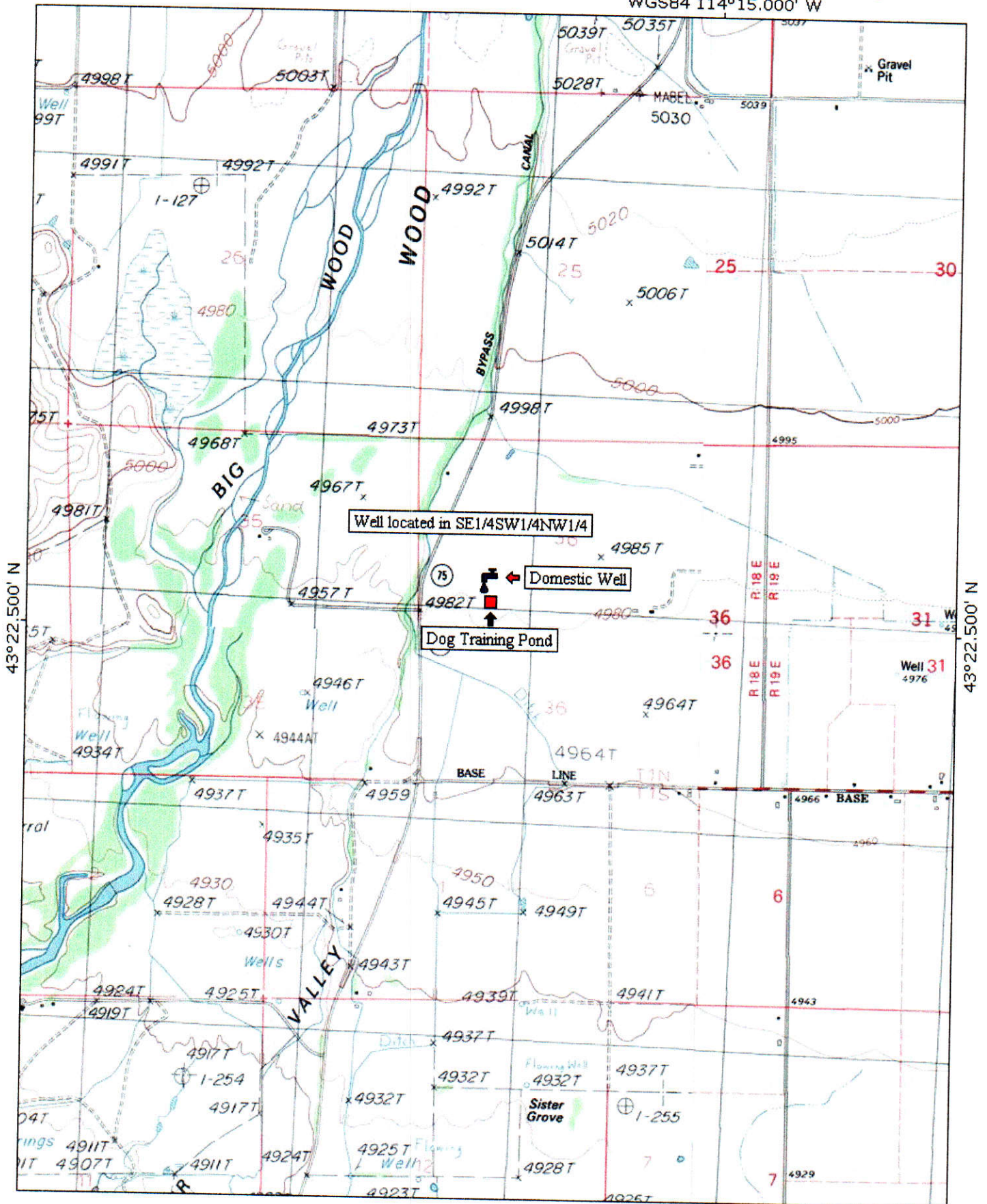




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MICROFILMED
OCT 20 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20704

Priority: April 08, 2002

Maximum Diversion Rate: 0.08 CFS

This is to certify, that FRANK NACHTMAN And
JANET NACHTMAN
MARSHALL HOSPITAL
MARSHALL WAY
PLACERVILLE CA 95667

have applied for a permit to appropriate water from:

