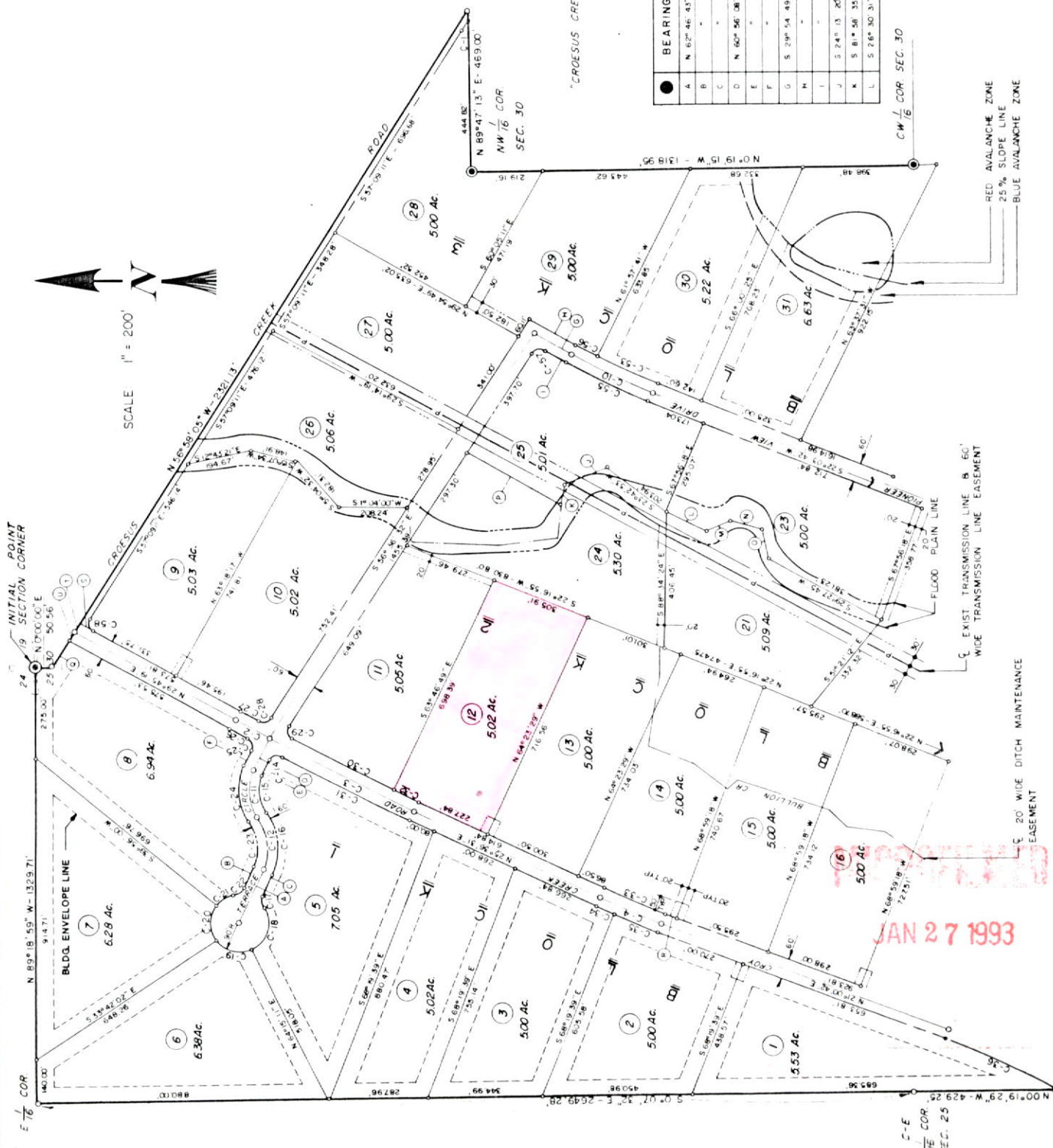




SCALE 1" = 200'



CROESUS CREEK SUBDIVISION

| BEARING         | DISTANCE |
|-----------------|----------|
| N 62° 46' 43" W | 182.64'  |
| N 15° 24' 37" W | 103.25'  |
| S 78° 34' 36" W | 90.89'   |
| S 31° 23' 28" E | 107.25'  |
| S 56° 58' 05" E | 52.43'   |
| N 21° 00' 42" E | 73.42'   |
| N 29° 45' 19" E | 44.89'   |
| N 36° 58' 05" W | 30.00'   |
| S 26° 30' 31" W | 128.39'  |

| BEARING         | DISTANCE |
|-----------------|----------|
| S 26° 29' 54" E | 78.69'   |
| N 15° 24' 37" W | 103.25'  |
| S 78° 34' 36" W | 90.89'   |
| S 31° 23' 28" E | 107.25'  |
| S 56° 58' 05" E | 52.43'   |
| N 21° 00' 42" E | 73.42'   |
| N 29° 45' 19" E | 44.89'   |
| N 36° 58' 05" W | 30.00'   |
| S 26° 30' 31" W | 128.39'  |

JAN 27 1993

MATCH TO SHEET 4

**SAWTOOTH TITLE CO., INC.**  
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

37-08498

# SUNSET MEADOW ESTATES SUBDIVISION

L O C A T E D I N

E 2 E 2 SECTION 25, T. 2 N., R. 17 E., B.M.

and

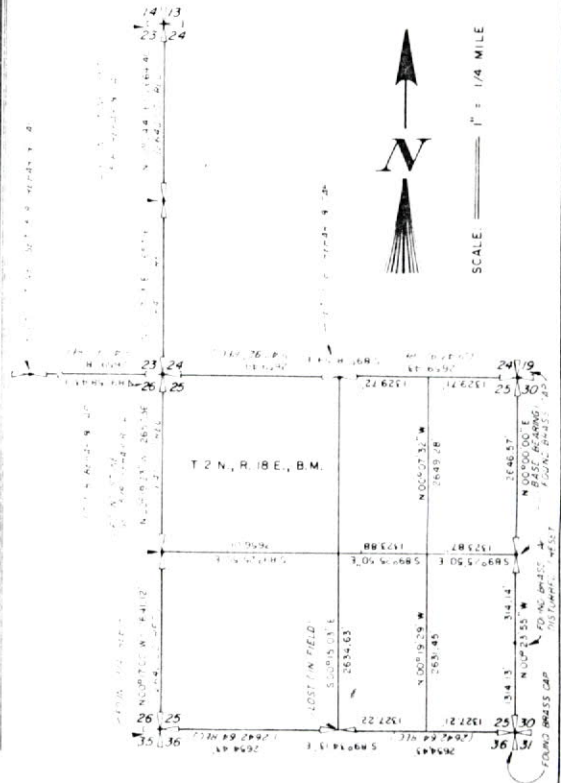
LOTS 1, 2, 3 & NE 1/4 NW 1/4 SECTION 30, T. 2 N., R. 18 E., B.M.

BLAINE COUNTY, IDAHO

1988

JAN 27 1993

SECTION BREAKDOWN



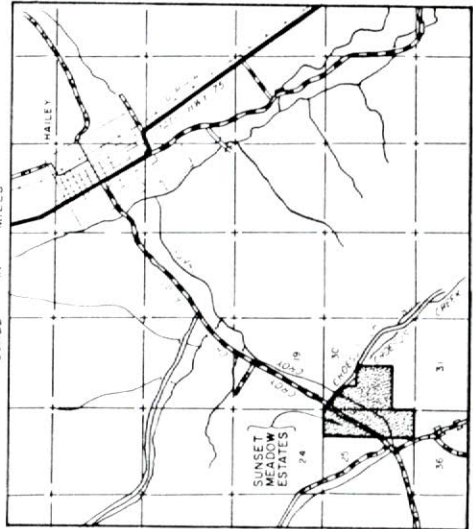
L E G E N D

- SUBDIVISION BOUNDARY LINE
- ROAD CENTERLINE
- RIGHT OF WAY LINE
- LOT LINE
- 25 % SLOPE LINE
- AVALANCHE LINE
- EXIST. TRANSMISSION LINE
- EXIST. TRANSMISSION LINE EASEMENT
- FLOOD PLAIN LINE
- CREEK CENTERLINE
- DRIVEWAY ACCESS EASEMENT
- SET 5/8" X 30" REBAR CAP
- SET 1/2" X 24" REBAR CAP
- FND. BRASS CAP - INITIAL POINT
- DEER MIGRATION EASEMENT
- DITCH MAINTENANCE EASEMENT
- WATER STORAGE EASEMENT
- FOUND BRASS CAP
- FOUND ALUM. CAP
- FOUND 1/2" REBAR

V I C I N I T Y S K E T C H



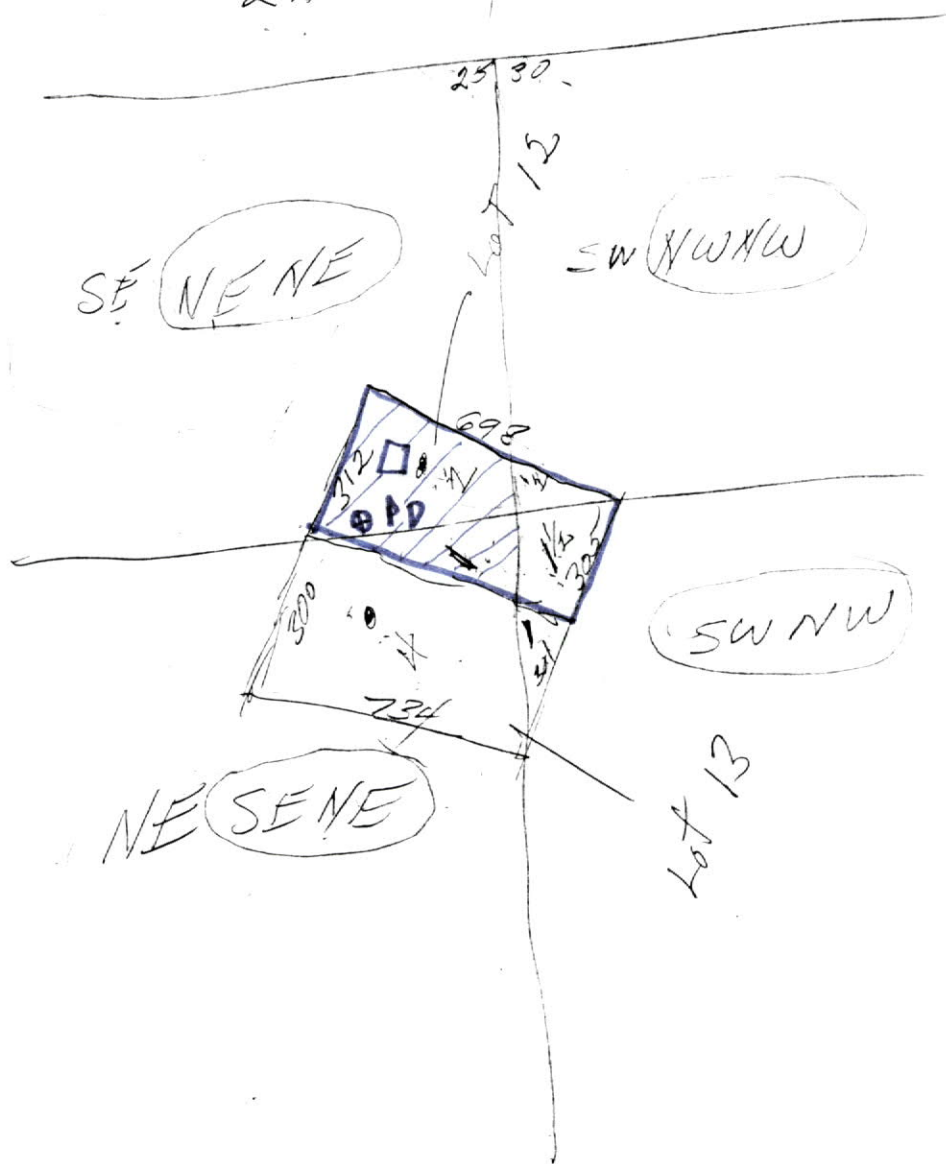
SCALE IN MILES



SAWTOOTH TITLE CO., INC.  
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

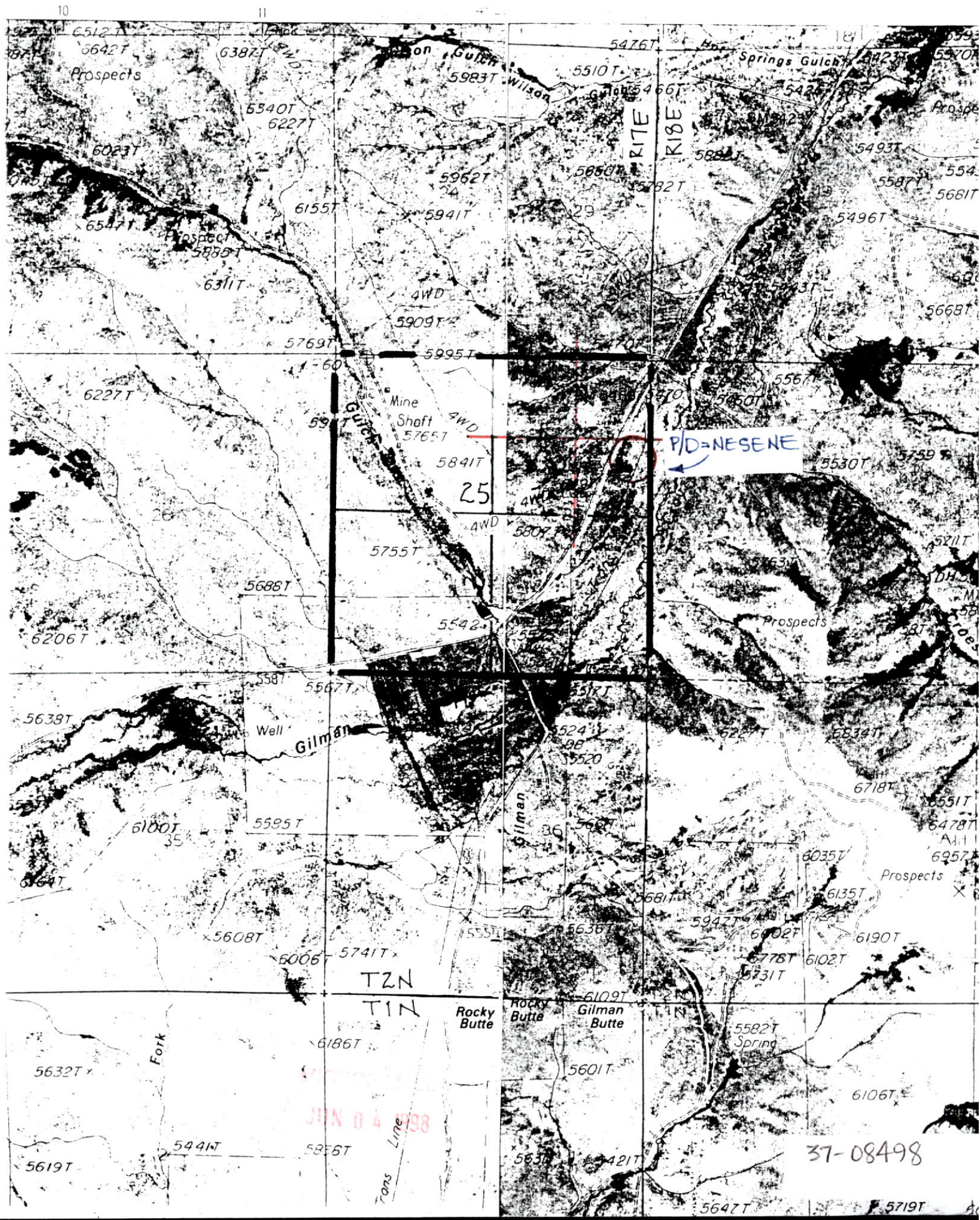
END EHM Engineers Inc.  
Professional Engineers, Surveyors

