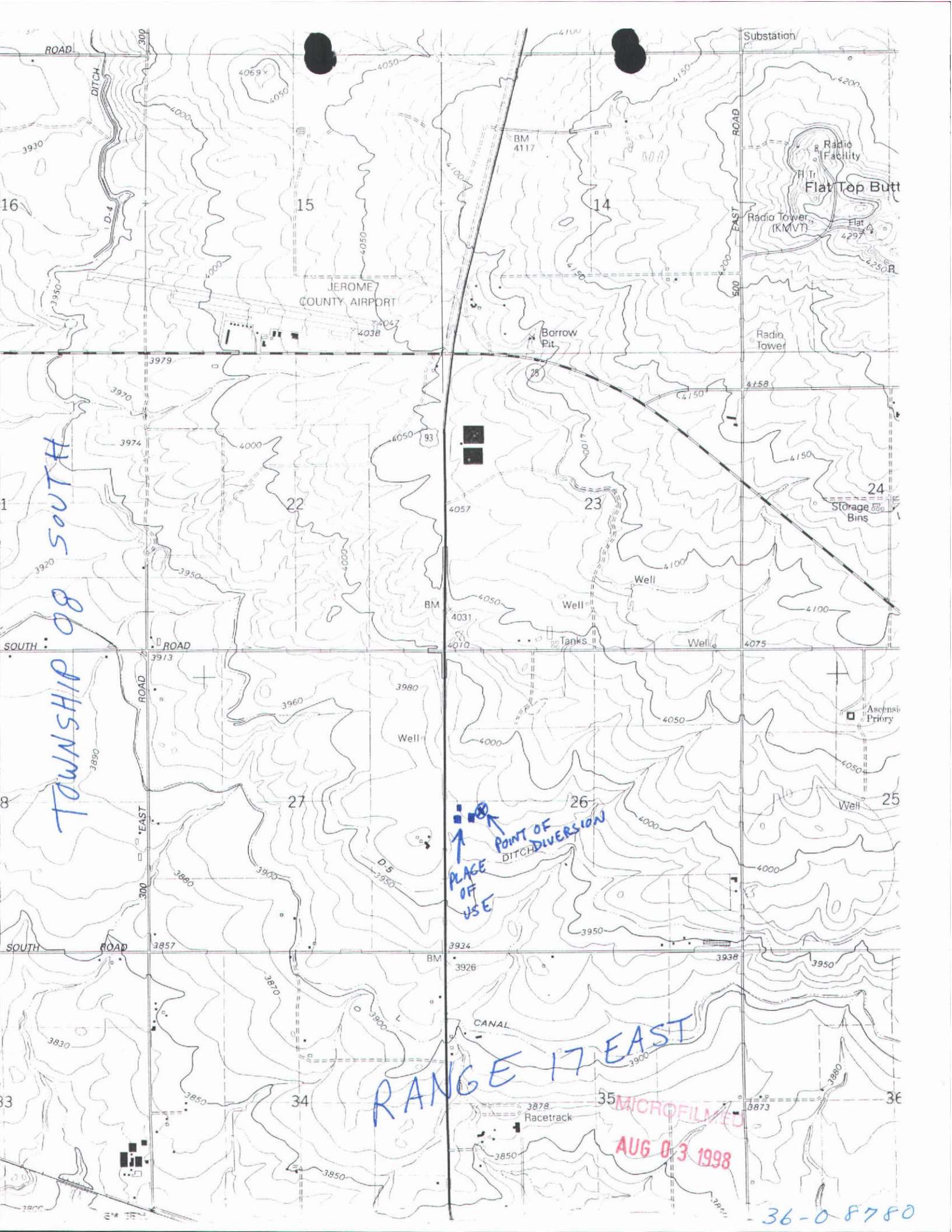




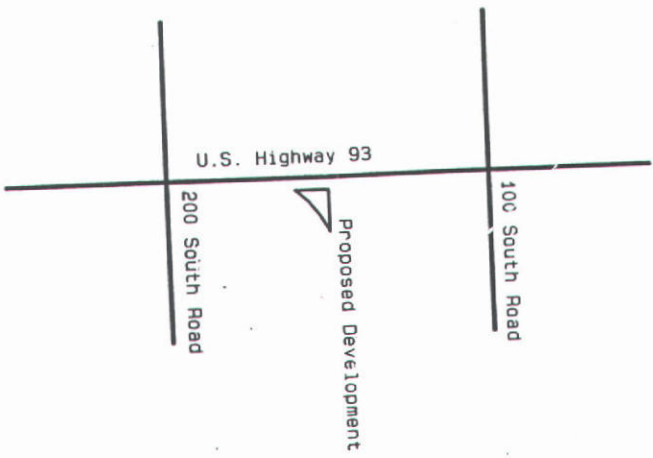
TOWNSHIP 28 SOUTH

PLACE OF USE
POINT OF DIVERSION

RANGE 17 EAST

MICROFILMED
AUG 03 1998

36-08780

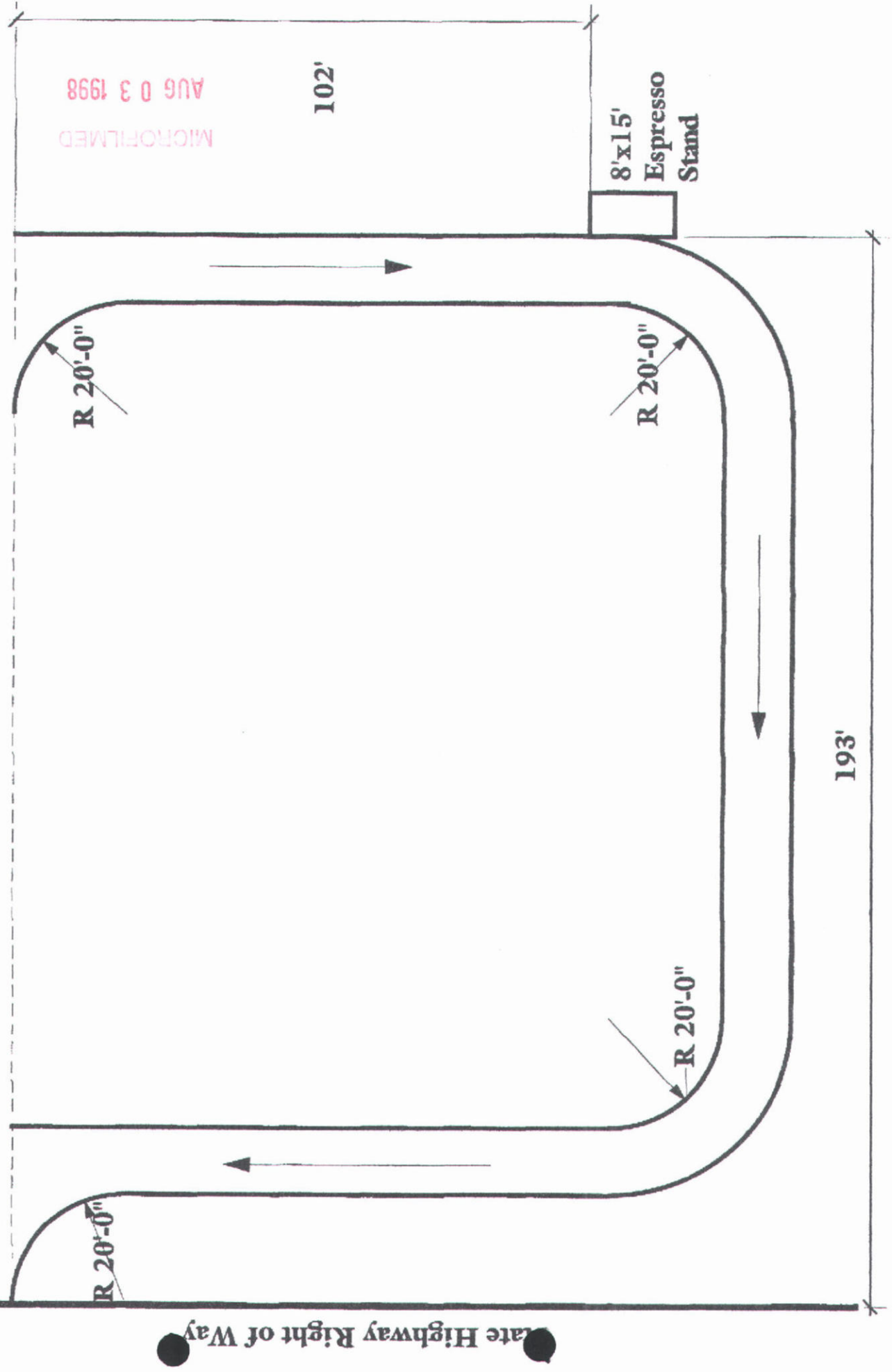


Vicinity Map

36-08780

25' Easement

Developed for access to proposed subdivision



JUN 1 1998 AFFIDAVIT of PUBLICATION

Department of Water Resources
Southern Region
State of Idaho } ss.
County of Jerome

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4th day of June, 1998, and the date of the last publication was on the 11th day of June, 1998.

Patty Nance
Subscribed and sworn to before me this 11th day of June, 1998.
(SEAL)

Norma De Voe
NOTARY PUBLIC

21177/7604
NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

affidavit fee 2.25

730.13 Lines tabular at _____ 7¢/Pica
730.13 Lines straight at 43.81 6¢/Pica
730.13 Subsequent lines at 36.51 5¢/Pica

TOTAL COST 82.57
AUG 03 1998

COPY OF NOTICE

(Paste Here)

Collins #36-08780
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

LARRY COLLINS &/OR
T.H. BARNES

5720 US HWY 93

JEROME ID 83338

Application for Permit No. 36-08780

Source: groundwater

Diversion Pt(s): NW1/4SW1/4, S26, T08S, R17E; Jerome County.

Use:

Domestic-two homes (0.04 cfs)

1/1-12/31

Irrigation (0.03 cfs)

4/1-10/31

Commercial (0.04 cfs)

1/1-12/31

Total Diversion: 0.04 cfs