Source: 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	0.08 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	
FIRE PROTECTION	01/01 to 12/31	0.08 CFS	
COMMERCIAL STORAGE	01/01 to 12/31		2.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SW¼NW¼ Sec. 36, Twp 01N, Rge 18E, B.M. BLAINE County

PLACE OF USE: COMMERCIAL STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 18E 36							X										

PLACE OF USE: FIRE PROTECTION, same as Commercial Storage

PLACE OF USE: FIRE PROTECTION STORAGE, same as Commercial Storage

PLACE OF USE: DOMESTIC, same as Commercial Storage

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2004.**
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

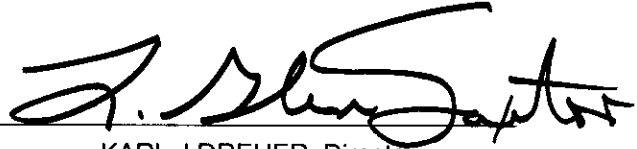
MICROFILMED
APR 11 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-20704

CONDITIONS OF APPROVAL

5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. The pond authorized by this approval is limited to 1/2 acre surface area with a total storage volume of 2.0 acre feet. The pond shall be filled with water diverted from the Big Wood River under rights 37-20706 and 37-20708 as approved in transfer 69819. To the fullest extent possible water diverted from the Big Wood River shall be utilized to maintain the water level of the pond. Ground water associated with this right may be used to supplement evaporative losses when rights 37-20706 and 37-20708 are not available for delivery because of priority curtailment.
7. As mitigation for this approval, the right holder shall retain ownership of Baseline Canal Co. shares equaling 1.5 acres of irrigation but shall not utilize the water represented by those shares to irrigate any land.
8. Domestic use is for 1 home.
9. Commercial use is for a dog kennel/training facility.
10. Place of use is located within Lot 3, Blk.2, Dove Flat Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of June, 2003.


for KARL J DREHER, Director

MICROFILMED
OCT 20 2003

Page 1

Ident. No. 37-20764

RECEIVED
MAR 20 2003
AMENDED

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public water of the State of Idaho

1. Name: FRANK NACHTMAN And
JANET NACHTMAN
MARSHALL HOSPITAL
MARSHALL WAY
PLACERVILLE CA 95667
(530) 826-2682

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER SE1/4SW1/4NW1/4 Sec. 36, 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
DOMESTIC	01/01 to 12/31	0.04 CFS	
~~COMMERCIAL~~	~~01/01 to 12/31~~	~~0.08 CFS~~	
FIRE PROTECTION	01/01 to 12/31	0.08 CFS	
COMMERCIAL STORAGE	01/01 to 12/31		2.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 TO 12/31	0.08 CFS	
5. Total quantity to be appropriated is:		0.08 CFS	2.0 AF

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: DOMESTIC WELL AND PUMP

b. Height of storage dam 4.0 feet;

Active reservoir capacity 1.27 acre-feet;

Total reservoir capacity 1.27 acre-feet;

c. Proposed well diameter is 6 inches;

Proposed depth of well is 163 feet.

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

e. If well is already drilled, when? 5/30/2001;

Drilling Firm: WOOD RIVER DRILLING;

Drilling Permit No. 769120.

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

MICROFILMED

APR 10 2003

Page 2

Ident. No. 37-20704

AMENDED

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

8.

PLACE OF USE: COMMERCIAL

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	30								X									

PLACE OF USE: COMMERCIAL STORAGE, same as Commercial**PLACE OF USE:** FIRE PROTECTION, same as Commercial**PLACE OF USE:** FIRE PROTECTION STORAGE**PLACE OF USE:** DOMESTIC, same as Commercial

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:

This application for permit for water use; domestic, commercial, fire protection, commercial and fire protection storage will be mitigated by Transfer No. 89819 by taking 3.0 acres (includes pond) of agricultural land and its associated water use out of production.

The pond will be filled with river water whenever available. The domestic well source will only be used as a back-up, when the surface water is cut off, or during the off season. The domestic well pump is rated at 0.08 cfs.

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

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.