2N 17 | 2N-18



JAN 27 1993

## 7.5 MINUTE SERIES (ORTHOPHOTOQUAD)



P/D = Sec 25, T02N, R17E NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$

Well: Franklin Electric  
Model #2821138110 5HP  
Pump: Grundfos



Photo looking SE 1/4

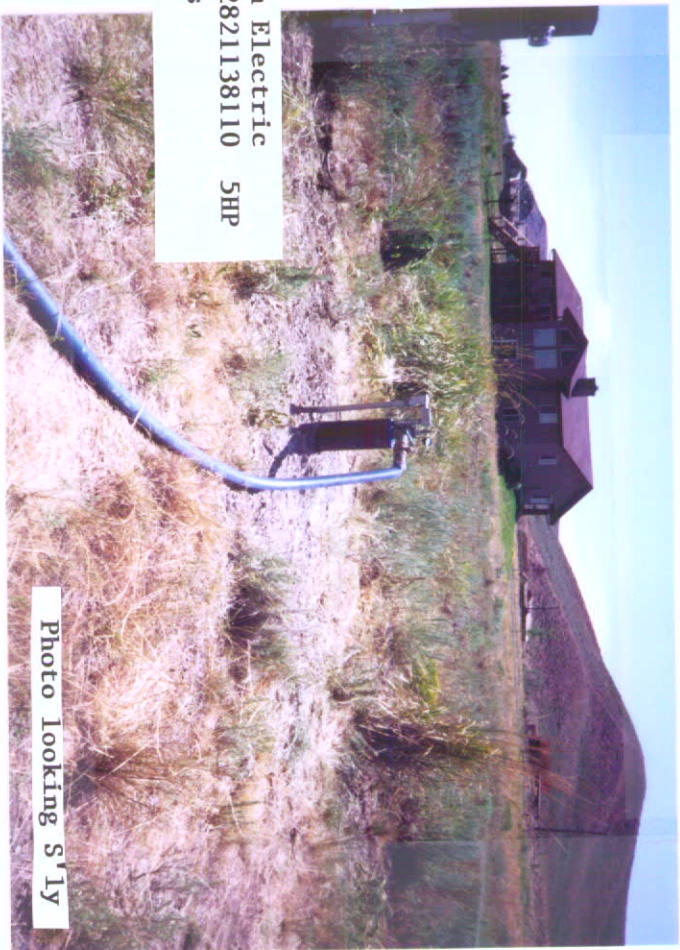


Photo Looking S 1/4

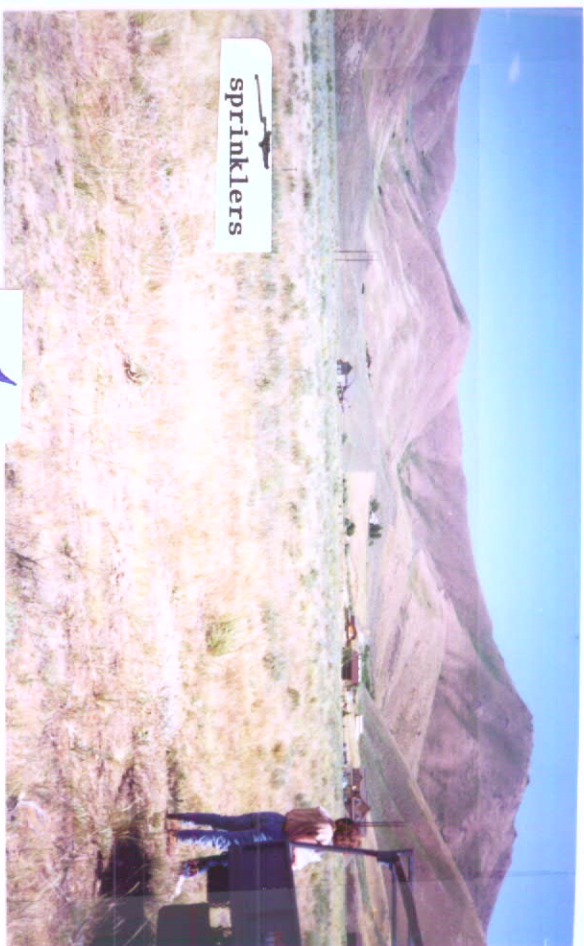


Photo looking NE 1/4

big gun sprinklers

MICROFILMED  
JUN 04 1998

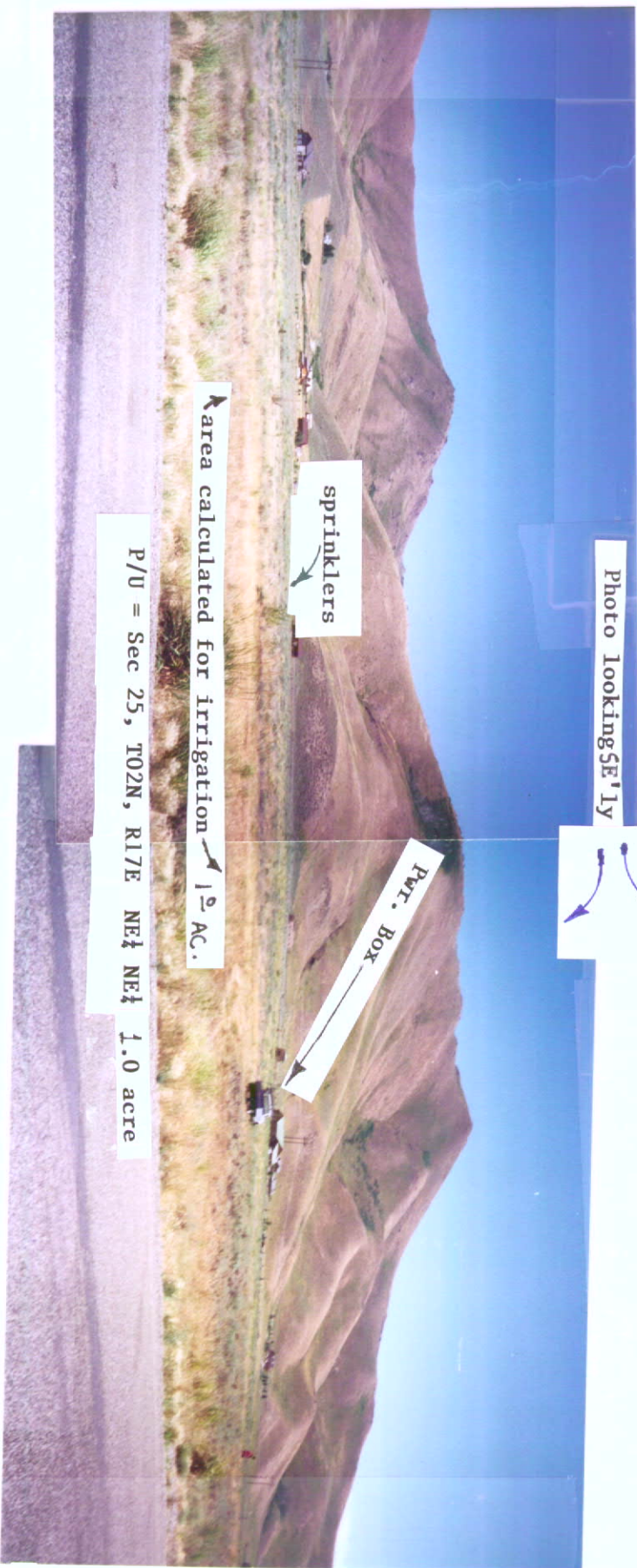
26 July 1996 1400 hrs  
Examiner: Satterlee #37-08498



sprinklers

RECEIVED  
JUN 04 1998

Photo Looking SE'ly



sprinklers

Pvt. Box

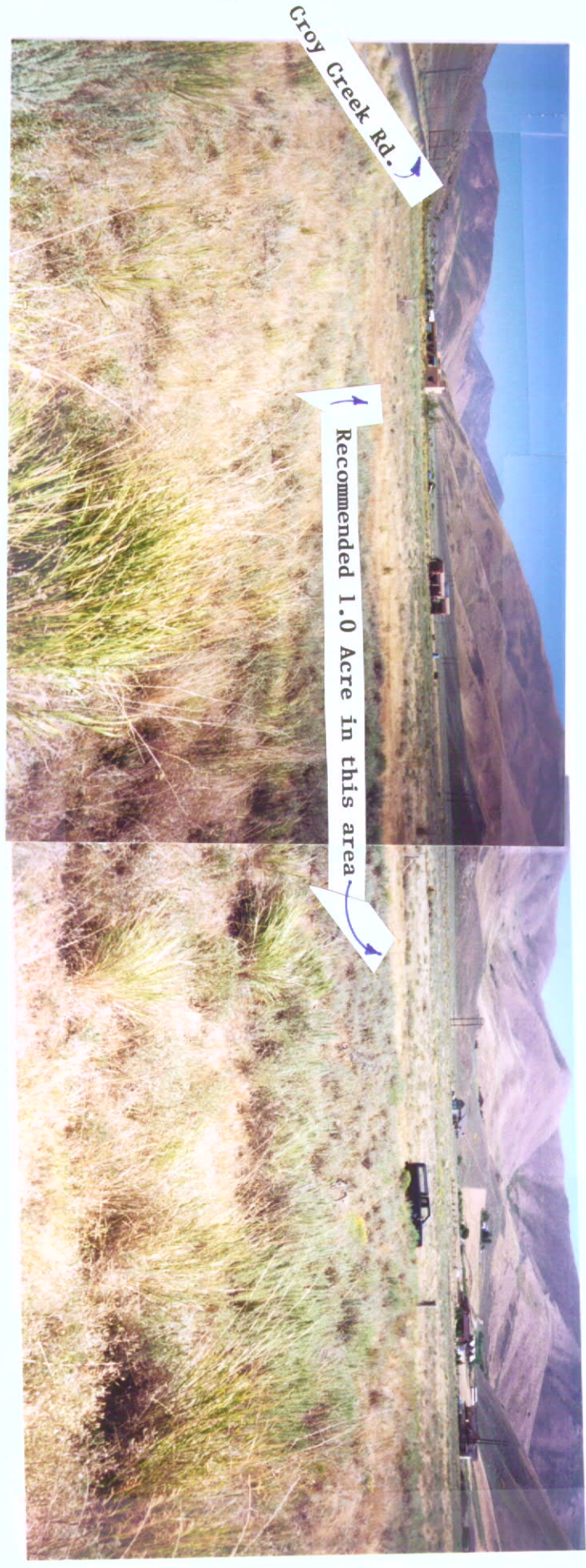
Area calculated for irrigation 12 AC.

P/U = Sec 25, T02N, R17E NE1 NE1 1.0 acre

SECOND VISIT

P/U = Section 25, T02N, R17E, NE $\frac{1}{4}$  NE $\frac{1}{4}$   
1.0 acre

MICROFILMED  
JUN 04 1998



22 August 1996 1400 hrs.  
G. Satterlee #37-08498  
Photo Looking NE 1y

A T T A C H M E N T "A"

26 August 1996

To: File #37-08498 - Billger, Bradley & Anna  
From: Georgia Satterlee

On 26 July 1996, I was accompanied by the applicants for the field exam for the said permit. The point of diversion is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 25, T02N, R17E, Blaine County. The original well was drilled in 1988, under the name of the GMMK Group, who are the developers of the Sunset Meadow Subdivision. Bradley Billger had the well deepened in the Fall 1994. The installation date on the pump states 7/24/96. It appears this date is in relation to the deepening of the well.

The permit is for 1 house & 3 acres irrigation. At this time, there is not a house on the said lot. The Billgers' propose building the home in approximately 24 months. Mr. Billger said the shortage of money has set them back regarding the development of the lot.

The area (see photos 2/3 & 3/3) was irrigated by a 4" hand line with nine sprinklers. Five out of the nine sprinklers were measured with a pitot tube and a pressure gage to determine the flow. For the sizes and amount of sprinklers see Attachment "B". The measured rate is different than recommended rate. See "Recommendation" at the bottom of the page.

In addition to the sprinklers, there is a Rainbird Big Gun sitting on the property. The Big Gun was not hooked up to any main line at any time. Mr. Billger says he alternates irrigation between using the sprinklers and the Big Gun.

I revisited the sight on 22 August 1996 to determine the p/d by distances from significant land marks. In addition to verifying the well location, I re-evaluated the area for irrigation. On the second visit, the Rain Bird Big Gun was there but, again, not hooked up. The main line with the 9 sprinklers were not in sight.

The entire lot appears to be made up of natural vegetation. The recommended 1 acre was derived by calculating the length and width (spray) of the sprinkler line that was in place on 26 July 1996. The photo pages 2-3/3 show the area considered as the 1 acre of irrigation.

RECOMMENDATION:

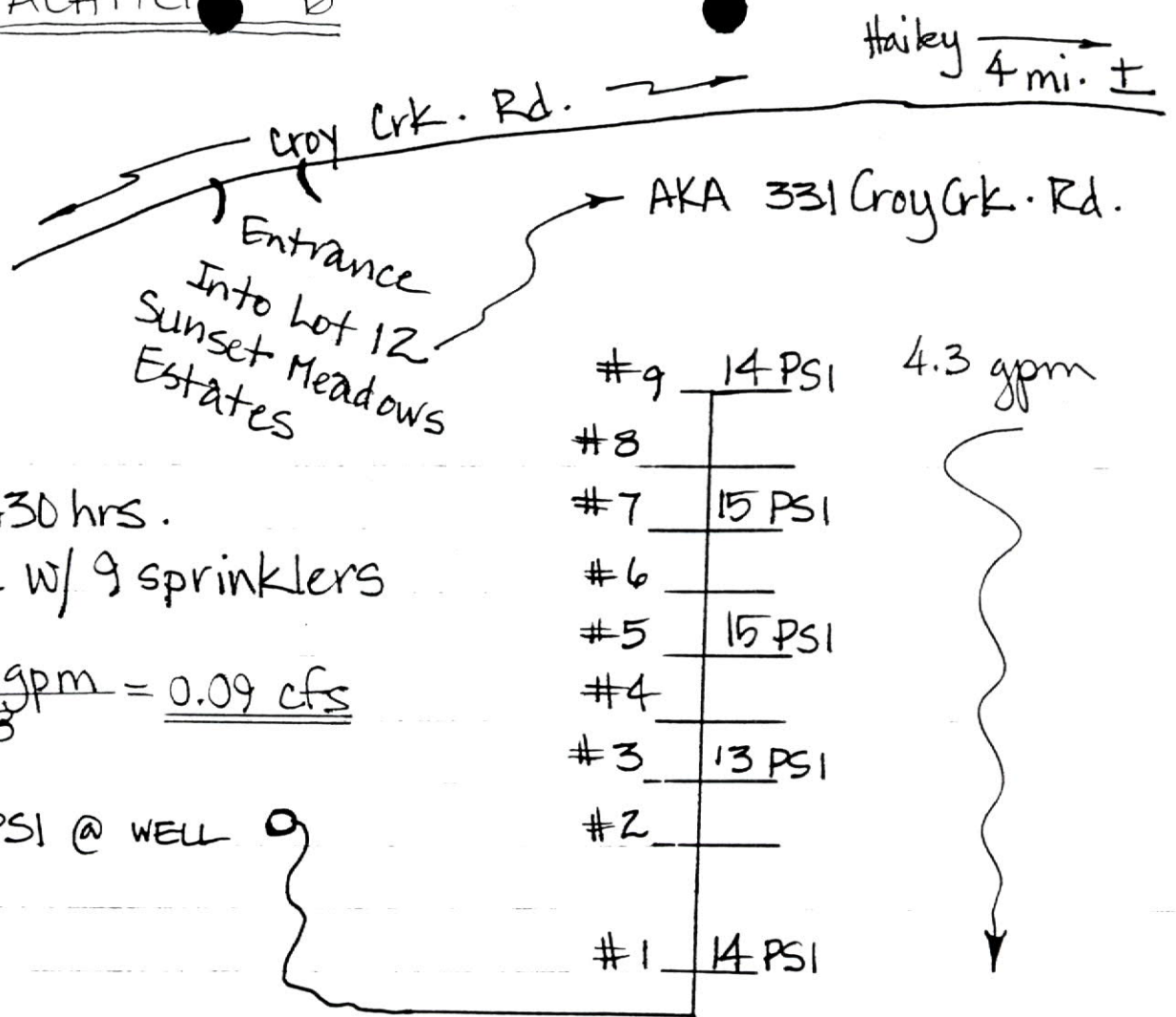
NO recommendation for domestic.

The recommendation for irrigation:

0.03 cfs 1.0 acre 3.5 afa

JUN 04 1998

ATTACHMENT "B"



26 July 96 1430 hrs.

4" hand line w/ 9 sprinklers

$$4.3(9) = \frac{38.7 \text{ gpm}}{448.8} = \underline{\underline{0.09 \text{ cfs}}}$$

50 PSI @ WELL

4.3 Weather Tec. 10-30 = Sprinkler Head Make/Model

For Irrigation, normally applicant runs 10-11 sprinkler heads. Also, applicant has one (1) Big Gun Rainbird DL-DH 102/103-60 orifice, which runs alone when sprinklers aren't in use.

Applicant irrigates 3 days/wk.

Big Gun has a spray radius of 100' ±.

