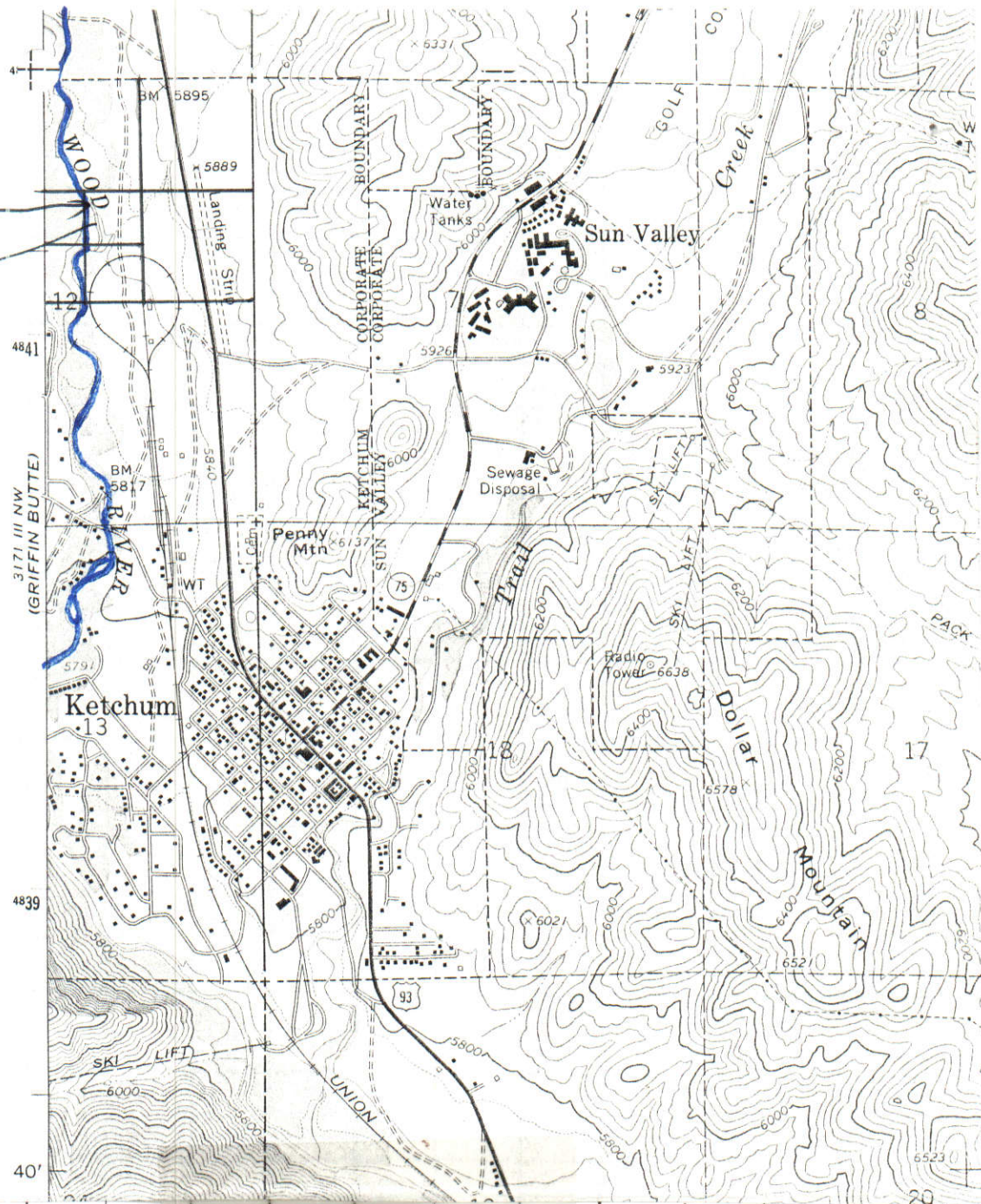


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. See attached topography map.

Point of
Diversion.
old Channel +
Point of use.



Scale: 2 inches equal 1 mile.

MICROFILMED

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.

E. Daniel Omstead Jr.
(Applicant)

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,
County of Blaine

SS.

OCT 18 1985

CLINT STENNETT

Department of Water Resources
Sawtooth District Office

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 10th day of Oct.

19 85, and the date of the last publication was on the 17th

day of Oct., 19 85

Subscribed and sworn to before me this 17th

day of October, 19 85.
(SEAL)

[Signature]
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 36
Number of Insertions 2

Lines tabular at 5¢/Pica
36 Lines straight at 15.84 4¢/Pica
36 Subsequent lines at 11.88 3¢/Pica

TOTAL COST 27.72

COPY OF NOTICE

(Paste Here)

Not. of Application

TITLE OF NOTICE

#37-8248

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res

BILL TO

Water right app. filed by Olmstead

NOTICE OF APPLICATION FOR WATER RIGHT

NOTICE IS HEREBY GIVEN,
That the following application has
been submitted for permit to ap-
propriate the public waters of the
State of Idaho:

37-8248

OLMSTEAD, DAN
4621 TELLER AVE., SUITE 130
NEWPORT BEACH, CA 92660

Source: BIG WOOD RIVER
trib. to MALAD RIVER

Date Filed: 09/20/1985

Diversion Pt: SWNE Sec 12 T
04N R 17E

Use: RECREATION (10.00 CFS)
In: SWNE Sec 12 T 04N R 17E

If issued, the permit will be sub-
ject to all prior water rights. Pro-
tests against the granting of any
permit must be filed with the
Director of the Idaho Department
of Water Resources, 1041 Blue
Lakes Blvd. North, Twin Falls,
Idaho 83301, and received on or
before OCTOBER 28, 1985.

A. KENNETH DUNN
Director

Publish: Wood River Journal-
October 10 & 17, 1985.

7-8 pt. per line tabular.....5¢/Pica

7-8 pt. per line successive

insertions.....3¢/Pica

No 4352

MICROFILMED

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

RECEIVED

OCT 18 1985

Department of Water Resources
Southern District Office

Laura Gay Barnes, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) consecutive weekly insertions beginning with the issue of

October 10, 1985, and ending with the issue of October 17, 1985.

Laura Gay Barnes

Subscribed and sworn to before me this 17th day of October, 1985.

ok
margy

Jeanne M Hawk

Notary Public for Idaho, Residing at Boise, Idaho.

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-8248

Olmstead, Dan
4621 Teller Ave.,
Suite 130
Newport Beach, CA 92660
Source: Big Wood River trib.
to Malad River
Date Filed: 9/20/1985
Diversion Pt: SWNE Sec 12
T 04N R 17E
Use: Recreation (10.00 cfs)
In: SWNE Sec 12 T 04N R 17E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before October 28, 1985.

A. KENNETH DUNN
Director

Pub. Oct. 10, 17, 1985

9298

MICROFILMED

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

**LEGAL ADVERTISING
INVOICE**Date 101785 INVOICE No. 100058777Account No. 44662 No. 37-8248Description 00058777NOTimes 2 Lines 28

Tab Lines _____

SOLD TO:

\$ 24.50IDAHO DEPT WATER RESOURCE
1041 BLUE LAKES BLVD NO
TWIN FALLS
ID 83301NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.**AFFIDAVIT OF PUBLICATION**STATE OF IDAHO, ss.
County of Nez Perce**NOTICE OF APPLICATION FOR
WATER RIGHT**Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho.
37-8248OLMSTEAD, DAN
4621 TELLER AVE., SUITE 130,
NEWPORT BEACH, CA. 92660
Source: BIG WOOD RIVER trib. to
MALAD RIVER
DATE FILED: 09/20/1985
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Use: RECREATION (10.00 CFS)
IN: SWNE Sec 12 T 04N R 17E
If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before OCTOBER 28, 1985.A. KENNETH DUNN
DirectorS. L. Stone, being duly sworn,deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the**NOTICE OF APPLICATION FOR WATER RIGHT**attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication beginning on 101085, or once a week for two consecutive weeks, the first publication thereof being on the 101085, and the last publication thereof being on the 101785, and said a NOTICE OF APPLICATION FOR WATER RIGHT

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

S. L. StoneSUBSCRIBED AND SWORN BEFORE ME THIS THE 22
day of October 1985Sheral M. LentzNotary Public in and for the State of Idaho,
residing at Lewiston, therein.**RECEIVED**

OCT 25 1985

Department of Water Resources
Southern District Office**MICROFILMED**

Proof of Publication

The Post-Register

State of Idaho, {
County of Bonneville { ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 10th day of October, 1985, last publication having been made on the 17th day of October, 1985, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of October, 1985.

Notary Public

My commission expires September 30, 1988.

B10, 1M,

RECEIVED

OCT 24 1985

Department of Water Resources
Southern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-8248

OLMSTEAD, DAN
4621 TELLER AVE., SUITE 130, NEWPORT
BEACH, CA 92660
Source: BIG WOOD RIVER trib. to MALAD RIVER

Date Filed: 09/20/1985

Diversion Pt: SWNE Sec 12 T 04N R 17E

Use: RECREATION (10.00 CFS)

In: SWNE Sec 12 T 04N R 17E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before OCTOBER 28, 1985.

A. KENNETH DUNN
Director

Published: October 10, 17, 1985

MICROFILMED

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8248

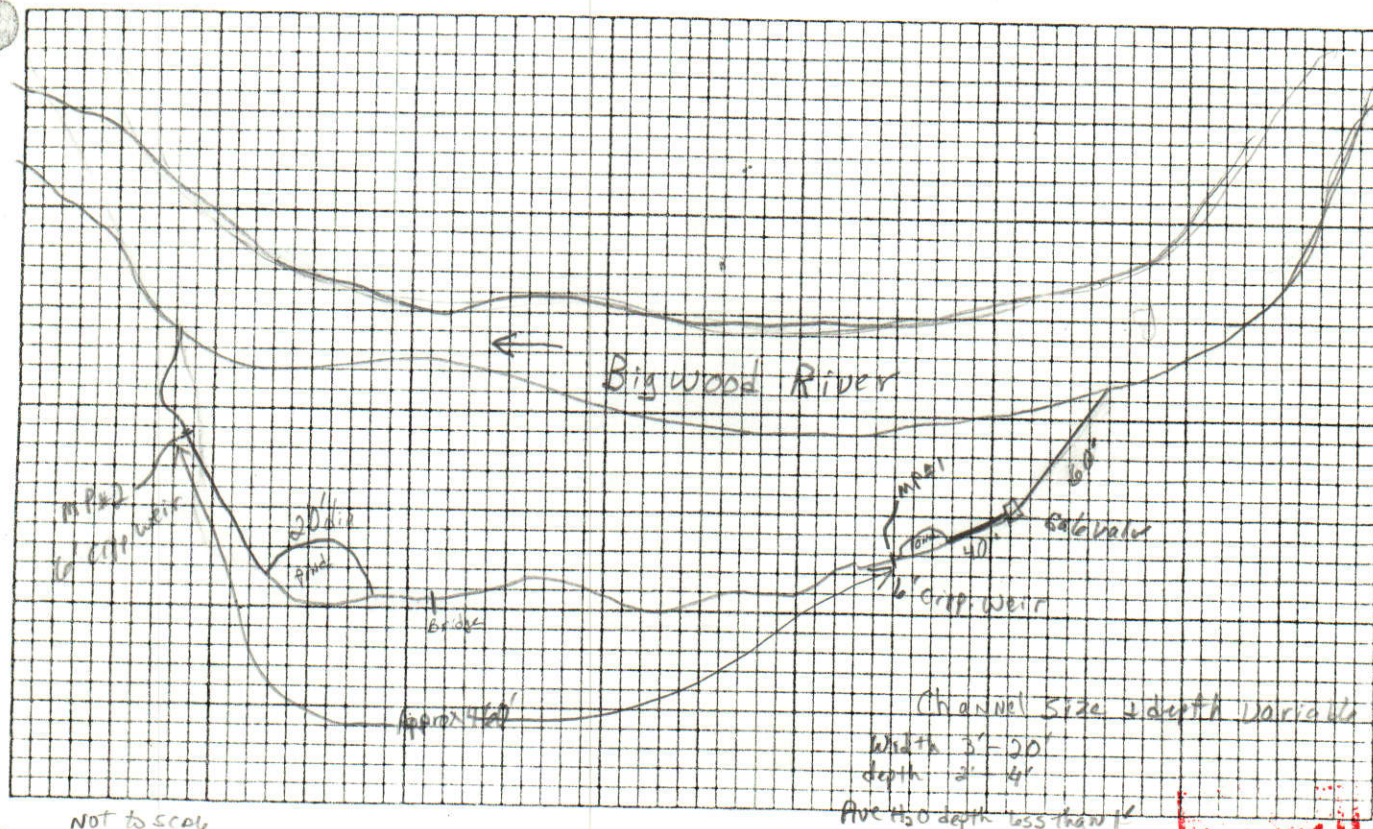
1. Owner: DON Olmstead Phone No. 714-752-6551
Current Address: Suite 130, 4621 Teller Ave. Newport Beach, California 92660
2. Accompanied by: Bill Korst EXAM. DATE: 7/10/86
Address: Box 364 Bellevue, ID. 83313 Phone No. 788-2862
Relationship to Permit Holder: Contractor
3. Source: Big Wood River tributary to Malad River

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: NONE ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



2. ☒ Copy of U.S.G.S. 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 or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

FEB 29 1988

IN Pipe

37-8248



Outlet M.D.

