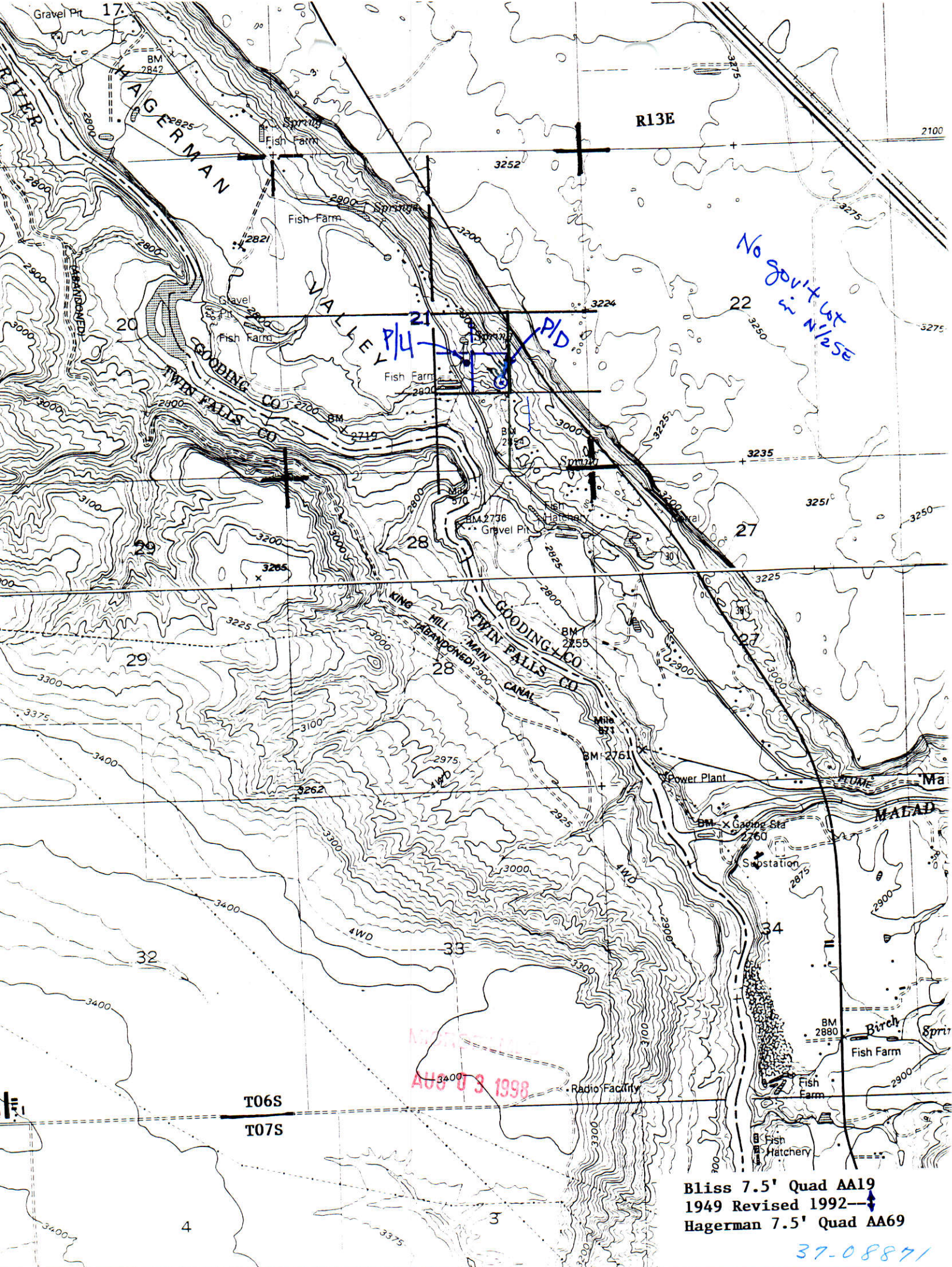




Bliss 7.5' Quad AA19
1949 Revised 1992—
Hagerman 7.5' Quad AA69

37-08871

AFFIDAVIT of PUBLICATION

State of Idaho
County of Gooding } ss.

