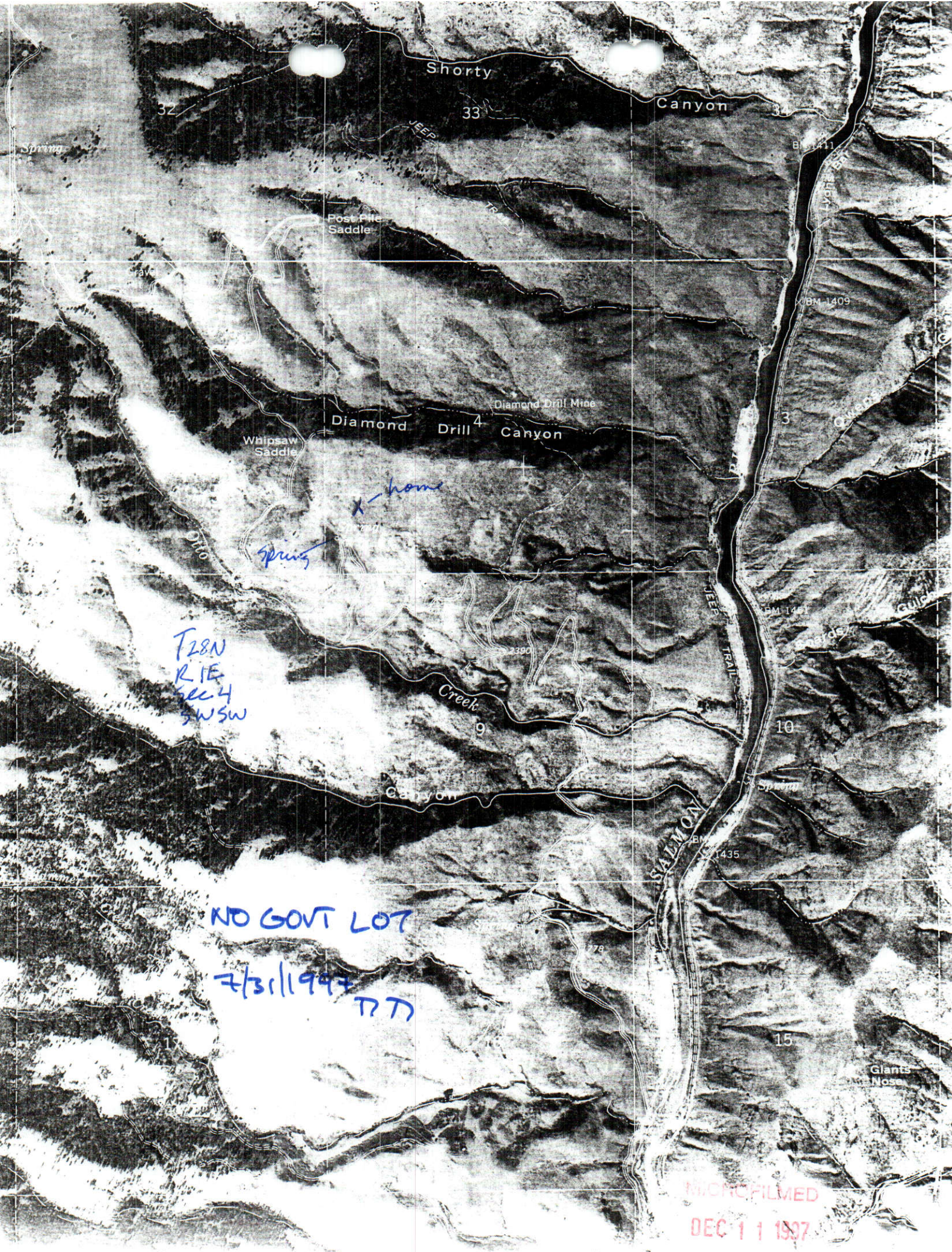
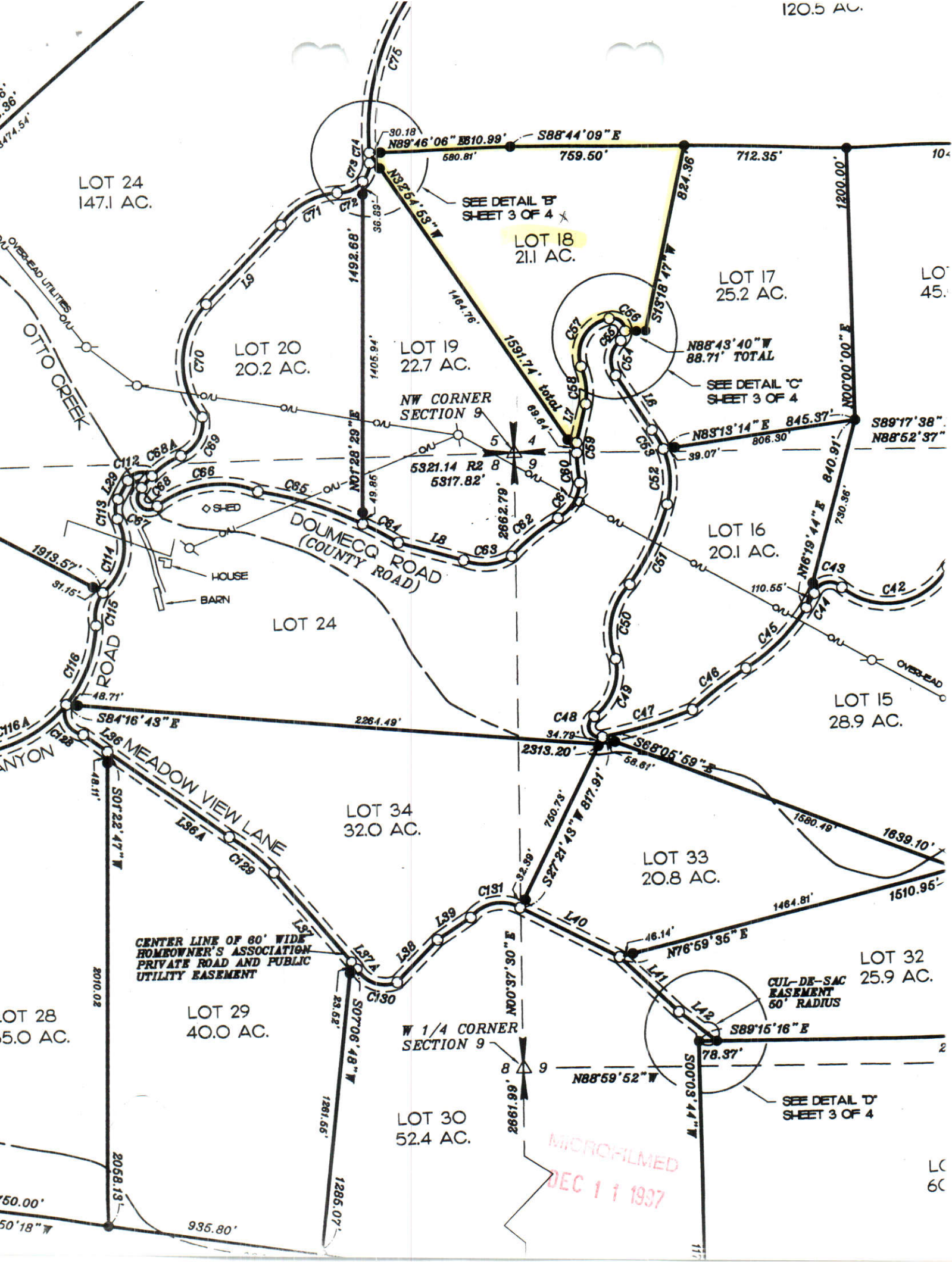