RECEIVED

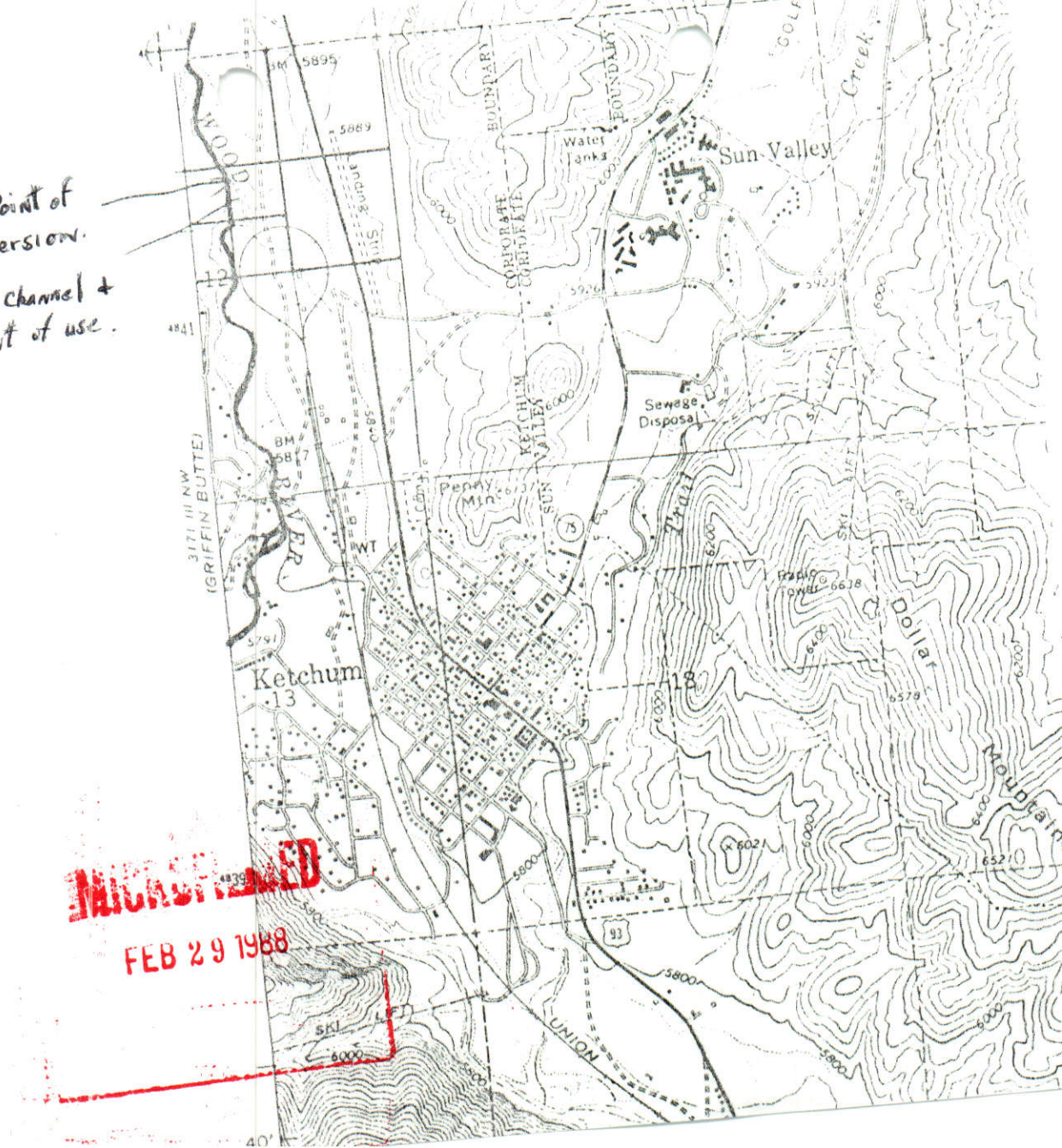
FEB 29 1988

See quad
attached
on back.
KW
1/1/87

Point of
Diversion.
old channel &
Point of use.

RECEIVED

FEB 29 1988



Lot 22

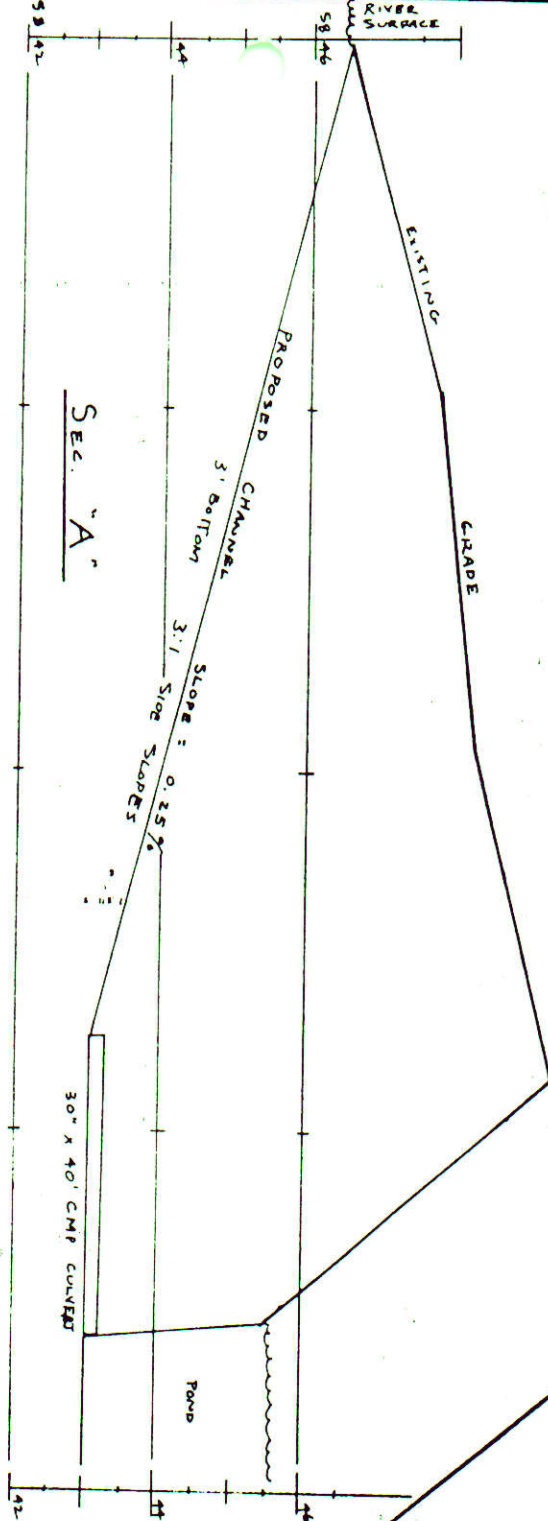
Lot

MICROFILMED

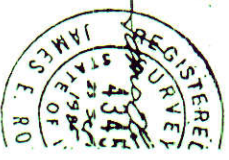
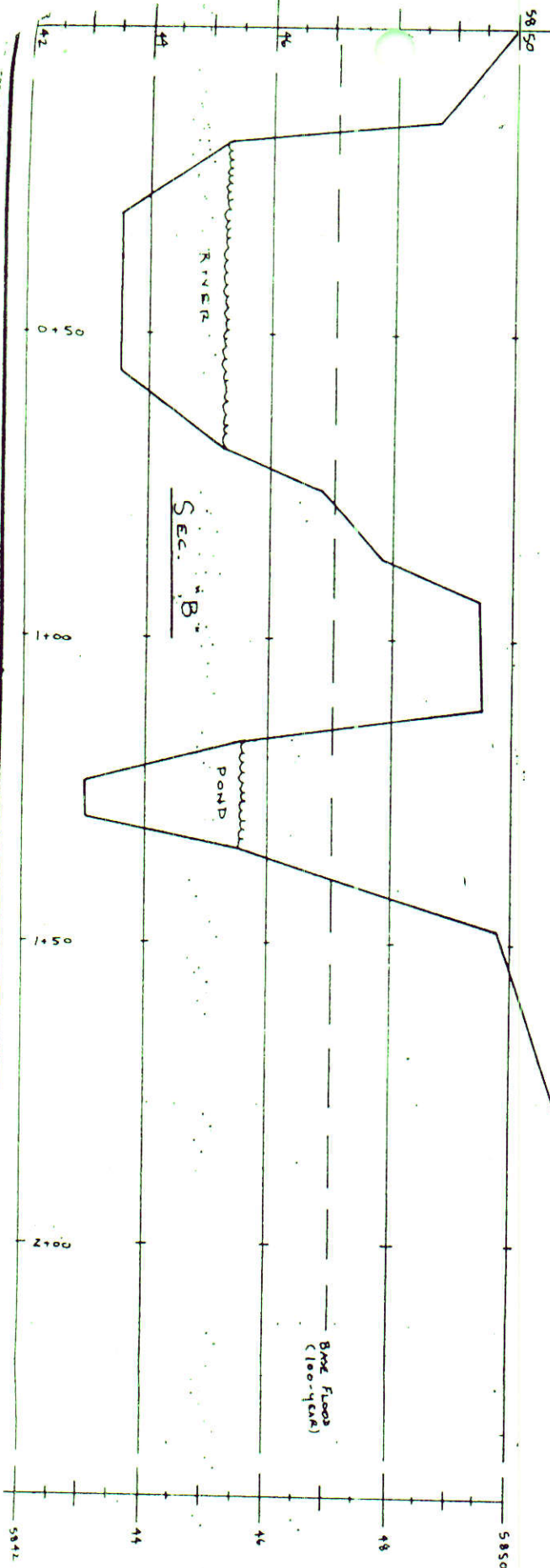
FEB 29 1988

Lot 22

MICROFILMED



HORIZONTAL SCALE: 1" = 20' VERTICAL SCALE: 1" = 2'



Lot 22

BIG

WOOD

River

EXISTING
DRAINAGE



1+00
1+50
2+00
2+50
3+00
3+50
4+00
4+50
5+00
5+50
6+00
6+50
7+00
7+50
8+00
8+50
9+00
9+50
10+00

HEADGATE: AIR-RAIL PROTECTION

STAGLIDE ENTRANCE
WITH AIR-GAP



SCALE: 1" = 40'

Lot 1

Lot 3

Lot 2

UNRECORDED

RECEIVED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

NOTICE IS HEREBY GIVEN,
That the following application has
been submitted for permit to ap-
propriate the public waters of the
State of Idaho:

37-8248

OLMSTEAD, DAN
4621 TELLER AVE., SUITE 130
NEWPORT BEACH, CA 92660

Source: BIG WOOD RIVER
trib. to MALAD RIVER

Date Filed: 09/20/1985

Diversion Pt: SWNE Sec 12 T
04N R 17E

Use: RECREATION (10.00 CFS)
In: SWNE Sec 12 T 04N R 17E

If issued, the permit will be sub-
ject to all prior water rights. Pro-
tests against the granting of any
permit must be filed with the
Director of the Idaho Department
of Water Resources, 1041 Blue
Lakes Blvd. North, Twin Falls,
Idaho 83301, and received on or
before OCTOBER 28, 1985.

A. KENNETH DUNN
Director

Publish: Wood River Journal-
October 10 & 17, 1985.

LEGAL0-PRUF

**NOTICE OF APPLICATION FOR
WATER RIGHT**

Notice is hereby given that the fol-
lowing application(s) have been sub-
mitted for permit to appropriate the
public waters of the State of Idaho.

37-8248

OLMSTEAD, DAN
4621 TELLER AVE., SUITE 130,
NEWPORT BEACH, CA. 92660
Source: BIG WOOD RIVER trib. to
MALAD RIVER

DATE FILED: 09/20/1985

DIVERSION PT: SWNE SEC 12 T
04N R 17E

Use: RECREATION (10.00 CFS)
IN: SWNE Sec 12 T 04N R 17E

If issued, the permit(s) will be sub-
ject to all prior water rights. Pro-
tests against the granting of any per-
mit must be filed with the Director
of the Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 and
received on or before OCTOBER 28,
1985.

A. KENNETH DUNN
Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-8248

Priority: September 20, 1985 Amount: 10.00 CFS

This is to certify, that DAN OLMSTEAD
4621 TELLER AVE. #130

NEWPORT BEACH, CA 92660 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated September 20, 1985, and has submitted proof to the Department of Water Resources on April 21, 1986, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 10.74 cfs of water from;

BIG WOOD RIVER tributary to MALAD RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Recreation	01/01 to 12/31	10.00 cfs	
<u>LOCATION OF POINT OF DIVERSION(S):</u>		SWNE , Sec. 12, Township 4N, Range 17E Blaine County	

PLACE OF USE: Recreation

TWN RGE SEC

4N 17E 12 SWNE

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 37 .
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. Use of water under this right shall be non-consumptive.
7. Recreation use is for aesthetic purposes.

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 21st day of December, 19 87 .

