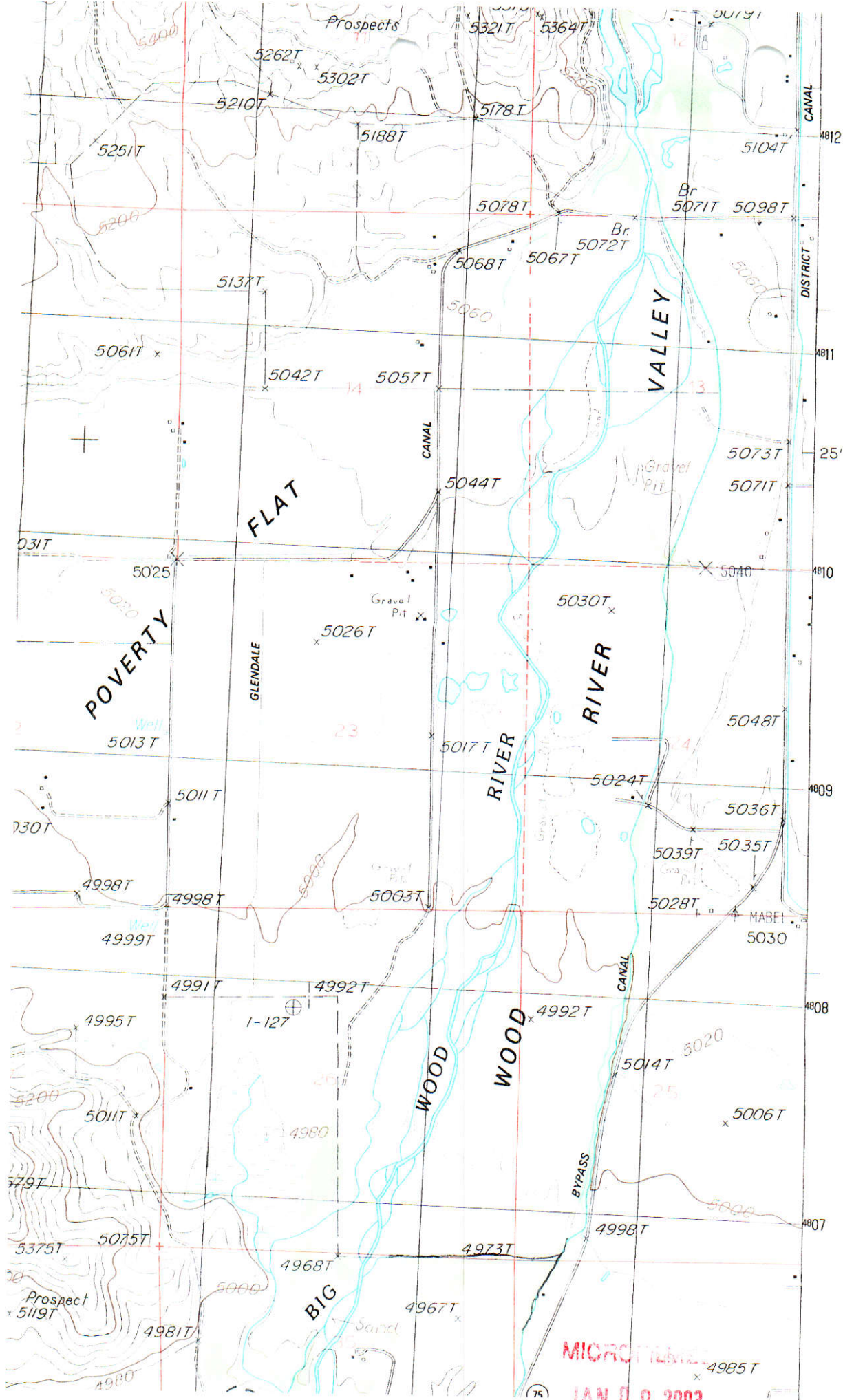


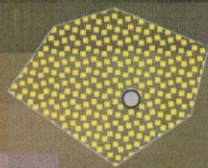


37-20746

Dry
Canyon

Pond or Well

JAN 09 2003
37-20746



MICROFILMED

JAN 09 2003

37-20746



General Area Looking NW Along Lewalt Rd Toward Pond Site
By J E Stanton 8-13-2002 App for Permit 37-20746