T28N
R1E
Sec 4
SWSW

NO GOVT LOT
7/31/1997
TTT

MICROFILMED
DEC 11 1997



120.5 AC.

LOT 24
147.1 AC.

LOT 18
21.1 AC.

LOT 17
25.2 AC.

LOT 20
20.2 AC.

LOT 19
22.7 AC.

LOT 16
20.1 AC.

LOT 15
28.9 AC.

LOT 34
32.0 AC.

LOT 33
20.8 AC.

LOT 32
25.9 AC.

LOT 29
40.0 AC.

LOT 30
52.4 AC.

LOT 28
5.0 AC.

SEE DETAIL 'B'
SHEET 3 OF 4

SEE DETAIL 'C'
SHEET 3 OF 4

SEE DETAIL 'D'
SHEET 3 OF 4

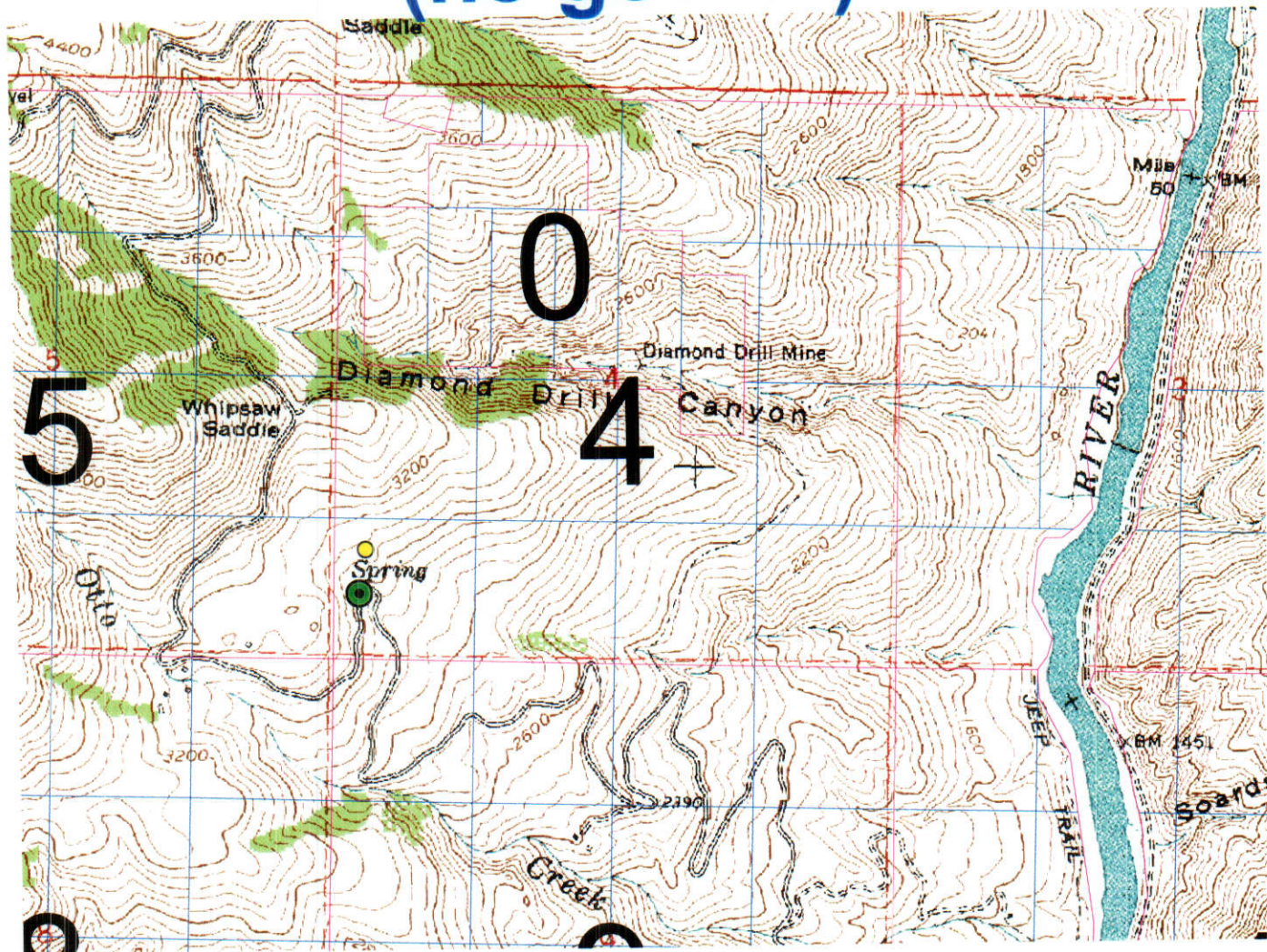
CENTER LINE OF 80' WIDE
HOMEOWNER'S ASSOCIATION
PRIVATE ROAD AND PUBLIC
UTILITY EASEMENT

W 1/4 CORNER
SECTION 9

MICROFILMED
DEC 11 1937

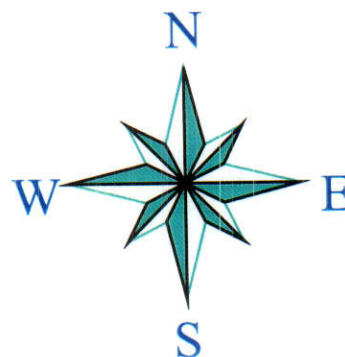
LC
6C

79-7257
T28N R1E S4
(no gov lts)