MICROFILMED

Director

FEB 29 1988

RECEIVED

Form 6/85 SEP 20 1985

Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-8248

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Dan Olmstead Phone 714-752-6551
Post office address Suite 130, 4621 Teller Ave., Newport Beach, CA. 92660
2. Source of water supply Big Wood River which is a tributary of Malad ^{RB} River
3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot
Sec. 12 Township 4 N Range 17 E B.M. Blaine County; additional
points of diversion if any:
4. Water will be used for the following purposes:
Amount 10 cfs for recreational 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)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 40 feet of 24" diameter C.M.P. with a steel headgate will be placed in the existing dike to control the flow into the old channel.
 - b. Height of storage dam dna feet; active reservoir capacity dna acre-feet; total reservoir capacity dna acre-feet; period of year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is dna inches; proposed depth of well is 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 1 year years (minimum 1 year).

MICROFILMED

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. -

e. Other; describe fully. Recreation - aesthetic. Diversion will return water to old 20-foot wide channel blocked by contractor during high water in 1983. This will provide water for trees along channel, and cover the river bed.

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	
4N	17E	12			R														R

Total number of acres to be irrigated dna

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

11. a. Who owns the property at the point of diversion? Applicant - Dan Olmstead

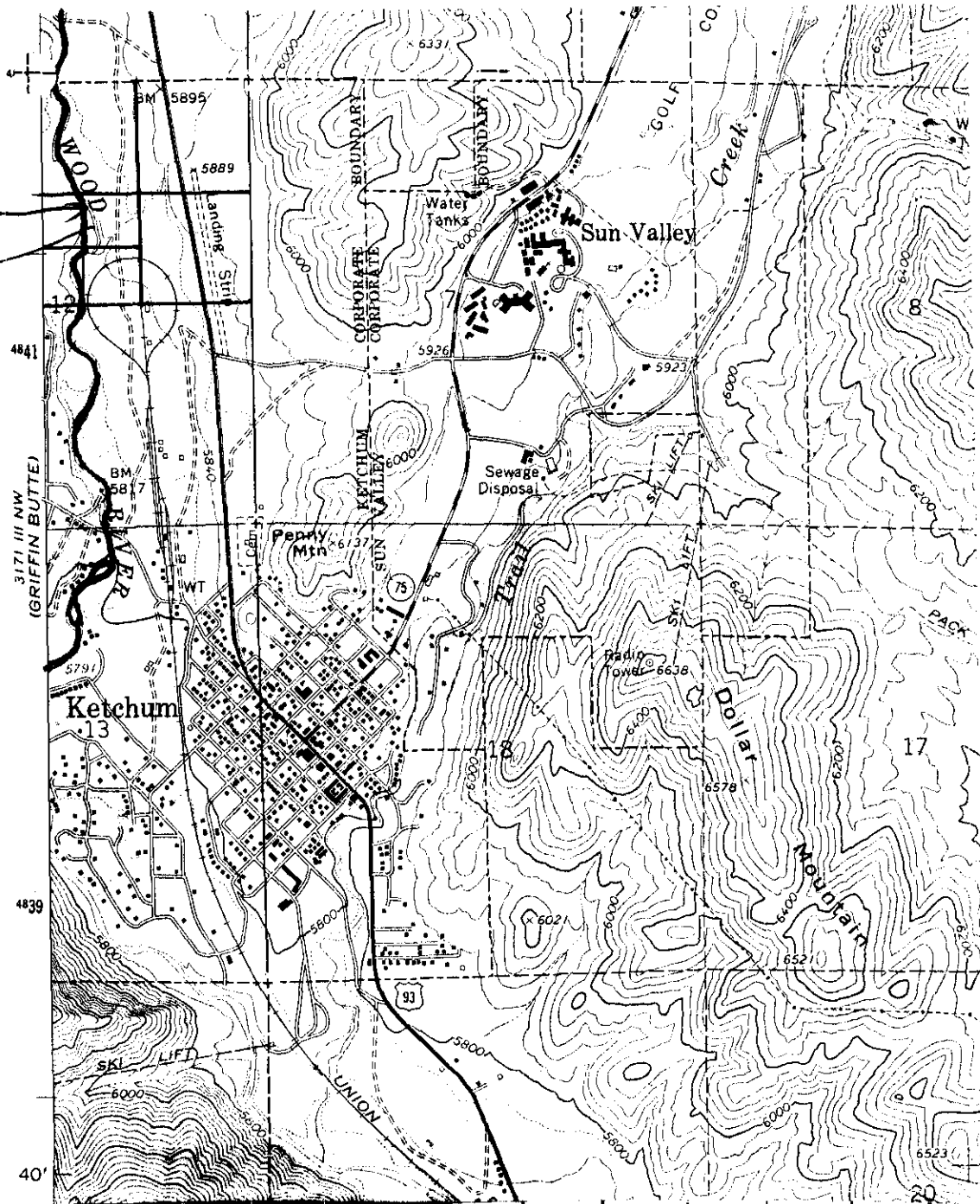
b. Who owns the land to be irrigated or place of use? Same

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: See attached topography map

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

Point of
Diversion.
old channel +
Point of use.



Scale: 2 inches equal 1 mile.

MICROFILMED

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.

R. Daniel Omstead Jr.
(Applicant)

Received by eh Date 9/20/85 Time 11:30 a Proposed Priority 9/20/85 Preliminary check by MR **MICROFILMED**
Fee \$ 225.00 Receipted by marja # 36742 Date 9/25/85
Publication prepared by marja Date 10/1/85 Published in Wood River Journal 10/1/85
Publication approved marja Date 10/9/85 post register 10/7/85
Union Tribune

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. 37-8248, and said application is hereby APPROVED.

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 February 1, 19 87.

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: A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

This permit is subject to the agreement dated 12/27/85 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

Use of water under this permit shall be non-consumptive.

Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 27th day of January, 1986.

A. Glen Saylor
Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

OCT 18 1985

CLINT STENNETT

Department of Water Resources

Southern District Office

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 10th day of Oct.

19 85, and the date of the last publication was on the 17th

day of Oct., 19 85

Clint Stennett

Subscribed and sworn to before me this 17th

day of October, 19 85.
(SEAL)

Robert M. Kerker

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 11

Number of Lines in Notice 36

Number of Insertions 2

Lines tabular at 5/Pica

36 Lines straight at 15.84 4/Pica

36 Subsequent lines at 11.88 3/Pica

TOTAL COST 27.72

COPY OF NOTICE

(Paste Here)

Not. of Application

TITLE OF NOTICE

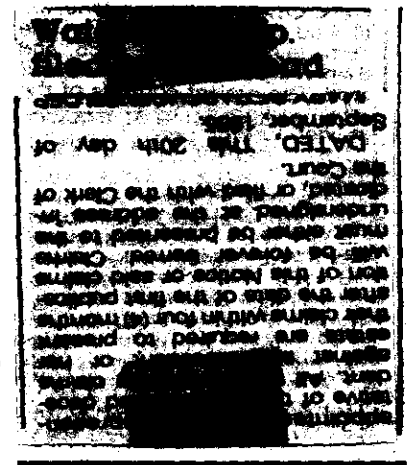
37-8248

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res
BILL TO



PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4/Pica

7-8 pt. per line tabular 5/Pica

7-8 pt. per line successive

insertions 3/Pica

No 4352

MICROFILMED

RECEIVED

OCT 18 1985

Department of Water Resources
Southern District Office

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) consecutive weekly insertions beginning with the issue of

October 10, 19 85, and ending with the issue of October 17, 19 85.

Laura Gay Barnes

Subscribed and sworn to before me this 17th day of October, 19 85.

ok
mwp

Jeanne M. Hawk

Notary Public for Idaho, Residing at Boise, Idaho.

MICROFILMED

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 10th day of October, 1985, last publication having been made on the 17th day of October, 1985, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of October, 1985.

J. Robb Brady
Robert H. Hapner
Notary Public

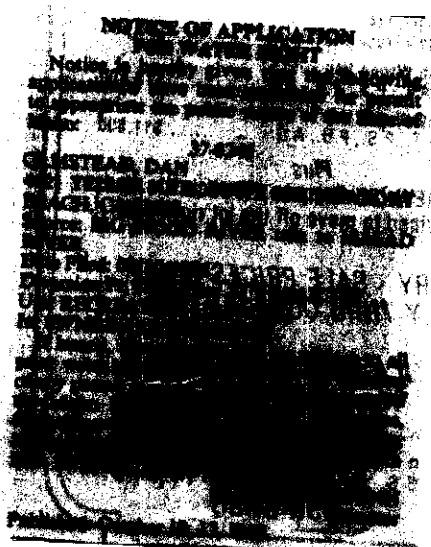
My commission expires September 30, 1988.

B10, 1M,

RECEIVED

OCT 24 1985

Department of Water Resources
Southern District Office



MICROFILMED

December 21, 1987

DAN OLMSTEAD
4621 TELLER AVE. #130
NEWPORT BEACH, CA 92660

RE: Permit No. 37-8248

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

FEB 29 1988

To: File, Gary, Norm

From: Jim Johnson *JH*

Re: Conversation with Reid Newby

Date: 12-1-87

On this date I talked to Reid Newby concerning the questions Norm had during his review of this water right.

Norm had questioned whether a lockable device had been installed along with the measuring device. Reid said that one had been installed and it provided adequate means of controlling the diversion.

Norm had also indicated that more information should be included in the file describing the nature of the water used under this right. Reid stated that the only use made of the water diverted was for aesthetics. i.e. water diverted into an open ditch running through the right holder's property.

Two measuring devices have been installed at the point of diversion and at the point of discharge that measure the amounts diverted into the conveyance ditch and the the amount flowing back into the Big Wood River.

Reid's 1987 delivery record showed the annual diversion totaled 126.1 (24 hour second feet) and the outflow measurement totaled 151.6 (24 hour second feet). Reid said that a spring located in the lower end of the ditch accounted for the gain.

Reid believed that the diversion under this right was definitely non-consumptive.

He had no difficulty in the license being issued as proposed.

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FEB 29 1988

MEMORANDUM

To: Gary, Norm

From: Jim Johnson *ji*

Re: Conversation with Reid Newby

Date: 12-1-87

I discussed with Reid Newby today establishing a procedure for informing him of Licenses that were about to issued in the Wood River Basin.

He indicated that he hated to see the Department go to the extra expense of mailing the license draft to him. Also he said that he gets very busy at times and didn't feel that he would be able to respond quickly.

I offered to give him a phone call on the rights rather than mailing them to him. He thought that was a good idea.

So in the future this would be the plan on surface water rights within the Wood River Basin.

RECEIVED

FEB 29 1988

Sprockmann —

- ① Locking headgate? ^{yes}
- ② File should discuss the B.U. made of the notes — Exam is S. / ext on the use.
- ③ Draft license should be sent to watermaster for input. This is a must with Reid Newby!
- ④ Do we need to be more descriptive on N of what "non consumptive" means?

IDWR Routing Slip

File No. _____

Routing Order		Initials	Date
	Director		
	Deputy Director		
	Resource Admin. Division		
	Regional Office Bureau Chief		
	Operations Bureau Chief		
	Water Allocation Section		
	Dam Safety Section		
	Permits Section		
	Resource Analysis Division		
	Technical Serv. Bureau Chief		
	Hydrology Section		
	Geothermal E.Q. Section		
	Remote Sensing Section		
	Project Studies Bureau Chief		
	Engineering Section		
	Economics Section		
	Local Support Section		
	Management & Support		
	Systems Mgmt. Section		
	Fiscal Section		
	Personnel Section		
	Legal		
	Other		

For: ☐ Review & Comment ☐ Approval ☐ Information
☐ As Requested

Please return to _____
by _____
(date)

FROM

Gary

TO

Jim

DATE

Nov. 18, 1987

SUBJECT

As per Norm's memo - please solicit
exam into on beneficial use of the water -
Then we'll need to rework conditions
& send draft license to Reid Newby -

Gary
SIGNATURE

MAY 01 1987

Department of Water Resources
Permit No. 37-8248

Permit No. 37-8248

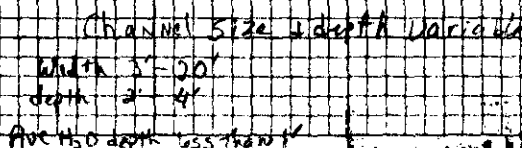
- Phone No. 714-752-6551

EXAM. DATE: 7/10/86

- ☐
- Copies Attached

☐ Copies Attached ☐ Copies of Field Exam's Attached

- ☐
- Alternative diagram attached



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

FEB 29 1968

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more)
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Weir	Cippolatti	Custom made			6'	

2. Measurements:

22' on 6' Cippolatti weir both at upper location and lower location Meas. 7/10/86
ON 6/4/1986 the Flow was measured by the Deputy, Wabamash Brothers Dickman @ 7 7/8" on 6' Cippolatti = 10.73 cfs
There is a distinct water mark on the head wall of both weirs 0.28' above the
current water level. Mr. Karst^{stated} that the weir was about 5' before flow
level dropped. Allow meas of Mr. Disbennett which shows system has capacity flood on.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Flow rates from U.S. Bur. of Rec. water meas manual
Weir + Staff gage ^{meas by Mr. Disbennett 6/4/86}
22' = 2.8 cfs. 28' = 2.83 cfs 7 7/8" = 0.6563' = 10.74 cfs