MICROFILMED

JAN 09 2003

37-20746



Pond & Drainage Area Looking NW From Dam
By J E Stanton 8-13-2002 App for Permit 37-20746

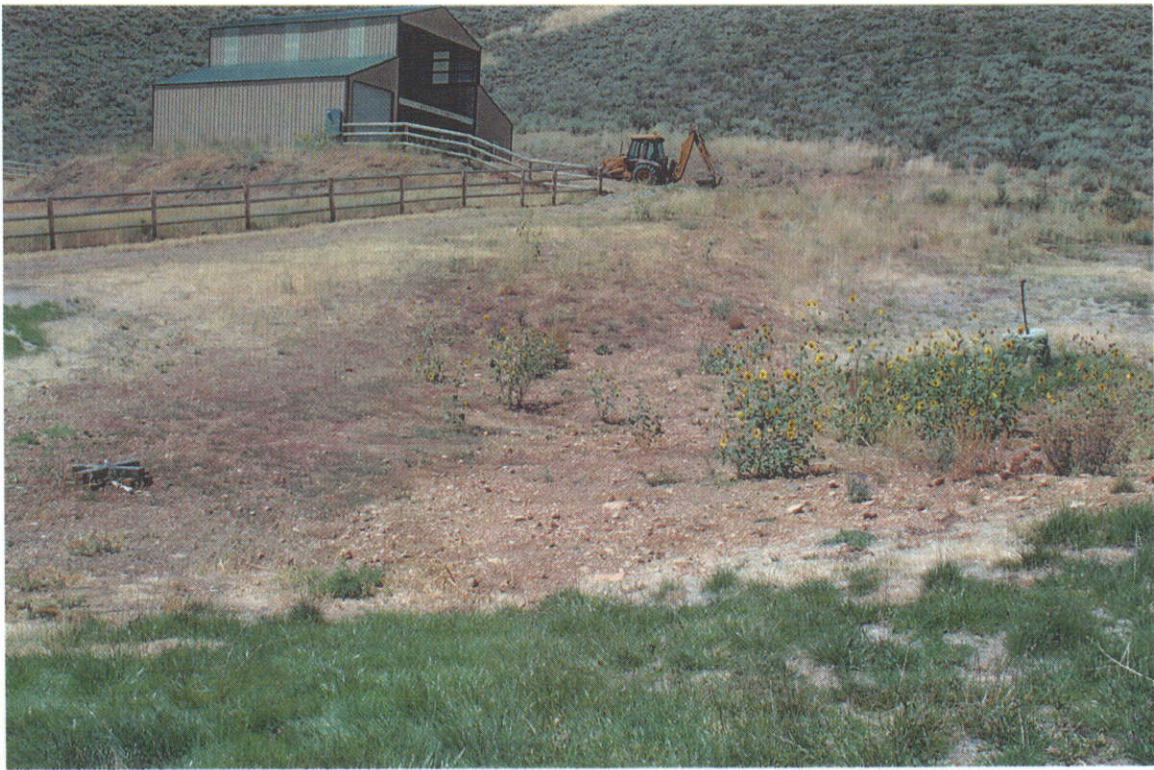


Existing Dam & Pond Area Looking SW
By J E Stanton 8-13-2002

MICROFILMED

JAN 09 2003

37-20746



Pond Area Looking Westerly From SE Corner of Dam
By J E Stanton 8-13-2002 App for Permit 37-20746



Pond Area Looking Downstream Towards Dam
(Area of Pinkish Soil Would Be Under Water At Full Pool)
By J E Stanton 8-13-2002

MICROFILMED
JAN 09 2003

37-20746

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20746

Priority: July 26, 2002

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.1 AF

This is to certify, that RICHARD STARK
PO BOX 958
BELLEVUE ID 83313

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** SINKS
GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp 01N, Rge 18E, B.M., BLAINE County
GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp 01N, Rge 18E, B.M., BLAINE County

PLACE OF USE: DIVERSION TO STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	28															X		

PLACE OF USE: FIRE PROTECTION STORAGE same as Diversion to Storage

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2004**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Point of diversion and place of use are located within Lot 3 of Hillside Ranch Subdivision #1, Blaine County.
5. Water shall not be diverted from storage under this right except to fight or repel an existing fire.
6. The right holder shall not divert more than 2,500 gallons of water per day to storage under this right.
7. The diversion and use of ground water under this right and the diversion and use of ground water by the right holder for domestic purposes under any water right or under the exception to the permitting requirement granted in Sec. 42-227, Idaho Code, shall not exceed a combined total of 13,000 gallons per day ("gpd").