MAY 29 1998

Patty Nance, being first duly sworn,
deposes and says that she is the printer (publisher) of the Gooding County Leader, a
newspaper published every week in Gooding, County of Gooding, 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
supplement; that the date of the first publication of said advertisement was on the
20th day of May, 1998

and that date of the last publication was on the 27th day of
May, 1998.

On this 27th day of May
in the year of 1998, before me, a Notary Public, personally appeared
Patty Nance, 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 acknowledge to me that she executed
the same.

Norma DeVoe
Notary Public for Idaho
Residing at Jerome, Id
My commission expires: 3/6/01

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

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

Lines tabular at _____ 7¢/Pica
414.56 Lines straight at 24.87 6¢/Pica
414.56 Subsequent lines at 20.73 5¢/Pica

Affidavit Fee 2.25
TOTAL COST 47.85

Frost # 37-00871
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

ALLAN FROST &/OR
FRANCES FROST
2577 SUNRIDGE CIRCLE
TWIN FALLS ID 83301

Application for Permit No. 37-08871
Source: Springs tributary to Unnamed
Stream

Diversion Pt(s): NW1/4SE1/4, S21,
T06S, R13E; Gooding County.

Use: 1/1-12/31

Domestic (0.04 cfs)

In: NW1/4SE1/4, S21, T06S, R13E;
Gooding County

Date Filed: 03/26/98

Any protest against the proposed
application 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

PUB or before June 8, 1998 to be considered
(Idah by the Department in its decision to
grant or deny any part of the proposed
application(s). The protestant must also
7-8 p send a copy of the protest to the 7¢/Pica
7-8 p applicant. 5¢/Pica
7-8 p Karl J. Dreber, Director
Pub: 5/20-5/27 G21166
insertions. 5¢/Pica

No. 6794

21166
MICROFILMED

AUG 03 1998

1/2

P/D Spring



BOTH PHOTOS LOOKING SE/WY

MICROFILMED

AUG 03 1998

Examiner: G. Satterlee
13Ap98 1400 hrs.
FROST, ALLAN & FRANCES

37-0887/

RED PIPE @
50'



RED PIPE @
25'



FROM HERE, WATER DIVERTS
150' ± TO CONCRETE PIPE
(START OF FROST'S
PROPERTY ALSO)

2 1/2

RED PIPE



ALL PHOTOS
LOOKING NW'LY

Examiner: G. Satterlee
13 Apr 1998 1400 hrs.
FROST, ALLAN & FRANCES

PHOTOFILMED

AUG 03 1998

37-08871

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-08871)
)
IN THE NAME OF ALLAN AND FRANCES)
FROST)
_____)

**ORDER OF
REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before August 1, 1999; and,

WHEREAS, the Department notified the permit holder on May 31, 1999 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

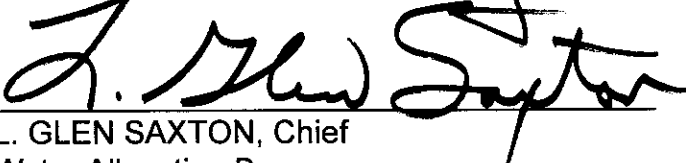
WHEREAS, the Department sent the permit holder a lapse notice on August 6, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on August 13, 1999;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-08871 is **REINSTATED** with an advance in priority to **April 7, 1998**.