In: irrigation of 1/2 acre per home, domestic & commercial use within NW1/4SW1/4, S26, T08S, R17E; Jerome County.

Date Filed: 4/17/98

SCOTT WALKER &/OR

BARBARA WALKER

600 S FILLMORE #18

JEROME ID 83338

Application for Permit No. 36-08781

Source: groundwater

Diversion Pt(s): NE1/4SE1/4, S32, T08S, R16E; Jerome County.

Use: Domestic (0.04 cfs) 1/1-12/31

irrigation (0.02 cfs) 4/1-10/31

Total Diversion: 0.04 cfs

In: Domestic & irrigation of 1/2 acre within NE1/4SE1/4, S32, T08S, R16E; Jerome County.

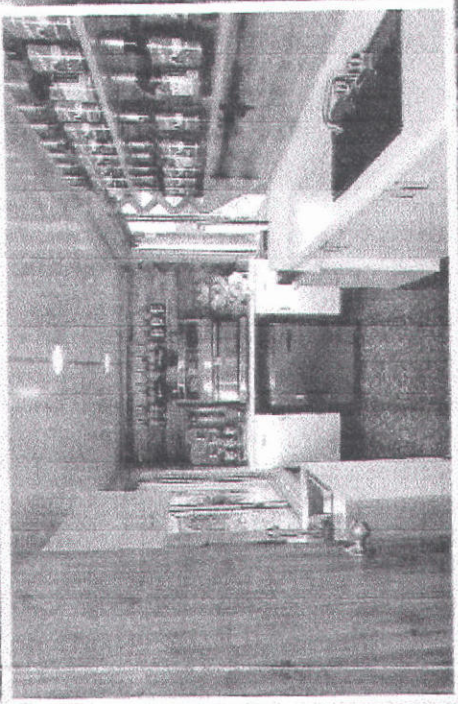
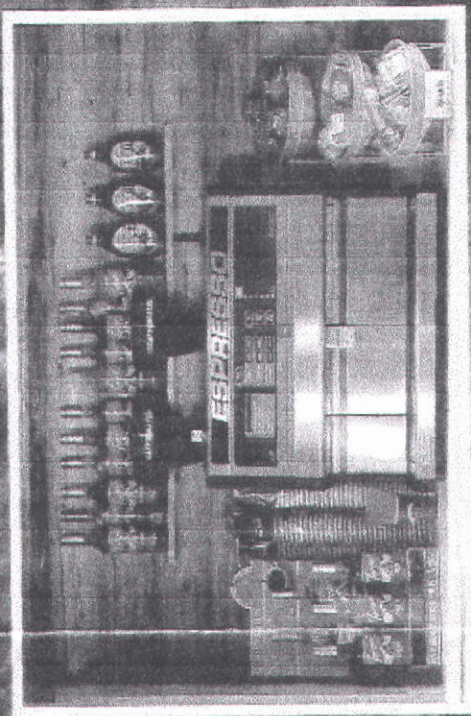
Date Filed: 4/24/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before June 22, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

NEW WAY™

Specialty Products



AUG 03 1998

NEW FILM

- ☆ Complete "Turn Key" Espresso Drive Thru Package.
- ☆ Unique "Real Log" Construction Gives Visibility And Identity.
- ☆ Built Like A Fortress For Maximum Security And Durability.
- ☆ Perfectly designed to tolerate the extremes of desert heat and mountainous snow loads.
- ☆ Ready To Hook To Power And Open For Business.
- ☆ The Most Versatile Modular Concession Building Is Available Now!
- ☆ Perfect For Selling Espresso Coffee, Granitas, Italian Sodas, Shave Ice... You Name It!
- ☆ Top Quality, All NSF Approved, Appliances And Fixtures.
- ☆ Meets All Code Requirements For Restaurants And Concession Stands.
- ☆ Portable, "Skiddable" Design.
- ☆ Functional and Comfortable.