- P/U
- P/D
- Sections
- 1/41/4

MICROFILMED
OCT 04 2002



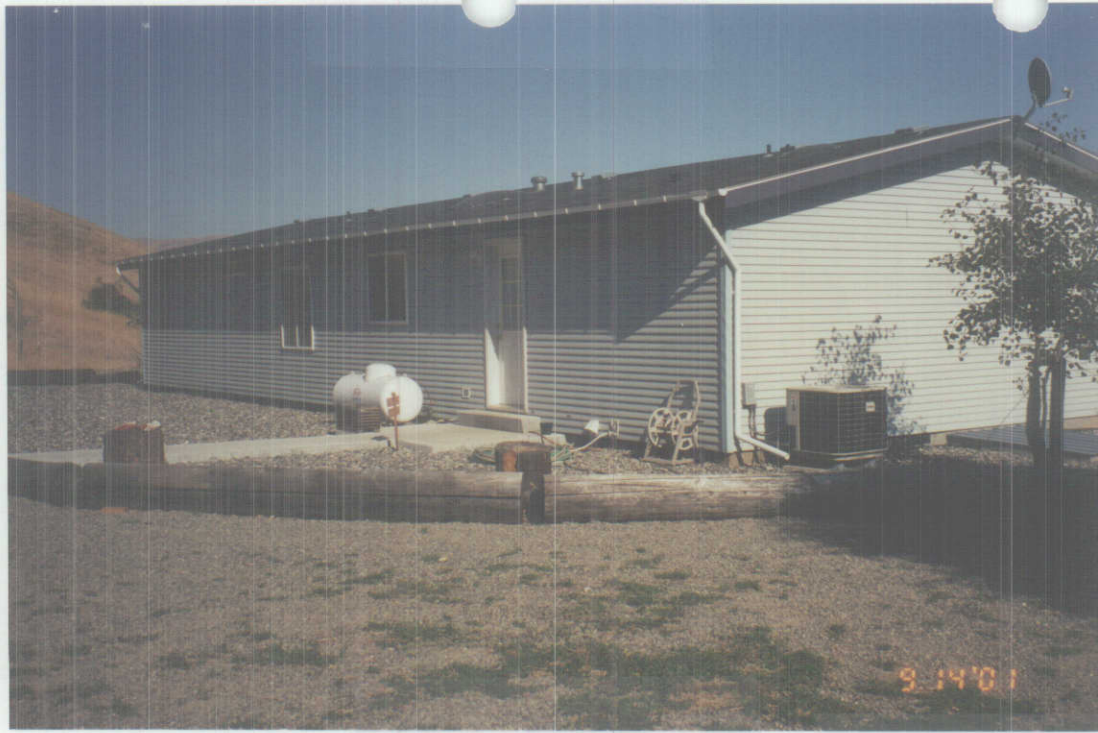


P/D
1200 gal
buried
system



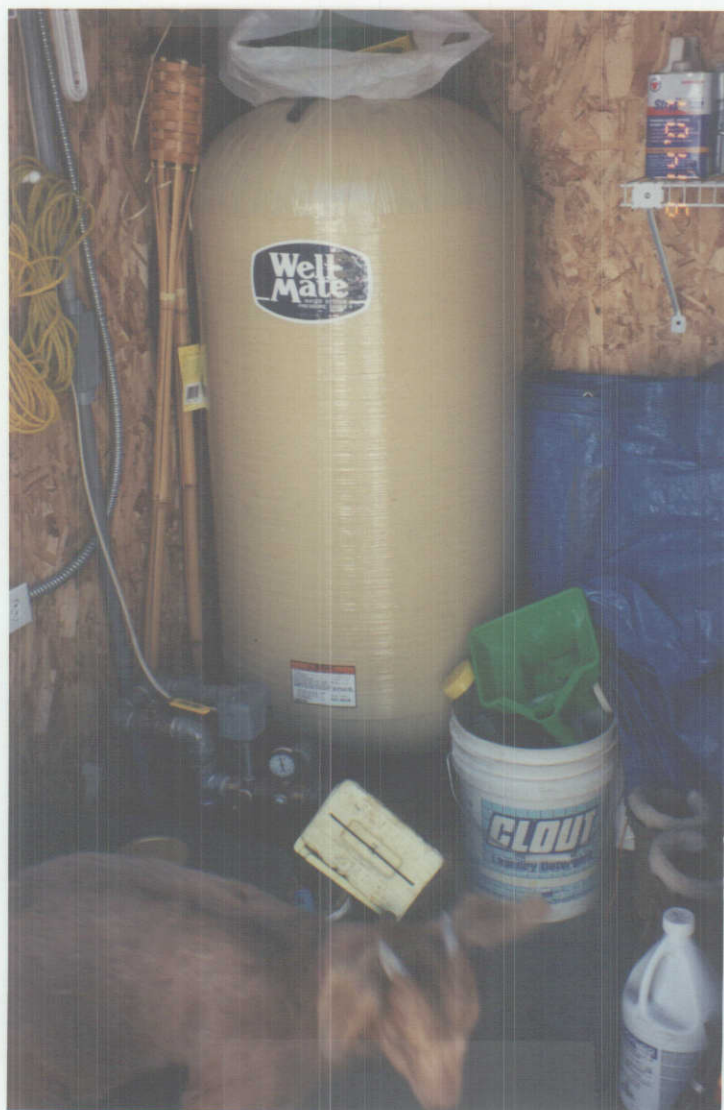
overflow
stock tank

MICROFILMED
OCT 04 2002



- P/4

80 gal
pressure
Tank



MICROFILMED
OCT 04 2002

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

79-07257 ✓ *ST*

ZBINDEN, LARRY
ZBINDEN, NOELIA
5253 S 5120 W
KEARNS, UT 84118
Source: SPRING Tributary: SINKS
Diversion Pt: SWSWSW Sec 4 T 28N R 01E
in IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 7/10/1997
In: IDAHO County
T28N 01E S04 SWSW

Permits will be subject to all prior water
rights. Protests may be submitted based on
the criteria of Sec. 42-2034A, Idaho Code.
Any protest against the approval of this ap-
plication must be filed with the Director,
Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 on or be-
fore AUGUST 25, 1997. The protestant must
also send a copy of the protest to the appli-
cant.