DATE ON PUMP 7/24/96

5 hp pump Grundfos Pump Type 230 V

Franklin Electric Model 2821138110 HP 5 Volt 230 PH 1

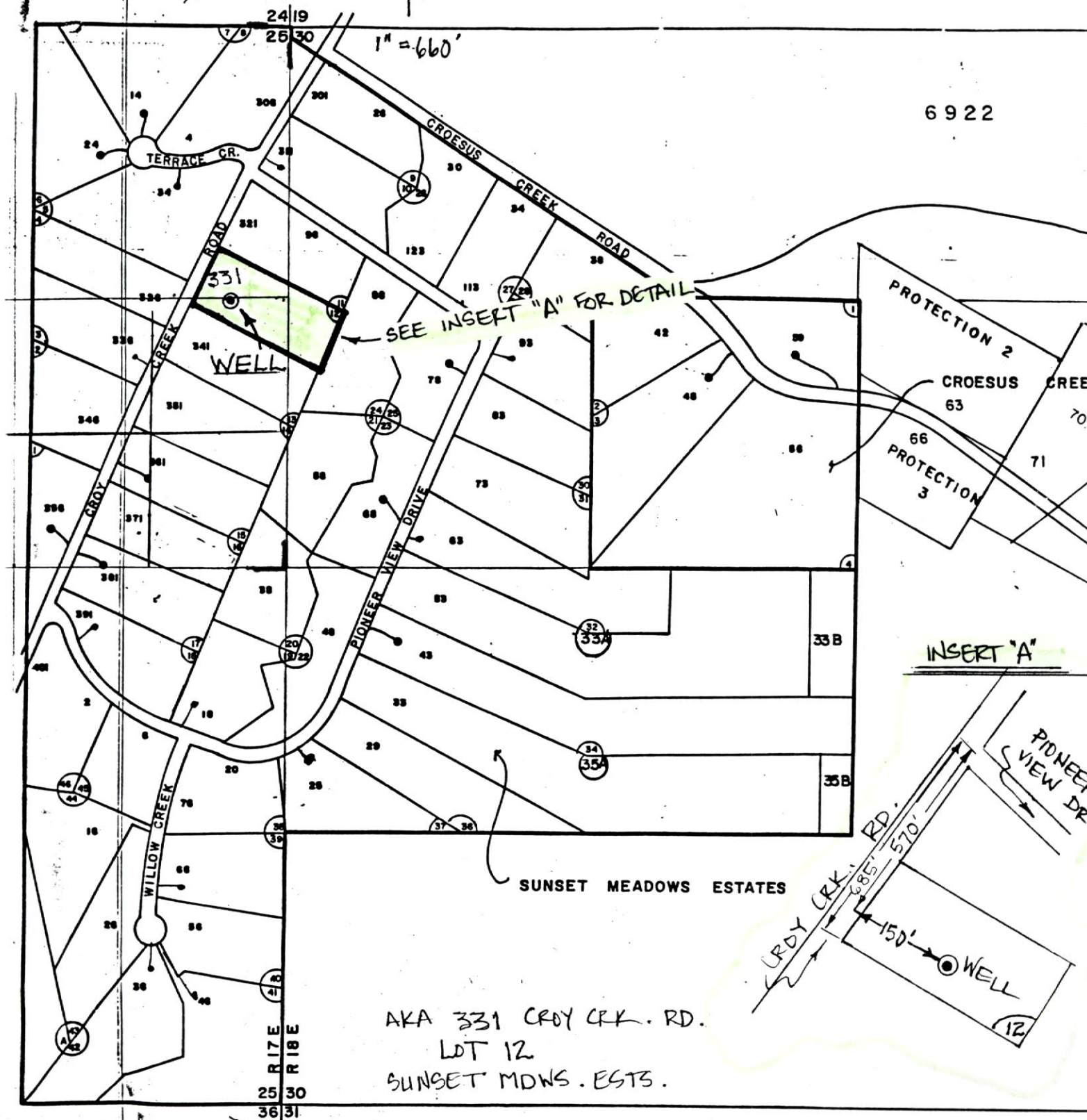
RPM 3450

JUN 04 1998

#37-08498



6922



SEC. 25, T. 2 N., R. 17 E.

#37-08498

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 37-08498

Priority: March 28, 1989

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

3.5 AF

This is to certify, that THEODORE KIEL  
LINDA DIANE KIEL

2537 RIVERSIDE DR  
COLUMBUS IN 47201

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 28, 1989; and has submitted Proof of Beneficial Use on January 3, 1995. An examination indicates that the works have a diversion capacity of 0.090 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 0.03 CFS                 | 3.5 AF               |

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 25, Township 02N, Range 17E  
BLAINE 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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 02N        | 17E        | 25         | NENE         | 1            |              | 1            |

Total number of acres irrigated: 1

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Place of use is located within Lot 12, Block 2, Sunset Meadows Estates Subdivision.

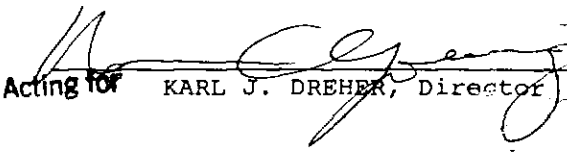
State of Idaho  
Department of Water Resources

# Water Right License

WATER RIGHT NO. 37-08498

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 28<sup>th</sup>  
day of MAY, 1990.

Acting for

  
KARL J. DREHER, Director

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 37-08498**

Linda Diane Ziel  
(Signature)

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 37-08498**

\*\*\*\*\*

**FOR DEPARTMENT USE ONLY**

Preliminary check by SUK Fee = 50.00 Received by BLG # 0042400 Date 5-26-98

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 37-08498 with the following;

**CONDITIONS OF APPROVAL AND REMARKS**

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Place of use is located within Lot 12, Block 2, Sunset Meadows Estates Subdivision.

Witness my hand this 28<sup>TH</sup> day of MAY, 1998.

Acting for  KARL J. DREHER, Director

JUN 04 1998

WATER RIGHT SUMMARY

| <u>ACTION</u>                   | <u>RIGHT NO.</u>    | <u>NAME</u>                                                   | <u>AMOUNT CFS</u> |
|---------------------------------|---------------------|---------------------------------------------------------------|-------------------|
| <del>ORIGINAL APPLICATION</del> | <del>37-08498</del> | <del>BILLGER, BRADLEY D.</del><br><del>BILLGER, ANNA J.</del> | <del>0.13</del>   |
| FULL ASSIGNMENT                 | 37-08498            | KIEL, THEODORE<br>KIEL, LINDA DIANE                           | 0.13              |

APRIL 28, 1998

MICROFILMED  
JUN 04 1998

7/94

RECEIVED

APR 10 1998

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ASSIGNMENT OF PERMIT

For Office Use Only

\$25 Filing Fee

Receipt # 002025

Date 4/10/98

I, Brad Bilg, hereby assign to <sup>THEODORE</sup> Theodore & Linda Diane Kiel  
of, 2537 Riverside Dr., Columbus, In. 47201  
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 3708498 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

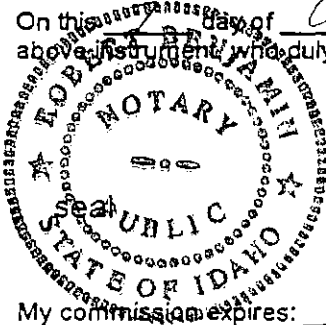
\* The following described portion of my right, title, and interest in and to Permit No. 37-08498 to appropriate the public waters of the State of Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 7th day of April, 1998.

Brad Bilg  
Permit Holder

State of Idaho )  
County of Blaine ) ss

On this 7th day of April, 1998, personally appeared before me the signer(s) of the above instrument who duly acknowledged to me that he (she) (they) executed the same.



[Signature]  
Notary Public residing at Harley

\* THIS IS A FULL ASSIGNMENT OF PERMIT. Let

JUN 04 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT     )  
NO. 37-08498 IN THE NAME OF   )  
BRADLEY D. AND ANNA J.        )  
BILLGER                            )  
\_\_\_\_\_ )

**ORDER GRANTING PETITION  
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the order voiding a permit to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On February 11, 1998, the Department issued a preliminary order (order) voiding water appropriation permit no. 37-08498 (permit), issued in the name of Bradley D. and Anna J. Billger (permit holders), because the permit holders did not file the Application for Amendment of Permit determined to be necessary according to the field inspection conducted on July 26, 1996.

2. On February 24, 1998, the Department received a timely petition for reconsideration of the preliminary order from the permit holders. In their petition for reconsideration, the permit holders explained that they have sold the property where the water use was developed, and they believe that the new owners should file the required Application for Amendment of Permit. The permit holders expressed a desire to assign their permit to the new owners of the property where the water use was developed.

CONCLUSIONS OF LAW

1. Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The Department should conditionally grant the petition for reconsideration of the order pursuant to Section 67-5243(3), *Idaho Code*, to give the permit holders an opportunity to complete an assignment of permit or to submit the required Application for Amendment of Permit.

MICROFILMED

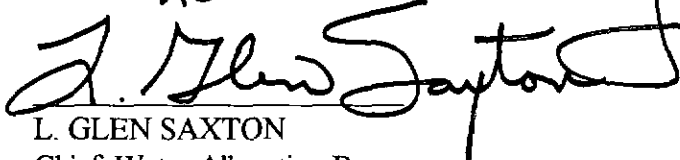
JUN 14 1998

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order voiding water appropriation permit no. 37-08498 is **GRANTED** pursuant to Section 67-5243(3), *Idaho Code*, to allow the permit holders 30 days to complete an assignment of permit or to submit the required Application for Amendment of Permit.

IT IS FURTHER ORDERED that if the permit holders do not complete an assignment of permit or the required Application for Amendment of Permit within 30 days of the service date of this order, the February 11, 1998, preliminary order voiding permit no. 37-08498 is automatically reinstated and shall again be in full force and effect.

Dated this 25<sup>th</sup> day of February, 1998.

  
L. GLEN SAXTON  
Chief, Water Allocation Bureau

W. 11  
JUN 04 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. )  
37-08498 IN THE NAME OF BRADLEY D. )  
AND ANNA J. BILLGER )  
\_\_\_\_\_ )

**PRELIMINARY ORDER  
VOIDING PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On March 28, 1989, Bradley D. and Anna J. Billger (permit holders) applied to the Department for a permit to appropriate 0.13 cubic feet per second from groundwater within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 25, Township 2 North, Range 17 East, B. M., Blaine County, to be used for irrigation and domestic purposes.
2. On January 11, 1993, the Department approved the application as Permit 37-08498 (permit).
3. On January 3, 1995, the Department received the permit holder's proof of beneficial statement for the permit.
4. On July 26, 1996, the Department conducted a field examination to verify the development under the permit. The field examiner reported that water was being diverted at a location other than the point of diversion authorized by the permit.
5. On December 5, 1997, the Department sent notice to the permit holders stating that the permit has to be amended to accurately portray the point of diversion before the Department can issue a water right license. An Application for Amendment of Permit form was enclosed with the notice.
6. On December 29, 1997, the Department sent a second notice giving the permit holder fourteen days to amend the permit.
7. The Department has not received the Application for Amendment of Permit.

MICROFILMED  
JUN 04 1998

8. The provisions of Section 42-219, Idaho Code, authorize the Department of Water Resources to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

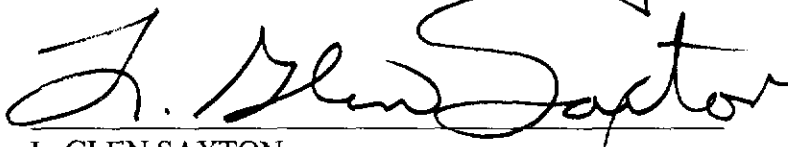
In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Development of the water as listed on the permit was a condition of the permit, and compliance with the condition was required prior to perfection of a water right.
3. The permit holder could have amended the permit, but the permit holder has not filed the appropriate Application for Amendment of Permit.
4. A license should not be issued on this permit and the permit should be voided pursuant to Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that issuance of a license is **REFUSED** and Permit No. 37-08498 is **VOIDED** under Section 42-219, Idaho Code.

Dated this 11<sup>th</sup> day of February, 1998.

  
L. GLEN SAXTON  
Chief, Water Allocation Bureau

JUN 04 1998

RECEIVED  
JAN 03 1995

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08498 Telephone No. (28) 788-3564
2. Name(s) of Permit Holder(s): BRADLEY BILLGER / ANNA BILLGER
3. Mailing Address: P.O. Box 1126 HAILEY, ID 83333
4. Source of Water: WELL If GROUNDWATER (well), Date Drilled: mo. 11 / yr. 88  
DEEPEN: 11/25/94
- a. Well Driller: Wood River Drilling & Pump Drilling Permit Number: 37-945-023.000
- b. **OPTIONAL:**  
Pump Horsepower: 5 hp Pressure (psi): 50#s Dynamic pumping level (ft): ~75'
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_

Irrigation (No. of acres): 3 Other: \_\_\_\_\_

6. Total rate of diversion and/or volume for which proof is submitted: 0.13 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: BRADLEY BILLGER Telephone Number: (28) 788-3564

Address: PO Box 1126 311 South 4th Ave. HAILEY ID 83333

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: Bradley Billger  
(include your title, if on behalf of company or organization)

Date: Dec 28, 1994

JAN 19 1995

RECEIVED

JAN 12 1994

For Office Use Only  
\$15 Fee Received by Jan  
Date 1-12-94  
Receipt No. 5029421

STATE OF IDAHO Department of Water Resources  
DEPARTMENT OF WATER RESOURCES

**REQUEST FOR EXTENSION OF TIME**  
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 37-8498  
Name(s) of Permit Holder: BRADLEY D. BILLER - ANNA J. BILLER  
Mailing Address: P.O. Box 1126, Hailey Id. 83333  
Date Proof is Due FEB. 1, 1994 Telephone No. (208) 788-3564

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

(185 ft.)  
UNDERGROUND POWER DUG AUG. 28/93 to well location Permit #  
243-199 (IDAHO POWER CO.) General Service provided Sept 2, 1993 -  
Power Pole, Panel etc installed. Backhoe work done by KING Const.  
\* See Back for details Costing \$1200.00  
to date.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Winter weather - and snow. will proceed in the  
Spring.

Permit holder(s) request an extension to Reasonable TIME IN  
Spring 1994 (June?), 19 94.

FEE: \$15.00

Bradley Biller  
(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

FEB 07 1994

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1995.

Signed this 21<sup>st</sup> day January, 19 94

J. Glen Taylor  
Chief, Water Allocation Bureau

we have contacted Silver Creek Irrigation in Pocatello, Idaho  
and also Bruce Buchanan (Buchanan Irrigation) for  
pump size and design help for our property. 788-4960 734-3130

we have also had Hollis Neal of Agri-Lines in  
Twin Falls provide quotes for pump, hand lines  
and main line. In the spring we will do a Pump/  
well test and proceed to fulfill the proof of  
beneficial use for our permit by completing our  
irrigation system. We have pump bids from (3)  
drilling companies - Wood River Drilling & Pump 788 3163,  
Scott Drilling & Pump - 788-5019 and Walker Water Systems  
733-4744. The electrical permit (for the pump power  
pole & breaker box) was completed in July 1993. We have  
provided a road from Gray Camp road to the well/  
power pole site for service.

J. J. J. J.  
Bert Bidger

Jan 10, 1994

RECEIVED

FEB 07 1994

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 37-08498

Proposed Priority: March 28, 1989      Maximum Diversion Rate: 0.13 CFS  
This is to certify, that **BRADLEY D BILLGER**

**ANNA J BILLGER**  
PO BOX 1126  
HAILEY ID 83333

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            | 04/15 to 10/15       | 0.09 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |
| Totals                |                      | 0.13 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:      SENENE , Sec. 25, Township 02N, Range 17E  
BLAINE County

| <u>PLACE OF USE:</u>             | <u>IRRIGATION</u> |  |              |              |              |
|----------------------------------|-------------------|--|--------------|--------------|--------------|
| <u>TWN RGE SEC</u>               | <u>ACRES</u>      |  | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
| 02N 17E 25                       | NENE 2            |  | SENE 1       |              | 3            |
| Total number of acres irrigated: |                   |  |              |              | 3            |

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1994**.
2. Subject to all prior water rights.
3. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
4. Place of use is located within Lot 12, Block 2, Sunset Meadows Estate Subdivision.
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

11<sup>th</sup> day of January, 1993

*[Signature]*  
for **R. Keith Higginson, Director**  
**RECEIVED**

JAN 27 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 37-08498

To appropriate the public waters of the State of Idaho

1. Name of applicant Bradley D. and Anna J. Billger Phone 788-3564  
Post office address P.O. Box <sup>1126</sup> 1245, Hailey, ID 83333

2. Source of water supply Well which is a tributary of \_\_\_\_\_

3. Location of point of diversion is SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 25 Township 2N Range 17E B.M. Blaine County; additional  
points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.09 for Irrigation purposes from 4-15 10-15 BLM  
(cfs or acre-feet per annum) April 1 to Nov. 1 (both dates inclusive)

Amount 0.04 for Domestic purposes from Jan 1 to Dec 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)

5. Total quantity to be appropriated is (a) 0.13 and/or (b) N/A  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing wells & pump, sprinklers

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 6" inches; proposed depth of well is 77 Feet feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
Two years (minimum 1 year).