X 
 Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Receipt No. S024724

Date: _____

Received by: _____

See original application

MICROFILMED

OCT 6 1983

RECEIVED

JUN 21 2002

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 08 2002

Department of Water Resources
Southern Region

1. Name of Applicant Frank & Janet Nachtman Phone (208) 788-3241
Post Office address PO Box 1412 Hailey ID 83333
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is SE 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____
Sec. 36 Township 1N Range 18E B.M. Blaine County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .08 for Domestic Use purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) Commercial and
Amount .08 for Fire Protection purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) Commercial and Fire
Amount 4.0 for Protection Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .08 and/or (b) 4.0
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Domestic Well Pump
b. Height of storage dam N/A Existed Pond feet; active reservoir capacity 4.0 acre-feet; total reservoir capacity 4.0 acre-feet; period of year when water will be diverted to storage: 01/01 to 12/31 inclusive.
c. Proposed well diameter is 6 inches; proposed depth of well is 163 feet.
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? 05/30/01; Drilling firm Wood River Drilling:
Well was drilled for (well owner) Frank Nachtman
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. (1) with Yard Irrigation
e. Other; describe fully. Commercial and fire protection and Commercial + Fire Protection Storage for the operation of a dog training facility.

MICROFILMED
OCT 20 2001

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	18E	36							D										
									C/F										

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 37-7045, 37-577C

11. a. Who owns the property at the point of diversion? Frank & Janet Nachtman

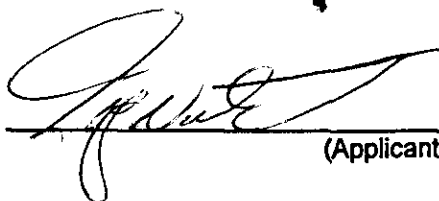
b. Who owns the land to be irrigated or place of use? Frank & Janet Nachtman

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

12. Remarks: see: Attachment

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

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

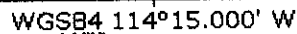
 (Applicant) 

Received by P. SKINNER Date 4/8/2002 Time 1:30 Preliminary check by P. SKINNER
 Fee \$ 100.00 Receipted by P. SKINNER # 5024724 Date 4/8/2002
 Publication prepared by M. Baldwin Date 4/10/02 Published in Minidoka Bulletin
 Publication approved MB Date 5/6/02

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APR 20 2003

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ATTACHMENT

12. Remarks:

This application for permit for water use; domestic, commercial, fire protection, commercial and fire protection storage, will not result in consumptive use, due to Frank and Janet Nachtman's application for transfer of water right. This transfer of water right mitigates use by taking 3.0 acres (includes pond) of agricultural land and its associated water use out of production.

The pond will be filled with river water whenever available. The domestic well source will only be used as a back-up, when the surface water is cut off, or during the off season. The domestic well pump is rated at .08 cfs.

MICROFILMED

1997 - p. 2303



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

June 23, 2003

FRANK NACHTMAN
JANET NACHTMAN
MARSHALL HOSPITAL
MARSHALL WAY
PLACERVILLE CA 95667

RE: Permit No. 37-20704

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.

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

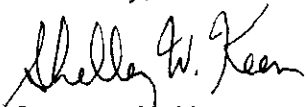
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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.

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.

MICROFILMED
JUL 14 2003

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

APR 5 2010

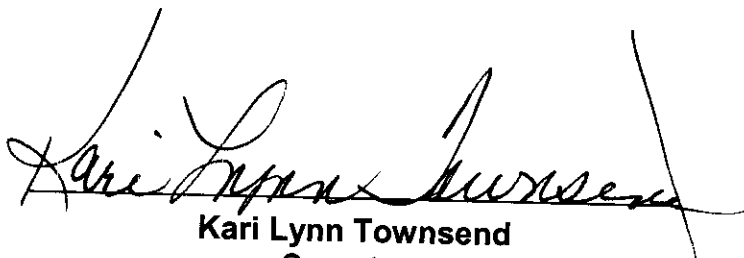
CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2003 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.

37-20704

**FRANK NACHTMAN
JANET NACHTMAN
MARSHALL HOSPITAL
MARSHALL WAY
PLACERVILLE CA 95667**



**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 23 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

UNRECORDED
JUN 2003

MEMORANDUM

Date: April 25, 2003
To: Water Right File 37-20704
From: Sharla
Re: Application for Permit 37-20704 & Application for Transfer 69819

The application for permit was amended to show the reduction in the size of the storage pond, which in turn affects the number of acres/volume that has to be mitigated by surface shares from Baseline Canal Co. (1/2 acre surface area of pond no longer irrigated and 1 additional acre taken out for 2.0 af consumptive use - losses, etc). It also effects the number of acres removed from irrigation under the rights listed in the transfer to cover the new uses.