It's A Fun Place To Work!

36-08780

NO ✓
RECEIVED

JUN - 4 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

FOR OFFICE USE ONLY
Amt. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____

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 who has been appointed by the department.

1. Permit No. 36-08780 Telephone No. 324-1017/324-4643
2. Name(s) of Permit Holder(s): T. H. Barnes / Larry Collins
3. Mailing Address: 5720 U.S. Hwy 93 Jerome, Idaho 83338
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 7 / yr. 94
- a. Well Driller: Smith Drilling & Pump Co Inc Drilling Permit Number: 36-9450171-000
- b. **OPTIONAL:**
Pump Horsepower: 5 Pressure (psi): 60 Dynamic pumping level (ft): 441
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 2 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 1 Other: Small Drive Thru Espresso Stand
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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 ✓

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No ✓

Has the measurement port been installed?

Yes _____ or No ✓8. Fee Enclosed: \$ 0 (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: T. H. Barnes Telephone Number: 324-4643Address: 5722 U.S. Hwy 93 Jerome, Idaho 83338

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

Signature of permit holder: T. H. Barnes / [Signature] Date: 6/1/99
(include your title, if on behalf of company or organization)

MICROFILMED

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08780

Proposed Priority: April 17, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **LARRY COLLINS**

T H BARNES

5720 US HWY 93

JEROME ID 83338

has applied for a permit to appropriate water from: **GROUNDWATER**

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>
IRRIGATION	04/01 to 10/31	0.03 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 26, Township 08S, Range 17E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	17E	26	NWSW	1.0		1.0

Total number of acres irrigated: 1.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1999**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 2 homes and a small expresso drive-in, and does not include lawn, garden, landscape, or other types of irrigation.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation use occurring under this right shall not exceed 1/2 acre per home.

AUG 03 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08780

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

23 day of July, 1998

Karl J. Dreher

Karl J. Dreher, Director

for



200 00 50

Ident. No. 36-08780

RECEIVED
APR 17 1998
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 06 1998

Department of Water Resources

1. Name of Applicant LARRY COLLINS & T. H. BARNES Phone 324-1017
Post Office address 5720 U.S. HIGHWAY 93 JEROME, ID 83338
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____
Sec. 26 Township 08S Range 17E B.M. JEROME County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 cfs for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.03 cfs for IRRIGATION purposes from 04/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)

0.04 Amount 0.04 cfs 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)

5. Total quantity to be appropriated is (a) 0.04 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. EXISTING WELL (DRILLED UNDER PERMIT # 36-94-S-0171-000)

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. EXISTING Proposed well diameter is 6 inches; ~~proposed~~ depth of well is 483 feet.

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? 1994; Drilling firm SMITH DRILLING & PUMP CO.
Well was drilled for (well owner) T. H. BARNES

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 if KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. TWO HOMES w/LAWNS

e. Other; describe fully. COMMERCIAL - SMALL DRIVE THRU ESPRESSO

STAND (SEE ATTACHMENTS), ALSO YARD IRRIGATION FOR TWO

HOMES (1/2 ACRE EACH PER 42-111 IDAHO CODE)
*included in domestic use, see memo dated 7/17/98 cjs.

AUG 03 1998

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	
08S	17E	26										D							
" "	" "	" "										C							
" "	" "	" "										1.0							1.0

Total number of acres to be irrigated 1.0

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? T.H. BARNES

b. Who owns the land to be irrigated or place of use? T.H. BARNES & LARRY COLLINS