DATED this 6th day of January, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
JAN 28 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08871

Proposed Priority: March 26, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **ALLAN FROST**

FRANCES FROST

2577 SUNRIDGE CIR

TWIN FALLS ID 83301

has applied for a permit to appropriate water from:

SPRINGS

tributary of **SNAKE RIVER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENWSE , Sec. 21, Township 06S, Range 13E
GOODING County

PLACE OF USE: DOMESTIC

TWN RGE SEC

06S 13E 21

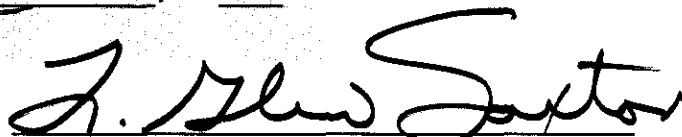
NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1999**.
2. Subject to all prior water rights.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
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

23 day of July, 1998.


Karl J. Dreher, Director
for

AUG 03 1998

RECEIVED
MAR 26 1998
Department of Water Resources
Southern Region

Ident. No. 37-08871

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 06 1998

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Allan and/or Frances Frost Phone (208) 734-6575
Post Office address 2577 Sunridge Circle Twin Falls, ID. 83301
- * 2. Source of water supply Springs which is a tributary of Snake River
~~unnamed stream~~
- * 3. Location of point of diversion is SE 1/4 of NW 1/4 of SE 1/4, Govt. Lot NA
Sec. 21 Township T06S Range R13E B.M. Gooding County; additional points of
diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
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. pipe in spring diverted to home
 - 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 ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____:
Well was drilled for (well owner) _____
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. 1 home
 - e. Other; describe fully. _____

409 03 1998

* per USGS Topo. Read not necessary per AM. 7/10/98 c.j.

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	
06S	13E	21													D				

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? applicant

b. Who owns the land to be irrigated or place of use? applicant

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

12. Remarks: _____

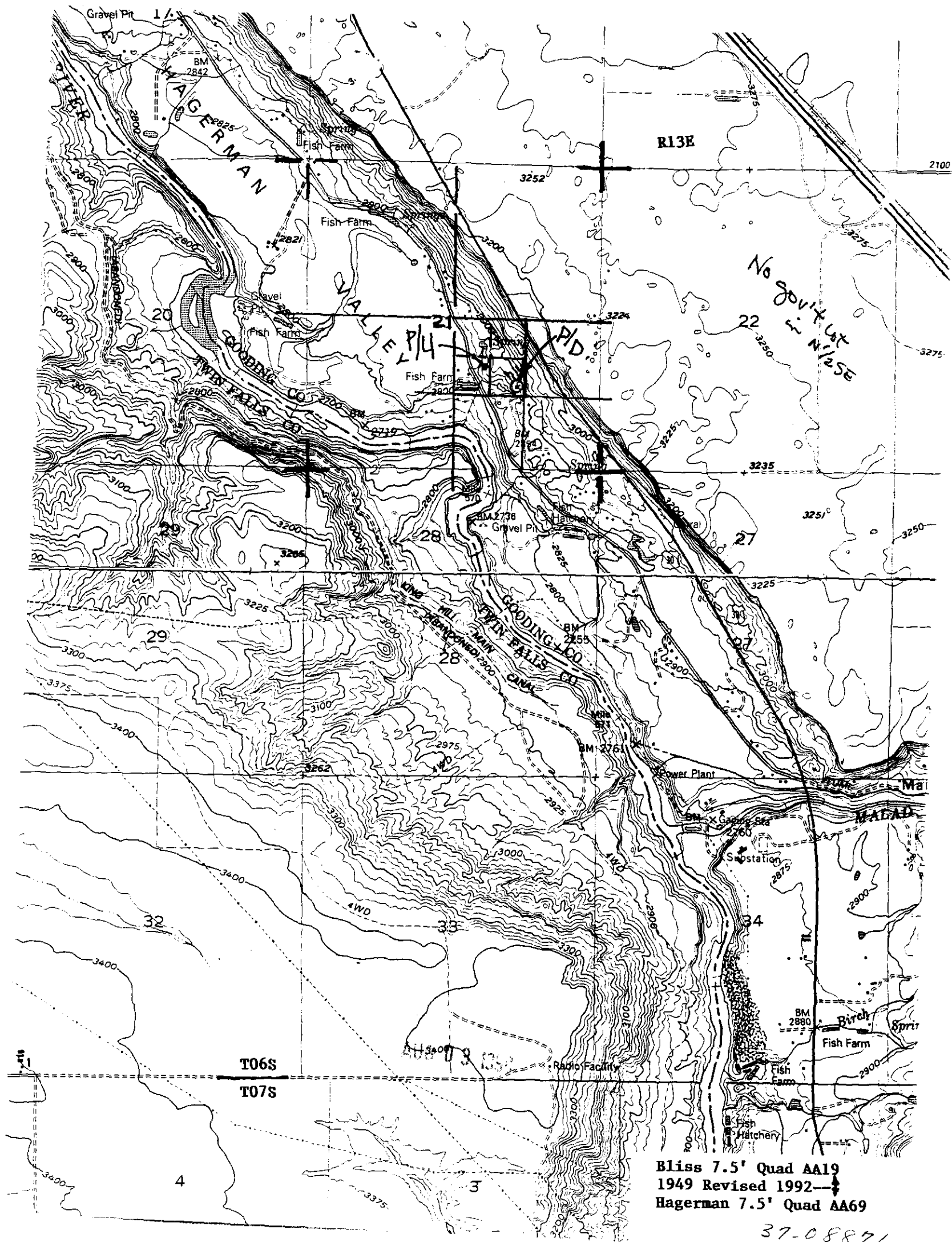
13. MAP OF PROPOSED PROJECT ATTACHED xx Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