2. Alternate Method for Checking Purposes:

Not necessary Weirs appear to be installed properly and in good condition

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{IR} \text{ and } V_{OR} =$ _____

2. Volume Calculations for Other Uses:

Not Applicable

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System Description (continued)

3. Narrative: Describe (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Water is directed through a 2' x 60' CMP buried in the bank of the Big Wood River to a gate valve then into an additional 40 feet of CMP to a meandering channel approx. 220' long varying in width from 3' to 20' and depth from 2' to 4'. There are 2 6" pipe orifices, one located approx. 30' below outlet of CMP and the second approx. 460 feet below.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NE	12	4N	17E	Blaine	Blaine Co. Assessors office
									Sub. Plat Lot #1 Beaver Springs
									Subdivision

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	17E	12				R													

REGISTERED

FEB 29 1988

Do not use this space

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Original N. Nation had 40' of 2' perforated CMP buried in the bed of the Big Wood River with 140' of 2' CMP conducting water from river to channel. During the flood of the Spring of 1986 both sections 40' of perforated CMP washed out and 2 sections 40' of non-perforated CMP washed out. Channel water entered directly into the open end of 100' of 2' CMP.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (af)
	From	To		
Recreational	JAN 1	Dec 31	10 cfs	
Totals:			10 cfs	

2. Recommended Amendments

- ☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☒ None
- ☐ Change P.U. as reflected above
 ☐ Add P.U. as reflected above
 ☐ Other

J. AUTHENTICATION

Field Examiner's Name TERRY BLAN

Signature Terry Blan

Certification Date _____

Field Report Preparation Date _____

CONSULTANT SEAL

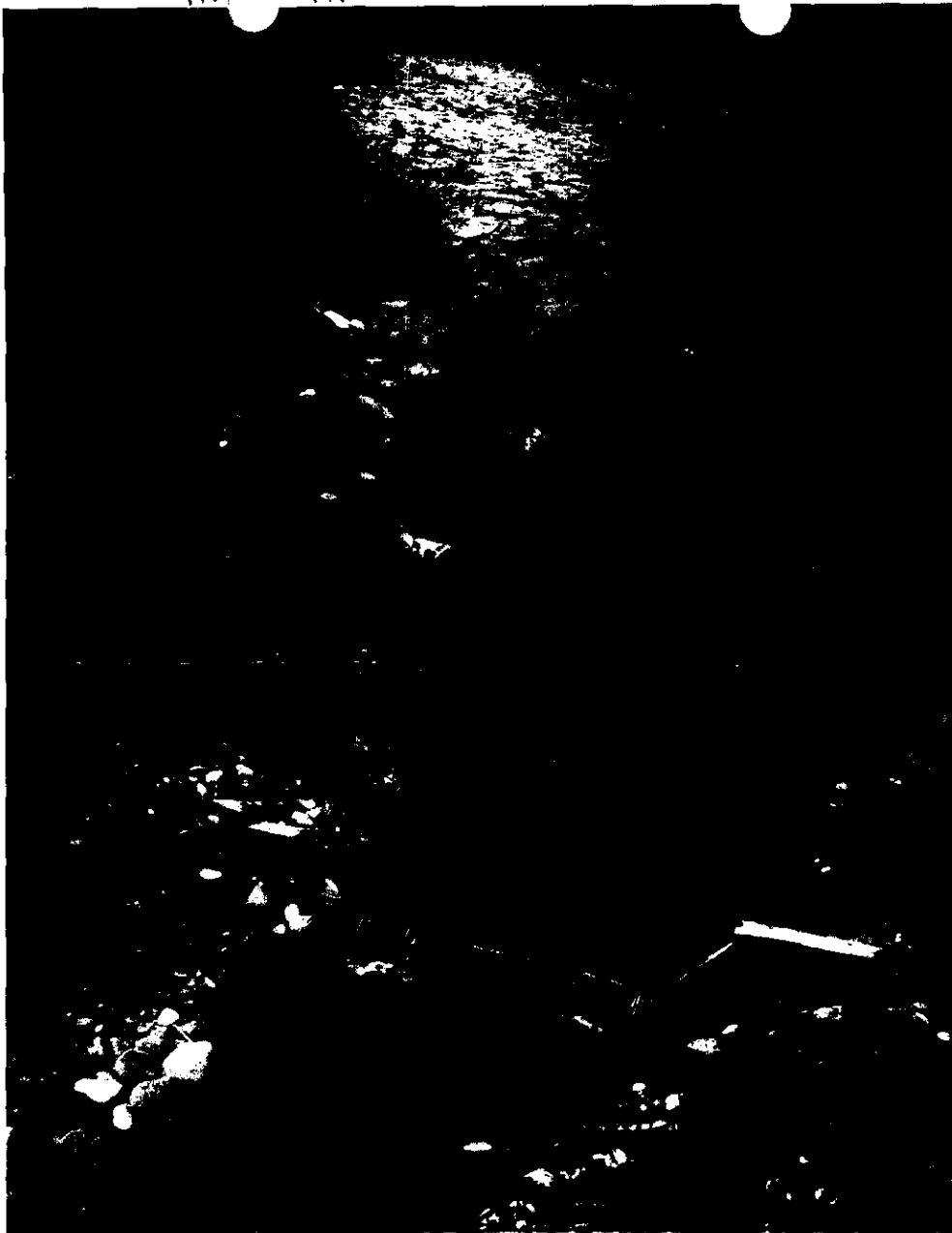
- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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FEB 29 1988

IN Pipe

37-8248



at let M.D.

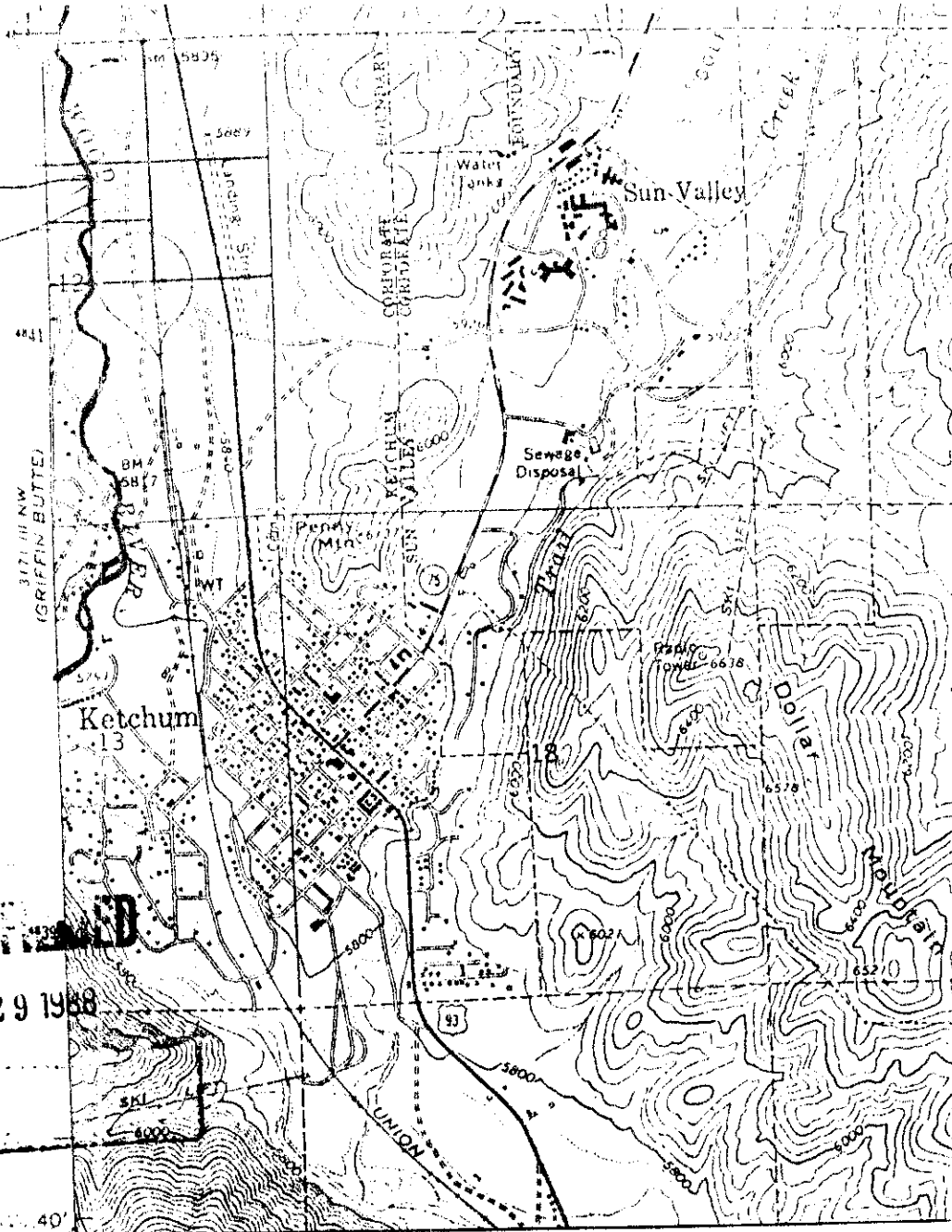
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EB 29 1988

See quad
attached
on back.
10/11/87

Point of
Diversion.
old channel +
Point of use.

NOTIFIED

FEB 29 1988



37-8248

Lot 22

B 16

WOOD

River

Entrance

UNLACED

House

1.00

SEC. 16

CULVERT

MANHOLE NO. 20 PROTECTION

SHOULD BE REMOVED WITH BRIDGE

MICROFILMED

FEB 29 1988

Lot 1



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

A. Kenneth Dunn
Director

July 3, 1986

Dan Olmstead
4621 Teller Ave., #130
Newport Beach, CA 92660

Re: Permit No. 37-8248

Dear Mr. Olmstead:

Please find enclosed receipt No. 38606 in the amount of \$325.00 for examination fee received in this office 7/3/86 for the above referenced permit.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord

Encl:

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FEB 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

37-8248
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED
MAY 01 1987

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

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat
- Check of P/D index TB 11/2/84 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index TB 11/10/86 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☒ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed James A. Blum 11/17/86 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent JK 11-19-86 (Initial and date)
Exam Reviewed by Manager of Regional Office JK 11/2/87 (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

MICROFILMED

FEB 29 1988

4/86

RECEIVED

JUL 3 1986

Department of Water Resources
Southern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only

Fee Received 325.00Date 7/3/86Receipt # 38606Receipt by M. BaldwinSent to S.O. 7/3/86

RECEIVED

JUL 9 1986

1. Permit No. 37-8248

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

- ☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: DAN OLMSTEAD3. Post Office Address: 4621 TELLER AVE. # 130NEWPORT BEACH, CA. 92660 Telephone No. (714) 752-65514. Source of Water: BIG WOOD RIVER

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (acres) Other/Remark RECREATIONAL6. Total rate &/or volume for which proof is submitted 10 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

4/11/86

8. Person to contact to accompany the department representative during the field examination:

BILL KARST112 55

(Name)

BEAUCVILLE IDAHO

(Address)

(208) 788-2862

(Telephone Number)

- ☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

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Date 7/1/86Signature of Permit Holder (and title, if appropriate) L. Daniel Olmstead FEB 29 1988

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

0000000000



State of Idaho
DEPARTMENT OF WATER RESOURCES

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Dan Olmstead 37-8248
4621 Teller Ave., Suite #130
Newport Beach, CA 92660

June 19, 1986

138809
CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

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right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,


L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
APR 21 1986

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 37-8248

Name(s) of Permit Holder: DAN OLMSTEAD

Post Office Address: 4521 TELLER AVE. SUITE #130
NEWPORT BEACH CALIF. 92660 Telephone No. (714) 752-6551

Source of Water: BIG WOOD RIVER

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks RECREATIONAL

Indicate the date water was first diverted and beneficially used under this permit: 4/11/86

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

I MEAT WITH TINKER 213 BENNETT ON SITE 4/11/86
DAN OLMSTEAD LOT #1 BEAVER SPRINGS (208) 726-8888
(Name) (Address) (Telephone Number)
BLAINE COUNTY ID

The above information is a true statement of the extent to which the above numbered permit has been developed.

4/14/86
Date

L. Daniel Olmstead Jr. Owner
Signature of Permit Holder (and Title, if appropriate)

6-17-86
JH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
JANUARY 28, 1986

OLMSTEAD, DAN
4621 TELLER AVE.
SUITE 130
NEWPORT BEACH, CA 92660

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-8248

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS THAT WILL ENABLE THE WATERMASTER TO CONTROL YOUR RATE OF DIVERSION.

WE HAVE ENCLOSED 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 FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

DPT: SC
ENCLOSURES

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

OLMSTEAD, Dan

INITIAL REVIEW BY: T.G. Blau

APPLICATION NUMBER: 37-8248

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Fee.
☒ Yes ☒ No PA Field check required.

- ☐ Yes ☒ No Critical groundwater area.

- ☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

- ☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other Reid Newby

Copies sent by: _____ Date: _____

maria 10/2/85

maria 10/2/85

maria 10/2/85

PROCESSING: P#2 Blaine Co.