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JAN 27 1993

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. One
- e. Other; describe fully. \_\_\_\_\_

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 | RANGE | SEC. | NE¼    |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼    | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 2N  | 17E   | 25   | D<br>2 |     |     | 1   |     |     |     |     |     |     |     |     |     |     |     |     | 3      |
| 2N  | 17E   | 25   |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |        |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 3

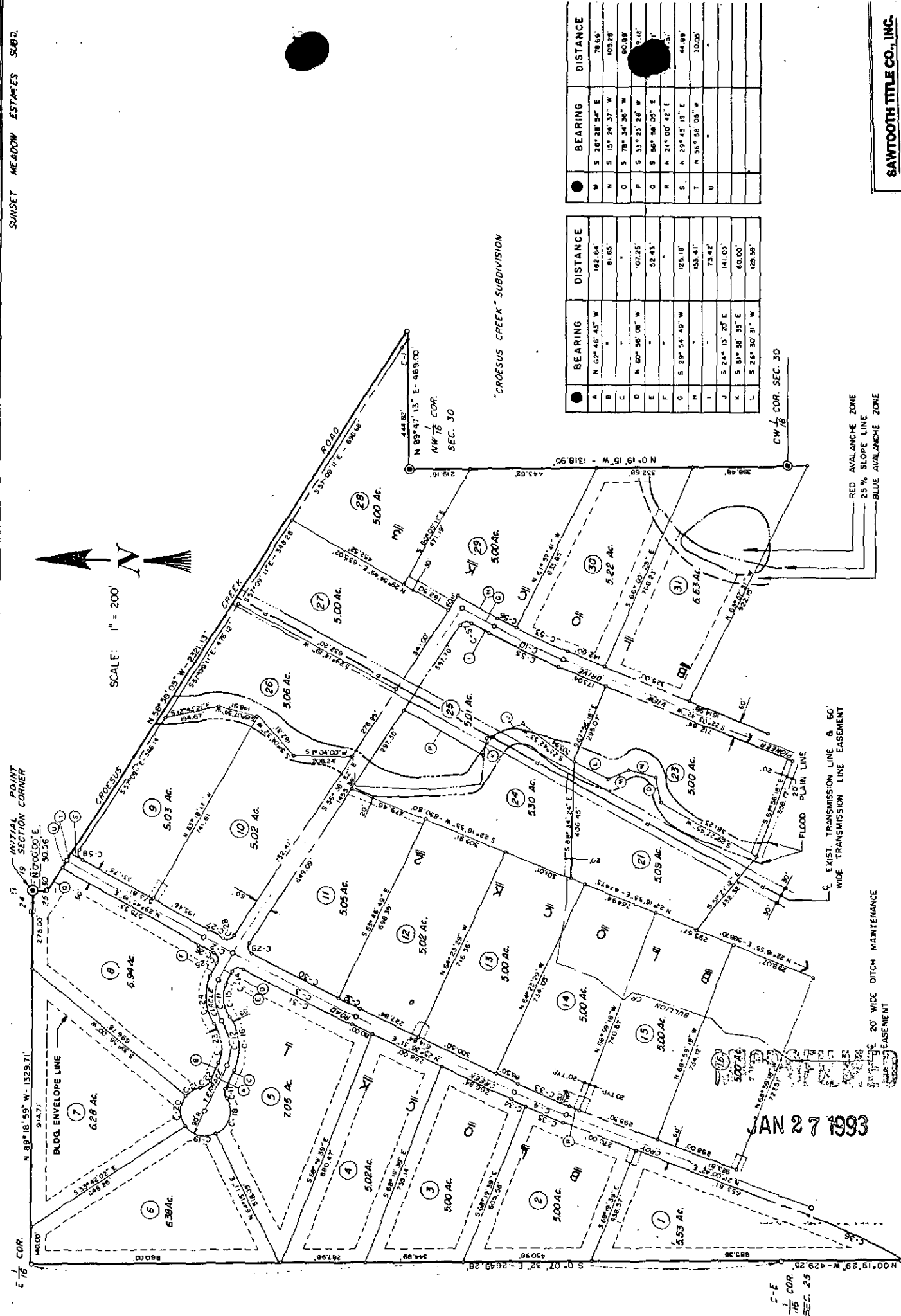
10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

11. a. Who owns the property at the point of diversion? Bradley D. and Anna J. Billger
- b. Who owns the land to be irrigated or place of use? Bradley D. and Anna J. Billger
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: Located on Lot 12, Block 2, Sunset Meadows Estate Subdivision. Well drilled by Wood River Drilling in November of 1988

RECORDED  
JAN 27 1993

JAN 27 1993



**SAWTOOTH TITLE CO., INC.**

MATCH TO SHEET 4

37-08498

# SUNSET MEADOW ESTATES SUBDIVISION

L O C A T I O N

E 2 E 2 SECTION 25, T. 2 N., R. 17 E., B.M.

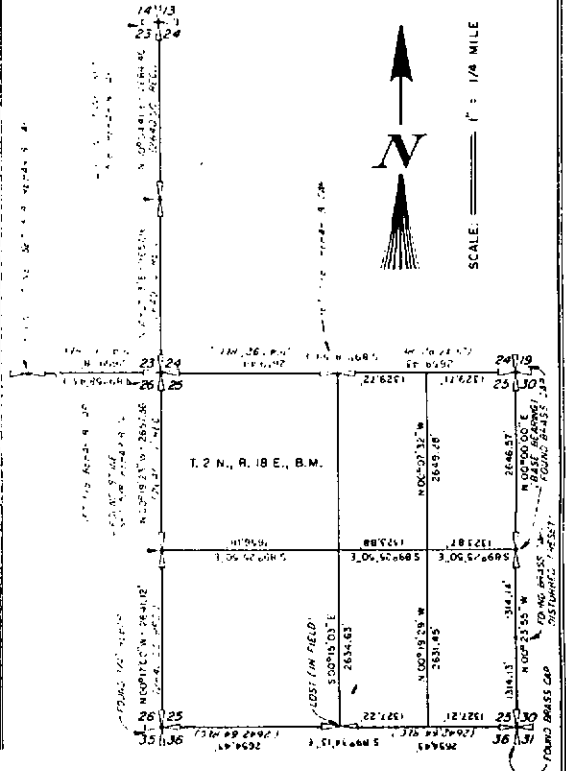
\_\_\_\_\_ and \_\_\_\_\_

LOTS 1, 2, 3 & NE 1/4 NW 1/4 SECTION 30, T. 2 N., R. 18 E., B.M.

BLAINE COUNTY, IDAHO

1988

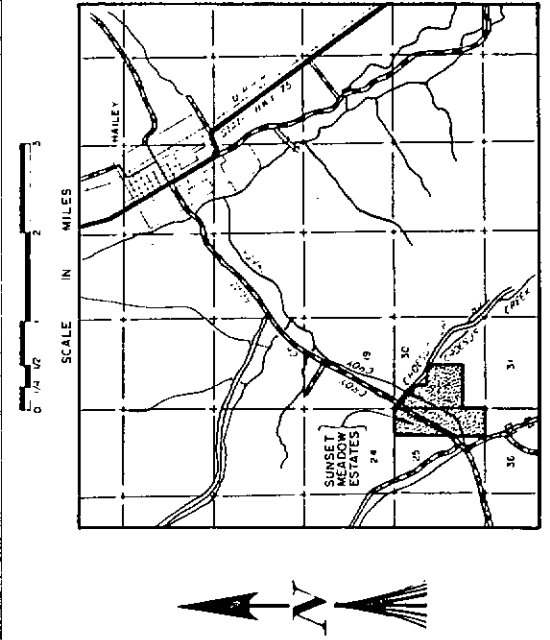
S E C T I O N B R E A K D O W N



L E G E N D

- SUBDIVISION BOUNDARY LINE
- ROAD CENTERLINE
- RIGHT-OF-WAY LINE
- LOT LINE
- 25% SLOPE LINE
- AVAILANCHE LINE
- EXIST. TRANSMISSION LINE
- EXIST. TRANSMISSION LINE EASEMENT
- FLOOD PLAIN LINE
- CREEK CENTERLINE
- DRIVEWAY ACCESS EASEMENT
- SET 5/8" X 30" REBAR @ CAP
- SET 1/2" X 24" REBAR @ CAP
- FND. BRASS CAP - INITIAL POINT
- DEER MIGRATION EASEMENT
- DITCH MAINTENANCE EASEMENT
- WATER STORAGE EASEMENT
- FOUND BRASS CAP
- FOUND ALUM. CAP
- FOUND 1/2" REBAR

V I C I N I T Y S K E T C H

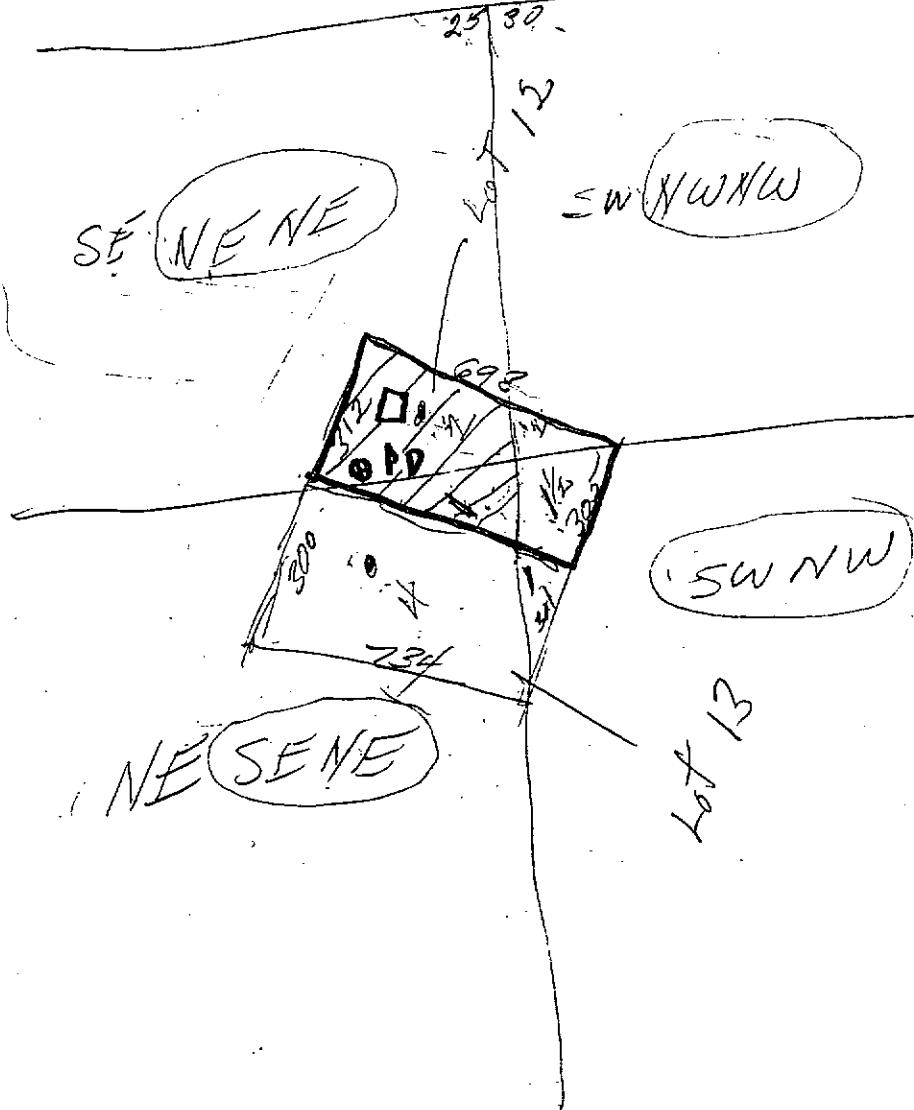


SAWTOOTH TITLE CO., INC.  
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

ENR Engineers, Inc.  
REGISTERED PROFESSIONAL ENGINEERS  
IDAHO

37-08498

2N 17 | 2N-18



RECORDED  
JAN 27 1993

1  
:  
1

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

JAN 27 1993

**Scale: 2 inches equal 1 mile.**

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.

By Anna J. Billger  
(Applicant)

Received by J. E. Stalter Date 3-28-89 Time 2:20 pm Preliminary check by DRJ  
Fee \$ 30.00 Receipted by JS # 5006702 Date 3-28-89  
Publication prepared by M. Baldwin Date 5/4/89 Published in Wood River Journal  
Publication approved M. Baldwin Date 6/5/89

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECEIVED

JAN 27 1993

# AFFIDAVIT OF PUBLICATION

State of Idaho, }  
County of Blaine } SS.

**DANIEL J. GORHAM**

being first duly sworn,  
deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, 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 17<sup>th</sup> day of May 1989, and

the date of the last publication was on the 24<sup>th</sup> day of May 1989.

Subscribed and sworn to before me this 24<sup>th</sup> day of May 1989.  
(SEAL)

*Rabuta McKee*  
NOTARY PUBLIC

WOOD RIVER JOURNAL  
Hailey, Idaho

## COST OF PUBLICATION

Number of Picas per Line 11  
Number of Lines in Notice 76.5  
Number of Insertions 2  
Lines tabular at 5¢/Pica  
76.5 Lines straight at 37.87 4¢/Pica  
76.5 Subsequent lines at 29.45 3¢/Pica  
TOTAL COST 67.32

**RECEIVED**

MAY 25 1989

Department of Water Resources  
Southern Region Office

COPIES NOTICE  
(Paste Here)

Notice of Applications (4)  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources  
BILL TO

## 4 water right applications filed

### NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08497  
REESE, RONALD K.  
REESE, JANET S.  
P.O. BOX 652  
BELLEVUE, ID 83313

Source: SPRING FURNACE  
Tributary: SINKS  
Diversion Pt: SVSWSW Sec 30 T  
02N R 18E

Use: DOMESTIC (1.022 CFS)  
Date Filed: 3/15/1989  
In: T02N R17E S25 SESE

37-08498  
BILLGER, BRADLEY D.  
BILLGER, ANNA J.  
P.O. BOX 1245  
HAILEY, ID 83333

Source: GROUNDWATER  
Diversion Pt: SENENE Sec 25 T  
02N R 17E

Use: IRRIGATION (1.090 CFS)  
DOMESTIC (1.040 CFS)  
Date Filed: 3/28/1989

In: T02N R17E S25 NENE SENE  
3.0 ACRES TOTAL

37-08499  
NICOLAI, THEODORE  
NICOLAI, CICELY

C/O JAMES P. SPECK, ESQ.  
P.O. BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: NWSENE Sec 1 T  
04N R 17E

Use: DOMESTIC (1.040 CFS)  
IRRIGATION (1.090 CFS)  
Date Filed: 3/30/1989

In: T04N R17E S01 SENE  
3.0 ACRES TOTAL

37-08502  
STURDIVANT, PETER  
C/O JAMES P. SPECK, ESQ.  
P.O. BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: SENWNE Sec 5 T  
02N R 18E

Use: IRRIGATION (1.090 CFS)  
DOMESTIC (1.060 CFS)  
Date Filed: 4/03/1989

In: T02N R18E S05 NWNE  
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before JUNE 5, 1989.

R. Keith Higginson, Director  
Publish: Wood River Journal  
May 17 & 24, 1989.

OK  
MB  
6/5/89



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

May 29, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

THEODORE KIEL  
LINDA DIANE KIEL  
2537 RIVERSIDE DR  
COLUMBUS IN 47201

RE: WATER RIGHT NO. 37-08498

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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 the 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.

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

RECORDED

JUN 04 1938

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,



Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

NOT RECORDED

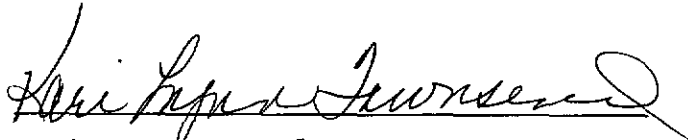
JUN 04 1993

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of May, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08498

THEODORE KIEL  
LINDA DIANE KIEL  
2537 RIVERSIDE DR  
COLUMBUS IN 47201

  
Kari Lynn Townsend  
Secretary

MICROFILMED  
JUN 04 1998



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

May 4, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

THEODORE KIEL  
LINDA DIANE KIEL  
2537 RIVERSIDE DR  
COLUMBUS IN 47201

RE: WATER RIGHT NO. 37-08498

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion developed is in a location other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script, reading 'Shelley W. Keen'.

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUN 04 1998



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

April 28, 1998

THEODORE KIEL  
LINDA DIANE KIEL  
2537 RIVERSIDE DR  
COLUMBUS IN 47201

RE: ASSIGNMENT OF PERMIT NO.37-08498

Dear Water Right Holder(s):

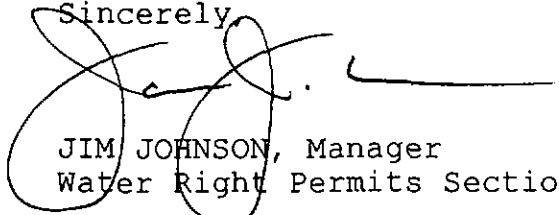
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

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.

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,

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

RECEIVED  
JUN 04 1998

FROM Sharla

DATE 3/20/98

TO File 37-08498

SUBJECT

In a telecon on this date between Jim Johnson and Mr. Billger, Mr. Billger told Jim that he intends to follow up with submittal of assignment form in compliance to order of 2/25/98. He asked for a little more time to get this done. Therefore, the file will be called up on 4/20/98 and if we haven't rec'd anything by then, the file should be routed for film and destroy review.

NOTED

SIGNATURE

JUN 04 1998



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

February 27, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333-1126

RE: Permit 37-08498

Dear Water Right Holder(s):

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 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. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this 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 Director. The Director retains the right to review the preliminary order on his own motion.

JUN 04 1998

### 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 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

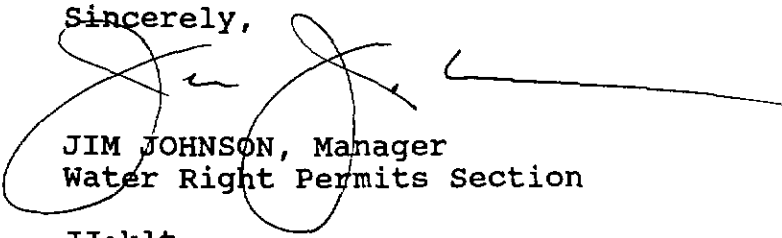
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district 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.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

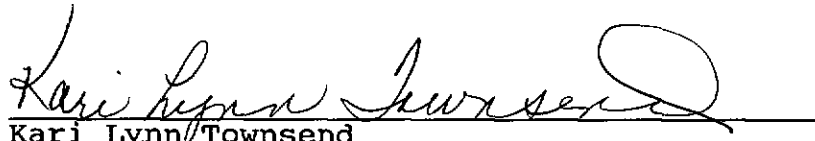
Enclosure

**CERTIFICATE OF MAILING**

I hereby certify that on the 27th day of February, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

Permit 37-08498

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333-1126

  
Kari Lynn Townsend  
Secretary

MINUTES  
JUN 04 1998

BRAD BILLGER  
P.O. BOX 1126  
HAILEY, IDAHO 83333  
(208) 788-3564  
FAX 788-6562

DEPARTMENT OF WATER RESOURCES  
1301 NORTH ORCHARD ST. P.O. BOX 83720  
BOISE, IDAHO 83720  
208 327-2900 FAX 327-7866

RE: WATER RIGHT NO. 37-08498

ATTN: JIM JOHNSON, MANAGER OR SHELLEY KEEN, WATER RIGHTS SUPERVISOR

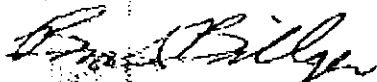
THIS LETTER IS IN RESPONSE TO YOUR FEBRUARY 18, 1998 LETTER REGARDING THE PRELIMINARY ORDER VOIDING MY PERMIT.