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

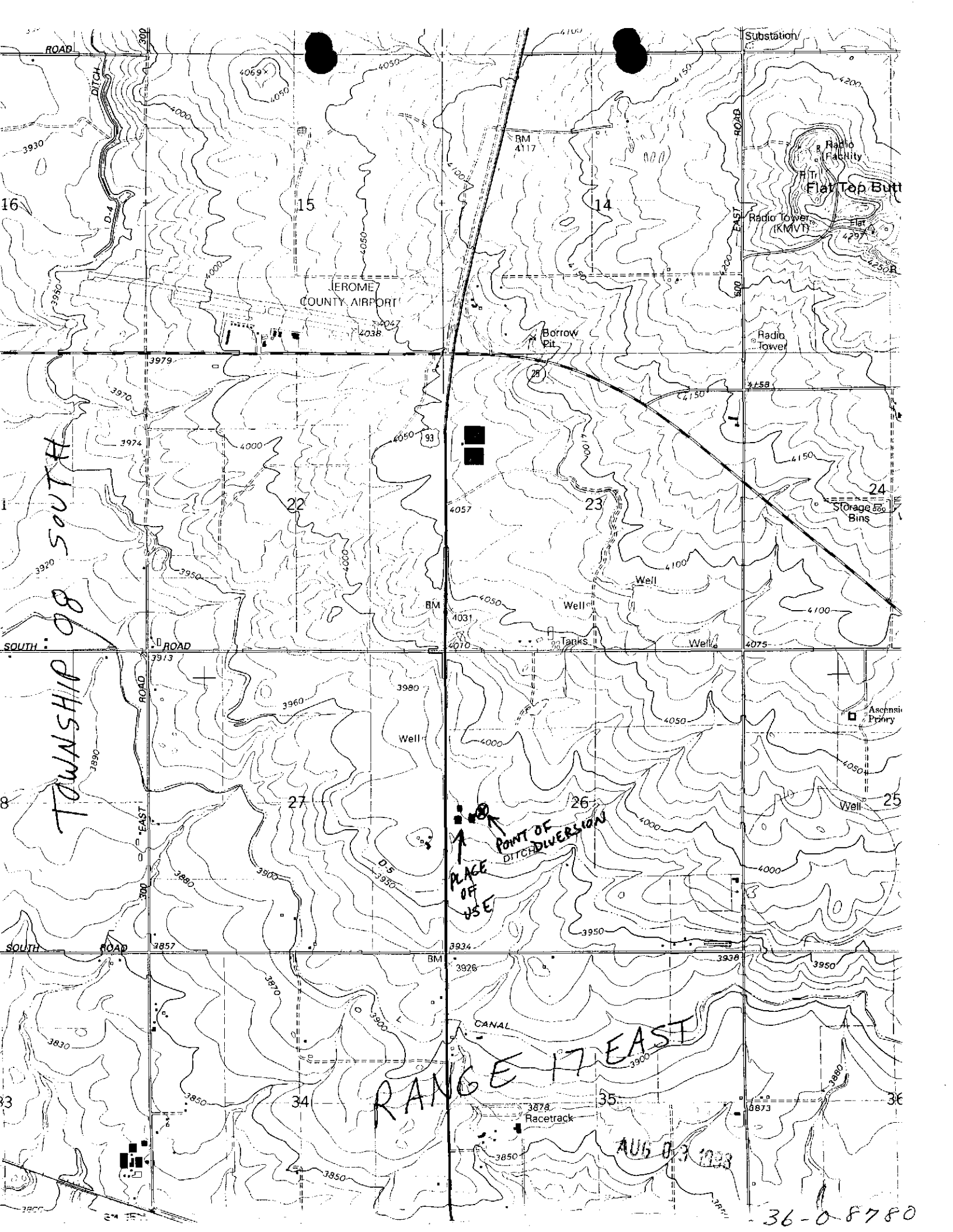
12. Remarks: _____

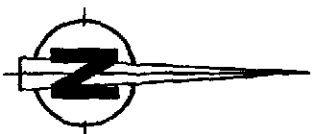
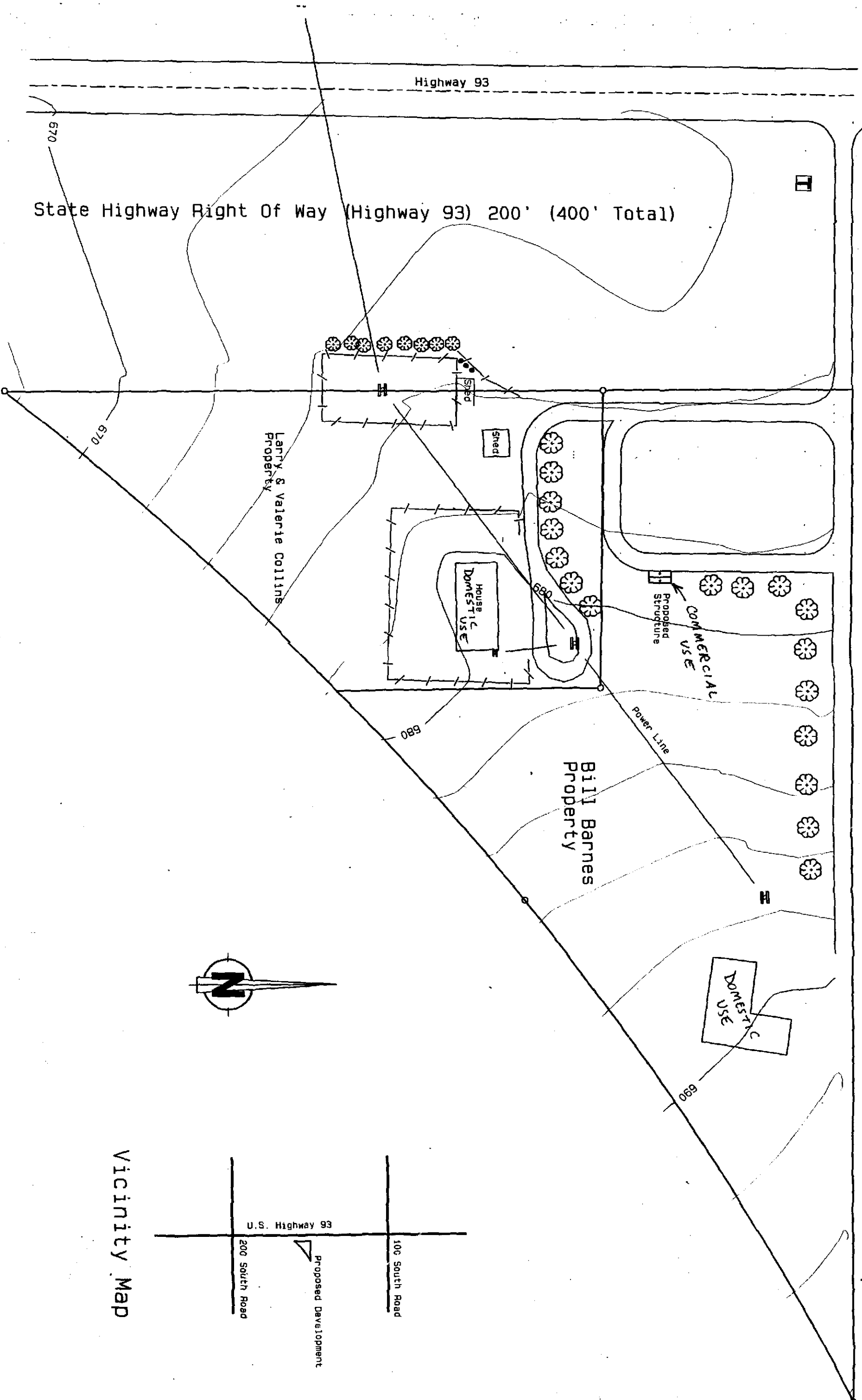
13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

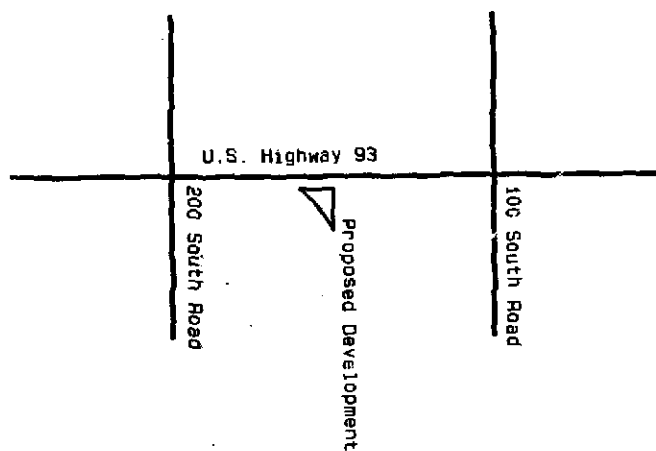

(Applicant)
(LARRY COLLINS)