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13 day of December, 2002

MICROFILMED

KARL J DREHER, Director

RECEIVED

NOV 20 2002

Page 1

Ident. No. 37-20746 Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

JUL 26 2002

Department of Water Resources
Southern Region

1. Name: RICHARD STARK
PO BOX 958
BELLEVUE ID 83313
(208)578-2169

2. Source: GROUND WATER
UNNAMED STREAM Tributary to: SINKS

3. Location of Point of Diversion:

#1 UNNAMED STREAM NW1/4SW1/4NE1/4 Sec. 28, Twp 01N, Rge 18E, B.M.
BLAINE County
#2 GROUND WATER NW1/4SW1/4NE1/4 Sec. 28, Twp 01N, Rge 18E, B.M.
BLAINE County

4. Water will be used for the following purposes:

Purpose	From To	RATE OF DIVERSION	ANNUAL VOLUME
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
FIRE PROTECTION	01/01 to 12/31		0.1 AF
STORAGE			

5. Total quantity to be appropriated is: 0.02 CFS 0.1 AF

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: NATURAL DEPRESSION WILL BE DEEPENED & LINED TO HOLD SURFACE RUNOFF. POND WILL BE ABOUT 1/20 ACRE X 10 FEET DEEP.

b. Height of storage dam _____ feet;
Active reservoir capacity 0.04 _____ acre-feet;
Total reservoir capacity 0.04 _____ acre-feet.

c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

MICROFILMED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

POINT OF DIVERSION #2

a. Type and size of devices used to divert water from the source: EXISTING DOMESTIC WELL,
PIPELINE TO POND

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

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

e. If well is already drilled, when? _____ 1993 _____;
Drilling Firm _____ Walker _____;
Drilling Permit No. _____ 37-93-S-0073-000 _____.

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

8.

PLACE OF USE: DIVERSION TO STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 18E 28														X			

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 18E 28														X			

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

MICROFILMED
NOV 12 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Natural runoff collects in a depression near my home, never leaving the property. The depression will be enlarged to collect more water, and our domestic well will supplement the runoff as needed. Property is Lot 3 of Hillside Ranch Sub. #1.

11. Map of proposed point of diversion and place of use attached? ☐

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

Richard W. Stark
Applicant

Received by JS Date 7-26-02 Time 4pm Preliminary check by JS
Publication prepared by MB Date 8/23/02 Published in Wood River Journal
Publication approved MB Date 9/17/02