KARL J. DREHER, Director

Published: 8/6/1997 & 8/13/1997

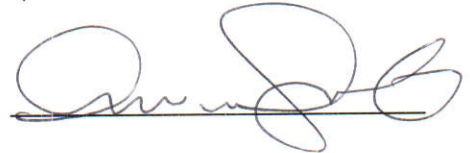
A6-13

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

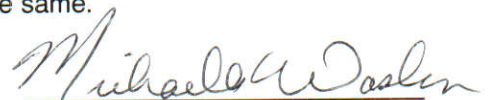
Andrew J. McNab , being first duly sworn, says he
is the Publisher of the IDAHO COUNTY FREE PRESS, a week-
ly newspaper published and issued weekly at Grangeville, Idaho
County, State of Idaho, and is of general circulation in said coun-
ty and state, that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being
on the 6th day of August , 1997; and the last publication
on the 13th day of August , 1997; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of seventy-eight consec-
utive weeks prior to the publication of said notice of advertise-
ment.



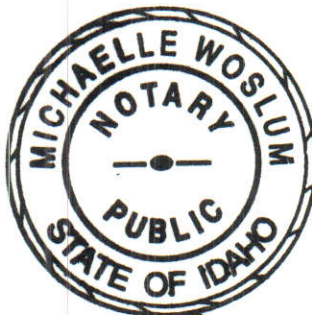
STATE OF IDAHO)

COUNTY OF)

On this 13th day of August in the year of 1997, before me a
Notary Public personally appeared Andrew J. McNab ,
known or identified to me to be the person whose name sub-
scribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledged
to me that he executed the same.



Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002



MICROFILMED
DEC 11 1997

RECEIVED

AUG 21 1997

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 79-07257

Priority: July 10, 1997

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that LARRY ZBINDEN And/Or NOELIA ZBINDEN
PO BOX 8
WHITE BIRD ID 83554 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 10, 1997; and have
submitted Proof of Beneficial Use on September 07, 1999. An examination indicates that the works
have a diversion capacity of 0.04 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.04 CFS

**ANNUAL
DIVERSION VOLUME**

0.6 AF

LOCATION OF POINT OF DIVERSION:

SPRING SW¼SW¼SW¼ Sec. 4, Twp 28N, Rge 01E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	01E	4																	X

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home, trees and shrubs, and does not include lawn, garden, or other types of irrigation.
2. Point of diversion and place of use are located within Lot 18, Twin River Ranch, Phase II.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 24TH day of April, 2002.

MICROFILMED

OCT 04 2002

Acting for

KARL J. DREHER
Director

RECEIVED

SEP 07 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C046486
Receipt By: KL
Date Received: 9/7/99

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. 79-02257 Telephone No. 208-839-2628

2. Name(s) of Permit Holder(s): Larry E. Zbinden

3. Mailing Address: P.O. Box 8 White Bird, ID 83554

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

a. Well Driller: ____ Drilling Permit Number: ____ - ____ - ____ - ____

b. OPTIONAL:
Pump Horsepower: 1/2 Pressure (psi): 55 Dynamic pumping level (ft): ____

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

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

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

6. Total rate of diversion and/or volume for which proof is submitted: 2 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: \$ 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: Larry E. Zbinden Telephone Number: 839-2628

Address: PO Box 8 White Bird, ID 83554

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: Larry E. Zbinden MICROFILMED 9/1/99
(include your title, if on behalf of company or organization)

JAN 31 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 79-07257

Proposed Priority: July 10, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that LARRY ZBINDEN
NOELIA ZBINDEN
5253 S 5120 W
KEARNS UT 84118

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSWSW , Sec. 4, Township 28N, Range 01E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

28N 01E 4

SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1999.
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. Point of diversion and place of use are located within Lot 18, Twin River Ranch, Phase II.
5. Domestic use is for 1 home.

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

3rd day of October, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

RECORDED

DEC 11 1997

Ident. No. 79-07257

RECEIVED

SEP 24 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: LARRY ZBINDEN 801-967-1006
Address: 5253 S 5120 W
KEARNS UT 84118
AND/OR
Name: NOELIA ZBINDEN 801-967-1006
Address: 5253 S 5120 W
KEARNS UT 84118

2. Source: SPRING Trib. to: SINKS
3. Location of Point of Diversion: SWSWSW Sec. 4, Township 28N, Range 01E
IDAHO County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
DOMESTIC	01/01	12/31	0.040		

5. Total quantity to be appropriated is:
0.040 CFS (and/or) AF

6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc.
PIPE, TANK, PUMP
 - 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. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

DEC 1 1997

8. Place of Use: DOMESTIC

TWN RGE SEC
28N 01E 4 SWSW

9. 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.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [✓]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Larry C. Zander
Applicant