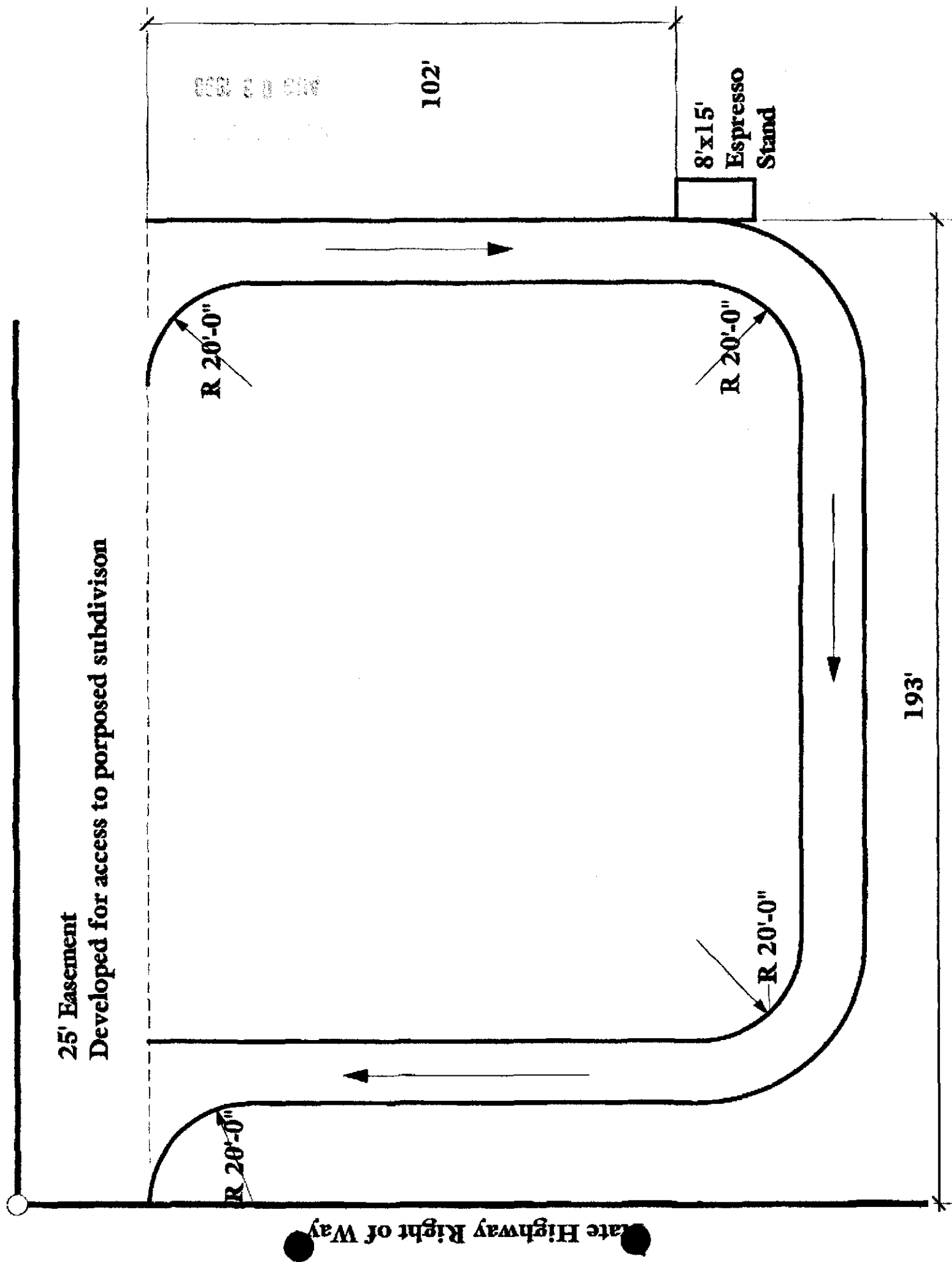
Received by C. SKINNER Date 04/17/98 Time 2:15 PM Preliminary check by C. SKINNER
Fee \$ 50.00 Received by C. SKINNER # 5021008 Date 4/17/98
Publication prepared by MB Date 5/8/98 Published in North Side News
Publication approved MB Date 6/15/98





Vicinity Map





Re: Pony Espresso Station
X-LDP-889604 30 09-BOI

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that on this 8th day of January, 1998, the **SMALL BUSINESS ADMINISTRATION**, an Agency of the U. S. Government, of the City of Boise, County of Ada, State of Idaho, the party of the first part, for and in consideration of the sum of TEN AND NO/100THS DOLLARS, and other valuable consideration, paid by **LARRY COLLINS** of 5720 U.S. HIGHWAY 93, County of Jerome, State of Idaho, the party of the second part, the receipt whereof is hereby acknowledged, does by these presents Grant, Bargain, Sell and Convey unto the said party of the second part, his heirs and assigns, the following personal property:

8' x 15' free standing log building and equipment, including, but not limited to: Brasilia Espresso Machine and Grinder, Stainless steel refrigerator, Casio cash register, sinks, hot water heater, bar stool and cabinets formerly used in the business known as Pony Espresso Station, Twin Falls, ID.

TO HAVE AND TO HOLD the same to the said party of the second part, his heirs and assigns, forever; and the said party of the first part does for its heirs, executors and administrators, covenant and agree to and with the said party of the second part, his heirs or assigns to WARRANT and DEFEND the sale of said property, goods and chattels hereby made, unto the said party of the second part, his heirs and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said party of the first part hereunto set its hands and seal the day and year first above written.

SMALL BUSINESS ADMINISTRATION

By:


Stella M. Hembree, Chief
Financial Services

Property
Lease Agreement

This Lease Agreement is entered into on this 1st day of April, 1998, between Tommy and Doris Barnes, husband and wife (hereinafter "Landlord"), at the address of 5722 U.S. Highway 93, Jerome, Idaho 83338, and Larry and Valerie Collins, husband and wife (hereinafter "Tenant"), at the address of 5720 U.S. Highway 93, Jerome, Idaho 83338.

This Lease Agreement provides the Tenant a license to use the real property described as Parcel 5555, Section 26, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho (hereinafter " the Property"), for the purpose to do the following: Operate a Drive-In Espresso Business, which will sell to drive up customers, products related to that business. This license to use the Property shall begin on April 1st, 1998 and shall terminate upon change in Tenant or Landlord. This Lease Agreement is not assignable.

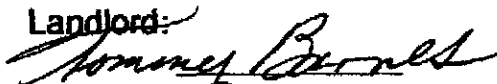
In consideration of the grant of license from Landlord to Tenant as set forth herein, Tenant agrees to pay Landlord, rent of \$100.00 each month. If Tenant fails to pay rent, Tenant's rights to use of the Property are extinguished.

Prior to the Tenant opening for the day to day operation of business, Tenant shall procure a policy of insurance, with limits of not less than \$500,000 for personal injury, \$500,000 product liability and \$50,000 for property damage, resulting from Tenant's use of and activities on the Property. Such insurance policy shall be primary, and shall name Landlord as an additional insured.

Tenant agrees to indemnify and hold Landlord harmless from all actions, claims, judgments, lawsuits and cross or counter claims, whether brought by Tenant, any persons affiliated with Tenant, or any third parties, resulting from Tenant's license and use of the Property.

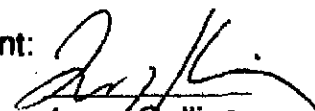
This Lease constitutes the entire agreement between the parties. Any modification or alteration, to this Lease shall, to be effective, be in writing and signed by both parties.

Landlord:


Tommy Barnes

Doris Barnes

Tenant:


Larry Collins

Valerie Collins

AUG 03 1998

36-08780

Permit No. 36-08780 Reviewed by [Signature] Date 8-23-99

TYPES OF USE

SOURCE OF WATER

☒ Ground water source

NO Copy in the file? Drilling Permit No. 36-94-S-0171-000

NO Well log in the file?