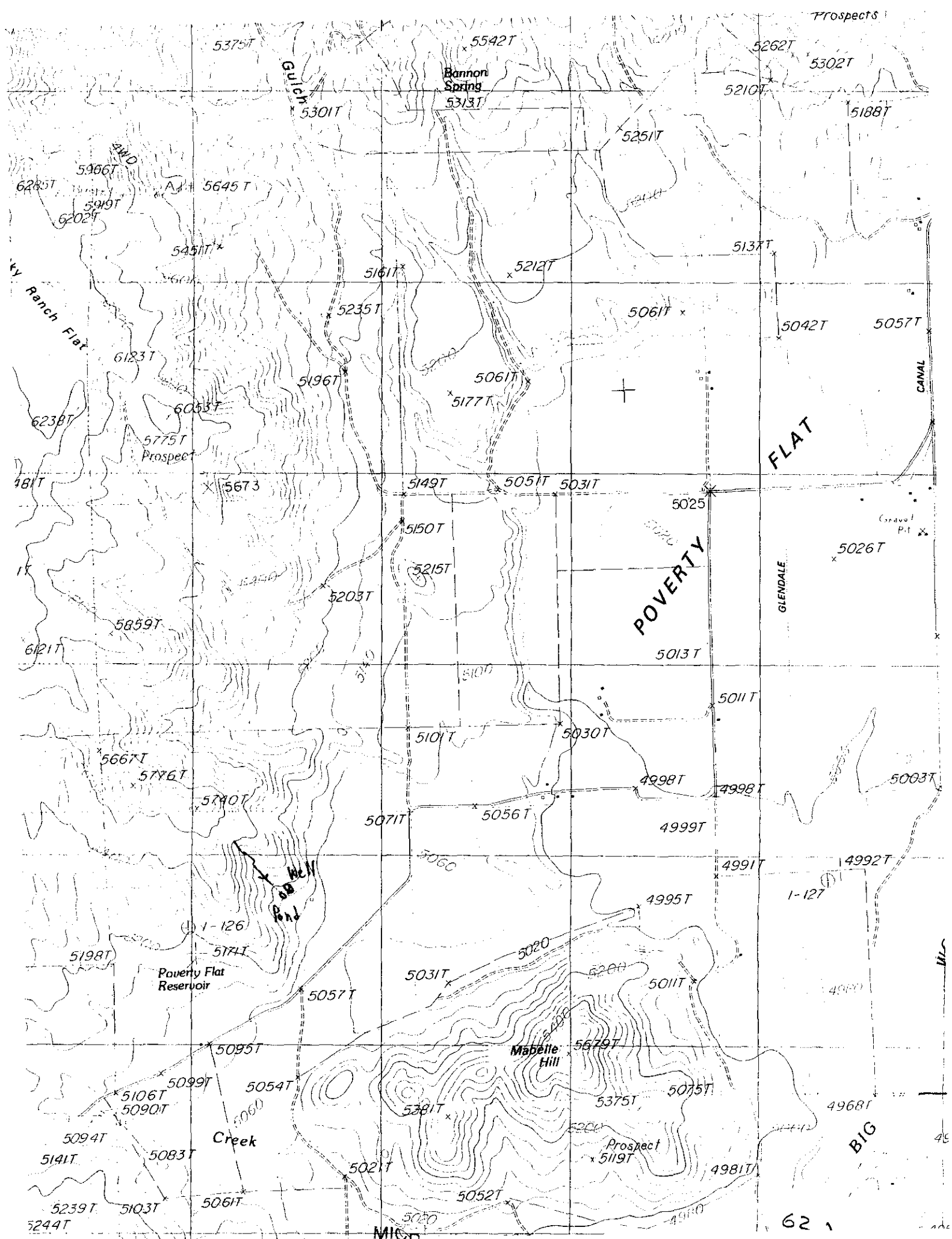
Receipt No. S025121

Date: 7-26-02

Received by: JS

MICROFILMED

SEP 11 2002



1973

37-20746

JAN 9 9 1946
37-20746





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2002

RICHARD STARK
PO BOX 958
BELLEVUE ID 83313

RE: Permit No. 37-20746

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

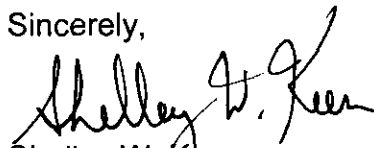
MICROFILMED

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED
JAN 10 2003

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

37-20746

RICHARD STARK
PO BOX 958
BELLEVUE ID 83313


Deborah J. Gibson
Secretary

MICROFILMED

NOV 14 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

MICROFILMED
SEP 5 2005

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

APR 19 1985

MEMORANDUM

Date: December 12, 2002
To: Water Right File 37-20746
From: dgibson
Re: Permit Review

The location of this water right is within the Eastern Snake Plain Aquifer Moratorium. The use is permitted because it is equivalent to a domestic use. Use of ground water under this right shall be limited to 13,000 gpd when combined with the right holders domestic use. This is necessary to prevent the right holder from stacking domestic uses in violation of Sec. 42-111(3), Idaho Code. This permit is issued only for the storage of water for fire protection if needed in the event of an existing fire.

MICROFILMED

1993 3 2002

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY JP DATE 8-21-02

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 7-26 10,2002

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to present application on the back.
- ☐ Overlapping point of diversion.
- ☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by JP Stanton
- ☒ Yes ☐ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☒ Yes ☐ No Groundwater management area?
- ☒ Yes ☐ No Measurement District or Groundwater District?
What District? Water District 39
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes,attach large diversion supplementary analysis sheet.
- ☐ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

_____ Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☒ Water Dist. No. <u>37</u>	<u>8/27/02</u>	<u>9/9/02</u>
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

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

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

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

☐ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☒ No Protested?

Describe Resolution: _____

☐ Yes ☒ No Measuring device required?

☐ Yes ☒ No Access port required?