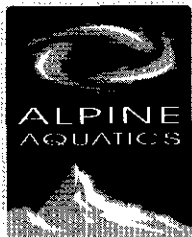
Trans. 69819 changes the nature of use of a portion of two Big Wood River rights from irrigation to storage for commercial and fire protection uses associated with a dog kennel and training facility. Application for Permit 37-20704 is for make-up water during the non-irrigation season and periods of surface water curtailment to maintain the water level of the pond. Ground water also covers domestic use and fire protection (non-consumptive). Evaporative losses from ground water under this right is intended to be mitigated by the non-use of surface water shares evidenced by Baseline Canal Co. water rights.

This essentially means that Transfer 69819 is only a change in the nature of use of the right holder's own rights for diversion from the river and is not intended to be mitigation for the application for permit. You can't remove 3 acres from irrigation under surface rights, identify the total volume of those 3 acres for new uses and use ground water to maintain storage when those surface rights are curtailed while at the same time requiring surface water curtailment as mitigation for the ground water use.

Regional review of the applications confirmed the right holders ownership of shares with the canal company and a condition will be added to the permit requiring retention of the shares associated with 1.5 acres of irrigation to be used for mitigation. The transfer will then be approved with reductions in the rates and volumes in line with the decreased size of the proposed pond.

MICROFILMED

OCT 27 2003



(208) 788-1803
Fax: (208) 788-2416
Post Office Box 6370
Pocatello, Idaho 83340
www.alpineaquatics.com
waterfeature@alpineaquatics.com

RECEIVED
MAY 17 2003
Department of Water Resources

March 17, 2003

Idaho Department of Water Resources
PO Box 83720
Boise ID 83720-0098
Attn: Sharla Curtis

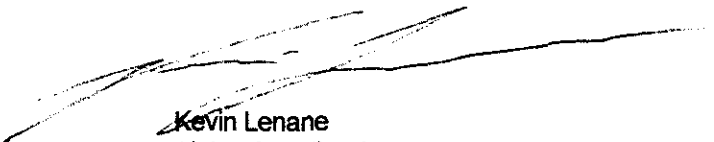
Dear Ms. Curtis

Enclosed is an amendment for permit for Frank Nachtman's Water Right Application # 37-20704.

This addendum reflects current changes in physical morphometry data of the dog-training pond, agency corrections, and mitigation.

Thank you for prompt assistance regarding these water right issues. Please don't hesitate to give me a call if you have any questions.

Sincerely,


Kevin Lenane
Alpine Aquatics, Inc.
President

(cell) 477-6334

MICROFILMED

OCT 21 2003



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

March 14, 2003

SENT BY FAX 788-2416
3/14/03

Attn: Kevin
RE: Frank Nachtman applications

Kevin, the following is an amended application for permit for your use in amending the original application to reflect the smaller pond that has been built. The amended application also contains a few other changes in line with feedback that I have received from my supervisor.

First, I have reduced the annual volume to 2.0 acre feet instead of 4.0 acre feet due to the pond size being half of what was originally planned. If the reservoir capacity is still going to be 4.0 acre feet by being twice as deep but half as big in surface area, then mark that figure out and write 4.0 beside it and initial it.

Next, we have added a "diversion to storage" component which is automatically required for storage from a well. The diversion to storage component will replace the need for a flow rate for "commercial" use, if the storage takes care of the training facility. If the storage does completely cover the training facility use, please strike through the "commercial" use. If, however, water is needed for the facility that is not sent to the pond, then keep the commercial use as listed and explain to us exactly what that use entails. ~~water for commercial use~~

The rate of diversion for domestic use has been reduced to 0.04 cfs which is the department's standard rate for single domestic use with lawn/garden irrigation. I realize the pump is rated at 0.08 cfs, but actual domestic use is limited to the standard requirement for 1 home.

The reduction of the pond size may change some of the figures contained in the transfer approval. Any changes would be to the right holder's benefit, however, and we won't require an amended transfer application before making the approval.

One final note that I want to pass along is that since diversion from ground water is dependent on mitigation (which is the diversion of surface water), a condition will be placed on the permit stating that ground water is not authorized for diversion in any season that surface water is not used.