Allen R Frost
(Applicant)

AUG 03 1998

Received by GLS Date 26 MAR 98 Time 0946 Preliminary check by GLS
 Fee \$ 50.00 Receipted by GLS # 5020968 Date 26 MAR 98
 Publication prepared by MB Date 5/8/98 Published in Gooding Co Leader
 Publication approved MB Date 5/29/98



Bliss 7.5' Quad AA19
1949 Revised 1992—
Hagerman 7.5' Quad AA69

37-08871



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 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ALLAN FROST
2577 SUNRIDGE CIR
TWIN FALLS, ID 83301

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08871

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Please note that the priority date has been advanced to April 7, 1998, pursuant to Section 42-218a, Idaho Code.

Please 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.

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. 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,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

JAN 28 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08871 Reviewed by VJA Date 01-05-00

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
NO Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom - 1
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
 Ground water source
 Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

NO Required?
1 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received 8-13-99
Date proof due 8-01-99 -
No. of days late = 12
Priority Date 8-26-98 + 85
New Priority Date 4-07-98 97

DEFICIENCIES OR ACTION ITEMS

need reinstatement Order

DATA ENTRY

New Address Proof Made 8-13-99

7/94

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00Receipt No. 522448Receipt By: GLSDate Received: 16 AUG 1999

RECEIVED

AUG 13 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 17 1999

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08871 Telephone No. 208-234-6575
2. Name(s) of Permit Holder(s): Allan Frost / Frances Frost
3. Mailing Address: 2577 Sunridge Circle, Twin Falls, Id 83301
4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. / yr.
- a. Well Driller: Drilling Permit Number: - -
- b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): 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: 0.04 cfs OR up to 13,000 gal / day 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: Allan R Frost Telephone Number: 234-6575Address: 2577 Sunridge Circle, Twin Falls, Id 83301

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: Allan R Frost
(include your title, if on behalf of company of organization)Date: 8/11/99

MICROFILMED

JAN 28 2000

August 5, 1999

ALLAN FROST
FRANCES FROST
2577 SUNRIDGE CIR
TWIN FALLS ID 83301

LAPSE NOTICE

RE: PERMIT NO. 37-08871

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

JAN 28 2000

CERTIFICATION OF MAILING

I hereby certify that on 8-4-99
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Jay

May 31, 1999

ALLAN FROST
FRANCES FROST
2577 SUNRIDGE CIR
TWIN FALLS ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 37-08871

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 August 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.