MEASURING DEVICE

NO	Required?
1	Installed?
	Waiver requested?

Date proof received	_____	_____
Date proof due	_____	-
No. of days late	_____	=
Priority Date	_____	+
New Priority Date	_____	_____

Proof Acceptance

New Address _____ Proof Made 6-4-99



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 1999

Larry Collins
T H Barnes
5720 US HWY 93
Jerome ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08780

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.

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 **SOUTHERN** Regional Office of the department in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

SEP 22 1999

April 30, 1999

T H BARNES
LARRY COLLINS
5720 US HWY 93
JEROME ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 36-08780

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 July 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

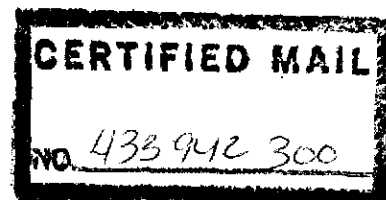
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

SEP 22 1999





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 23, 1998

T H BARNES
LARRY COLLINS
5720 US HWY 93
JEROME ID 83338

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08780

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.

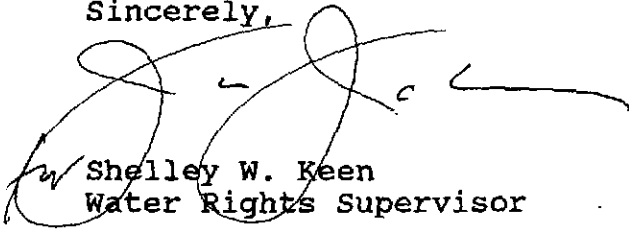
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July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

AUG 13 1998

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

Sincerely,

A handwritten signature in black ink, appearing to be "Shelley W. Keen", written over the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

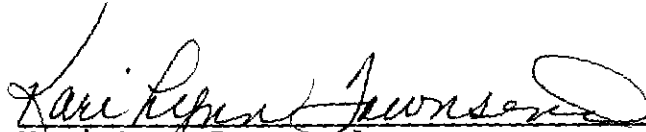
AUG 03 1988

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of July, 1998, 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. 36-08780

LARRY COLLINS
T H BARNES
5720 US HWY 93
JEROME ID 83338


Kari Lynn Townsend
Secretary

AUG 03 1998

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.

AUG 03 1997

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.

WR0749NP
No. P36-08780

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/09/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LARRY COLLINS	04/17/1998	IRRIGATION	04/01 10/31	0.030 CFS	
C	T H BARNES		DOMESTIC	01/01 12/31	0.040 CFS	
	5720 US HWY 93					
	JEROME ID 83338					
	(208) 324-1017					
				TOTAL DIVERSION:	0.040 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T08S R17E S26 MWSW JEROME County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08S	17E	26	:									01						:	1.0
																		TOTAL ACRES	1.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: JEROME

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
36-08780

Other Water Rights Listing Overlapping Place(s) of use:
36-07573 36-08780

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.

Remarks: GEN Domestic use is for 2 homes and a small expresso drive-in, and does not include lawn, garden, landscape, or other types of irrigation.
The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
The irrigation use occurring under this right shall not exceed 1/2 acre per home.

Dates: App. Received: 04/17/1998 Priority Date: 04/17/1998
Proof Due Date: 07/01/1999 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM		
		NE		NW		SW		SE		NE		NW		SW		SE				
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
P3608780	T08S R17E S26 GROUNDWATER																			
	:											01						1		
0100005	SNAKE RIVE :																			
0100016	SNAKE RIVE :																			
0100212	SNAKE RIVE :																			
A010021225	LARGE CLAI :													08			18	33 : 59		
0100213	SNAKE RIVE :																			
0100215	SNAKE RIVE :																			
0100220	SNAKE RIVE :																			
3602186	GROUNDWATE :						40	40	40	40								160		
*3602186	GROUNDWATE :						36	36	35	38								145		
A3602186	GROUNDWATE :						40	40	40	40								160		
3602187	GROUNDWATE :	40	40	40	40										40	40		240		
*3602187	GROUNDWATE :	40	40	40	40										40	40		240		
A3602187	GROUNDWATE :	40	40	40	40										40	40		240		
3607573	GROUNDWATE :										40	39	33	39			37	188		
*3607573	GROUNDWATE :										40	39	33	39			37	188		
A3607573	GROUNDWATE :										40	39	33	39			37	188		
~~3608780~~	~~GROUNDWATE :~~										~~01~~							~~1~~		
--86 MAP--	C53Q-BB 23 :	40	40	39	40		39	37	40	40		40	37	40	39		39	40	39	40 : 629

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No.: 36-8780 Name: Collins Date: 7/8/98 Ad OK? ☒ ☒ Gvmt Lts: ☒
 AREA OF CONCERN: - No/Yes: ESRP Mor / GWMA / Trust / Non-trust w/in Aquifer
 PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

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

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

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

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

- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
- WD (✓ MAP & LISTING) - R04 (WD #)
- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 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/5 acres - 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/5 acres - 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

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - (071-070) Rmk
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- 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)
- Mining - 054(req)-081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 (stream channel alteration)
- Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

- Trust - C
- Non-Trust (1) - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA
- Non-Trust (1) - 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- ① over Comm ② W03 ④ W06/2 ⑤ 071 ⑥ 070
 - 7/1 1999

MEMORANDUM

DATE: July 17, 1998
TO: File No. 36-08780
FROM: Cindy Zimmerman ^{CS}₃
SUBJECT: Commercial Use

This application proposes diversion of groundwater for 2 homes with 1/2 acre lawns each, and a small drive-in espresso stand. Documents in the file clarify water usage in the espresso shop as 4 oz. per drink, 100 drinks per day (3.1 gpd) plus clean-up of espresso machine, counter, etc. The commercial use for the espresso stand appears to be de minimus.

100-1112-1
AUG 03 1998

Larry Collins For Barnes RECEIVED

JUL 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE 04/28, 1998
APPLICATION NO. 36-08780

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 &/or volume.)
☒ County
☒ Quantity (flow &/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 signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

++++PROPOSED PRIORITY DATE
APRIL 17, 1998

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. 36-07573? (SEE ATTACHED MEMO))
☒ Overlapping point of diversion. NONE
Yes ☒ No ☐ Field check required
Field check by _____
Yes ☒ No ☐ Field report attached
Yes ☒ No ☐ Critical Ground water 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 trustwater 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 _____, 19____

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No ~~Statewide~~ Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ 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 and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest _____

☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.

☐ 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. _____

See below for additional information

Date of priority recommended 4/17, 1990

By AD Date 7/1, 1998

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 ____

ADDITIONAL INFORMATION:

JUN 1 1998 AFFIDAVIT of PUBLICATION

Department of Water Resources
Southern Region
State of Idaho } ss.
County of Jerome

Patty Rance, being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4th day of June, 1998, and the date of the last publication was on the 11th day of June, 1998.