Ok, I think that wraps everything up that I can think of. Don't hesitate to give me a call if you have any questions. The application should be signed by Frank and Janet Nachtman just as the original was. I will wait to hear from you before taking any further action on these matters.

MICHAEL

March 14, 2003

Harold Curtis

MEMORANDUM

To: Files 37-20704 and Transfer 69819

From: Sharla

Date: August 16, 2002

Re: Approval Recommendations

Allen Merritt's calculations for estimating consumptive use total 6.3 af. The consumptive irrigation requirement for this area is 2.0 af, therefore, 3 acres are required to be removed from irrigation as mitigation for the new permit approval. As Allen indicates in his memo, if the worst case scenario occurs and surface water is exhausted by the end of June, sufficient water will have been delivered to fill the pond and provide sufficient recharge to allow the pumping of the well to maintain the pond level.

Allen has recommended the volume be reduced from what the applicant requested based on evaporation, precipitation, etc. It seems reasonable, however, to allow the commercial use that same volume we would for in-house use (0.6 af). This brings Allen's total to 6.7 af; it will be rounded up to 7 af.

Because the pond is off-stream, a diversion to storage component is appropriate to be included in the transfer approval and permit approval.

The domestic use listed in the application is only for 1 home, therefore, the rate will be reduced to the department's standard of 0.04 cfs.

As to Allen's recommended conditions, the permit is for ground water diversion and will not include the standard watermaster condition. One condition/remark concerning fire protection is sufficient. T07, T08 and T09 are not used on unchanged portions of transfers. We do not add conditions to unchanged portions other than new combined limitation conditions; otherwise, only the existing conditions are carried forward.

MICROFILMED

SEP 2 19 2003

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 6/26/02

No. 37-20704 Name: Nachtman Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes S/C & Wilder Big Wood GWMA TRUST/NON-TRUST
LoGeo Mitigation non-cons.

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

- All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
-WMD
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

- Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

- STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07-NYA
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 8/1/01 2003

MISC CONDITIONS/REMARKS:

- Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

- F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

- ≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

- SNAKE R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

- Restricted area - 022,075
Irr. GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-122-106
DOMESTIC
Surface water W01 (1) - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

- Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60 lot 3, Blk 2, Dove Flat
Use definitions - W02 example - S/50 range subd
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS C/dog training facility

COMMENTS

7#
69819 37-577CN/7043/ 2.5 a/100 cons use

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

JUN 21 2002

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY C. SKINNER DATE 4/9/2002

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 4/8 2002

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion. NONE
- ☐ Yes ☒ No Is Source Surface Water?
- ☐ If Yes Send Copy to F&G.
- ☐ If Yes Field check/memo required.
- ☐ Field check/memo by _____
- ☐ Yes ☒ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☐ Yes ☒ No Groundwater management area? BIG WOOD RIVER
- ☒ Yes ☐ No Measurement District or Groundwater District?
- ☐ What District? 37
- ☐ 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.

COMPANION TRANSFER
OF PARTS OF CLAIMS
37-577CN + 37-704J
PROVIDES MITIGATION
FOR SAME USE(S)

* 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. _____	_____	_____
☐ 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: withdrew

☒ Yes ☐ No Measuring device required?

☒ Yes ☐ No Access port required?

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

☒ Yes ☐ No Special conditions codes:

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo _____

Date of priority recommended: 6/17/02
4/8/2002

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By AG

Date 6/17/02



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

JUN 21 2002

RECEIVED
MAY 20 2002

Department of Water Resources
Southern Region

Department of Water Resources
CHANGE IN ADDRESS

☐ Water Right Number(s):

Point # 37-20704

Transfer # 69819

☐ Old Mailing Address:

☐ New Mailing Address:

Marshall Heights

Marshall Way

Placerville Ca. 95709 95667

See
envelope
correction

☐ New Telephone Number: (530) 626 - 2682

☐ Signature of Claimant(s):

[Signature]

Date:

5-16-02

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data Entry
Date: By:

MICROFILMED

JUN 21 2002

Frank Matthews
Marshall Hogata
Marshall Way
Chocoma, G. 95709

RECEIVED
MAY 20 2002
Department of Water Resources
Southern Region

Mary Baldwin
Dept of Water Resources
1341 Fremont St. Suite 200
Twin Falls Idaho 83301-3380

83301-3380 - Twin Falls, Idaho 83301-3380

MAY 20 2002
MICROFILMED





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

May 13, 2002

FRANK & JANET NACHTMAN
MARSHALL HOSPITAL
MARSHALL WAY
PLACERVILLE CA 95667

RE: Protested Application for Permit No. 37-20707 and Application for Transfer No. 69819

Dear Applicants:

We have received a withdrawal of the protest filed by the Board of Blaine County Commissioners against approval of the above referenced applications.