I WOULD LIKE TO PETITION FOR RECONSIDERATION. THE REASON FOR MY PETITION IS THAT I HAVE SOLD THE PROPERTY WHERE THE WATER RIGHT IS LOCATED. I HAVE BEEN TRYING, TO NO AVAIL, TO GET A RESPONSE FROM THE NEW PROPERTY OWNERS WHO LIVE IN INDIANA.

I WOULD ALSO AT THIS TIME LIKE TO REQUEST AN ASSIGNMENT OF PERMIT APPLICATION TO SUBMIT THE NAME AND CHANGE OF OWNERSHIP AND HOPE THAT THIS WILL RELIEVE ME OF RESPONSIBILITY. I DO, HOWEVER, BELIEVE THAT THE NEW OWNERS WANT TO HAVE THE WATER RIGHT.

NEW OWNERS: THEODORE & LINDA DIANE KIEL  
2537 RIVERSIDE DRIVE  
COLUMBUS, IN. 47201  
812 342-5700

Respectfully Submitted by:

  
Anna B. Bradley Billger

Dated:

February 24, 1998

MICROFILMED  
JUN 04 1998



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

February 18, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333-1126

RE: PERMIT 37-08498

Dear Permit Holder(s):

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 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. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this 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 Director. The Director retains the right to review the preliminary order on his own motion.

### 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 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

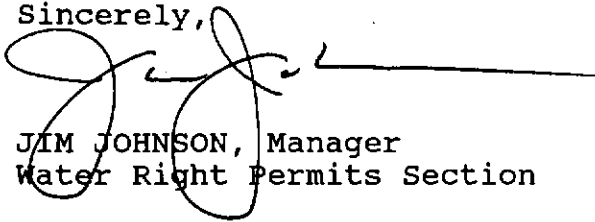
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district 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.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

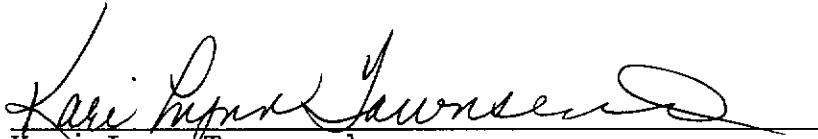
Enclosure

**CERTIFICATE OF MAILING**

I hereby certify that on the 18th day of **FEBRUARY, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Voiding Permit)** to the person(s) listed below:

Permit 37-08498

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333-1126

  
Kari Lynn Townsend  
Secretary

NOT RECORDED

JUN 04 1998



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

December 29, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333

RE: WATER RIGHT NO. 37-08498

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

  
Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED  
JUN 04 1998



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

December 5, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333

RE: WATER RIGHT NO. 37-08498

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED  
JUN 04 1998

# LICENSE REVIEW CHECKLIST

PERMIT NO. 37-08498

DATE 12/3/97

REVIEWER: SHARLA

|              |                 |             |                                                                 |
|--------------|-----------------|-------------|-----------------------------------------------------------------|
| NAME         | Change <u>—</u> | OK <u>✓</u> | Address Change <u>No</u>                                        |
| SOURCE       | <u>—</u>        | <u>✓</u>    | Is change clarification of originally intended source? <u>—</u> |
| POINT OF DIV | <u>✓</u>        | <u>—</u>    | If not, prepare Notice of Intent to Void <u>—</u>               |
| PLACE OF USE | <u>—</u>        | <u>✓</u>    | Amendment required <u>Yes</u>                                   |
|              |                 |             | Amendment required <u>No</u>                                    |

Does map agree with written description? — yes — no

OVERLAPS — P/D — P/U

## RATE OF DIV

|                                           |                                             |
|-------------------------------------------|---------------------------------------------|
| Permitted Rate                            | <u>.13</u> cfs                              |
| Fee limit                                 | <u>.20</u> cfs <u>\$50<sup>00</sup></u>     |
| Measured                                  | <u>.09</u> cfs                              |
| Theoretical                               | <u>.16</u> cfs <u>@ 75' lift and 50 psi</u> |
| Recommended Total Div Rate <u>.03</u> cfs |                                             |

## ANNUAL VOLUME/ NATURE OF USES

|          |                 |                |                            |    |
|----------|-----------------|----------------|----------------------------|----|
| <u>✓</u> | Use <u>Irr.</u> | cfs <u>.03</u> | Volume Calc <u>1 X 3.5</u> | af |
|          |                 |                |                            | af |
|          |                 |                |                            | af |
|          |                 |                |                            | af |
|          | SUBTOTAL        | <u>.03</u>     | <u>- 3.5</u>               | af |

Flow rate .03 cfs X 184 days X 1.98 = 10.9 af  
 Total volume recommended 3.5 af  
(SUBTOTAL or Flow Rate, whichever is less)

## REMARKS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CONDITIONS — Watermaster Control WD# —

867 GW Measurement/Measuring Device

867 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A  
 Adjustment Memo —

1st Amend Letter P39 P38  
 2nd Amend Letter P47

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED  
SEP 11 1996

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 37-08498

1. Owner: BILLGER, BRADLEY & ANNA Phone No. (208) 788-3564

Current Address: PO BOX 1126, HAILEY, ID. 83333

2. Accompanied by: SEE ABOVE EXAM DATE: 26 JULY 1996

Address: PROPERTY: 331 CROY CRK. RD. Phone No. \_\_\_\_\_

Relationship to Permit Holder: SEE ABOVE

3. Source: GROUNDWATER tributary to \_\_\_\_\_

**B. OVERLAP REVIEW**

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

2. Other water rights with the same point of diversion: NONE

**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
| #1        |           | NE  | SE  | NE  | 25   | 02N  | 17E  | BLAINE | FIELD EXAM, SUBD. PLAT          |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

2. Place(s) of Use:

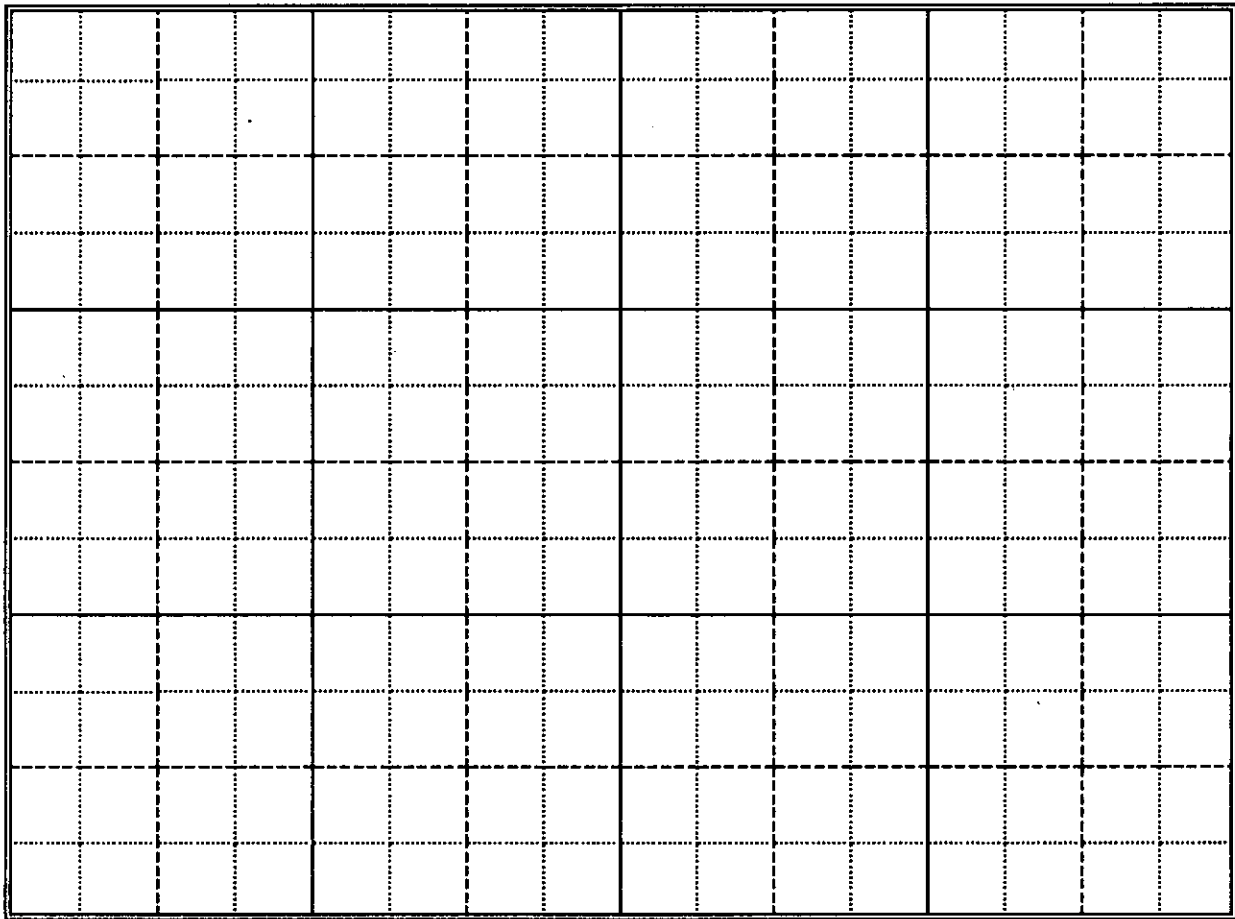
Indicate Method of Determination SAME AS ABOVE

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 17E | 25  | 1  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

NOT FILMED

JUN 04 1998

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



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

X Photo Page 1/3-3/3  
Photo of Diversion and System Attached  
SUBD. PLAT MAP  
ORTHO PHOTO QUAD

4.

| Well or Diversion Identification No.* | Motor Make    | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|---------------|----|------------------|-----------|-----------------------------------|
| #1                                    | Franklin Elec | 5  | 2821138110       | GRUNDFOS  | TYPE 230V                         |
|                                       |               |    |                  |           |                                   |
|                                       |               |    |                  |           |                                   |

\*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 |
|-----------------------------|------|------|-----------|------------|------|-------------|
| PISTON TUBE/PRESSURE GALIGE |      |      |           |            |      |             |
|                             |      |      |           |            |      |             |

2. Measurements: SEE ATTACHMENT "B" & "C"

APPROVED  
JUN 04 1998

E. NARRATIVE/REMARKS/COMMENTS

ATTACHMENT "A"

Have conditions of permit approval been met? ☐ yes ☒ no

MICROFILMED  
JUN 24 1993

☒ Additional Computation Sheets Attached

## PITOT TUBE/GAGE ATTACHMENTS "B" & "C"

### 1. Volume Calculations for Irrigation:

$$V_{I,R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{1(3.5) = 3.5}{}$$

$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{0.03(183)1.9835 = 10.9}{}$$

$$V = \text{Smaller of } V_{I,R} \text{ and } V_{D,R} = 3.5$$

## 2. Volume Calculations for Other Uses:

|                  |          |             |
|------------------|----------|-------------|
| PERMIT RATE      | 0.13 CFS |             |
| EXAM FEE LIMIT   | 0.20 CFS |             |
| MEASURED RATE    | 0.09 CFS | 1 ACRE      |
| RECOMMENDED RATE | 0.03 CFS | ← ALLOWABLE |

## 1. Recommended Amounts

| Beneficial Use | Period of Use |         | Rate of Diversion | Annual Volume |
|----------------|---------------|---------|-------------------|---------------|
|                | From          | To      | Q (cfs)           | V (afa)       |
| IRRIGATION     | 4-15          | 10-15   | 0.03              | 3.5 afa       |
|                |               |         |                   |               |
|                |               |         |                   |               |
|                |               |         |                   |               |
|                |               |         |                   |               |
|                |               |         |                   |               |
|                |               |         |                   |               |
|                |               |         |                   |               |
|                |               | Totals: | 0.03              | 3.5 afa       |

☒ 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

Field Examiner's Name George Satterley Date 28 Aug 69

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

JUN 04 1998



P/D = Sec 25, T02N, R17E NE1 SE1 NE1

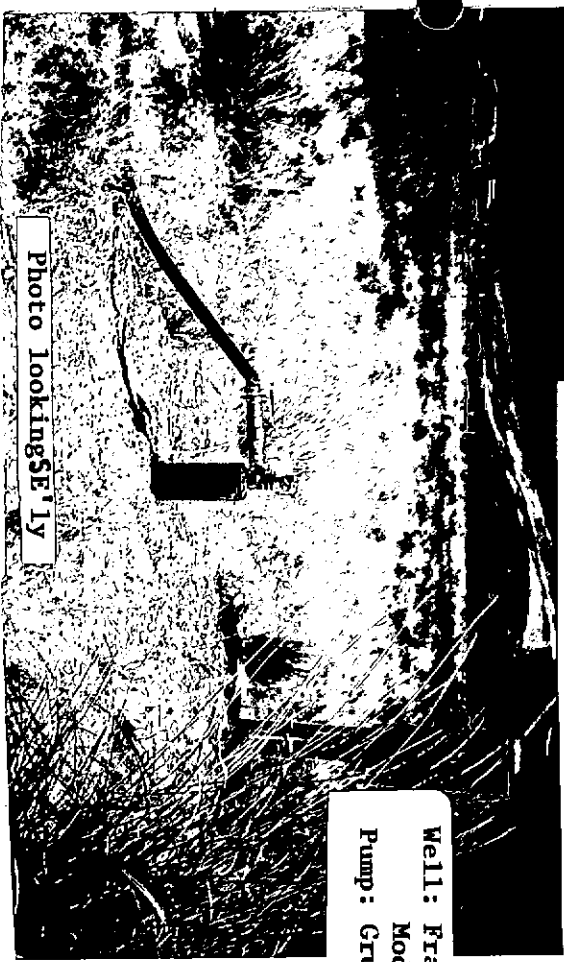


Photo looking SE 1/4

Well: Franklin Electric  
Model #2821138110 5HP  
Pump: Grundfos

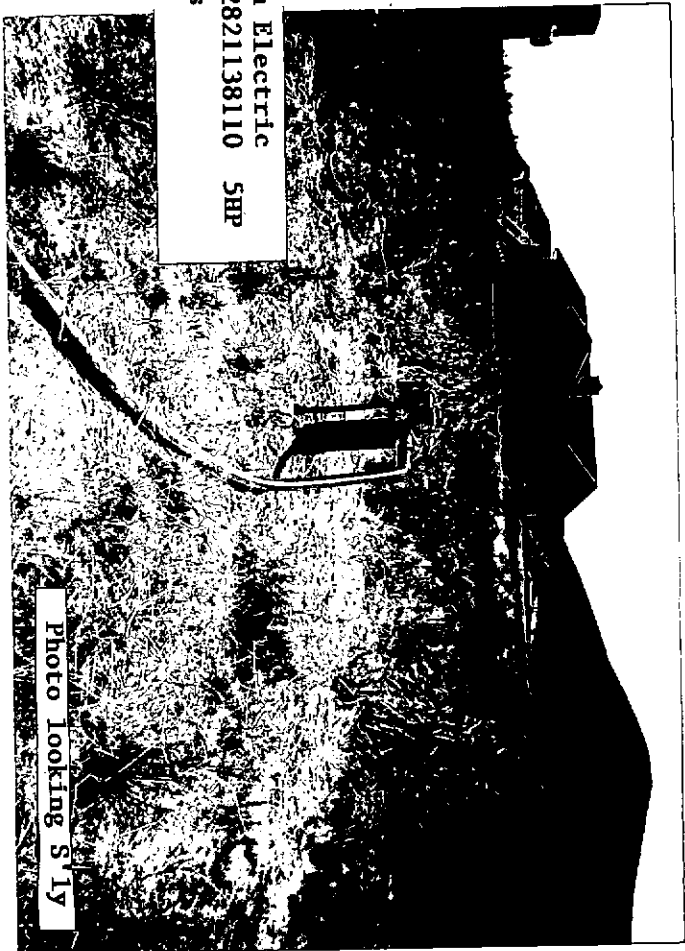
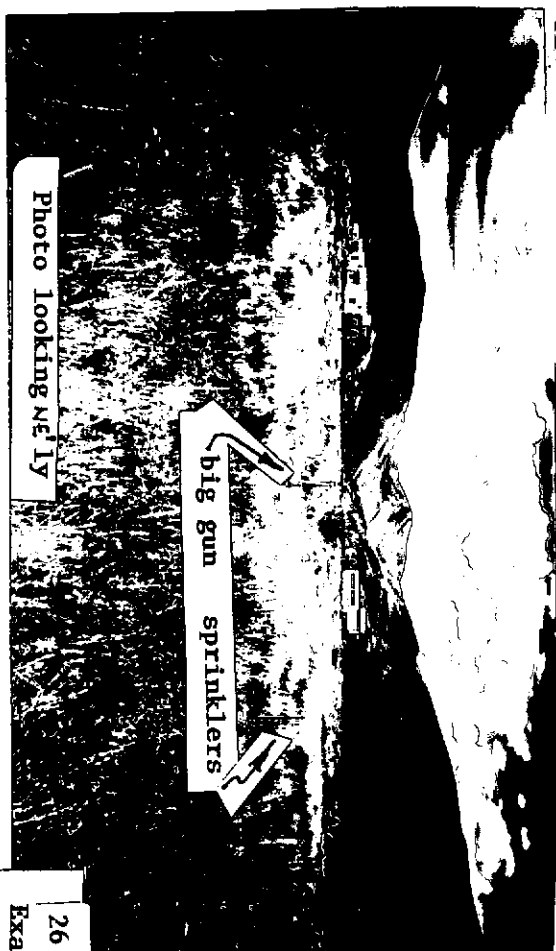