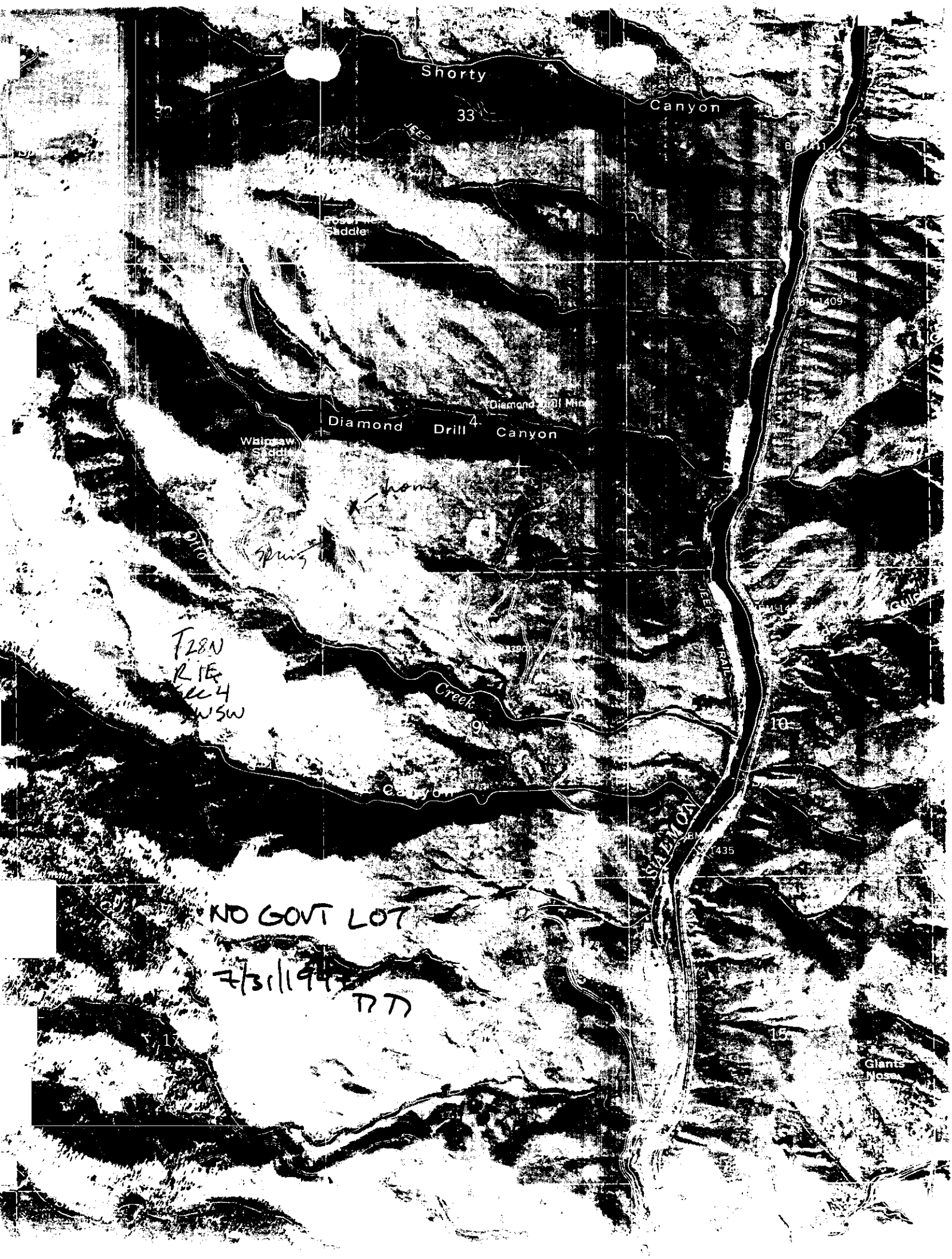
Received by Lg Date 7/10/97 Time 9:30A Preliminary check by _____

Fee \$ 50.00 Receipted by Lg #W022764 Date 7/10/1997

Publication prepared by St Date 7-30-97 Published in Idaho City Free Press

Publication approved St Date 8-25-97

REC 11 1997



Shorty

Canyon

33

Roseman Saddle

Diamond Drill Canyon

Diamond Drill Mine

Walpaw Saddle

Spring

Creek

Canyon

10

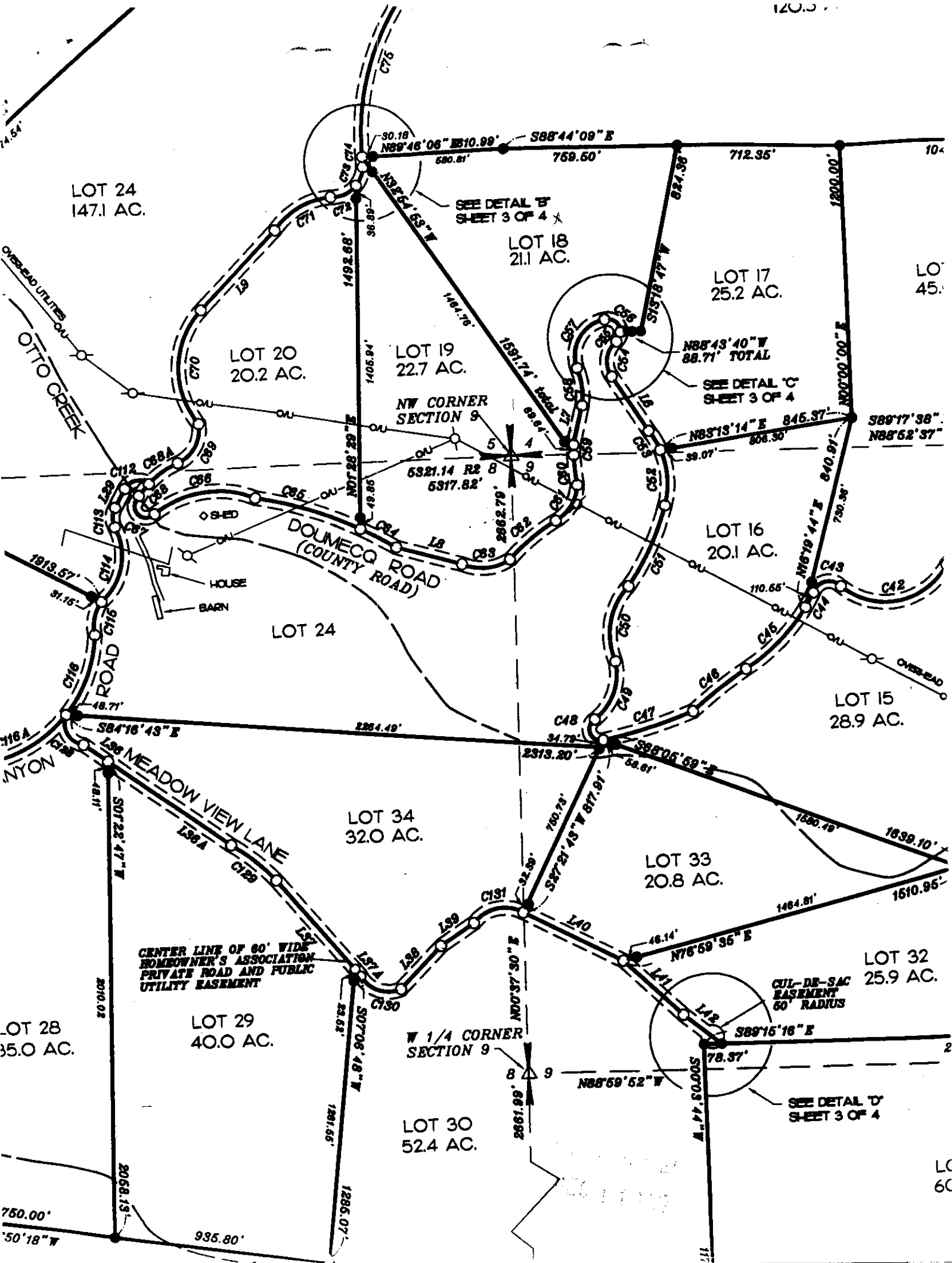
1435

NO GOVT LOT

7/31/94

T77

Giants Nose





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

April 25, 2002

LARRY ZBINDEN
NOELIA ZBINDEN
PO BOX 8
WHITE BIRD ID 83554

RE: License No. 79-7257 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

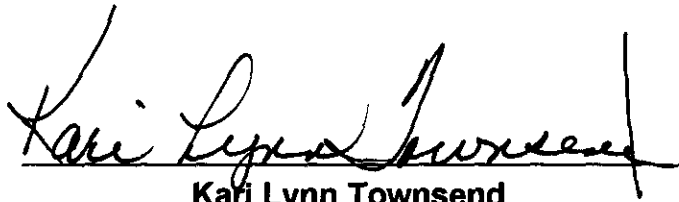
OCT 04 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 79-7257

**LARRY ZBINDEN
NOELIA ZBINDEN
PO BOX 8
WHITE BIRD ID 83554**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MAILED
OCT 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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.