- ☐ Yes ☒ No Platted by: _____ Map No. X-24
☐ Yes ☒ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: 10/28/85

- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____

- ☒ Application published correctly. If not, record action taken: _____

- ☒ Fee amount, receipt date & number, recorded on application.

- ☒ Publication dates and paper, recorded on application.

- ☒ Protests, dates, withdrawal, etc., recorded on application. Blaine Co. P#2 - Withdrawn

- ☒ Recommendation & initial, recorded on application.

- ☒ Yes ☐ No Measuring device required.

- ☐ Yes ☒ No Access port required.

- ☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 37

- 9/20/85 Date of priority recommended.

Special conditions of approval or cover letter. _____

Construction & maintenance of works under this permit is subject to the Conditional Use Permit granted by Blaine County for this project.

02-01E app. not identified in S.F. suit - see priority

04?

05V

27V check MS# 37-7919 for reach - bill copy destroyed

this pld is upstream of minimum reach per

By: Loren D. Hulmer Date: 1/17/86

STATE OFFICE REVIEW:

05(37, Big Wood River)

008, 016 01E 27 20A (12/27/85)

- ☐ See attached sheet for more information.

By: KW Date: 1/23/86

Department of Water Resources

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POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

RECEIVED

IN THE MATTER OF)

DAN OLMSTEAD)
CONDITIONAL USE PERMIT)
APPEAL.)

ORDER

JAN 14 1986

Department of Water Resources
Blaine County Office

This matter came on for hearing before the Blaine County Board of County Commissioners at 9:00 a.m. on the 23rd day of December, 1985, on an appeal of a denial of a Conditional Use Permit for a diversion and headgates in the Wood River by the Blaine County Planning and Zoning Commission on November 21, 1985. Commissioners Rupert House, Robert Gardner and Alan Reynolds were present.

WHEREUPON, the following evidence was considered: the record and transcript from the November 21, 1985, Planning and Zoning Commission meeting; testimony by Phil Puchner, engineer for Mr. Olmstead and testimony by Leonard Harlig, Planning and Zoning Commissioner;

WHEREUPON, a public hearing was conducted and Phil Puchner and Dan Olmstead spoke in support of the application and Leonard Harlig spoke against the application;

WHEREUPON, it was noted that the Blaine County Planning and Zoning Commission had previously considered this matter at its meeting on the 21st day of November, 1985, and had denied the application;

WHEREUPON, the Board did make the following findings:

1. This use is not prohibited in the floodway.
2. This use will not be detrimental to the community.
3. The diversion will not have a negative impact upon the river.
4. The natural characteristics of the river will not be negatively impacted.

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5. It was felt that the applicants proposal would have less of an impact upon the river than the Planning and Zoning Commission's alternative.

WHEREUPON, the Board did approve the request for a Conditional Use Permit as applied for with the following conditions:

1. Work shall be done per the application including revised plans, dated October 15, 1985, prepared by Puchner Engineering.
2. Maintenance work on the diversion structure shall follow the requirements of Blaine County and the Department of Water Resources and shall include no equipment (bulldozers, etc.) being used in the river. If the river moves further to the west, the diversion pipe cannot be extended to the new channel.
3. Any additional stream alterations shall require receiving a new Stream Alteration Permit.
4. That a measuring device be also placed at the lower end of the channel to assure that no water is being lost (water out equals water in: as opposed to the Department of Water Resources allowance for water losses on a non-consumptive use).
5. That the Department of Water Resources be notified of these conditions and notified of approval of this application, and that these conditions be a part of any Department of Water Resources approval.

Rupert House and Alan Reynolds voted in favor of approval and Robert Gardner voted against approval.

RUPERT HOUSE, Chairman

ROBERT GARDNER, Member

ATTEST:

ALAN REYNOLDS, Member

Marie Ivie, Clerk

Blaine County Planning & Zoning Commission

Box 140, Hailey, Idaho 83333

(208) 788-4865

December 27, 1985

Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd.
Twin Falls, Idaho 83301

RE: Permit 37-8248
Dan Olmstead, applicant

Dear Loren:

On December 23, 1985, the Blaine County Board of Commissioners approved the Conditional Use Permit application of Dan Olmstead. Therefore, I remove my protest to the issuing of the above water right permit.

The Commissioners did include conditions with their approval, and they have requested that they be included as a part of the approval of the Department of Water Resources permit #37-8248.

1. Work shall be done per the application including revised plans, dated October 15, 1985, prepared by Puchner Engineering.
2. Maintenance work on the diversion structure shall follow the requirements of Blaine County and the Department of Water Resources and shall include no equipment (bulldozers, etc.) being used in the river. If the river moves further to the west, the diversion pipe cannot be extended to the new channel.
3. Any additional stream alterations shall require receiving a new Stream Alteration Permit.
4. That a measuring device be also placed at the lower end of the channel to assure that no water is being lost (water out equals water in: as opposed to the Department of Water Resources allowance for water losses on a non-consumptive use).

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JAN 6 1986

Department of Water Resources
Southern Oregon Office

RECEIVED

5. That the Department of Water Resources be notified of these conditions and notified of approval of this application, and that these conditions be a part of any Department of Water Resources approval.

We would appreciate receiving a copy of the approved application. Call if you have any questions.

Sincerely,

Ed Nigbor

Ed Nigbor
Planning Director

EN:rr

cc: Robert Gardner
Dan Olmstead

37-8248

Applicant

Dan Olmstead

12-16-85

Protestant -

Ed Nigbor

~~I~~

Q in the river is about 200 cfs ➤

Q requested is 10 cfs —

X Not in min flow stretch

P & Z gave him

Will wait for action of county commissioners
and either reset or ask if we can make a decision
based on info in the file

RECEIVED

PROTEST
by
EDWARD NIGBOR, PLANNING DIRECTOR
BLAINE COUNTY PLANNING DEPARTMENT

*Received at
Blaine 12/16/85*

APPLICATION TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO

Permit 37-8248, Dan Olmstead

FOLLOWING ISSUES (IDAHO CODE, S 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?

See P & Z statement letter of 11-22-85, to-wit:

"(1) Continued development of diversions may in time reduce the quantity of water available to water users downstream who have earlier rights."

5. Will the proposed use conflict with the local public interest?

A) TROUTCO CASE -- 1985 IDAHO SUPREME COURT OPINION #141:

(1) Local Public Interest -- Page 11 --

SECTION A:

"Under I.C. S 42-203A(5)(e), if an applicant's appropriation of water "will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use," the the Director "may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions."

NOTE 2:

"The requirement that Water Resources protect the public interest is related to the larger doctrine of the public trust, which Justice Huntley comprehensively discussed in Kootenai Environmental Alliance v. Panhandle Yacht Club, Incl, 105 Idaho 622, 671 P. 2d 1085 (1983). The state holds all waters in trust for the benefit of the public, and "does not have the power to abdicate its role as trustee in favor of private parties." Id. at 625, 671 P.2d at 1088. Any grant to use the state's waters is "subject to the trust and to action by the State necessary to fulfill its trust responsibilities." Id. at 631, 671 P.2d at 1094. Trust interests include property values, "navigation, fish and wildlife

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habitat, aquatic life, recreation, aesthetic beauty and water quality." Id. at 632, 671 P.2d at 1095. Reviewing courts must "take a close look at the action (of the legislature or of agencies such as Water Resources) to determine if it complies with the public trust doctrine and will not act merely as a rubber stamp for agency or legislative action." Id. at 629, 671 P.2d at 1092. Justice Huntley concluded, "The public trust at all times forms the outer boundaries of permissible government action with respect to public trust resources." Id. at 632, 671 P.2d at 1095."

(2) Elements of Public Interest, Page 14 --

NOTE 3:

"Alaska State. S 46.15.080 provides:

- (b) In determining the public interest, the commissioner shall consider:
 - (1) the benefit to the applicant resulting from the proposed appropriation;
 - (2) The effect of the economic activity resulting from the proposed appropriation;
 - (3) The effect on fish and game resources and on public recreational opportunities;
 - (4) the effect on public health;
 - (5) the effect of loss of alternate uses of water that might be made within a reasonable time if not precluded or hindered by the proposed appropriation;
 - (6) harm to other persons resulting from the proposed appropriation;
 - (7) the intent and ability of the applicant to complete the appropriation; and
 - (8) the effect upon access to navigable or public waters."

(3) Locally Important Factors, Page 15 --

PARAGRAPH 3:

"The above-mentioned elements of the public interest are not intended to be a comprehensive list. As observed long ago by the New Mexico Supreme Court, the "public interest" should be read broadly in order to "secure the greatest possible benefit from (the public waters) for the

public." Young & Norten v. Hinderlider, 110 P. 1045, 1050 (N.M. 1910) (Rejects considering only public health and safety; considers relative costs of two projects.). By using the general term "the local public interest," the legislature intended to include any locally important factor impacted by proposed appropriations."

PARAGRAPH 4:

"Of course, not every appropriation will impact every one of the above elements. Nor will the elements have equal weight in every situation. The relevant elements and their relative weights will vary with local needs, circumstances, and interests. For example, in an area heavily dependent on recreation and tourism or specifically devoted to preservation in its natural state, Water Resources may give great consideration to the aesthetic and environmental ramifications of granting a permit which calls for substantial modification of the landscape or stream."

(4) Burden of Proof, Page 16 --

PARAGRAPH 2:

"However, the burden of proof in all cases as to where the public interest lies, as Judge Schroeder correctly noted, rests with the applicant:

It is not (the) protestant's burden of proof to establish that the project is not in the local public interest. The burden of proof is upon the applicant to show that the project is either in the local public interest or that there are factors that overweigh the local public interest in favor of the project."

B) PLANNING AND ZONING COMMISSION DECISION -- LETTER DATED NOVEMBER 22, 1985 (ATTACHED).

C) CHAPTER 67-6528, IDAHO CODE, First sentence:

"Applicability of Ordinances. -- The State of Idaho, and all its agencies, boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under this chapter unless otherwise provided by law."

CONDITIONAL USE PERMIT
for a
HEADGATE AND DIVERSION CHANNEL

Received at
Conference 12/16/85

November 21, 1985

APPLICANT: Dan Olmstead

ENGINEER: Phil Puchner

LOCATION: Lot 1 of Beaver Springs Subdivision

PROPOSAL: The owner wishes to bring back to life an old channel which is closer to his house than the river -- in order to enjoy the aesthetics of flowing water.

The attached sheet, prepared by Phil Puchner, shows that this will entail a 140-foot sloped channel from the river to a new headgate, then through a 30" x 40' culvert to the existing small pond and the channel. Riprapping will be needed at the river and at the headgate. This work is all located in the FLOODWAY.

An application has been made to the Department of Water Resources for ten cubic feet per second for recreational purposes. The staff has sent in a letter of protest dated October 15 (copy enclosed), together with the reply from the Dept. of Water Resources.

NOTIFICATION: Surrounding Landowner letters were sent out on November 7 and legal notices were published in the Wood River Journal on October 31 and November 14.

STAFF
REVIEW: The diversion of water from the river, generally through existing channels to fill ponds in front of a house has been done a number of times. It is becoming more popular because of the aesthetic value. Normally, most of the water flows back into the river, and losses through evaporation and seepage are low.

Water right permits for these uses should be gotten from the Dept. of Water Resources -- we have no idea how many actually do. In this case, they have applied for one, and normally it would be granted.

In this case, the owner needs to do quite a bit of work to divert the flow. It would also appear that constant maintenance, bulldozer or front end loader, will be required to keep the channel open.

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Staff would like to get a reading from the P & Z on these aesthetic diversions -- do we allow them? When do we discourage or not allow them? Will the county protest D.W.R. water right applications? What criteria will we use to review these applications?

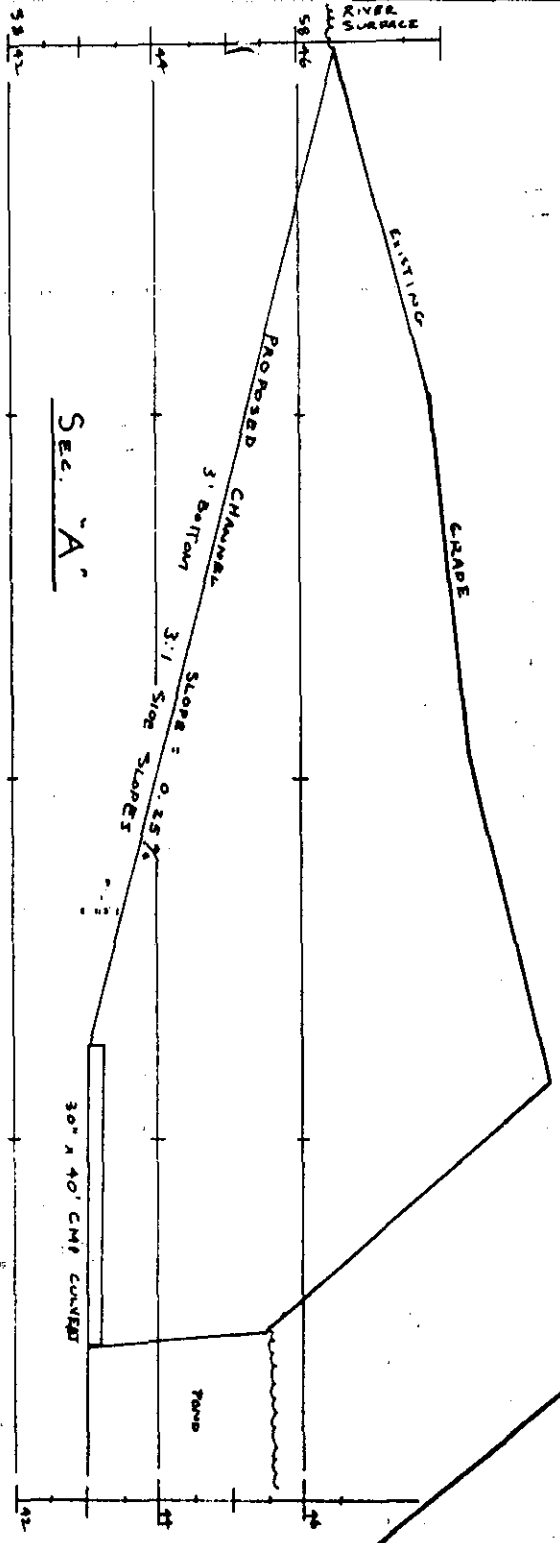
A problem the staff sees is possible future lowering of water quantity and quality in the Big Wood, plus small headgates and diversions up and down the Big Wood and its tributaries. Right now, I know of such ponds and diversions in Beaver Springs, Gimlet, Riverwoods, Millionaires' Row, and along East Fork.