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? _____

☐ Yes ☒ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached? SEE WR 246

If yes; date of Memo _____

Date of priority recommended: 7/26/02

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By [Signature] Date 11/18/02

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 17 2002

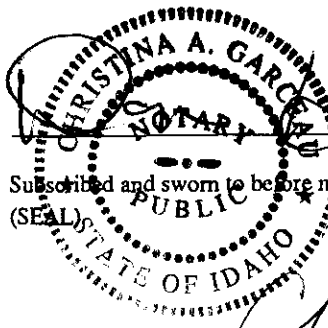
Department of Water Resources
Southern Region

State of Idaho,

County of Blaine

} SS.

On this 13 day of September, in the year 2002, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 4 day of September, and the date of the last publication was on the 11 day of September.



Subscribed and sworn to before me this 13 day of September, 2002.

NOTARY PUBLIC

11654

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	_____	115
Number of Lines in Notice	<u>50</u>	
Number of Insertions	<u>2</u>	
_____	Lines tabular at _____	7¢ / Pica
<u>50</u>	Lines straight at <u>1.43</u>	6¢ / Pica
_____	Subsequent lines at _____	5¢ / Pica
TOTAL COST	<u>76.50</u>	

COPY OF NOTICE
(Paste Here)

Application for water
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

24620

PLAINTIFF

Id Dept of Water
BILL TO Resources

Application for water right

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

37-20746
RICHARD STARK
PO BOX 958
BELLEVUE ID 83313
Point(s) of Diversion: NWSWNE S28 T01N R18E
Source: UNNAMED STREAM Tributary To SINKS
Point of Diversion: NWSWNE S28 T01N R18E
Source: GROUND WATER
Use: 01/01 To 12/31
FIRE PROTECTION STORAGE 0.1 AFA
DIVERSION TO STORAGE 0.02 CFS
Total Diversion: 0.02 CFS, 0.1 AFA
Date Filed: 07/26/2002
Place Of Use: NWSE S28 T01N R18E

Remark: App proposes to store surface runoff in a small pond at the mouth of a dry canyon on applicant property for fire protection. Existing domestic well will supplement surface supply as needed. Pond will be lined. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 09/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Publish: Wood River Journal-September 4 & 11, 2002.

insertion: .05 / pica

MICROFILM

1 054

RECEIVED

SEP 09 2002

Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Application For Permit

RECOMMENDATION OF WATERMASTER

Application No: 37-20746

Water Right No(s):

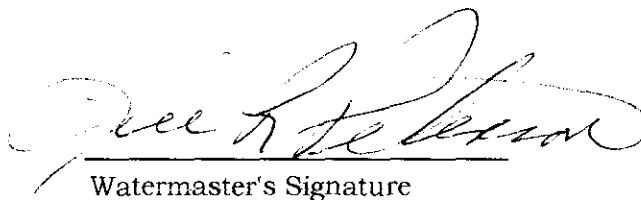
Applicant's Name: Richard Stark

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows.
- c) I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated this 5th day of September , 2002.

Water District No. 37


Watermaster's Signature

MICROFILMED
SEP 9 2002

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

37-20746

RICHARD STARK

PO BOX 958

BELLEVUE ID 83313

Point(s) of Diversion: NWSWNE S28 T01N R18E

Source UNNAMED STREAM Tributary To SINKS

Point of Diversion: NWSWNE S28 T01N R18E

Source: GROUND WATER

Use: 01/01 To 12/31

FIRE PROTECTION STORAGE 0.1 AFA

DIVERSION TO STORAGE 0.02 CFS

Total Diversion: 0.02 CFS, 0.1 AFA

Date Filed: 07/26/2002

Place Of Use: NWSE S28 T01N R18E

Remark: App proposes to store surface runoff in a small pond at the mouth of a dry canyon on applicant property for fire protection. Existing domestic well will supplement surface supply as needed. Pond will be lined. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 09/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Wood River Journal on 9/4 & 9/11/02.

MICROFILMED
10/11/02

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax# : 736-3037

August 27, 2002

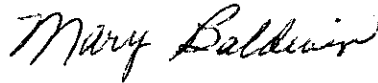
ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED
1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2002

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Permit No. 37-20746 filed in the name of Richard Stark

Dear Mr. Peterson:

Enclosed is a copy of an Application for Permit within your District.

We also have enclosed a Watermaster's Recommendation Form for your comment and/or recommendation.