LICENSE REVIEW CHECKLIST

Permit No. 79-7257 Date: 4-22-02 Reviewer: Kay Walker

Change/OK

Name/Address ok

Source ok

Point of Diversion: ok

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): _____

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.04 cfs

Fee Limit 0.20 cfs

Measured 0.04 cfs

Theoretical 0.04 cfs

Recommended Total Diversion Rate 0.04

Water Uses ok

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 0.04 cfs 0.1 af
_____ cfs _____ af
_____ cfs _____ af
Total 0.04 cfs 0.1 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/WB5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: W59/W60, WB5-special

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? _____

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT - 2 2001
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 79-7257

1. Owner: Noelia and Larry Zbinden Phone No. 839-2628

Current Address: PO Box 8, Whitebird ID 83554

2. Accompanied by: Noelia and Larry EXAM DATE : 9/14/01

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: Possibly 79-12603

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SW	SW	4	28N	1E	Idaho	GPS, Topo, Field Exam

2. Place(s) of Use:

Indicate Method of Determination same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													D						

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OCT 14 2002

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED PHOTOS

Y Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N Aerial Photo Attached (required for irrigation of 10+ acres).

Y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		1/2	Submerged		

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Theoretical

E. NARRATIVE/REMARKS/COMMENTS

Spring water is captured in a 1200 gallon buried sitem equipped with a 1/2 hp submersible pump, which supplies water to one home via 1.5" buried PVC pipe. The water is lifted from the sitem ~70' vertical to a 80 gallon pressure tank at the house. The house is a doublewide trailer. External domestic use consists of trees and shrubs, but no lawn.

Statutory claim 79-4406 also lists a spring for stockwater in the SWSW, but was not claimed in the SRBA. SRBA claim 79-12603 was claimed by BLM for stockwater and wildlife use in the SWSW. The spring area is fenced, but does consist of an overflow tank for possible stockwater use.

P/U aka Lot 18, Twin River Ranch, Phase II.

MICROFILMED

OCT 04 2002

Have conditions of permit approval been met? x yes no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$\frac{1}{2} \text{ hp} \times 8.8 \times .7 = 3.08 = .04 \text{ cfs}$$

$$70 + 5 \times 2.31 = 81.55$$

HP per Owner

Lift per topo

PSI per open discharge system

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

Internal/External Domestic Use: 1.2 afa

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Domestic	1/1	12/31	.04	1.2
TOTAL			.04 cfs	1.2 afa

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Lori Graves –Senior Agent

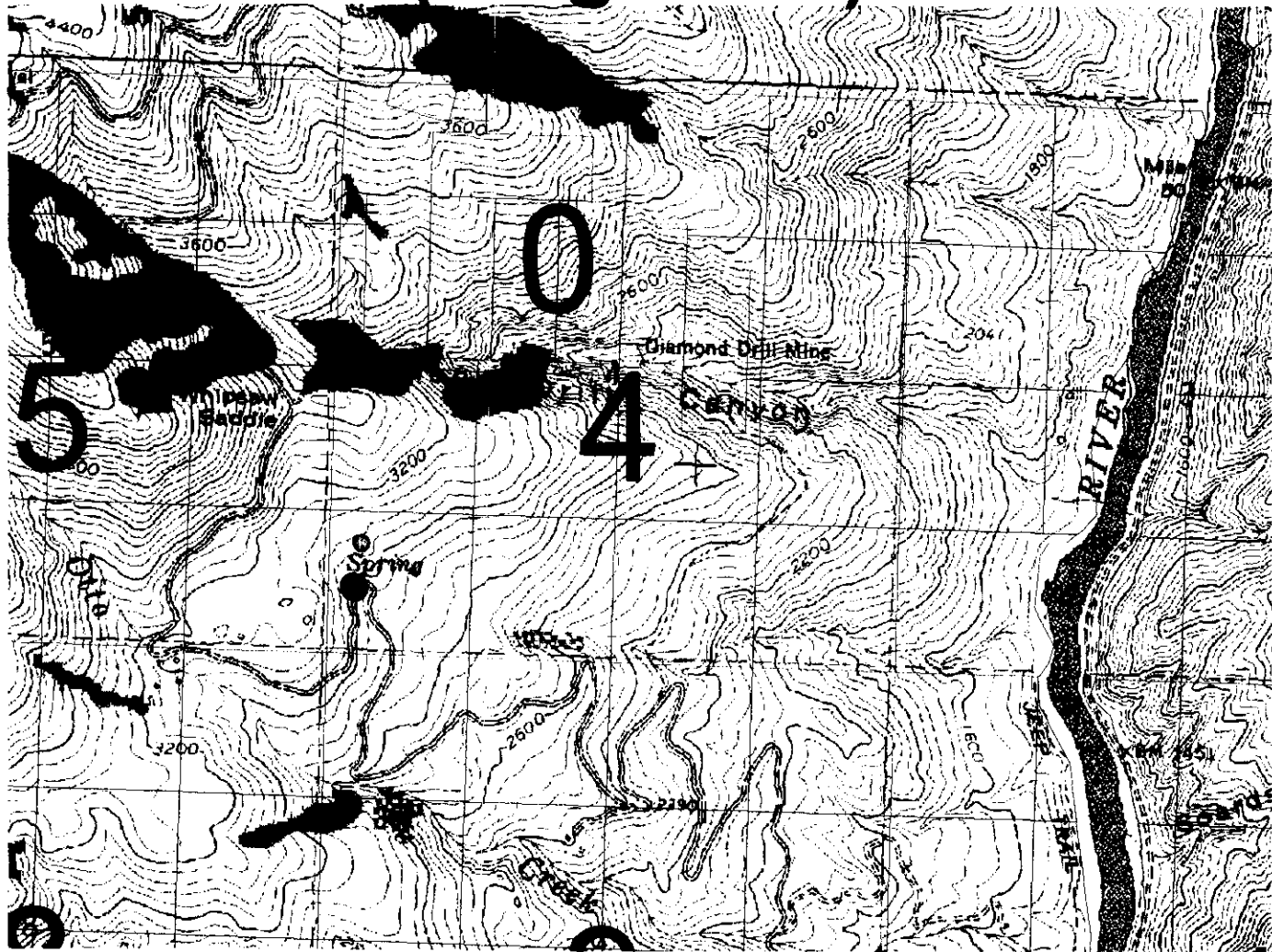
Field Examiner's Name Lori Graves Date 9/21/01