**APPLICABLE
REGULATIONS:**

- | | |
|---|---|
| <p>17.52 Floodway Sub-district Use Regulations. Because of the Flood and changeable bed characteristics of streams in Blaine County, floodway uses are highly restricted.</p> <p>17.521 Permitted Uses.
Agricultural uses and open space recreation uses are permitted, provided that no structural use may be made that may inhibit or alter flood flow or create potential hazard downstream.</p> <p>17.522 Conditional Uses.
Extraction of sand or gravel.</p> <p>17.523 Prohibited Uses. No structure, fill, deposit, obstruction, storage of materials or equipment, shall be allowed within the floodway.</p> | <p>17.74 (Continued):</p> <p>4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.</p> <p>5. The importance of the service provided by the proposed facility to the community.</p> <p>6. The requirements of the facility for a waterfront location.</p> <p>7. The availability of alternative locations not subject to flooding for the proposed use.</p> <p>8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.</p> <p>9. The relationship of the proposed use to the Comprehensive Plan and floodplain-management program for the area.</p> <p>10. The safety of access to the property in times of flood of ordinary and emergency vehicles.</p> <p>11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.</p> <p>12. The preservation of the inherent natural characteristics of the water courses and floodplain areas.</p> <p>13. The probability of mass erosion to adjacent property as opposed to normal streambank erosion and accretion.</p> <p>14. Effect of and susceptibility to obstruction by landslides, avalanches, ice jams, or timber.</p> |
| <p>17.74 Criteria for Evaluation. The Commission shall consider factors specified in other sections of this ordinance, as well as the following:</p> <p>1. The danger to life and property due to increased flood heights or velocities caused by encroachments.</p> <p>2. The danger that materials may be swept on to other lands or downstream to the injury of others.</p> <p>3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.</p> | |

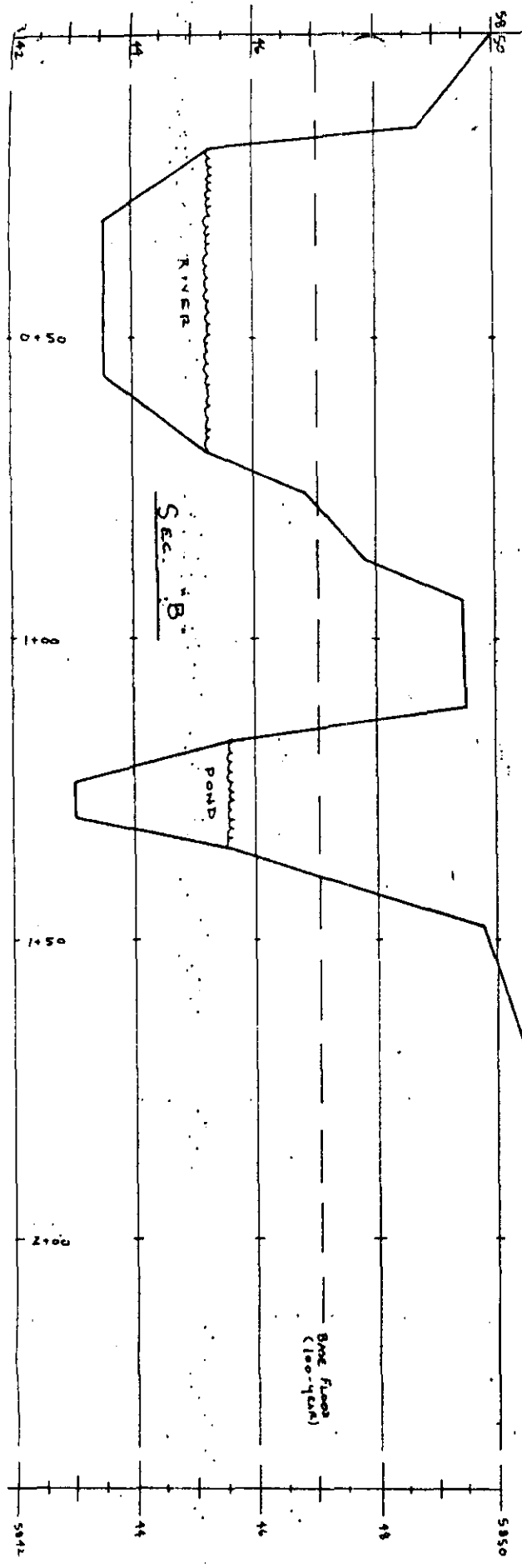
Lot 22

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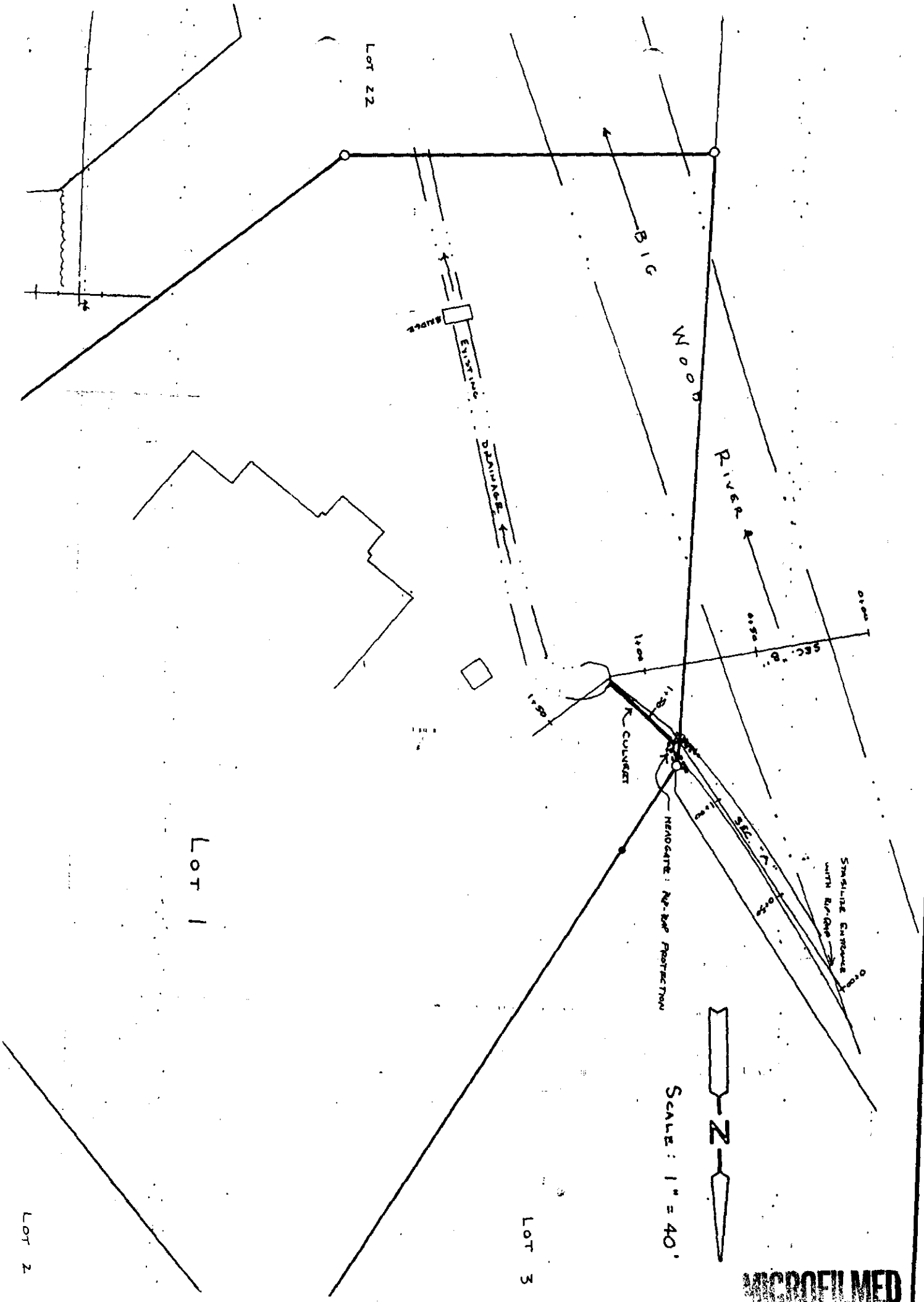
Sec. "A"

HORIZONTAL SCALE: 1" = 20' VERTICAL SCALE: 1" = 2'



Sec. "B"





Blaine County Planning & Zoning Commission

Box 149, Hailey, Idaho 83333
(208) 788-4665

October 15, 1985

Director
Idaho Department of Water Resources
1041 Blue Lakes Blvd, N.
Twin Falls, Idaho 83301

RE: APPLICATION 37-8248
DAN OLMSTEAD
BIG WOOD RIVER

This is a formal protest against the above-mentioned application #37-8248. It is not in the public interest for this permit to be issued because:

- 1) The point of diversion is in the floodway of the Big Wood River and is not on the property of the applicant. Engineering drawings show a channel of 120 feet (approximately) to be dug on neighbor's property, in order to carry the water to the headgate.
- 2) The headgate trench and riprapping will be located in the floodway and construction is not allowed under Section 17.5 of the Blaine County Zoning Ordinance 77-6.
- 3) As the Big Wood River is a major public recreation area, the applicant has not discussed possible negative impacts and how they will be handled.
- 4) The criteria in the Troutco case needs to be addressed by the applicant and by the Department of Water Resources.

Please give me a call at 788-4665 if you have any questions.

Sincerely,

Edward V. Nigbor

Ed Nigbor
Planning Director

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 29, 1985

Ed Nigbor - Director
Blaine County Planning & Zoning Commission
Box 149
Hailey, Idaho 83333

Re: Application for Permit No. 37-8248

Dear Mr. Nigbor:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED

Blaine County Planning & Zoning Commission

Box 149, Hailey, Idaho 83333

(208) 788-4665

November 22, 1985

Mr. Dan Olmstead
Suite 130
4621 Teller Avenue
Newport Beach, California 92660

RE: Planning and Zoning Commission review - Conditional Use
Permit for diversion from the Big Wood River

Dear Mr. Olmstead:

Last night, November 21, 1985, the Blaine County Planning and Zoning Commission reviewed your Conditional Use Permit application to construct a diversion and headgate to supply water to an old water channel. By a vote of 6-0 they denied your application.

The specific reasons for the denial are from the Blaine County Zoning Ordinance 77-5 (a copy of these sections are enclosed):

* Section 17.523: Prohibited uses in the floodway.

* Section 17.74:

No. 5 - it is not important to the community, and may be detrimental.

No. 6 - it is not a hardship if the residence is not closer to the river.

No. 8 - diversions, even non-consumptive, have a negative affect on the river, especially if allowed to increase in number, and thus upon existing and future development on the Big Wood River.

No. 9 - The Comprehensive Plan and the Floodway Management District have as goals the restriction of development in the floodplain, and prohibition in the floodplain way.

No. 12 - Development, including diversions, have a negative impact on the preservation of the natural characteristics of the Big Wood River.

Futhermore:

1. Continued development of diversions may in time reduce the quantity of water available to water users downstream who have earlier rights, and

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2. There is a possible conflict with the local public interest in the Big Wood River including social, environmental and economic factors.

The Planning and Zoning Commission did state that you could clean out the existing channel and remove the bags of cement at its head and then allow the water to naturally seep or flow in during high water. Bulldozing a new channel upstream to the river would NOT be allowed - both by local and state regulations.

After receiving your phone call this morning I am going to go ahead and schedule an appeal to the Blaine County Board of Commissioners. I'm enclosing a copy of Section 30.40 - 43 which gives the procedure to follow. Because of the requirement for a legal notice of at least 15 days I cannot schedule the appeal until 9:00 a.m., Monday, December 23, 1985. If that is a poor time it could be rescheduled to January 9, 10 or 23.