Regional review of an un-protested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED

SEP 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2002

RICHARD STARK
PO BOX 958
BELLEVUE ID 83313

Re: Application for Permit No. 37-20746

Dear Mr. Stark:

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

This office has scheduled advertising the application in the **Wood River Journal** for 9/4 & 9/11/02. **A period of ten days following the second publication will be allowed for the submittal of protests. (September 23, 2002)**

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

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

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

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICHAEL J. BROWN

208-736-3033

Baldwin, Mary

From: Baldwin, Mary
Sent: Tuesday, August 27, 2002 11:21 AM
To: Yenter, Cindy (Hodges); Blau, Terry; Bates, Allan
Cc: Baldwin, Mary
Subject: NEW app

FYI, Richard Stark has filed App. for Permit No. 37-20746 to divert 0.02 cfs/0.1 afa from an Un-named Stream in Blaine County for Diversion to Storage & Fire Protection Storage.

MICHAEL J. STARK 1

August 27, 2002

Comment Report

37-20746

1. jstanton 8/13/2002 Pre-Permit Field Exam

Comment: Today I visited this property, meeting with the applicant. This property lays at the north end of Lewalt Rd (an un-signed gravel road that runs north off the Glendale Rd). North of the Stark home, there is a V-shaped canyon that runs southeasterly for a little over 1/4 mile. The Stark home is just east of the canyon mouth. A previous owner of this property built an earth dike at the mouth of the canyon to collect snowmelt and other runoff, but partially filled in the pond before vacating the property. The applicant plans to dig out the pond to hold more water, to line it to prevent seepage loss, and possibly to build up the dike as needed to hold a little more water. He also talked about building a spillway to direct any overflow harmlessly downhill toward the valley floor. I took GPS readings of the pond to verify the legal description, which is correct according to ArcView.

This is a very small drainage, so any runoff would be minimal. Everything was totally dry during my visit, but presumably there would be a little water available in normal years. This area is a long way from the Big Wood River, so it appears that ponding this water instead of letting it run off naturally would have little effect on downstream users. The valley floor in this area is a bench about 2 1/2 miles west of the Dry Beds portion of the Big Wood River, and is just dry pasture and a few homes on the west side of Lewalt Rd.

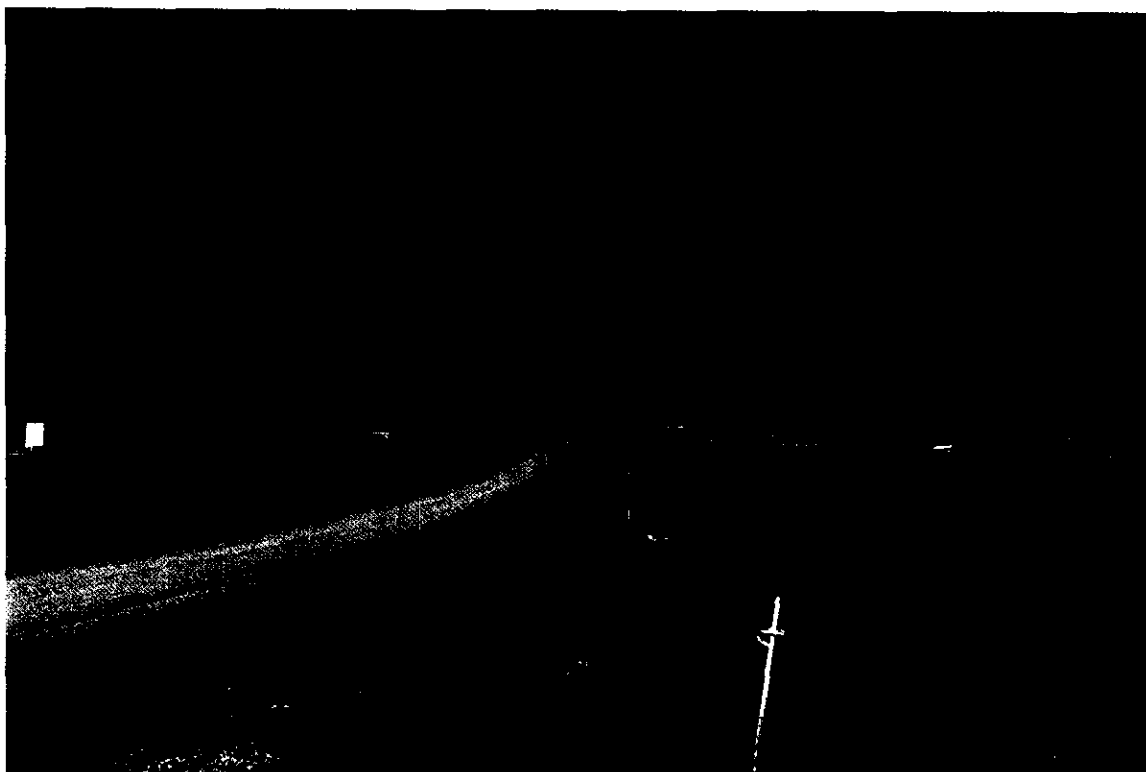
This application should be considered for approval, as the value of this pond to the applicant in case of a fire would be much greater than the value of the water involved to a downstream user. The flow rate on the application is really meaningless, as this is an "on-stream" pond that could get a much higher flow for short periods of time. The pond will just hold back whatever comes down until it fills, with any excess running on downhill to sink away in the rocky soil below. Stark uses a hose for drip irrigation of some trees above the pond, so could easily use his domestic well to supplement the surface supply if needed. The diversion rate could be applied to the well, so should probably be left on the application for that reason. The pond is about 30 feet x 30 feet (eyeball guess).