Reviewer _____ Date _____

MICROFILMED
OCT 04 2002

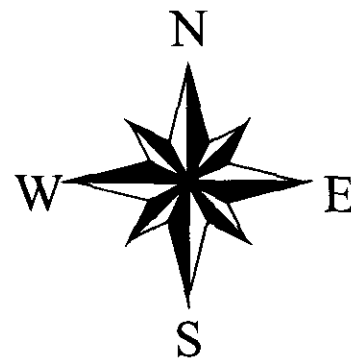
SEAL

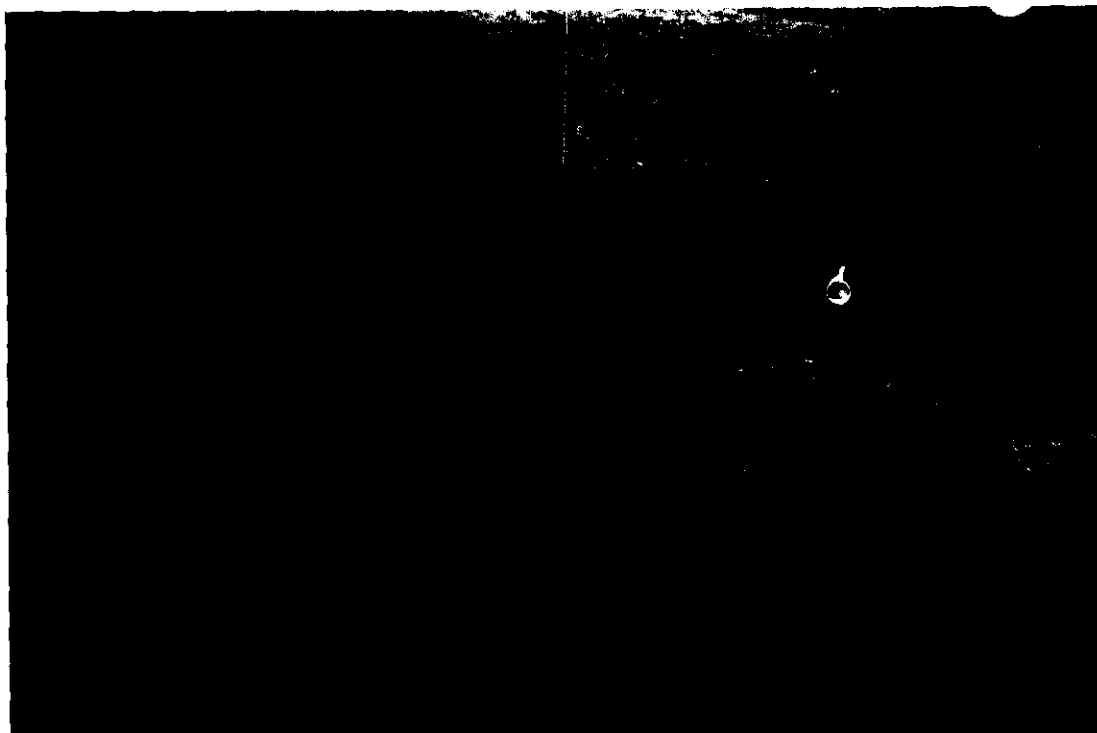
79-7257
T28N R1E S4
(no gov lts)



- P/U
- P/D
- Sections
- 1/41/4

MICROFILMED
OCT 04 2002





P/D
1200 gal
buried
sister



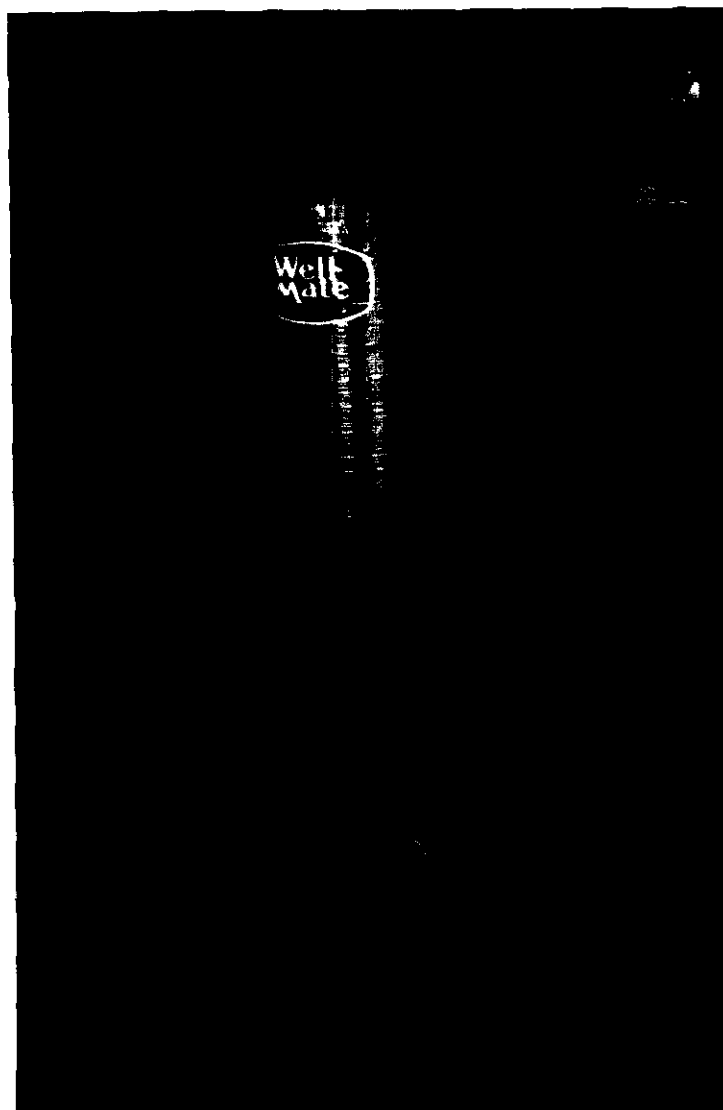
overflow
stock tank

MICROFILMED
OCT 04 2002



- P/4

80 gal
pressure
Tank



MICROFILMED

OCT 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet
Beneficial Use Field Report