Patty Rance
Subscribed and sworn to before me this 11th day of June, 1998.
(SEAL)

Norma De Voe
NOTARY PUBLIC

21177/7604
NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x
affidavit fee 2.25

Lines tabular at _____ 7¢/Pica
730.13 Lines straight at 43.81 6¢/Pica
230.13 Subsequent lines at 36.51 5¢/Pica
TOTAL COST 82.57
AUG 03 1998

COPY OF NOTICE (Paste Here)

Collins #36-08780
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

LARRY COLLINS &/OR
T.H. BARNES
5720 US HWY 93
JEROME ID 83338
Application for Permit No. 36-08780
Source: groundwater
Diversion Pt(s): NW1/4SW1/4, S26, T08S, R17E; Jerome County.
Use:
Domestic-two homes (0.04 cfs)
1/1-12/31
Irrigation (0.03 cfs)
4/1-10/31
Commercial (0.04 cfs)
1/1-12/31
Total Diversion: 0.04 cfs
In: irrigation of 1/2 acre per home, domestic & commercial use within NW1/4SW1/4, S26, T08S, R17E; Jerome County.
Date Filed: 4/17/98

SCOTT WALKER &/OR
BARBARA WALKER
600 S FILLMORE #18
JEROME ID 83338
Application for Permit No. 36-08781
Source: groundwater
Diversion Pt(s): NE1/4SE1/4, S32, T08S, R16E; Jerome County.
Use: Domestic (0.04 cfs) 1/1-12/31
irrigation (0.02 cfs) 4/1-10/31
Total Diversion: 0.04 cfs
In: Domestic & irrigation of 1/2 acre within NE1/4SE1/4, S32, T08S, R16E; Jerome County.
Date Filed: 4/24/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before June 22, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 11, 1998
21

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN North Side News
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

AUG 03 1998

**NOTICE OF APPLICATIONS FOR
WATER PERMIT**

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filed to appropriate the public waters of
the State of Idaho:

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T.H. BARNES

5720 US HWY 93

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1/1-12/31

Irrigation (0.03 cfs)

4/1-10/31

Commercial (0.04 cfs)

1/1-12/31

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domestic & commercial use within
NW1/4SW1/4, S26, T08S, R17E;
Jerome County.

Date Filed: 4/17/98

SCOTT WALKER &/OR

BARBARA WALKER

600 S FILLMORE #18

JEROME ID 83338

Application for Permit No. 36-08781

Source: groundwater

Diversion Pt(s): NE1/4SE1/4, S32,
T08S, R16E; Jerome County.

Use: Domestic (0.04 cfs) 1/1-12/31
irrigation (0.02 cfs) 4/1-10/31

Total Diversion: 0.04 cfs

In: Domestic & irrigation of 1/2 acre
within NE1/4SE1/4, S32, T08S, R16E;
Jerome County.

Date Filed: 4/24/98

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application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301
together with a protest fee of \$25.00 on
or before June 22, 1998 to be
considered by the Department in its
decision to grant or deny any part of
the proposed application(s). The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the North Side News on
06/03 & 06/10/98.

6/4 & 6/11/98

AUG 03 1998

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

LARRY COLLINS &/OR
T.H. BARNES
5720 US HWY 93
JEROME ID 83338

Application for Permit No. 36-08780

Source: groundwater

Diversion Pt(s): NW1/4SW1/4, S26, T08S, R17E; Jerome County.

Use:		
Domestic-two homes	(0.04 cfs)	1/1-12/31
Irrigation	(0.03 cfs)	4/1-10/31
Commercial	(0.04 cfs)	1/1-12/31

Total Diversion: 0.04 cfs

In: irrigation of 1/2 acre per home, domestic & commercial use within NW1/4SW1/4, S26, T08S, R17E; Jerome County.

Date Filed: 4/17/98

SCOTT WALKER &/OR
BARBARA WALKER
600 S FILLMORE #18
JEROME ID 83338

Application for Permit No. 36-08781

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Karl J. Dreher, Director

Published in the North Side News on 06/03 & 06/10/98.

6/4 + 6/11/98

AUG 03 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY COLLINS &/OR
T.H. BARNES
5720 US HWY 93
JEROME ID 83338

Re: Application for Permit No. 36-08780

Dear Applicants:

We regret to inform you that the legal advertising of your application in the North Side News was not published as anticipated.

Publication has been re-scheduled for 06/03 & 06/10/98; the last date for the timely submittal of protests is June 22, 1998.

We apologize for any inconvenience this delay may have caused you. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Sincerely,

Mary A. Baldwin
Senior Secretary

MB

AUG 03 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY COLLINS &/OR
T.H. BARNES
5720 US HWY 93
JEROME ID 83338

Re: Application for Permit No. 36-08780

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the North Side News for 05/20 & 05/27/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an 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.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

AUG 03 1998

Drive Thru Espresso Project Profile

Overview : It has been our dream and desire over the past five years to place into operation a Drive Thru Espresso Business on property located between Jerome and Twin Falls which borders Highway 93. On January 8th, 1998 at a auction held by the Small Business Administration we purchased a Prefabricated Log Building and Espresso Equipment to make this dream a reality.

Products : This Drive Thru Business would sell Espresso Drinks, Granitas and other fruit, Milk and Coffee Drinks as well as Pastry and other snack items. In addition Whole Bean Coffee for home use will be available. It is also our goal to offer local seasonal agricultural products.

Principles : Pixie was born and raised in Jerome. Pixie and Larry Collins returned to Jerome in 1993 after living and working in Yakima, Washington for eight years. Pixie works at the Jerome Post Office and Larry works at Oops City Market in Jerome. On our return in 1993 we started a home based Office Coffee Distribution business called Bosky's Best Brew. We operated this business until June of 1997 when Larry was called away to a consulting position in Seattle, Washington. Pixie worked in the Banking Industry for seven years and worked for Horizon Air for two years. She has worked for the U S Post Office since 1991. Larry has spent the past twenty years working in the Vending and Coffee Distribution Industry. We plan to live out the rest of our lives in Jerome County.

