ESPLIN
756 E 1000 N
SHELLEY ID 83274

RE: Application for Permit No 27-11959

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 Morning News on August 21 and 28, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

A handwritten signature in cursive script that reads "W Roger Warner".

W Roger Warner
Water Right Supervisor

WRW:sc

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OCT 6 7 2003

AFFIDAVIT OF PUBLICATION

County of Bingham)

SS

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said

newspaper 2 consecutive weeks the first publication having been made on the 21st day of Aug. 2003, and the last publication having been made on the 28th day of Aug. 2003; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

On this 28th day of Aug., in the year of 2003, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires
June 19, 2004

Affidavit Processing Fee.....\$5.00

DEPT. OF WATER RESOURCES

900 N. Skyline Drive, Suite A

Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161

Fax: (208) 525-7177

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

27-11959

BRIAN ESPLIN

756 E. 1000 N.

Shelley, Idaho 83274

Point(s) of Diversion: SWSE S8, T01S, R37E and SWSE S8 T01S, R37E, Bingham County.

Source: GROUNDWATER

Use: STOCKWATER 01/01 to 12/31
0.13 CFS

COMMERCIAL: 01/01 to 12/31 0.08
CFS

Total Diversion: 0.20 CFS

Date Filed: 08/12/2003

Place of Use: STOCKWATER and

COMMERCIAL

T01S, R37E, S8, SESW, SWSE

Please note: This dairy operation was put into place before 1987.

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 Drive, Suite A, Idaho Falls, Idaho, 83402, together with a protest fee of \$25.00 for each application on or before September 8, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(#656)

Pub.: 8/21, 28

Received
8/29/03
sc

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2003



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 25, 2003

BRIAN ESPLIN
756 E 1000 N
SHELLEY ID 83274

RE: Permit No. 27-11959

Permit Approval Notice

Dear Permit Holder:

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

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

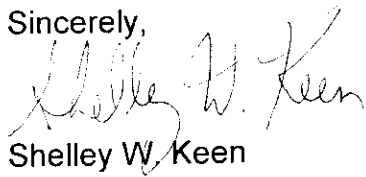
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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SEP 27 2003

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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2003

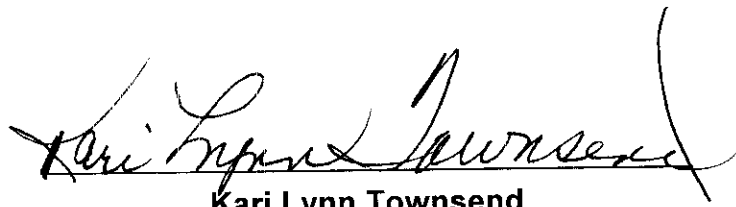
CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

27-11959

**BRIAN ESPLIN
756 E 1000 N
SHELLEY ID 83274**



**Kari Lynn Townsend
Secretary**

MICHAEL

**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.

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)

SS

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said

newspaper consecutive the first publication having been made on the 21st day of June 2003, and the last publication having been made on the 20th day of June 2003; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

On this 20th day of June, in the year of 2003, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires
June 19, 2004

Affidavit Processing Fee.....\$5.00

WATER RESOURCES

Online Drive, Suite A

Idaho 83402-1718

825 3161

825 3177

Idaho 83402-1718
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Idaho 83402-1718

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State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 27-11959

Priority: August 12, 2003

Maximum Diversion Rate: 0.20 CFS

This is to certify, that BRIAN ESPLIN
756 E 1000 N
SHELLEY ID 83274

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.20 CFS
COMMERCIAL	01/01 to 12/31	0.08 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 8, Twp 01S, Rge 37E, B.M., BINGHAM County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 8, Twp 01S, Rge 37E, B.M., BINGHAM County

PLACE OF USE: STOCKWATER and COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 37E 8												X				X	

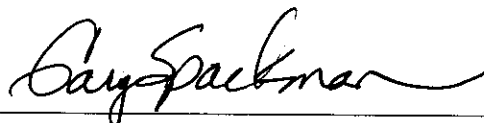
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2004**.
2. Subject to all prior water rights.
3. Stockwater use is for 1100 dairy cattle.
4. Commercial use is for dairy operation.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of September, 2003.

MICROFILMED

AUG 07 2003



KARL J DREHER, Director

October 31, 2003

BRIAN ESPLIN
756 E 1000 N
SHELLEY, ID 83274

PROOF DUE NOTICE

RE: PERMIT NO. 27-11959

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

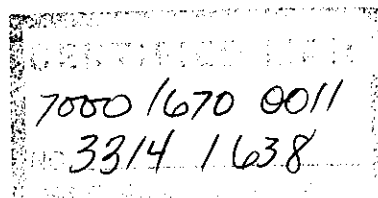
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

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FEB 10 2004



STATE OF IDAHO
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. 27-11959 Telephone No. 357-5291
2. Name of Permit Holder(s): Brian Esplin
3. Mailing Address: 756 E 1000 N
City Shelley State ID Zip 83274
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 1920 and 1982 / yr. and
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 3 Stockwater (No. and type of stock): 1100 Dairy Cattle
Irrigation (No. of acres): _____ Other: Commercial 1100 cow Dairy
6. Total rate of diversion and/or volume for which proof is submitted: .20 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 X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 50 (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: Brian Esplin Telephone Number: 357-5291
Address: 756 E 1000 N Shelley ID 83274
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: Brian Esplin owner Date: 12-15-03
(include your title, if on behalf of company or organization)



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

February 2, 2004

BRIAN ESPLIN
756 E 1000 N
SHELLEY ID 83274

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO 27-11959

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

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FEB 19 2004