OCT - 2 2001

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copy of Proof of Beneficial Use
- ☒ Copies of any Amendments/Orders with Conditions of Approval
- ☒ Well Inspection Form (If Needed)
- ☒ Aerial Photo Required? ☐ yes ☒ no If yes: ☐ copy attached
- ☒ SRBA Claim Required (required if proof filed by 11-19-1987)
☐ Yes ☒ No If yes: ☐ claim filed? (check AJ5, AJQ1, AJQ4)
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of government plat *None*
- ☒ Check of P/D index *RDH 8-4-00* (initial & date)
Overlap ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?*
- Type of Overlap: ☐ Same source ☐ Other source
- ☒ Check of P/U index *RDH 8-4-00* (initial & date)
Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?*
- Type of Overlap: ☐ Same land, same source
☐ Same land, other source
☐ Other land &/or other uses

*copies attached only if needed for analysis

N/A Irrigation from groundwater (all basins):

Surface water currently or previously used ☐ Yes ☐ No

If yes: identify water source, water right, and explain current or previous use.

N/A Scheduling Letter Sent? ☐ (initial & date)

☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use

C. Review and Processing:

Exam Completed *by 9/21/01* (signature of examiner & date)

Exam Sent to State Office *10-1-01* (initial & date)



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

January 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY E ZBINDEN
PO BOX 8
WHITE BIRD ID 83554

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-07257

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 **WESTERN** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

JAN 31 2000

July 31, 1999

LARRY ZBINDEN
NOELIA ZBINDEN
5253 S 5120 W
KEARNS UT 84118

PROOF DUE NOTICE

RE: PERMIT NO. 79-07257

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 October 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.

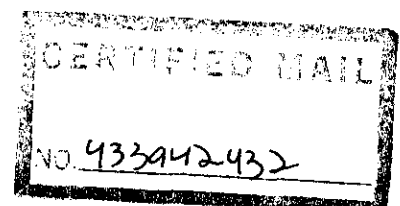
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JAN 31 2000



ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 79-7257 Reviewed by VJS Date 1-13-00

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

No Address same as permit?

yes Proof timely received?

Correct Uses? _____

If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No. _____

 Amount paid for permit

 Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

yes Required?

50 Amount Submitted

yes Correct?

MEASURING DEVICE

NO Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received _____

Date proof due _____ - _____

No. of days late _____ = _____

Priority Date _____ + _____

New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

OK - ocku proof

DATA ENTRY

New Address P.O. Box 8
Whitebird, MI 48354

Proof Made 9-7-99



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 3, 1997

LARRY ZBINDEN
NOELIA ZBINDEN
5253 S 5120 W
KEARNS UT 84118

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07257

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.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

FILED

1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

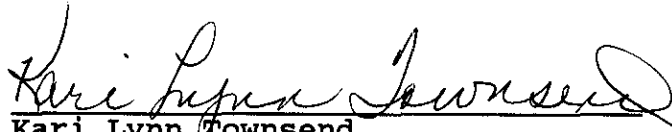
DEC 11 1987

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of October, 1997, 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. 79-07257

LARRY ZBINDEN
NOELIA ZBINDEN
5253 S 5120 W
KEARNS UT 84118


Kari Lynn Townsend
Secretary

DEC 11 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
SEP 24 1997
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: DD DATE: 7/31/1997 APPLICATION: 79-07257

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ 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: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- Fee:
- ☒ Yes ☐ No* In form to receipt:

Gov't. Lots:
NO P/D
NO P/U

ADDITIONAL INFORMATION

ADVERTISE REMARK(S)
(Reviewer identify which remarks)

T FLAG CHANGED TO P FLAG

YES NO

- ☐ ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☐ ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ Copy to Dam Safety staff: (for any storage)
- ☐ ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☐ ☒ Send power requirement letter:
- ☐ ☒ Send fish farm requirement letter:
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING

APP. NO. 79-072 79-07257

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

☐ ☐ I.D. Health & Welfare
☐ ☐ I.D. District Health
☐ ☐ I.D. Fish & Game
☐ ☐ I.D. Lands
☐ ☐ Adjudication Bureau

YES NO

☐ ☐ U.S. BLM
☐ ☐ U.S. Forest Service
☐ ☐ Water Dist. # _____
☐ ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
Final date for protest 8-25-97

☐ ☒ Protests received.
☐ ☒ Resolution of protest recorded on application:
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☐ ☒ Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority 7/10/97
Recommended by: OKay S Date: 9/21/97

STATE OFFICE REVIEW

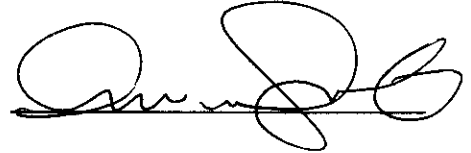
See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 6th day of August, 1997; and the last publication on the 13th day of August, 1997; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice of advertisement.

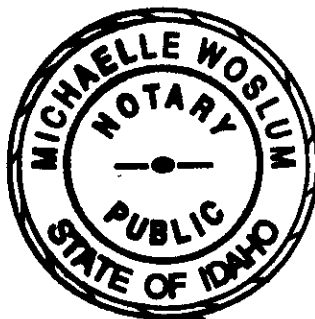


STATE OF IDAHO)
COUNTY OF)

On this 13th day of August in the year of 1997, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002



RECORDED
DEC 11 1997

RECEIVED
AUG 21 1997
WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULY 31, 1997

Legal Notices Department
Idaho County Free Press
P.O. Box 267
Grangeville, ID 83530

Dear Legal Dept.:

Enclosed you will find a legal notice 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 25, 1997.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

10/1/97
12/1/97

79-07257

ZBINDEN, LARRY
ZBINDEN, NOELIA
5253 S 5120 W
KEARNS, UT 84118

Source: SPRING

Tributary: SINKS

Diversion Pt: SWSWSW Sec 4 T 28N R 01E in IDAHO County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 7/10/1997

In: IDAHO County
T28N R01E S04 SWSW

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before AUGUST 25, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 8/ 6/1997 & 8/13/1997

DEC 11 1997