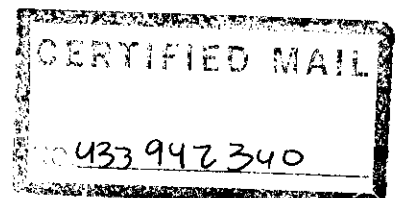
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 28 2000





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

July 23, 1998

PHILIP E. BATT
GOVERNOR

ALLAN FROST
FRANCES FROST
2577 SUNRIDGE CIR
TWIN FALLS ID 83301

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08871

Dear Permit Holder:

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

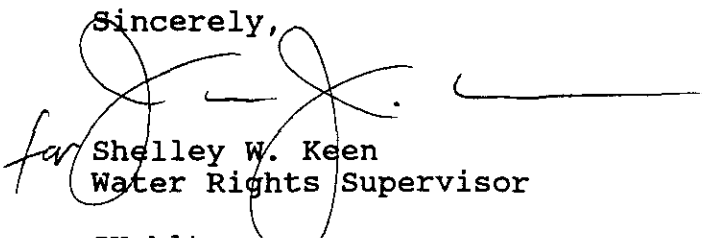
The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

AUG 03 1998

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. 37-08871

ALLAN FROST
FRANCES FROST
2577 SUNRIDGE CIR
TWIN FALLS ID 83301


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.

004 03 1398

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 37-8871 Name: Frost Date: 7/9/98 Ad OK? ✓ / Gvmt Lts: ✓

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

- P05 (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)

West

> 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~~

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 (FERC); 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)

- C

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:**STANDARD REMARKS:**- 0071 0070 001/1 0088**BENEFICIAL USE DUE:**- 8/1/1999**COMMENTS:**

Alan Frost
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 06 1998
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY GLS DATE 14 April, 1998
APPLICATION NO. 37-08871 14

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

26 March 1998

ADDITIONAL INFORMATION

CLAIMS ARE IN ALLAN FROST & APPROPRIATELY CLAIMED

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. 37-08095 AES STOR POND
☒ Overlapping point of diversion. A37-00791E, -02411A irrigation 5 ac.
☒ Yes ☐ No Field check required
☒ Yes ☐ No Field check by GLS
☒ 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
☒ Yes ☒ No
☒ Yes ☒ No

In form for Advertising
No Statewide Advertising
Fee amount, receipt date & No. recorded on app.

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare
☐ Idaho Dept of Fish & Game
☐ Idaho Dept of Lands
☐ Adjudication Bureau Unit

☐ USDI BLM
☐ USFS
☐ Water Dist.
☐ 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 3/26, 19 98
By AD Date 7/1, 19 98

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION:

See "memo to File"

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

MAY 29 1998

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 supplement; that the date of the first publication of said advertisement was on the 20th day of May, 1998 and that date of the last publication was on the 27th day of May, 1998

On this 27th day of May, 1998, before me, a Notary Public, personally appeared Patty Nance, 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 acknowledge to me that she executed the same.

Jerome A. Doe
Notary Public for Idaho
Residing at Jerome, Id

My commission expires: 3/6/01

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 7¢/Pica

414.56 Lines straight at 24.87 6¢/Pica

414.56 Subsequent lines at 20.73 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 47.85

Frost # 37-00871
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

COPY OF NOTICE

NOTICE OF PROTEST AGAINST THE PROPOSED
WATER DIVERSION
The Department of Water Resources has received an application to appropriate the public waters of the State of Idaho.
ALLAN FROST & OR
FRANCIS FROST
2577 SUNNIDGE CIRCLE
TWIN FALLS ID 83301
Application for Permit No. 37-00871
Source: Springs tributary to Unnamed Stream
Diversion Point: NW1/4SE1/4, S21, T04S, R13E, Gooding County
Use: 1H-1B/31
Domestic (0.04 cfs)
In: NW1/4SE1/4, S21, T04S, R13E; Gooding County
Date Filed: 03/26/98
Any protest against the proposed application 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 8, 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. Sullivan, Director