Since they were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the applications which includes regional review prior to being forwarded to our State Office.

The department's review process may also include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

CC:

KEVIN LENANE PRES
ALPINE AQUATICS INC
PO BOX 6370
KETCHUM ID 83340

MICROFILMED

DEC 24 2003



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

May 13, 2002

ATTN DENNIS WRIGHT VP
BLAINE COUNTY COMMISSIONERS
206 1st AVE SOUTH-STE# 300
HAILEY ID 83333

RE: Protested Application for Permit No. 37-20707 and Application for Transfer No. 69819 filed in the name of Frank & Janet Nachtman

Dear Mr. Wright:

This office acknowledges receipt of the withdrawal of the protest filed on behalf of the Board of Blaine County Commissioners against the above referenced applications.

Since they were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'A. D. Merritt', is written over a horizontal line.

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb

Cc:
JIM THOMAS, Prosecuting Attorney

MICROFILMED

MAY 27 2002

THE BOARD OF BLAINE COUNTY COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300

HAILEY, IDAHO 83333

PHONE: (208) 788-5500 * FAX: (208) 788-5576

www.co.blaine.id.us

Mary Ann Mix, Chairman

*

Dennis Wright, Commissioner

*

Sarah Michael, Commissioner

RECEIVED

MAY 13 2002

Department of Water Resources
Southern Region

May 10, 2002

Mr. Allen Merrit
Department of Water Resources, Southern Region
1341 Fillmore St. Suite 200
Twin Falls, ID 83301

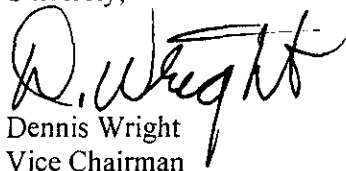
RE: Blaine County Protest of Application #69819 in conjunction with Application #37-20704

Dear Mr. Merrit,

After reviewing more information from various sources concerning the above protests, Blaine County has decided that its initial concerns have been answered.

We therefore request that you treat this letter as an official withdrawal of the protests in question.

Sincerely,



Dennis Wright
Vice Chairman

Cc: Jim Thomas, Prosecuting Attorney
Frank & Janet Nachtman

MICROFILMED

MAY 20 2003



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

May 9, 2002

FRANK & JANET NACHTMAN
MARSHALL HOSPITAL
MARSHALL WAY
PLACERVILLE CA 95667

Re: Change of Address

Dear Applicants:

A recent correspondence to you using the address provided on your recently filed Application for Permit No. 37-20704 and Application for Transfer No. 69819 has been returned by the U S Postal System.

However, my research on the Department's database reveals two listed addresses for you. (a copy is enclosed for your reference.)

Pursuant to a new Departmental policy, all changes of address made to our data system require a signed Change of Address form on file.

As you are aware, the above referenced applications are protested matters and it is extremely important that all parties be advised of a correct mailing address as soon as possible.

Please complete, sign, date and return the enclosed form at your earliest convenience so that we can update our records. In addition, please give special attention to the section requesting all applicable water rights.

Thank you in advance for your cooperation.

Sincerely,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

cc:

KEVIN LENANE PRES
ALPINE AQUATICS INC
PO BOX 6370
KETCHUM ID 83340

MICROFILMED

MAY 10 2002

1990

OCT 20 2003



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

May 7, 2002

FRANK & JANET NACHTMAN
PO BOX 1612
HAILEY ID 83333

RE: APPLICATION FOR **TRANSFER NO. 69819** and APPLICATION FOR PERMIT NO. **37-20704**

Dear Applicants:

Please find enclosed copies of protests filed against the above referenced applications. The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

Please note that the applications are considered as contested cases and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachments to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-222, Idaho Code).