Please call me if you have any questions.

Sincerely,

Edward V. Nigbor

Ed Nigbor
Planning Director

EN:rr

cc: Phil Puchner
Nick Purdy
Leonard Harlig
Sandra Shaw

Enclosures

P. S. I understand that the Department of Water Resources is having its hearing on December 16. Because of the action of the Planning and Zoning Commission I have continued my protest to your application for water rights.

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3. Review development proposals according to the process outlined in the Subdivision Ordinance.
4. Review applications for zoning reclassifications and make recommendations to the Board.
5. Review conditional use permit applications and applications for variances.
6. Hear and decide appeals when it is alleged that an error has been made by the Administrator.

30.3 Appeals from Decisions of the Administrator.

Any person aggrieved by a decision of the Administrator made in interpreting or enforcing this ordinance may appeal such a decision to the Commission by filing a Notice of Appeal with the Commission, within twenty (20) days of such decision, stating the date and nature of the decision appealed from and the grounds for the appeal.

30.31 Hearing by Commission. The Commission shall hold a public hearing on all appeals from decisions of the Administrator within thirty (30) days of the filing of the Notice of Appeal. The Commission shall publish a copy of the Notice of Appeal, together with the time, place and date of the appeal hearing, in one newspaper of general circulation in the County, once, at least fifteen (15) days prior to the public hearing. The Commission may receive evidence at such an appeal hearing from any aggrieved person.

30.32 Decision by Commission. The Commission shall, within ten (10) days after the hearing, enter a written order affirming, reversing or modifying the Administrator's decision. The order shall also contain the reasons for the Commission's decision.

30.4 Appeals to the Board. Any person aggrieved by any final action of the Commission may appeal the Commission's decision to the Board by filing a Notice of Appeal within twenty (20) days of the Commission's final action. The Notice of Appeal shall state the date and substance of the decision appealed from and state the grounds for the appeal. Copies of the Notice of Appeal shall be filed with both the Board and the Commission. The Administrator shall provide any such aggrieved person with a written statement of the estimated cost of transcript preparation. The cost shall be calculated at a rate of One Dollar (\$1.00) per one hundred (100) words.

30.41 Transmission of Record. Within thirty (30) days after a Notice of Appeal is filed with the Commission, the Commission shall prepare three (3) copies of a summary of the proceedings appealed from and forward said summary to the Board. A transcript of the proceedings may be prepared, and such transcripts shall be prepared at the appellant's expense. The cost of the transcripts shall be paid in full before the transcript may be forwarded to the Board. The Commission shall serve one (1) copy of the summary or transcript on the appellant and one (1) copy on the attorney for the respondent. The Commission shall submit to the Board with the summary or transcript all documents, exhibits and orders pertinent to the appeal. The entire record shall be forwarded to the Board with a certificate signed by the Administrator listing all documents in the record in chronological order of filing together with the Administrator's certificate stating that the documents listed comprise the complete record of the Commission's proceedings.

30.42 Hearing by the Board. The Board shall hold a hearing on the appeal as soon as possible following receipt of the Administrator's certificate and the Commission's record. The Board shall publish a notice specifying the time, date and place of the hearing and stating the subject of the appeal. The notice shall be published once in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The Board may not take additional evidence at the hearing. The parties to the appeal may present briefs to the Board. Each party may present not more than fifteen (15) minutes of oral argument to the Board.

30.43 Decision by the Board. The Board shall enter an order within fifteen (15) days after the hearing affirming, reversing, or modifying the Commission's decision. The order shall contain a statement of the reasons for the Board's decision.

APPLICABLE
REGULATIONS:

17.52 Floodway Sub-district Use Regulations. Because of the Flood and changeable bed characteristics of streams in Blaine County, floodway uses are highly restricted.

17.521 Permitted Uses. Agricultural uses and open space recreation uses are permitted, provided that no structural use may be made that may inhibit or alter flood flow or create potential hazard downstream.

17.522 Conditional Uses. Extraction of sand or gravel.

17.523 Prohibited Uses. No structure, fill, deposit, obstruction, storage of materials or equipment, shall be allowed within the floodway.

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1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

17.74 (Continued):

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the service provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding, for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the Comprehensive Plan and floodplain-management program for the area.
10. The safety of access to the property in times of flood of ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. The preservation of the inherent natural characteristics of the water courses and floodplain areas.
13. The probability of mass erosion to adjacent property as opposed to normal streambank erosion and accretion.
14. Effect of and susceptibility to obstruction by landslides, avalanches, ice jams, or timber.

Re: OLMSTEAD, Dan 37-8248

Place: Conference Room -- Blaine County P & Z

Date: December 16, 1985 - 1:30 p.m.

Hearing Officer Bob Fleenor

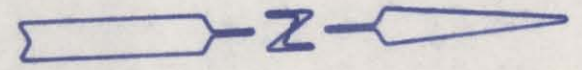
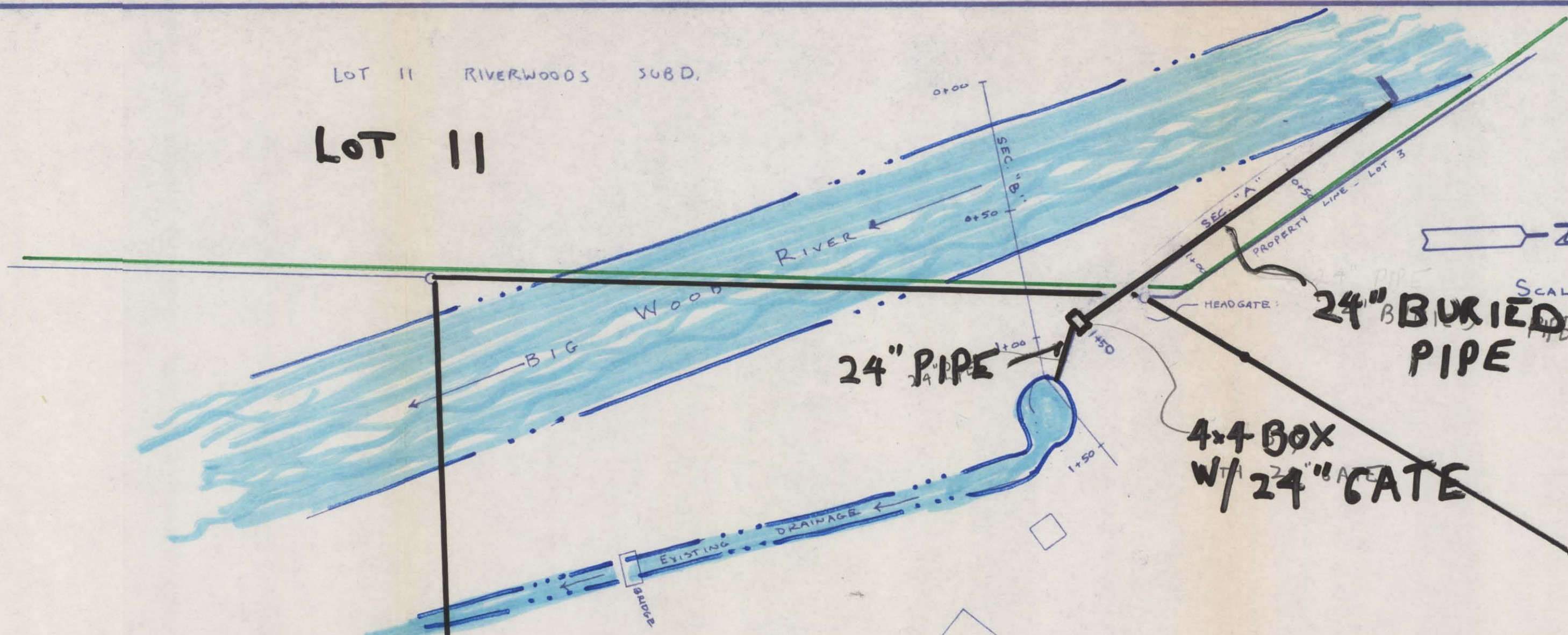
Assisted by Loren Holmes

ROSTER OF ATTENDANCE

[illegible]

LOT 11 RIVERWOODS SUBD.

LOT 11



SCALE: 1" = 40'

24" PIPE

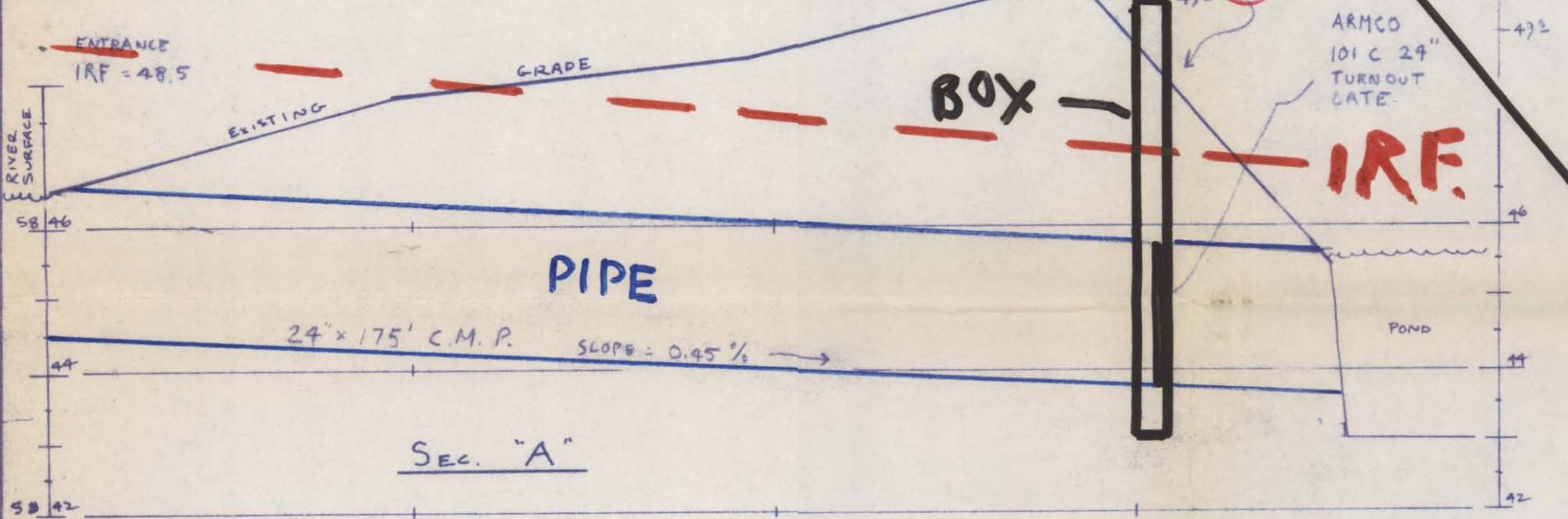
24" BURIED PIPE

4x4 BOX
w/ 24" GATE

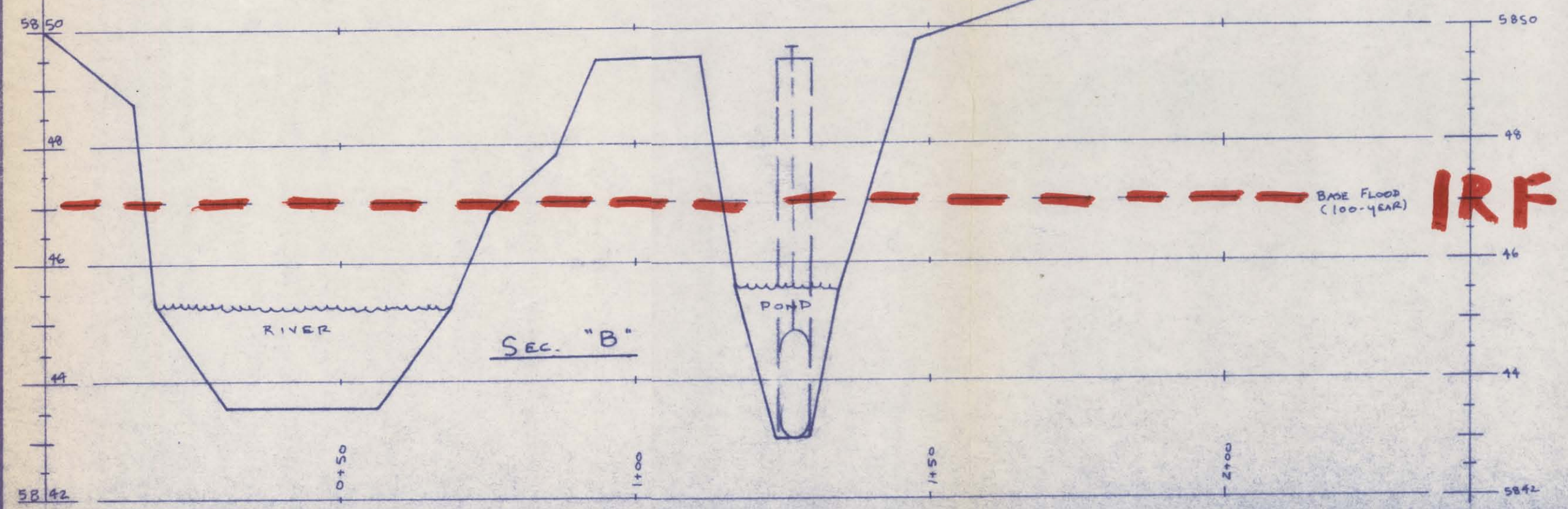
LOT 3

LOT 1

LOT 2



HORIZONTAL SCALE: 1" = 20' VERTICAL SCALE: 1" = 2'



IRF



CHANGE DITCH TO PIPE 10/15/85

PROPOSED STREAM BANK ALTERATION FOR:
MR. DAN OLMSTEAD, LOT 1
BEAVER SPRINGS SUB., BLAINE COUNTY, IDAHO

LOCATED AT RIVER MILE 98.31

SCALE 1" = 40'	PUCHNER ENGINEERING KETCHUM, IDAHO	SHEET NO. 1/1
DATE 9/23/85		

Received at
Conference 12/16/85

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE, \$300

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested"
- adjacent to number.