PUB (Idah) 7-8 p 7¢/Pica
7-8 p 5¢/Pica
7-8 p 5¢/Pica
insertions 5¢/Pica

No. 6794

21166

AUG 03 1998

**NOTICE OF APPLICATION FOR
WATER PERMIT**

The following application has been filed
to appropriate the public waters of the
State of Idaho:

ALLAN FROST &/OR

FRANCES FROST

2577 SUNRIDGE CIRCLE

TWIN FALLS ID 83301

Application for Permit No. 37-08871

**Source: Springs tributary to Unnamed
Stream**

**Diversion Pt(s): NW1/4SE1/4, S21,
T06S, R13E; Gooding County.**

Use: 1/1-12/31

Domestic (0.04 cfs)

**In: NW1/4SE1/4, S21, T06S, R13E;
Gooding County**

Date Filed: 03/26/98

Any protest against the proposed
application 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 8, 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 Gooding County
Leader on 5/20 & 5/27/98.**

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 11, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN **Gooding County Leader**
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 APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

ALLAN FROST &/OR
FRANCES FROST
2577 SUNRIDGE CIRCLE
TWIN FALLS ID 83301

Application for Permit No. 37-08871

Source: Springs tributary to Unnamed Stream

Diversion Pt(s): NW1/4SE1/4, S21, T06S, R13E; Gooding County.

Use: 1/1-12/31

Domestic (0.04 cfs)

In: NW1/4SE1/4, S21, T06S, R13E; Gooding County

Date Filed: 03/26/98

Any protest against the proposed application 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 8, 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 Gooding County Leader on 5/20 & 5/27/98.

APR 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

ALLAN FROST &/OR
FRANCES FROST
2577 SUNRIDGE CIRCLE
TWIN FALLS ID 83301

Re: Application for Permit No. 37-08871

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 Gooding County Leader 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.

Very truly yours,

Georgia Satterlee
Water Resource Agent

GS:mb

AUG 03 1998

MEMO TO FILE

FROM: Georgia Satterlee
DATE: 13 April 1998
RE: Application for Permit Basin 37

On 20 March 1998, I met with Allan Frost to perform a field examination for permit 37-08095 (year round use for aesthetic storage for a spring fed pond). At this time, Mr. Frost asked about a domestic use from the spring.

The point of diversion for the spring is located in the SE $\frac{1}{4}$ of Section 21, T06S, R13E. The spring feeds several other users. Mr. Frost says he intends to insert a 2" line in the concrete pipe (the 2" line will be approximately 200 feet {Frost owns this land} north-west of the spring). The water diverted in the 2" line would then run to his cabin (located approximately 600-700 feet west).

There are other users (see photographs) of the spring. The other claims associated with, but not limited to, the springs: A37-00791A, A37-00791B, A37-00791C, A37-00791D, A37-00791E, A37-02411(A), and 37-02424. The Frost's claims include decreed rights A37-00791E, A37-02411A and permit 37-08095 (field examination completed 4/98).

If application for the permit is approved, the permit conditions would be relative to a domestic surface right.

AUG 03 1998

37-08871

1/2

P/D Spring



BOTH PHOTOS LOOKING SE/W

AUG 03 1998

Examiner: G. Satterlee
13Ap98 1400 hrs.
FROST, ALLAN & FRANCES

37-0887/

FROM HERE, WATER DIVERTS
150' ± TO CONCRETE PIPE
(START OF FROST'S
PROPERTY ALSO)

RED PIPE @
25'

2 1/2

RED PIPE @
50'

RED PIPE

ALL PHOTOS
LOOKING NW'LY

Examiner: G. Satterlee
13 Apr 1998 1400 hrs.
FROST, ALLAN & FRANCES

73 1058

37-08871