2. jstanton 8/14/2002 Legal Notice Remarks

Comment: App proposes to store surface runoff in a small pond at the mouth of a dry canyon on applicant property for fire protection. Existing domestic well will supplement surface supply as needed. Pond will be lined.

MICROFILMED

2003/08/14

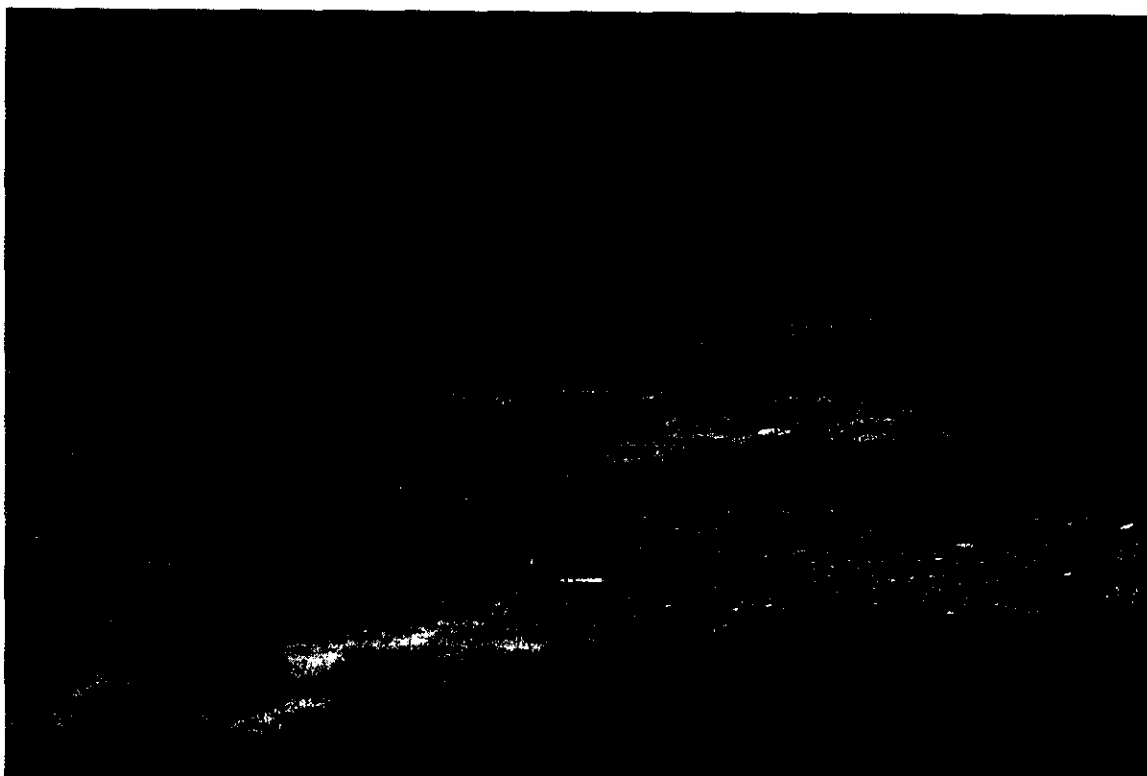


General Area Looking NW Along Lewalt Rd Toward Pond Site
By J E Stanton 8-13-2002 App for Permit 37-20746