Photo looking S 1/4



big gun sprinklers

Photo looking NE 1/4

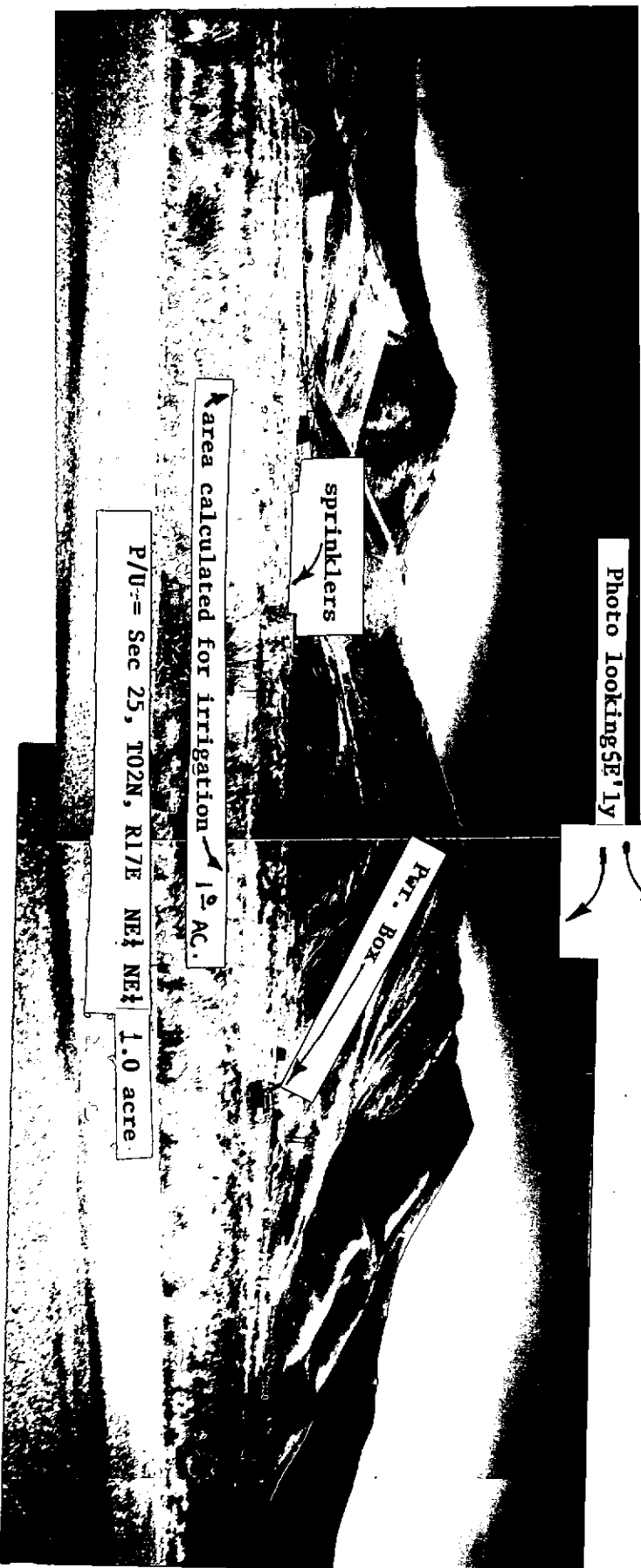
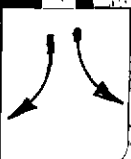
MICROFILM  
JUN 04 1998

26 July 1996 1400 hrs  
Examiner: Satterlee #37-08498



MAILED  
JUN 04 1998

Photo looking SE 1/4



SECOND VISIT

P/U = Section 25, T02N, R17E, NE $\frac{1}{4}$  NE $\frac{1}{4}$   
1.0 acre



22 August 1996 1400 hrs.  
G. Satterlee #37-08498  
Photo looking NE'ly

MOOREHEAD  
JUN 04 1998

A T T A C H M E N T "A"

26 August 1996

To: File #37-08498 - Billger, Bradley & Anna  
From: Georgia Satterlee

On 26 July 1996, I was accompanied by the applicants for the field exam for the said permit. The point of diversion is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 25, T02N, R17E, Blaine County. The original well was drilled in 1988, under the name of the GMMK Group, who are the developers of the Sunset Meadow Subdivision. Bradley Billger had the well deepened in the Fall 1994. The installation date on the pump states 7/24/96. It appears this date is in relation to the deepening of the well.

The permit is for 1 house & 3 acres irrigation. At this time, there is not a house on the said lot. The Billgers' propose building the home in approximately 24 months. Mr. Billger said the shortage of money has set them back regarding the development of the lot.

The area (see photos 2/3 & 3/3) was irrigated by a 4" hand line with nine sprinklers. Five out of the nine sprinklers were measured with a pitot tube and a pressure gage to determine the flow. For the sizes and amount of sprinklers see Attachment "B". The measured rate is different than recommended rate. See "Recommendation" at the bottom of the page.

In addition to the sprinklers, there is a Rainbird Big Gun sitting on the property. The Big Gun was not hooked up to any main line at any time. Mr. Billger says he alternates irrigation between using the sprinklers and the Big Gun.

I revisited the sight on 22 August 1996 to determine the p/d by distances from significant land marks. In addition to verifying the well location, I re-evaluated the area for irrigation. On the second visit, the Rain Bird Big Gun was there but, again, not hooked up. The main line with the 9 sprinklers were not in sight.

The entire lot appears to be made up of natural vegetation. The recommended 1 acre was derived by calculating the length and width (spray) of the sprinkler line that was in place on 26 July 1996. The photo pages 2-3/3 show the area considered as the 1 acre of irrigation.

RECOMMENDATION:

NO recommendation for domestic.

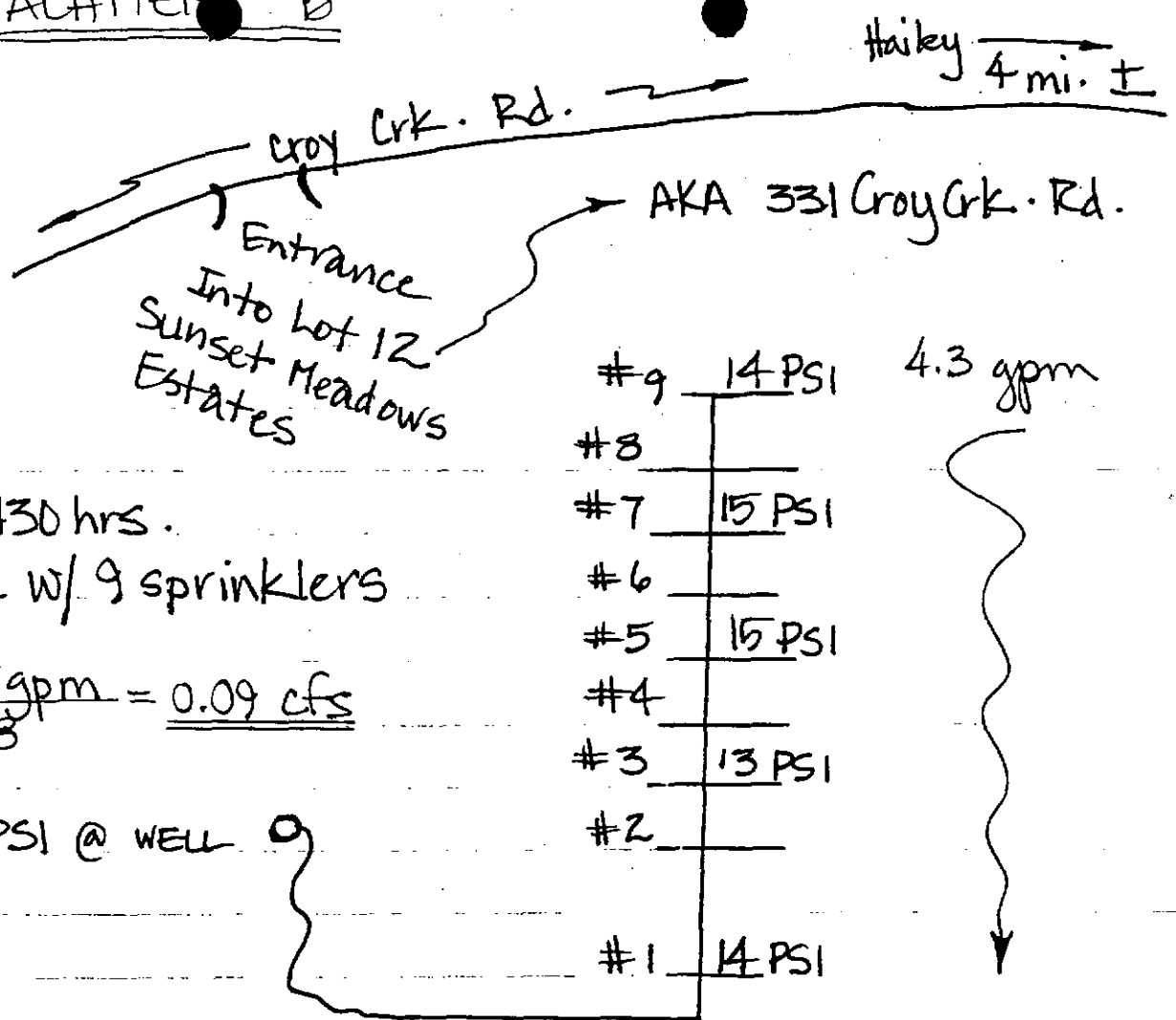
The recommendation for irrigation:

0.03 cfs 1.0 acre 3.5 afa

MICROFILMED

JUN 04 1998

ATTACHMENT "B"



26 July 96 1430 hrs.

4" hand line w/ 9 sprinklers

$$4.3(9) = \frac{38.7 \text{ gpm}}{448.8} = \underline{\underline{0.09 \text{ cfs}}}$$

50 PSI @ WELL

4.3 Weather Tec 10-30 = Sprinkler Head Make/Model

For Irrigation, normally applicant runs 10-11 sprinkler heads. Also, applicant has one (1) Big Gun Rainbird DL-DH 102/103-60 orifice, which runs alone when sprinklers aren't in use.

Applicant irrigates 3 days/wk.

Big Gun has a spray radius of 100' ±.

DATE ON PUMP 7/24/96

5 hp pump Grundfos Pump Type 230 V  
Franklin Electric Model 2821138110 HP 5 Volt 230 PH 1  
RPM 3450

MICROFILM

JUN 04 1998

#37-08498

ATTACHMENT "C"

29 July 1996

TO: Files #37-08593, #37-08498  
FROM: Georgia Satterlee  
RE: Sprinklers/GPM

I called Tim Collings at Farm Irrigation System for information regarding the sprinklers we did not have reference material on.

1. Weather Tec 10-30 (4.3) no matter the psi, output is 4.3 gpm

2. Nelson-F33 @ 42 psi is 4.56 gpm

40 psi=4.45 gpm      80' radius  
45 psi=4.72 gpm      89' radius

RECEIVED

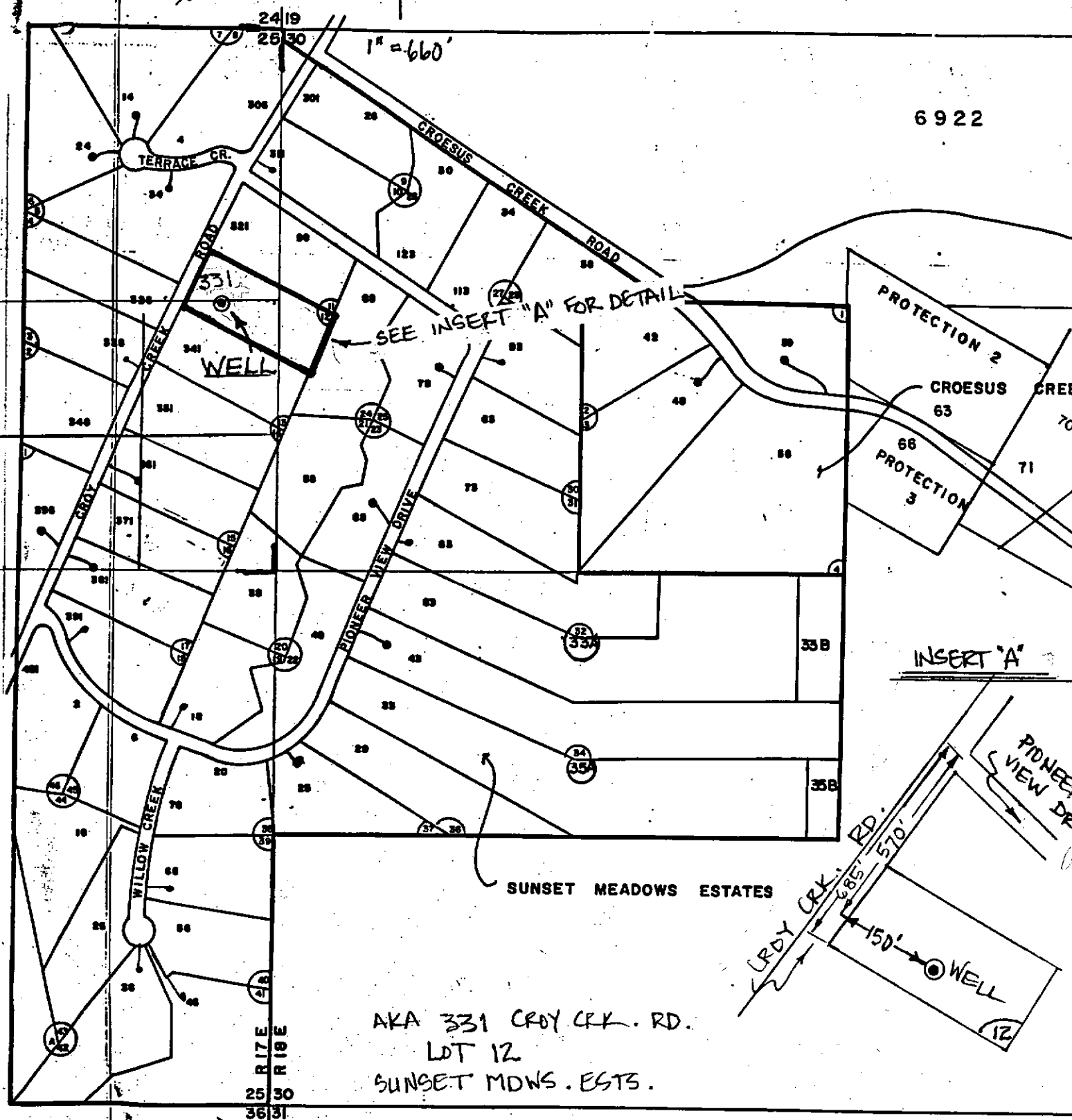
JUN 04 1998

#37-08498



6922

1" = 660'



AKA 331 CROY CRK. RD.  
LOT 12  
SUNSET MDWS. ESTS.

JUN 04 1909  
SEC. 25, T. 2 N., R. 17 E.

#37-08498

MD0732NP  
(00-0732)

IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLING PERMIT NAME INDEX

DATE: 08/07/96  
PAGE: 1

0 BRADLEY D BILLGER

02N 17E 25

SE NE

BLAINE

37-94-S-0123-001

Subdivision Well Site Location and Description:

Subdivision Name: SUNSET MEADOWS  
Well Site Address: 331 CROY CREEK RD  
City, State: HAILEY, ID

Lot(s): 012  
Block(s): 002

Geographic Location:

GPS Site ID:  
Lat: : : N  
Long: : : W  
Accuracy Code:

Proposed Use of Well: Irrigation Proposed Casing Diameter: 6 In. Proposed Depth: 120 Ft.  
Anticipated Bottom Hole Temperature: 85F or Less

Well Use Comments:

Driller License No: 0265

Firm Name: WOOD RIVER DRILLING & PUMP INC  
Official: KENNETH R SMITH

Permit Status: Suffix Changed

| Verbal Issue Date:              | Receipt No. | Receipt Date | Fee       |
|---------------------------------|-------------|--------------|-----------|
| Date Received: 08/29/1994       | S017309     | 08/29/1994   | \$ 200.00 |
| Date Approved: 08/29/1994       |             | NOT ON FILE  |           |
| Proposed Start Date: 10/10/1994 |             | NOT ON FILE  |           |
| Extension Date:                 |             | NOT ON FILE  |           |
| Extension Expiration:           |             | NOT ON FILE  |           |

Specific Conditions:

Permit Remarks: SUFFIX CHANGED TO 100 FOR DEEPENING SEE 37-94-S-0123-100.