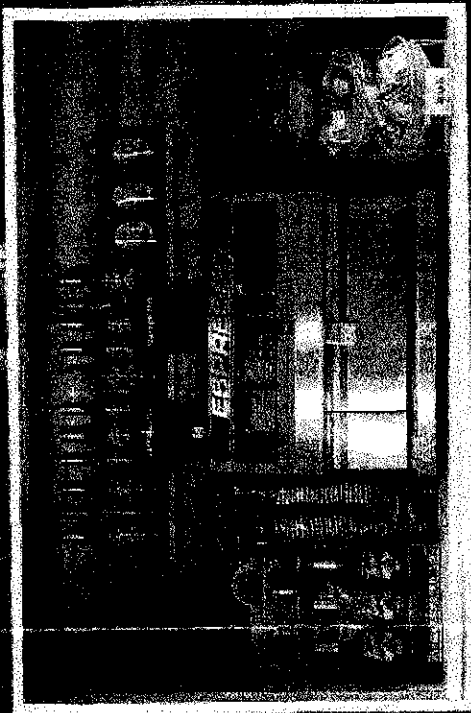
MICROFILMED

AUG 03 1998

water for this drive-by espresso unit will be as follows ---
each day we will use about 100 gal of water
Espresso drinks take only a 4oz. shot of water for
each drink we do not expect over 100 customers
a day the main use for water will be clean up
of the operation. *[Signature]*

36-08780

Specialty Products



Complete "Turn Key" Espresso
Drive Thru Package
Unique "Real Logo" Construction
Gives Visibility And Identity.
Built Like A Fortress For
Maximum Security And
Durability.

☆ Perfectly designed to tolerate the
extremes of desert heat and moun-
tainous snow loads.

☆ Ready To Hook To Power And Drain
For Business.

☆ The Most Versatile Modular Con-
cession Building Is
Available Now!

☆ Perfect For Selling Espresso Coffee,
Granita, Italian Sausages, Shave
Ice... Put Name It!

☆ High Quality, All NSF Approved
Appliances And Fixtures.

☆ Meets All Code Requirements For
Restaurants And
Concession Stands.

☆ Portable, "Skidsteer" Design
Functional and Comfortable.

It's A Fun Place To Work!



MEMORANDUM

TO: Larry Collins &/or T.H. Barnes Application for Permit File
FROM: Corey Skinner *CS*
DATE: April 30, 1998
SUBJECT: Staff Review

The enclosed application for permit, filed by Larry Collins &/or T.H. Barnes, seeks to develop a ground water right for two homes and a small business. The proposed uses consist of domestic and irrigation (for the two homes) and commercial (for the small business).

Water is proposed to be diverted from an existing well, drilled for T.H. Barnes under drilling permit 36-94-S-0171-000. One of the homes is owned by T.H. Barnes and the other home is owned by Larry Collins. Mr. Collins plans on running a small business next to his home that will be served by the same well. The business consists of a small espresso stand (8' x 15' building). Mr. Collins says that the water use at this business should be minimal since the only water that will be used will be the water to make the drinks and clean up of the operation (washing glasses, etc.). Mr. Collins has provided some information (enclosed) detailing his proposed business and facility. He said that an adjoining property owner is considering developing a golfcourse in the future. Mr. Collins said that he is hoping to someday have up to 100 customers per day at his business.

It appears that the proposed application can probably be approved as long as the appropriate approval conditions (relating to 42-111) are implemented. Any commercial water use at the espresso stand should be minimal, and should fall well below the limitations of 42-111.

About the only possible item that may need clarified relates to a possible overlapping water right. A search of the department's database revealed that irrigation water right 36-07573 has been decreed in the SRBA for 39.0 acres of irrigation in the NWSW $\frac{1}{4}$ of Section 26 (T08S, R17E), as originally licensed. This particular forty acre tract is the location of the place of use for the enclosed application for permit. This forty acre tract borders Highway 93, so there is probably less than the 40 acres of the tract that are capable of being irrigated. Examination of the NAPP photos on the GIS program, reveals that there is a "dry looking" pivot corner in the NWSW $\frac{1}{4}$. This pivot corner corresponds to the location of the place of use described on the enclosed application for permit. There more than likely is no actual overlap between 36-07573 and the enclosed application, even though the records indicate that a potential overlap may exist.

Handwritten:
AUG 4 1998

36-08780



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 17, 1998

Larry Collins
5720 US Highway 93
Jerome, ID 83338

Dear Mr. Collins:

This letter is to acknowledge that our office has received an application for a water right permit (copy enclosed) filed in the name of Larry Collins &/or T.H. Barnes. This application was filed to develop a water right for domestic use for two homes and commercial use for the small "drive-thru espresso stand" that you propose to operate. This application proposes to divert water from the existing well that currently serves the two homes located in the NWSW $\frac{1}{4}$ of Section 26 (T08S, R17E).

Our office will begin processing this application, and will keep you informed of all developments regarding this application. If you have any questions, feel free to contact this office at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosure

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FINDING OF FACTS AND CONCLUSIONS OF LAW OF JEROME COUNTY PLANNING AND ZONING COMMISSION OF JEROME COUNTY, IDAHO, REGARDING THE request by Larry Collins to Amend the Jerome County Zoning Ordinance Text Chart 5-12 by adding S in the Drive-In Establishments A-1 Agriculture column indicating a Special Use Permit is necessary in the A-1 Agriculture Zone to operate a Drive-In Establishment.

THE JEROME COUNTY PLANNING AND ZONING COMMISSION OF JEROME COUNTY, STATE OF IDAHO, after due deliberation and consideration, HEREBY FINDS AS FOLLOWS:

1. The provisions of Chapter 21 of the Jerome County Zoning Ordinance (JCZO) and title 67, Chapter 65 of the Idaho Code have been compiled with, to wit:
 - A. All due and legal application/petitions have been made.
 - B. All due and legal notices have been given.
 - C. All due and legal hearings have been held.
2. In a public hearing held in accordance with all legal requirements on February 23, 1998, before the Planning and Zoning Commission at the Jerome County Courthouse, located in Jerome, Idaho, an opportunity was given to interested parties to express their views concerning the above named application.

THE JEROME COUNTY PLANNING AND ZONING COMMISSION MAKES ITS RECOMMENDATION:

WHEREAS: Larry Collins was sworn in and presented his request. He and his wife have purchased the Pony Espresso Station, an

AUG 03 1998

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8' x 15' building, and wish to put it between Jerome and Twin Falls on the Highway on property between the Golf Course South of his property and Marshall's two acres which are commercial. The only way to do it was to request a text change. If this request is approved, he will come back for a Special Use Permit.

WHEREAS: Art Brown was sworn in and presented the Affidavit of Publication. He also explained that the Amendment was requested rather than a Rezone since the Commission recommends that instead of spot zoning.

WHEREAS: Larry Collins testified further his property would not be an eyesore and that he would have nice trees and other items for landscaping.

WHEREAS: There was no further testimony in favor, opposition or uncommitted.

NOW THEREFORE BE IT RESOLVED: That the Jerome County Planning and Zoning Commission recommends to the Jerome County Commissioners approval of the request.

DATED THIS 23RD DAY OF FEBRUARY, 1998, AND SIGNED THIS 24 DAY OF February, 1998.

SIGNED

Earl Reed
EARL REED, CHAIRMAN

SIGNED

Arthur Roy Brown
ARTHUR ROY BROWN, P&Z ADMINISTRATOR

ATTEST:

Yvette Le Mon
YVETTE LE MON

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