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

CC:
KEVIN LENANE PRES
ALPINE AQUATICS INC
PO BOX 6370
KETCHUM ID 83340

MICHAEL...

OCT 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**

May 7, 2002

JIM THOMAS
PROSECUTING ATTORNEY
201 2ND AVE SOUTH-STE# 100
HAILEY ID 83333

**RE: Applications filed in the name of Frank & Janet Nachtman, Transfer No. 69819 and
Application for Permit No. 37-20704**

Dear Mr. Thomas:

The protest against the approval of the above referenced applications filed on behalf of the Blaine County Commissioners have been received and a copy has been sent to the Applicant with the suggestion that they contact you directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department.

Please note that the applications are considered as contested cases and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apr/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on each application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Sincerely,

Allen D. Merritt, P.E.
Regional Manager

Enclosure(s)

MICROFILMED

OCT 11 2002

THE BOARD OF BLAINE COUNTY COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300

HAILEY, IDAHO 83333

PHONE: (208) 788-5500 * FAX: (208) 788-5576

www.co.blaine.id.us

Mary Ann Mix, Chairman

*

Dennis Wright, Commissioner

*

Sarah Michael, Commissioner

May 3, 2002

RECEIVED

Mr. Allen Merritt

Department of Water Resources, Southern Region

1341 Fillmore St. Suite 200

Twin Falls, ID 83301

MAY 03 2002

Department of Water Resources
Southern Region

RE: Blaine County Protest of Application #69819 in conjunction with Application #37-20704

Dear Mr. Merritt:

We are protesting the above referenced application by Frank and Janet Nachtman. A check for \$50.00 and two "Notices of Protest" are included with this letter.

Under the Department's "policy memorandum" of 1980 and the Big Wood River Ground Water Management Area (BWRGWMA) June 28, 1991), water in the Blaine County area has been declared over-allocated.

The applicant carries the burden of providing evidence that the proposed use will not injure other water rights holders, will not constitute an enlargement of use, and will be consistent with principles of conservation of the water of the State of Idaho. None of these requirements are found in this application.

There is also no showing by the applicant that this application "is in the public, as opposed to private, interest" {I.C. § 42-1503 (b)}.

The practice of creating ponds for aesthetic purposes is more likely in Blaine County than in most Idaho counties because of the extraordinary land values in Blaine County. The potential for abuse of the Department's stated goal of water conservation and preservation is more likely here than in most Idaho Counties. One of the reasons the Board of Commissioners established a "Local Public Interest Water Policy (Policy)" [*Shokal v. Dunn* and *Hardy v. Higginson* and I. C. 42-203 A (5)] was because of the unique nature of this community and the measurable impact of increased, expanded use of a scarce water resource, always to the detriment of other water rights holders.

MICHAEL

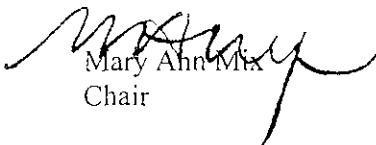
MAY 03 2002

No matter how "minimum" the amount of impounded water in each new pond is said to be, by an applicant, the cumulative impact of a succession of huge ponds in our community will in fact have a very measurable affect on the availability of water for other water rights holders, minimum stream flows, and all the other water interests noted in the 1998 Blaine County "Local Public Interest Policy".

There are many hundreds of lots in Blaine County large enough to hold ponds. It wouldn't take much imagination to compute how much water even as few as fifty such ponds would take out of the system and how this cumulative impact would shift the use of water in our community, from agricultural and public purposes, to private marketing and aesthetic interests. Neither the interests of the State of Idaho nor the welfare of residents of Blaine County will be served if aesthetic ponds are used to divert water from other water rights holders and from the aquifer system.

We ask that you deny this application for the above stated reasons. Further, we ask again that future applications for aesthetic ponds in our County be evaluated under a re-defined terminology that recognizes that such ponds aren't "really" non-consumptive", but are actually "consumptive", **and that the cumulative impacts of multiple ponds must be considered before approving such applications for enlargements of water use.** With less than normal snow pack for 2002, we seriously question the wisdom of allowing any new water impoundments.