Conditions of Approval: This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.

The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If the bottom hole temperature of 85 Degrees F (29.44 oC) or greater is

08/07/96

FORWARD WHITE COPY TO WATER RESOURCES

## WELL DRILLER'S REPORT

**State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.**

[illegible]

Permit No. 37-08498 Reviewed by [Signature] Date 1-10-95

## TYPES OF USE

Mr.

Correct Uses? yes

Surface water source

✓ Ground water source

YLS Drilling permit required?

no Copy in the file? Drill

200.00 Amount paid for permit

no Well log in the file?

Drilling Permit No. 37-94-S-0123-000-00

yes Correct?

## MEASURING DEVICE

YES Required?  
50.00 Amount Submitted  
YES Correct?

no Required?  
Installed?  
Waiver requested?

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

Proof acceptable

New Address \_\_\_\_\_

Proof Made 1-3-95



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 11, 1995

BRADLEY D BILLGER  
ANNA BILLGER  
P O BOX 1126  
HAILEY ID 83333

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 37-08498

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.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208) 736-3033.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH  
Senior Secretary

c: IDWR - Region

RECEIVED  
JAN 19 1995

November 30, 1994

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333

PROOF DUE NOTICE

RE: PERMIT NO. 37-08498

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 February 1, 1995.

(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.

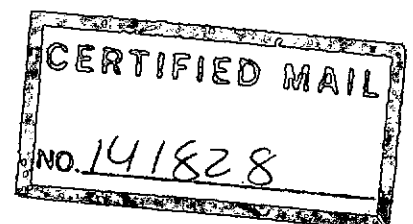
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

MICROFILMED  
JAN 19 1995



January 25, 1994

Bradley and Anna Billger  
P.O. Box 1126  
Hailey, ID 83333

RE: Permit No. 37-08498

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED

FEB 07 1994

ANALYSIS SHEET  
FOR  
EXTENSION OF TIME

Permit No. 37-8498 Reviewed by [Signature] Date 1-20-94

BASIC INFORMATION

1-12-94 Date stamp received  
YES Extension received timely  
YES Fee received and receipted  
YES Name and signature same as permit  
no Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?  
\_\_\_\_\_ Has the permit been involved in litigation?  
\_\_\_\_\_ Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_  
\_\_\_\_\_ Is delay by a government agency?  
\_\_\_\_\_ Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_  
\_\_\_\_\_ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*Recommend extend to Feb 1, 1995 for due diligence*

PRIORITY CALCULATION

|                         |       |   |       |
|-------------------------|-------|---|-------|
| Date extension received | _____ | = | _____ |
| Proof due date          | _____ | = | _____ |
| Number of days late     | _____ | = | _____ |
| Priority date           | _____ | = | _____ |
| New Priority Date       | _____ | = | _____ |

DATA ENTRY

New Address \_\_\_\_\_  
Change Proof Due Date 2-1-95  
Change Priority Date \_\_\_\_\_

November 30, 1993

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333

PROOF DUE NOTICE

RE: PERMIT NO. 37-08498

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 February 1, 1994. (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.

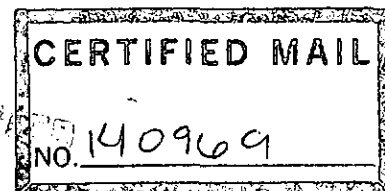
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 13, 1993

BRADLEY D BILLGER  
ANNA J BILLGER  
PO BOX 1126  
HAILEY ID 83333

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08498

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER  
Water Resource Agent

A handwritten date stamp in the bottom right corner of the page, which reads "JAN 27 1993".

JAN 27 1993

BLM:cz

Enclosures



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 28, 1992

Bradley D. & Anna J. Billger  
P.O. Box 1126  
Hailey, ID 83333

RE: Application for Permit to Appropriate Water No. 37-08498

Dear Mr. and Mrs. Billger:

Our southern regional office in Twin Falls forwarded your application to the state office, and recommended the Department not approve your application unless you showed your diversion would not affect surface water flows in the Big Wood River, or you compensate the Big Wood River for depletions. I reviewed all of the information in the file, and agree with the technical analysis of our southern regional office. Although your application was filed prior to the formation of the Big Wood River Groundwater Management Area, your refusal to pay the additional drilling permit fee caused a delay in processing. Your unwillingness to pay the additional fee should prevent the Department from approving your application.

I can find no fault on the part of the Department of Water Resources. I dislike internal interpretation of our rules and regulations, however, which penalize an applicant for non-payment of an additional fee which the applicant may not have anticipated, even if the applicant was notified and purposely refused to pay the fee.

If you will submit to this Department a check for \$90 to cover the additional drilling permit fee, the Department is prepared to issue you a permit to appropriate water. You should understand the Department's approval is extraordinary.

Respectfully,

GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

cc: Southern Region

RECEIVED

JAN 27 1993

# APPLICATION FOR PERMIT REVIEW

*BSM*

Application #: 37-8498 Date: 12-21-92 Reviewer: Brenda Miller

## SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - N/A

## AREA OF CONCERN?

YES  
BIG WOOD RIVER GWWMA

## GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- LT. 0.2 cfs - No measurement required <flow chart>

## Drilling Permit:

- <Approved> w/permit - P99 Permit No. 37-88-5-107 upgraded
- Not included - 046-46A-46B-P23 (after 7/1/87), N/A

## SURFACE WATER: not in w/d

## LOCATION:

- Water Districts - WD No. 37
- Surface water - R04, R04-01H-P01(LT.2 w/pump)
- R04-01J-P08(GT.2), NMR <flow chart>
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - (1, Blank or Other)
- Trust - ~~051-052-053-P74~~ Consumptive Uses Exempt
- Non Trust <1> - 048-049

## RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

## USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042(req.), 002-P06(MD), 07A(Spec.), 044(Policy 5G)
- Power - Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) 27A (Payette River & main tributaries)

## OWNERSHIP:

- Non land owner - 004

## PROTESTED:

- Agreement - 020

## Beneficial Use Due Date

## Other Conditions/Remarks:

01-03-1994 02-01-1994

(1-7-93)

*Recommended for approval with normal conditions per Camp 12-14-92 memo.*

MEMORANDUM

TO: File No. 37-08498 in the Name of Bradley &/or Anna Billger  
FROM: Gary Spackman *Gary*  
DATE: December 14, 1992

I have reviewed Loren Holmes' memo which describes the events following filing of application for permit no. 37-08498, and recommend non-approval. Although Loren's analysis of the circumstances is correct, had Billgers paid the additional drilling permit fee of \$90 when requested, the Department would have approved the application prior to the creation of the Big Wood River Groundwater Management Area.

I suggest we approve application for permit no. 37-08498 with normal conditions of approval. When the permit is prepared and signed, I want to prepare the cover letter transmitting the permit.

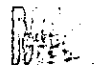
RECEIVED  
JAN 27 1993

MEMORANDUM

To: Gary Spackman  
From: L. Glen Saxton   
RE: DISPOSITION OF APPLICATION 37-08498  
Date: November 25, 1992

I have reviewed Loren's November 20, 1992 memo and agree with his analysis. The department did treat the two (2) applications differently, but our failure to ask for the additional drilling permit fee in connection with water right permit 37-08506 does not negate the requirement for the additional fee submittal for the Billger application. In addition, as Loren's memo described, if Billger had timely responded to the department and had not set on his laurels for two years, the matter would have been reviewed earlier and a permit likely issued prior to the GWMA designation.

If you see a different alternative or disagree with this analysis, let's discuss it.

  
JAN 27 1993

MEMORANDUM

DATE: 20-Nov-1992

FROM: Loren Holmes *LH*

TO: File 37-08498

SUBJECT: Summary of processing events, analysis and recommendation for action

This application was filed on 3/28/89, proposing domestic use and irrigation of 3 acres with groundwater.

Staff review of the application was completed on 4/7/89. The application was determined to be in the trustwater area and eligible for immediate processing as irrigation of a residential lot as defined in the SB 1180 Contract. The application was advertised without protest and forwarded to the state office for action on 6/12/89. Conditions of approval were proposed to require the applicant to comply with drilling permit requirements and requiring that irrigation use be in conjunction with a domestic use.

The application was returned to the region on 7/14/89 with a memorandum to the effect that the well drilling permit that had been issued for this well was for domestic use only and that an additional fee of \$90.00 was due before the water permit could be approved.

After some checking, the drilling permit was determined to be No. 37-88-S-107, which was issued to drill a domestic well on lot 12, block 2 of Sunset Meadows Subdivision. The permit was one of a number of permits issued simultaneously to GMMK Group, the developer, to drill domestic wells in the subdivision.

*A domestic well fee of \$10 was paid.*

On 7/14/89, the applicant was notified by letter from Southern Region that the balance in fee was due before further processing on the water right would occur.

On 6/12/91, the director issued an order creating the Big Wood River Groundwater Management Area (GWMA).

on 8/28/91, Loren Holmes advised the applicant by letter of the creation of the GWMA and described the additional burdens placed on applicants by the order.

On 9/27/91, the Southern Region office received a check for the \$90.00 balance in drilling permit fee from the applicant. The check was returned on 10/11/91 with a letter from Loren Holmes indicating that it would be inappropriate to accept the fee until it was determined if the water right application would be granted.

*RECEIVED*

JAN 27 1993

On 2/27/1992, the Southern Region office received a letter from the applicant stating that it was the applicant's position that he was entitled to a permit on the grounds that the department had acted inconsistently in granting permit 37-08506 to an adjacent landowner without requiring the payment of any additional drilling permit fee.

Research of the file on permit 37-8506 (Robert Benjamin) indicates the application was received and processed at the same time as the Billger application and that a permit was issued with the same conditions of approval as those proposed for the Billger application. The Benjamin application covered Lot 13, block 2, Sunset Meadows Estate Subdivision. The lot is the site of a domestic well drilled under drilling permit 37-88-S-108, which is another of the group of domestic well permits issued to GMMK. The Benjamin permit lapsed on September 5, 1991, due to failure of the permit holder to file proof of beneficial use.

*app included  
300 of invig.  
\$10 fee  
was  
paid.*

On 2/12/92, Loren Holmes met with Bradley Billger, the applicant, at the Southern Region office. Applicant's position is that he is entitled to a permit because a permit would have been granted prior to the GWMA order if the process had not been delayed by the issue of the insufficient drilling permit fee.

#### ANALYSIS

Comparison of files 37-08498 and 37-08506 indicates that the department was inconsistent in its action on the two applications. A water right permit would most likely have been issued to Billger if the applicant had made a timely response on the issue of the drilling permit fee when he was informed of it in July, 1989. Either payment the fee or pointing out the inconsistency would have caused a review of the matter. However, the applicant allowed nearly two years to pass before responding and then responded only after the creation of the Big Wood River GWMA.

The director's GWMA order applies to all applications pending action as of the date of the order. The order does not prohibit issuance of permits but imposes an additional burden on applicants to show that a proposed project either will have no effect on surface water flows or to provide a plan for mitigation of impact on surface flows. To date, the applicant has not offered to meet the burden imposed by the order.

#### RECOMMENDATION

Based on the above chronology of events and analysis, I can only recommend that the department set a time frame in which the applicant must meet the burden imposed by the GWMA order. If the applicant is successful, a permit can be granted.

*[Handwritten signature]*

JAN 27 1993

No. 202a  
87STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DR DATE 4-7-89 APPLICATION NUMBER 37-08498

## 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) *to Magic Res? (See APP. PROC. Memo #20)*
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No\* In form to receipt
- WATER District \_\_\_\_\_

## ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- Field check by \_\_\_\_\_
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

RECEIVED  
NOV 25 1992

Department of Water Resources

RECEIVED  
JUN 21 1993

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

Department of Water Resources

PROCESSING

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

ID COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District \_\_\_\_\_  
☐ Idaho Dept. of Fish & Game, Region \_\_\_\_\_ ☐ U.S. Forest Service, Forest \_\_\_\_\_  
☐ Idaho Dept. of Lands ☐ Water District # \_\_\_\_\_  
☐ Adjudication Bureau Unit ☐ Other \_\_\_\_\_

ADDITIONAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application  
☐ Yes ☒ No Protests received  
 Final date for protest 6/5/89  
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application  
☐ Yes ☒ No Recommendations attached  
☐ Yes ☒ No Measuring device required  
☐ Yes ☒ No Access port required  
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 37  
☐ Yes ☐ No Special conditions of approval or cover letter below. 264

☐ See below for additional information

Date of priority recommended 3/28/89  
 By Larry D. Halun Date 6/12/89

STATE OFFICE REVIEW

P05, P23 P16 46 41

☐ See below for additional information

By \_\_\_\_\_ Date \_\_\_\_\_

ADDITIONAL INFORMATION

App. in TRUST area - DCMI  
Below 1 yr. for B/U development



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

23-Nov-1992

R. KEITH HIGGINSON  
Director

BRADLEY D BILLGER  
P O BOX 1126  
HAILEY ID 83333

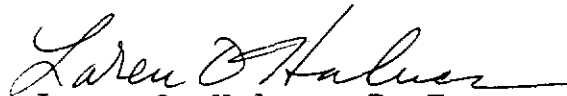
Re: Application 37-08498

Dear Mr. Billger:

I have made a review of your application file and related information and have forwarded the file to the state office with a memorandum and recommendation. A copy of the memorandum is enclosed.

Further correspondence on this matter should be with the Water Allocation section at the department's State Office, 1301 N. Orchard St., Boise, ID 83706-2237 (327-7953).

Sincerely,

  
Loren O. Holmes, P. E.  
Southern Region Manager

RECEIVED  
JAN 27 1993

State of Idaho  
Department of Water Resources

DRILLING PERMIT

(Authorizing Construction of a Well)\*

*WPA States*  
*Nancy - 140*

1. Applicant C.M.M.K Group
2. Address Bx 1814 Hailey, Idaho  
Telephone \_\_\_\_\_
- (☒) Well Owner    (☐) Well Operator    (☐) Other, specify \_\_\_\_\_
3. Proposed well location 1/4 1/4, or Gov't lot No. \_\_\_\_\_,  
Sec. \_\_\_\_\_, Twp. \_\_\_\_\_, Rge. \_\_\_\_\_, County Blaine,  
Lot, block and subdivision See Attachment
4. Proposed use of well: (Check all that apply)  
(☒) Domestic    (☐) Stockwater    (☐) Monitoring  
(☐) Irrigation    (☐) Industrial    (☐) Municipal  
(☐) Injection    (☐) Other, Specify \_\_\_\_\_
5. Well construction information:  
(☒) New well    (☐) Deepen    (☐) Replace  
Proposed surface diameter 6"    Maximum depth 180'  
Anticipated bottom hole temperature: \_\_\_\_\_  
(☒) 85°F or less (Cold water well)  
(☐) 85°F to 212°F (Low temp. geothermal well)  
(☐) 212°F or more (Geothermal well)
6. Anticipated construction start date 9/23/88
7. Well Driller (if known) Wood River Drilling and Pump  
Address Bx 1165, Hailey Idaho 83333
8. Applicant's signature Ken Smith  
Title Agent  
Date 9/22/88

\* After other pre-requisite approvals have been obtained.

\* Fee is \$10 for single family domestic. Other uses may be \$100, \$50 or \$10.

JAN 27 1993

37-88-5-096 thru 37-88-2-134

bed on  
spe-  
K.  
ET MEADOW ESTATES SUBDIVISION

ILLING CONSTRUCTION PERMITS

| Legal Description                          | Permit Number |
|--------------------------------------------|---------------|
| T.2 N.R.17 E., Sec. 25, SENE; Blk.1 Lt.1   | 37-88-S-096   |
| " " " " Lt.2                               | 37-88-S-097   |
| " " " " Lt.3                               | 37-88-S-098   |
| " " " NENE; Lt.4                           | 37-88-S-099   |
| " " " " Lt.5                               | 37-88-S-100   |
| " " " " Lt.6                               | 37-88-S-101   |
| " " " " Lt.7                               | 37-88-S-102   |
| " " " " Lt.8                               | 37-88-S-103   |
| T.2 N.R.18 E., Sec. 30, GV.LT2 BLK.3 Lt.9  | 37-88-S-104   |
| " " " " Lt.10                              | 37-88-S-105   |
| T.2 N.R.17 E., Sec. 25, NENE; Blk.2 Lt.11  | 37-88-S-106   |
| " " " SENE; Lt.12                          | 37-88-S-107   |
| " " " " Lt.13                              | 37-88-S-108   |
| " " " " Lt.14                              | 37-88-S-109   |
| " " " " Lt.15                              | 37-88-S-110   |
| " " " " Lt.16                              | 37-88-S-111   |
| " " " NESE; Lt.17                          | 37-88-S-112   |
| " " " " Lt.18                              | 37-88-S-113   |
| " " " " Lt.19                              | 37-88-S-114   |
| " " " " Lt.20                              | 37-88-S-115   |
| T.2 N.R.18 E., Sec. 30, GV.LT2 BLK.2 Lt.21 | 37-88-S-116   |
| " " " " Lt.22                              | 37-88-S-117   |
| T.2 N.R.18 E., Sec. 30, GV.LT2 Blk.2 Lt.23 | 37-88-S-118   |
| " " " " Lt.24                              | 37-88-S-119   |
| " " " " Lt.25                              | 37-88-S-120   |
| " " " GV.LT1 BLK.3 Lt.26                   | 37-88-S-121   |
| " " " " Lt.28                              | 37-88-S-122   |
| " " " GV.LT2 " Lt.29                       | 37-88-S-123   |
| " " " " Lt.30                              | 37-88-S-124   |
| " " " " Lt.31                              | 37-88-S-125   |
| " " " " Lt.32                              | 37-88-S-126   |
| " " " GV.LT3 " Lt.33                       | 37-88-S-127   |
| " " " " Lt.34                              | 37-88-S-128   |
| " " " " Lt.35                              | 37-88-S-129   |
| " " " " Lt.36                              | 37-88-S-130   |
| " " " " Lt.37                              | 37-88-S-131   |
| " " " " Lt.38                              | 37-88-S-132   |
| T.2 N.R.17 E., Sec. 25 SESE; BLK.3 Lt.40   | 37-88-S-133   |
| " " " " Lt.41                              | 37-88-S-134   |
| " " " " Lt.42                              | 37-88-S-135   |
| " " " " Lt.43                              | 37-88-S-136   |
| " " " " Lt.44                              | 37-88-S-137   |
| " " " " Lt.45                              | 37-88-S-138   |
| " " " NESE; Lt.46                          | 37-88-S-139   |

RECEIVED  
JAN 27 1993

RECEIVED

FEB 27 1992

Department of Water Resources  
Southern Region Office

BRADLEY BILLGER  
P.O. BOX 1126  
HAILEY, IDAHO 83333  
208 788-3564

IDAHO DEPT. OF WATER RESOURCES  
222 SHOSHONE ST. EAST  
TWIN FALLS, IDAHO 83301

APPLICANT NO. 37-8498

ATTN. LOREN HOLMES, SOUTHERN REGION MANAGER

DEAR LOREN,

I am writing to send on further information pertaining to my consumptive water right application permit no. 37-8498. The following discussion pertains to the discussion that we had in your office on February 12, 1992, and additional comments.