RETURN
RECEIVED

DEC 3 1985

IDAHO DEPARTMENT OF WATER RESOURCES

SOUTHERN DISTRICT OFFICE

1041 BLUE LAKES BLVD. NORTH

TWIN FALLS, IDAHO 83301
(Name of Sender)

(Street or P.O. Box)

Department of Water Resources
Southern District Office

(City, State, and ZIP Code)

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one).	
☒ Show to whom and date delivered	\$
☐ Show to whom, date, and address of delivery ..	\$
2. ☐ RESTRICTED DELIVERY	\$
(The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO:	
Ed Nigbor-Director - P & Z Com. Hailey, Idaho 83333	
4. TYPE OF SERVICE:	ARTICLE NUMBER
☐ REGISTERED ☐ INSURED	
☐ CERTIFIED ☐ COD	
☐ EXPRESS MAIL	
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE ☐ Addressee ☐ Authorized agent	
<i>J. Fennling</i>	
5. DATE OF DELIVERY	MARK
12-2-85	(Stamp: 1985 DEC 2 10 30 AM HAILEY ID)
6. ADDRESSEE'S ADDRESS (Only if return is to be made to addressee)	
7. UNABLE TO DELIVER BECAUSE:	
7a. EMPLOYEE'S INITIALS	

RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE, \$300

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

DEC 5 1985

Department of Water Resources
Southern District Office

RETURN



IDAHO DEPARTMENT OF WATER RESOURCES

SOUTHERN DISTRICT OFFICE

1001 BLUE LAKES BLVD. NORTH

TWIN FALLS, IDAHO 83301

(City, State, and ZIP Code)

• **SENDER:** Complete Items 1, 2, 3, and 4.
Add your address in the "RETURN TO"
space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☐ Show to whom and date delivered \$☐ Show to whom, date, and address of delivery .. \$2. ☐ **RESTRICTED DELIVERY** \$*(The restricted delivery fee is charged in addition
to the return receipt fee.)***TOTAL \$** _____3. **ARTICLE ADDRESSED TO:**

Dan Olmstead
4621 Teller Ave. Suite 130
Newport Beach, CA 92660

4. **TYPE OF SERVICE:**☐ REGISTERED ☐ INSURED☐ CERTIFIED ☐ COD☐ EXPRESS MAIL**ARTICLE NUMBER***(Always obtain signature of addressee or agent)*

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent*D. Hill*5. **DATE OF DELIVERY***12/2/5***POSTMARK***(may be on reverse side)*6. **ADDRESSEE'S ADDRESS** *(Only if requested)*7. **UNABLE TO DELIVER BECAUSE:**7a. **EMPLOYEE'S
INITIALS**

RETURN RECEIPT



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 20, 1985

Ed Nigbor - Director
Blaine County Planning & Zoning Commission
Hailey, Idaho 83333

Dear Mr. Nigbor

This is to confirm the use of the Planning & Zoning conference room for conference and/or hearing to be held by this office on December 16, 1985 at 1:30 p.m.

Thank you very much for your cooperation.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 20, 1985

Dan Olmstead
4621 Teller Ave. - Suite 130
Newport Beach, California 92660

Re: Application for Permit No. 37-8248

Dear Mr. Olmstead:

Due to scheduling conflicts, we have changed the planned hearing date for the above matter.

We now plan to set the hearing for December 16, 1985.

Official notice of the time and place for the hearing will be mailed on November 27, 1985.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 20, 1985

Ed Nigbor - Planning Director
Box 149
Hailey, Idaho 83333

Re: Application for Permit No. 37-8248

Dear Mr. Nigbor:

Due to scheduling conflicts, we have changed the planned hearing date for the above matter.

We now plan to set the hearing for December 16, 1985.

Official notice of the time and place for the hearing will be mailed on November 27, 1985.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 7, 1985

Dan Olmstead.
4621 Teller Ave. - Suite 130
Newport Beach, California 92660

Re: Application for Permit No. 37-8248

Dear Mr. Olmstead:

We are tentatively planning to schedule the matter of your application for December 10, 1985 in Hailey, Idaho.

Notice giving the exact time and place for the hearing will be sent to all parties by certified mail on November 22, 1985.

If you must request rescheduling of the hearing to a different date, please do so before November 22, 1985

If you have questions concerning this matter, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 7, 1985

Ed Nigbor - Planning Director
Box 149
Hailey, Idaho 83333

Re: Application for Permit No. 37-8248

Dear Mr. Nigbor:

We are tentatively planning to schedule the matter of the above referenced application, which you protested, for December 10, 1985 in Hailey, Idaho.

Notice giving the exact time and place for the hearing will be sent to all parties by certified mail on November 22, 1985.

If you must request rescheduling of the hearing to a different date, please do so before November 22, 1985

If you have questions concerning this matter, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 29, 1985

Dan Olmstead
4621 Teller Avenue - Suite 130
Newport Beach, California 92660

Re: Application for Permit No. 37-8248

Dear Mr. Olmstead:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734 3578

A. Kenneth Dunn
Director

October 29, 1985

Ed Nigbor - Director
Blaine County Planning & Zoning Commission
Box 149
Hailey, Idaho 83333

Re: Application for Permit No. 37-8248

Dear Mr. Nigbor:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED

Blaine County Planning & Zoning Commission

Box 149, Hailey, Idaho 83333

(208) 788-4665

October 15, 1985

Director
Idaho Department of Water Resources
1041 Blue Lakes Blvd, N.
Twin Falls, Idaho 83301

RE: APPLICATION 37-8248
DAN OLMSTEAD
BIG WOOD RIVER

RECEIVED

OCT 16 1985

Department of Water Resources
Southern District Office

This is a formal protest against the above-mentioned application #37-8248.
It is not in the public interest for this permit to be issued because:

- 1) The point of diversion is in the floodway of the Big Wood River and is not on the property of the applicant. Engineering drawings show a channel of 120 feet (approximately) to be dug on neighbor's property, in order to carry the water to the headgate.
- 2) The headgate trench and riprapping will be located in the floodway and construction is not allowed under Section 17.5 of the Blaine County Zoning Ordinance 77-6.
- 3) As the Big Wood River is a major public recreation area, the applicant has not discussed possible negative impacts and how they will be handled.
- 4) The criteria in the Troutco case needs to be addressed by the applicant and by the Department of Water Resources.

Please give me a call at 788-4665 if you have any questions.

Sincerely,

Edward V. Nigbor

Ed Nigbor
Planning Director

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 2, 1985

Ed Nigbor
Blaine County Planning & Zoning
P. O. Box 149
Hailey, Idaho 83333

Re: Application for Permit No.37-8248

Dear Mr. Nigbor:

Please find enclosed a copy of the above referenced application
for permit for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 2, 1985

Reid J. Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Re: Applications for Permit No. 37-8248 - 37-8231 - 37-8232 -
37-8233, -37-8234, -37-8235

Dear Mr. Newby:

Please find enclosed a copy of the above referenced application
for permit for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 2, 1985

Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No.37-8248

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application
for permit for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 2, 1985

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 OCTOBER 28, 1985.

Yours truly,

Mary A. Newby
Secretary

Encl.

ok'd phone - 10/7/85

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 2, 1985

Post Register
P. O. Box 1800
Idaho Falls, Idaho 83402

Re: Application for Perit No. 37-8248

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

ok'd - phone - 10/7/85

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 2, 1985

Lewiston Morning Tribune
505 C Street
Lewiston, Idaho 83501

Re: Application for Perit No. 37-8248

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

ok'd - phone - 10/2/85

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 2, 1985

Idaho Statesman
Box 405
Boise, Idaho 83707

Re: Application for Permit No. 37-8248

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

ok's - phone - 10/7/85

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

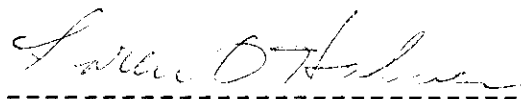
IN THE MATTER OF PROTESTS AGAINST APPROVAL) NOTICE OF HEARING
OF APPLICATION FOR PERMIT NO. 37-8248) AND/OR CONFERENCE
IN THE NAME OF DAN OLMSTEAD)
_____)

On September 20, 1985, Dan Olmstead of New Port Beach, California, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On October 16, 1985, the Department received a protest against the approval of said application from Ed Nigbor, Director Blaine County Planning & Zoning Commission.

The Department has set the matter of protest for hearing for Monday, December 16, 1985 at 1:30 p.m., in the conference room of the Blaine County Planning & Zoning Commission, Old County Courthouse, Hailey, Idaho.

The hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 27 day of November, 1985.



Loren O. Holmes
Southern Region Supervisor

MICROFILMED

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing water rights?
- 2) Is the water supply insufficient for the purpose intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877 April 1980

NAME AND ADDRESS OF SENDER		Indicate type of mail ☐ Registered ☐ Insured ☐ COD ☐ Certified		I certify that we have ☐ Commercial Insurance ☐ A deductible clause of \$		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT					
1 No	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. REMARK
1	239	Bruce B. Turner (45-7581)	22	75	75						
2	240	Roger D. Ling (45-7581)	1								
3	241	USBR (45-7581)									
4	242	Kent Fletcher (45-7581)									
5	243	Douglas R. Whipple (45-7581)									
6											
7	244 ✓	Ed Nigbor (37-8248)									
8	245 ✓	Dan Olmstead (37-8248)									
9											
10	246	Max Bingham (45-4238)									
11											
12											
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FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

★ U.S. GOVERNMENT PRINTING OFFICE : 1980 O - 317

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

BZ-8348L

OLMSTEAD, DAN

4621 TELLER AVE., SUITE 130, NEWPORT BEACH, CA 92660

Source: BIG WOOD RIVER trib. to MALAD RIVER

Date Filed: 09/20/1985

Diversion Pt: SWNE Sec 12 T 04N R 17E

Use: RECREATION (10.00 CFS)

In. SWNE Sec 12 T 04N R 17E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before OCTOBER 28, 1985.

A. KENNETH DUNN

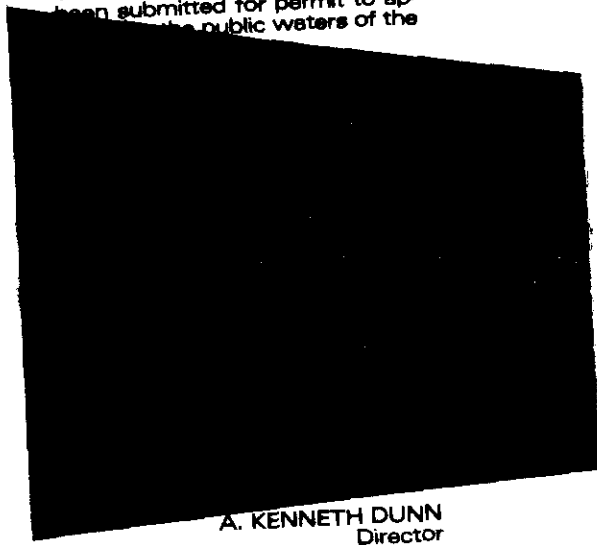
Director

Published 10/10 & 10/17/85.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

NOTICE IS HEREBY GIVEN,
That the following application has
been submitted for permit to ap-
propriate the public waters of the



*dp
maga*

A. KENNETH DUNN
Director

Publish: Wood River Journal-
October 10 & 17, 1985.

LEGAL0-PRUF

⁵⁸⁷⁷⁷
**NOTICE OF APPLICATION FOR
WATER RIGHT**

Notice is hereby given that the fol-
lowing application(s) have been sub-
mitted for permit to appropriate the
public waters of the State of Idaho.

37-8248

OLMSTEAD, DAN
4621 TELLER AVE., SUITE 130,
NEWPORT BEACH, CA. 92660

Source: BIG WOOD RIVER trib. to
MALAD RIVER

DATE FILED: 09/20/1985

DIVERSION PT: SWNE SEC 12 T
04N R 17E

Use: RECREATION (10.00 CFS)

IN: SWNE Sec 12 T 04N R 17E

If issued, the permit(s) will be sub-
ject to all prior water rights. Pro-
tests against the granting of any per-
mit must be filed with the Director
of the Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 and
received on or before OCTOBER 28,
1985.

A. KENNETH DUNN
Director

*Signature
dp
9/10/85*