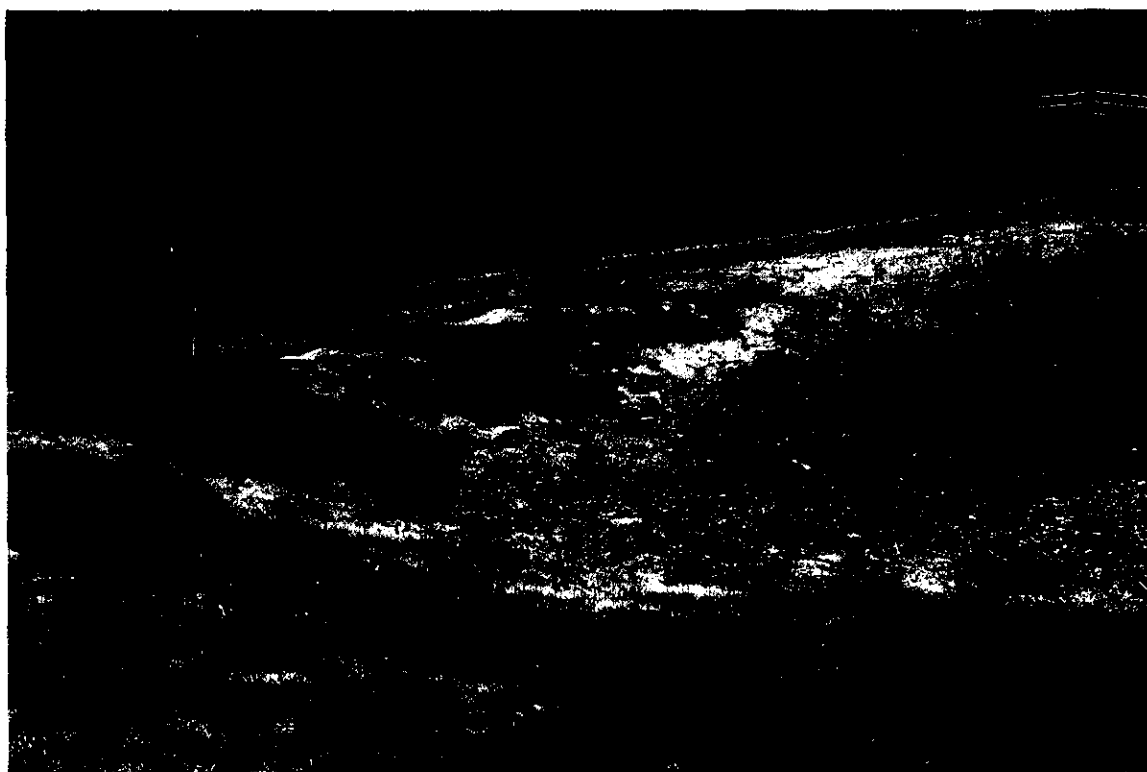
MICROFILMED

1994

37-20746



Pond & Drainage Area Looking NW From Dam
By J E Stanton 8-13-2002 App for Permit 37-20746



Existing Dam & Pond Area Looking SW
By J E Stanton 8-13-2002

MICROFILMED

37-20746



Pond Area Looking Westerly From SE Corner of Dam
By J E Stanton 8-13-2002 App for Permit 37-20746



Pond Area Looking Downstream Towards Dam
(Area of Pinkish Soil Would Be Under Water At Full Pool)
By J E Stanton 8-13-2002

MICROFILMED

1997-1-1

37-20746

Machine

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
37-20746

RICHARD STARK
PO BOX 958
BELLEVUE ID 83313

Point(s) of Diversion NWSWNE S28 T01NR18E BLAINE County Source
UNNAMED STREAM

Tributary To SINKS

Point(s) of Diversion NWSWNE S28 T01NR18E BLAINE County Source
GROUND WATER

Use: FIRE PROTECTION 01/01 To 12/31 0.1 AFA
STORAGE

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS 0.1 AFA

Date Filed: 07/26/2002

Place Of Use: DIVERSION TO STORAGE

T01N R18E S28 NWSE

Place Of Use: FIRE PROTECTION STORAGE

T01N R18E S28 NWSE

Remark: App proposes to store surface runoff in a small pond at the mouth of a dry canyon on applicant property for fire protection. Existing domestic well will supplement surface supply as needed. Pond will be lined.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 09/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on _____ and _____

W.J.
9/1/02 5/11
9/23

20743

MICROFILMED
10/2/2002