There are, as the information enclosed suggests, no restrictions affecting irrigation or permit application for Sunset Meadow Estates subdivision.

As we determined, in regard to my application, a combination of events occurred which, in my view, and as per our Feb. 12 discussion affected the timely approval of that application. In reviewing Robert Benjamin's application (permit no. P37-08506) I realized that because his application on an adjacent 5 acres at Sunset Meadow Estates Lot 13 was accepted and approved on Aug. 17, 1989, and his being applied for on the same day as mine and all conditions of both being identical, only that he was not required to pay an additional \$90.00, that there was something unusual that happened affecting my approval.

No one from your office, after my \$30.00 permit was paid informed me that the \$90.00 fee subsequently requested was going to close the door on my application. (Soon after Robert Benjamin received his water right with no \$90.00 being requested). I spoke over the phone to James Stanton and found no need to be concerned until which time as I was ready to proceed with irrigation development on my 5 acres.

I am in full understanding of the changes drafted in the MATTER OF DESIGNATING THE BIGWOOD GROUNDWATER MANAGEMENT AREA, June 28, 1991. I firmly believe that my permit should be approved in view of all that you and I have discussed and in view of the mitigating circumstances as mentioned above and others relating to the fees charged at the onset of the permit process.

Please respond as soon as possible.

Thank you again for reviewing this matter.

Sincerely,

*Brad Billger*  
Brad Billger

JAN 27 1993

Dated: February 26, 1992

37-8498

RECEIVED

employment occurs shall pay all costs incurred, including  
reasonable attorney's fees.

FEB 27 1992

ARTICLE 7. AMENDMENT

Department of Water Resources  
Southern Region Office

This Declaration may be amended by an instrument  
signed by not less than seventy-five percent (75%) of the  
Lot Owners, acknowledged and recorded with the Blaine County  
Recorder.

ARTICLE 8. WELL AND WATER USE RESTRICTIONS

Section 1. Meters. Lot owners shall install and  
maintain a water meter of the type and kind as required by  
the Board of Managers and a suitable access port for water  
level measurement for each well located on their lot. Lot  
owners shall submit their meter readings to the Board of  
Managers on May 1, July 1, September 1, and November 1 of  
each year or as determined from time to time by the Board of  
Managers. The meter readings shall be compiled on an annual  
basis and distributed by the Board of Managers to the lot  
owners, the appropriate Blaine County officials and the  
University of Idaho. Each lot owner hereby grants the Board  
of Managers or its agent access to the lot owners property  
at all reasonable times to inspect and monitor the lot  
owners well, pump, and meter.

Section 2. Water Use. Lot owners may use their  
water supply and system with allowed pump-out rates and  
volumes as permitted by the Department of Water Resources on  
individual water permits or as may be further restricted by  
the Board of Managers in its discretion after considering

JAN 27 1993

water use and supply and response of the aquifer within the subdivision and within the area in times of drought conditions or otherwise.

Section 3. Application for Water Permit. Lot owners applying for a permit from the Department of Water Resources to irrigate additional lands up to two and one-half (2-1/2) acres shall notify the Board of Managers and Blaine County in writing at the time of such application.

Section 4. Enforcement. The Board of Managers, any lot owner in the subdivision, and Blaine County or its designated agent may enforce the provisions of this Article by commencing and maintaining actions for damages or to restrain or enjoin any actual or threatened breach of any of these provisions and to enforce by mandatory injunction, or otherwise this Article. Each lot owner by purchasing a lot in Sunset Meadow Estates consents to the enforcement of this Article by Blaine County as a party with an interest in regulating water use as may be in the best interest of lot owners and Blaine County residents. In addition, the Board of Managers can assess monetary penalties against any lot owner for any violation of this article provided, however, such monetary penalty cannot exceed \$50 a day for each day the violation continues after notice of such violation to the lot owner. The action imposing the fine shall not become effective until the fine is approved by a majority of the Board of Managers at a special meeting where the lot

JAN 27 1993

BRADLEY BILLGER  
P.O. BOX 1126  
HAILEY, IDAHO  
83333

IDAHO DEPT. OF WATER RESOURCES  
222 SHOSHONE ST. EAST  
TWIN FALLS, IDAHO 83333

APPLICANT NO. 37-8498

ATTN: LOREN HOLMES, SOUTHERN REGION MANAGER

RECEIVED

NOV 12 1991

Department of Water Resources  
Southern Region Office

DEAR LOREN HOLMES,

I received your letter dated October 11, 1991 regarding my application for permit # 37-8598 and I am responding to again make it clear that I feel that I was inappropriately informed of the June 28th, 1991 new policy change in the Wood River Groundwater Management Area. I addressed this in the last paragraph of my September 26th letter, however I do not feel that you responded to that question in your reply.

The changes that the director made I am sure are necessary, particularly for those applying after June 28th, however I do not feel that the Dept. holds reasonable justification for its actions in the approach that it has taken with my application.

I will be coming to Twin Falls to discuss this with you in the very near future.

Respectfully submitted by:

Bradley Billger  
BRADLEY BILLGER

Dated: Nov. 9, 1991

\*\*\* PLEASE NOTE THE CHANGE OF ADDRESS ABOVE FROM BOX 1245  
TO BOX 1126.

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NOV 7 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

11-Oct-1991

R. KEITH HIGGINSON  
Director

Bradley D. Billger  
P.O. Box 1245  
Hailey, ID 83333

Re Application for permit 37-8498

Dear Mr. Billger:

We have received and are returning your check No. 5752 for additional well drilling permit filing fee because it is inappropriate to accept the additional fee at this time.

On June 28, 1991, the director issued an order creating the Big Wood River Groundwater Management Area and adopting a policy setting conditions for issuance of new permits to divert groundwater which affects the irrigation component of your pending application.

I will be happy to meet with you concerning this application. I routinely travel to Hailey on various matters, and will call for an appointment when I schedule my next trip.

If you have any questions in the meantime, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes, P. E.  
Southern Region Manager

JAN 27 1993

BRADLEY BILLGER  
P.O. BOX 1126  
HAILEY, IDAHO  
83333

IDAHO DEPT. OF WATER RESOURCES  
222 SHOSHONE ST. EAST  
TWIN FALLS, IDAHO 83333

APPLICANT NO. 37-8498

ATTN: LOREN HOLMES, SOUTHERN REGION MANAGER

RECEIVED

SEP 27 1991

DEAR LOREN HOLMES,

Department of Water Resources  
Southern Region Office

THE INTENT OF THIS LETTER IS TO INFORM THE DEPARTMENT THAT I NOW, AT THIS TIME, WISH TO COMPLETE THE ABOVE APPLICATION NO. 37-8498 BY SUBMITTING THE \$90.00 THAT IS IN ARREARS.

PLEASE REVIEW, IF YOU WILL WITH JAMES STANTON, MY APPLICATION AS YOU WILL FIND PAYMENT FOR \$30.00 TOWARD THAT PERMIT. AT THAT TIME I UNDERSTOOD THAT I WAS PAYING THE REQUIRED AMOUNT NECESSARY TO FULFILL THE TERMS FOR A THREE ACRE WATER RIGHT FOR MY SUNSET MEADOW LOT, WEST OF HAILEY.

LATER, BY PHONE CONVERSATION, I WAS INFORMED BY MR. STANTON THAT AN ADDITIONAL \$90.00 WAS DUE. I WAS AT NO TIME APPRISED THAT THERE WAS A DEADLINE, WHICH IF NOT AHEARED TO WOULD THEN CAUSE AUTOMATIC CANCELLATION OF MY APPLICATION.

I WOULD THEREFORE LIKE TO REQUEST A MEETING TO REVIEW MY SITUATION AS I MOST SINCERELY FEEL IT HAS BEEN ONE INFLUENCED BY SEVERAL MITIGATING CIRCUMSTANCES.

THANK YOU. PLEASE BE IN COMMUNICATION AS SOON AS POSSIBLE.

Respectfully submitted by:

*Bradley Billger*  
BRADLEY BILLGER

Dated: *Sept 26, 1991*

\*\*\* PLEASE NOTE THE CHANGE OF ADDRESS ABOVE FROM BOX 1245 TO BOX 1126.

**Alpha Bravo Interiors**

BRAD & ANNA BILLGER  
P.O. BOX 1126  
HAILEY, IDAHO 83333

JAN 27 1992



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

28-Aug-1991

Bradley D. Billger  
Anna J. Billger  
P.O. Box 1245  
Hailey, ID 83333

Re: Application number 37-8498

Dear Applicant:

The Department of Water Resources recently designated a ground water management area (GWMA) which encompasses the upper Big Wood River Valley, the Bellevue Triangle, a portion of the Silver Creek drainage, and the Camas Prairie. You have filed the above referenced application(s) which proposes a point of diversion within the ground water management area.

The Department intends to process pending applications within the GWMA. Any applicant who proposes a consumptive water use, other than domestic use not exceeding one-half acre of irrigation, must show that his proposed use will not reduce flows in the Big Wood River or Silver Creek, or he must propose a reasonable plan to mitigate the reduction in flow.

Your application proposes a consumptive use of water. Prior to further processing of your application, or conducting a hearing if the application is protested, you must submit the following information:

1. Hydrologic evaluation of the ground water aquifer at the proposed point of diversion and its relationship to surface water, including timing of potential impacts.
2. If the hydrologic evaluation results in a conclusion that a well can be constructed without impact, a prospectus discussing well construction methods and standards must be submitted which will be implemented to prevent depletion of surface flow.
3. If the hydrologic evaluation results in a conclusion that a well cannot be constructed without depleting surface flow, a plan of mitigation and/or compensation must be submitted that will replace depletions of surface water caused by proposed ground water withdrawal.

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JAN 27 1993

37-8498

Page 2

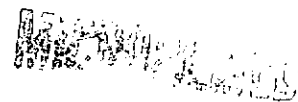
28-Aug-1991

If you do not wish to submit the above information, you may withdraw your application by completing the enclosed withdrawal form. if your application includes a domestic component, and you wish to limit the application to domestic use, please inform this office.

Failure to respond to this inquiry within thirty (30) days, with either the withdrawal or a schedule for submittal of the above information, is cause for the Department to void the application for failure to submit the requested information.

Sincerely,

  
Loren O. Holmes, P. E.  
Southern Region Manager



JAN 27 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

Bradley D. Billger  
P. O. Box 1245  
Hailey, ID  
83333

July 14, 1989

RE: Water Permit Application 37-08498, Drilling Permit 37-88-S-107

Dear Mr. Billger;

We are contacting you concerning an inconsistency between the above drilling permit and your application for a water permit. The drilling permit was obtained by the G.M.M.K. Group for domestic use only; a fee of \$10. was paid. But your application shows that this well will be used for 3 acres of irrigation in addition to domestic use. The correct fee for a drilling permit for an irrigation well is \$100. So \$90. is still owed to the Department before irrigation use of this well can be authorized. Please remit that amount to this office at your earliest convenience so that processing of your water permit application can continue. If you have any questions, please feel free to contact this office.

Sincerely,

*James E. Stanton*  
James E. Stanton  
Sr. Water Resource Agent

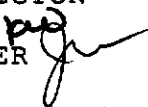
cc: Kay Walker

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JAN 27 1993

MEMORANDUM

TO: SOUTHERN REGION

FROM: KAY WALKER 

RE: DRILLING PERMIT/WATER RIGHT APPLICATION  
37-8498

DATE: 11-JUL-1989

=====

I cannot determine if the Billger's received an approved drilling permit for this well or not. In searching Linda Tracy's records I found that there was not a drilling permit issued to the Billger's; but there was a bunch issued to GMMK Group (numbers 37-88-S-96 thru 37-88-S-139) that were each issued for domestic wells with a \$10.00 filing fee located in the same area as this permit. However, the water right application is for irrigation and domestic uses therefore the drilling permit fee should have been \$100.00. Prior to issuing the water right permit we need to have a copy of the drilling permit showing the \$100.00 fee paid or at least locate a drilling permit number so we can correspond with the applicant to request an additional \$90.00. If a fee of \$10.00 is all the applicant intends to pay we will issue the water right for domestic purposes only and delete the irrigation portion of the application.

I hope that you can locate the missing link. I would sure appreciate it. Thanks!!! Kay

RECEIVED

JAN 27 1993 JUL 14 1989

Department of Water Resources  
Southern Region Office

09-May-1989

Bradley &/or Anna Billger  
P.O. Box 1245  
Hailey, ID 83333

Re: Application for Permit No. 37-08498

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 will be advertising the application in the Wood River Journal on 5/17 & 5/24/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the 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,

Douglas Jones, E. I. T.  
Water Resources Engineer

DJ:MB

RECEIVED  
MAY 17 1989

MAY 27 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region  
2148 4th Avenue East  
Twin Falls, ID 83301  
(208)734-3578

---

MAY 4, 1989

WOOD RIVER JOURNAL  
P.O. BOX 988  
HAILEY, ID 83333

Gentlemen:

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 JUNE 5, 1989.

Yours truly,

Mary Baldwin  
Secretary/Office Coordinator

Enclosure

RECEIVED  
MAY 11 1989  
733

NOTICE OF APPLICATION FOR WATER RIGHT

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

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JAN 27 1993

37-08498

BILLGER, BRADLEY D.  
BILLGER, ANNA J.  
P.O. BOX 1245  
HAILEY, ID 83333

Source: GROUNDWATER

Diversion Pt: SENENE Sec 25 T 02N R 17E

Use: IRRIGATION ( .090 CFS)  
DOMESTIC ( .040 CFS)

Date Filed: 3/28/1989

In: T02N R17E S25 NENE SENE

3.0 ACRES TOTAL

RECORDED

JAN 27 1993

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

**37-08497**

REESE, RONALD K.  
REESE, JANET S.  
P.O. BOX 652  
BELLEVUE, ID 83313

Source: SPRING  
Tributary: SINKS  
Diversion Pt: SWSWSW Sec 30 T  
02N R 18E  
Use: DOMESTIC (.022 CFS)  
Date Filed: 3/15/1989  
In: T02N R17E S25 SESE

**37-08498**

BILLGER, BRADLEY D.  
BILLGER, ANNA J.  
P.O. BOX 1245  
HAILEY, ID 83333

Source: GROUNDWATER  
Diversion Pt: SENENE Sec 25 T  
02N R 17E  
Use: IRRIGATION (.090 CFS)  
DOMESTIC (.040 CFS)  
Date Filed: 3/28/1989  
In: T02N R17E S25 NENE SENE  
3.0 ACRES TOTAL

**37-08499**

NICOLAI, THEODORE  
NICOLAI, CICELY  
C/O JAMES P. SPECK, ESQ.  
P.O. BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: NWSENE Sec 1 T  
04N R 17E  
Use: DOMESTIC (.040 CFS)  
IRRIGATION (.090 CFS)  
Date Filed: 3/30/1989  
In: T04N R17E S01 SENE  
3.0 ACRES TOTAL

**37-08502**

STURDIVANT, PETER L.  
C/O JAMES P. SPECK, ESQ.  
P.O. BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: SENWNE Sec 5 T  
02N R 18E  
Use: IRRIGATION (.090 CFS)  
DOMESTIC (.060 CFS)  
Date Filed: 4/03/1989  
In: T02N R18E S05 NWNE  
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before JUNE 5, 1989.

R. Keith Higginson, Director  
Publish: Wood River Journal-  
May 17 & 24, 1989.

OK  
MB  
5/15/89

RECEIVED  
JAN 27 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 5, 1989.

R. Keith Higginson, Director

Published 5/17/1989 & 5/24/1989

RECEIVED  
JAN 27 1993