Sincerely,


Mary Ann Mix
Chair


Dennis Wright
Vice Chairman


Sarah Michael
Commissioner

cc: Frank and Janet Nachtman
Jim Thomas, BCPA

MICROFILMED

NOT IN BCPA

3/96

RECEIVED

MAY 03 2002

DEPARTMENT OF WATER RESOURCES
SPOKANE, IDAHOSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

ORIGINAL

Receipt #
5024891
J.F.

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

- Permit Application # 37-20704
1. Matter being protested Frank & Janet Vachman
 2. Name of protestant Blaine County
 3. Protestant's representative for service (If different than protestant)
Blaine County Prosecuting Attorney Jim Thomas
 4. Service mailing address 201 Second Ave. S., Suite 100, Hailey, ID 83333
 5. Service telephone no. 208-748-5545
 6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attached Letter
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? See Attached Letter

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3rd day of May, 19 2002.

Blaine County
PROTESTANT

Dennis Wright
PROTESTANT'S REPRESENTATIVE

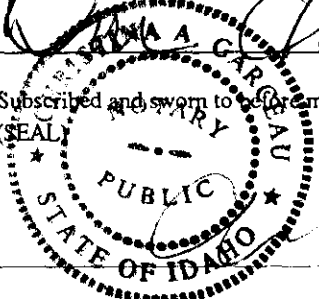
V. C. Chair

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

RECEIVED
MAY 02 2002
CLERK OF DISTRICT COURT

On this 25 day of April, 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 17 day of April, 2002 and the date of the last publication was on the 24 day of April, 2002.

Subscribed and sworn to before me this 25 day of April, 2002
(SEAL)  Christina A. Garneau
NOTARY PUBLIC

#13030
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 122
Number of Insertions 2

Lines tabular at _____
122 Lines straight at 1.43

Subsequent lines at _____
TOTAL COST 179.46

OK MB
5/6/02

11.5

COPY OF NOTICE (Paste Here)

Applications Concerning

TITLE OF NOTICE

Water Rights

PLAINTIFF ATTORNEY

Nachtman

DEFENDANT

24620

PLAINTIFF

Id. Dept. of Water Resources
BILL TO

Applications concerning water rights

NOTICE OF APPLICATIONS

Notice is hereby given that several applications have been filed with the Idaho Department of Water Resources concerning water rights within Blaine County.

FRANK & JANET NACHTMAN, PO BOX 1612; HAILEY ID 83333 filed two applications on 4/8/02.

Application for Transfer No. 69819 proposes for diversion of a combined total of .094 cfs from Big Wood River tributary to Malad River. Transfer application proposes changing a 3.0 acre portion of rights 37-577CN and 37-704J from irrigation use to commercial, fire protection, commercial storage, and fire protection storage uses in a proposed pond located six miles South of Bellevue on the east side of Highway 75. The rights are diverted from the Big Wood River through the Bypass Diversion 2.5 miles South of Bellevue and re-diverted from the Bypass Canal through the Baseline Canal diversion located 4.5 miles South of Bellevue. The transfer also serves as mitigation for pending

Application for Permit No. 37-20704: Point(s) of Diversion: SESWNW S36 T01N R18E

Source: GROUND WATER

Use: 01/01 To 12/31

COMMERCIAL 0.08 CFS

COMMERCIAL STORAGE 4 AFA

DOMESTIC 0.08 CFS

FIRE PROTECTION 0.08 CFS

FIRE PROTECTION STORAGE 4 AFA

Total Diversion: 0.08 CFS 4 AFA

Date Filed: 04/08/2002

Place of Use: T01N R18E S36 SWNW

Application proposes diverting water from an existing well for domestic, commercial, fire protection, commercial storage, and fire protection storage uses for a home, commercial dog kennel building and a proposed pond. The well, pond, home and dog facility are located six miles South of Bellevue on the east side of Highway 75.

For specific details regarding the applications, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications".

Notice is also hereby given that Northstar Ranches, LLC; c/o David Manookian, PO Box 2060; SUN VALLEY 83353 has filed two Extensions of Time to Avoid Forfeiture with the Department as listed below:

The extensions are requested to avoid loss of the water rights due to non-use while the remainder of the established sub-division lots are being marketed.

Source: Big Wood River tributary to Malad River

Use: irrigation 4/1-11/1

Point of Diversion: SWNW S36 T02N R18E (Rights are diverted from Big Wood River through the District Canal just West of Bellevue, ID.

Place of Use: Consists of 96 acres located approximately 1.0 to 1.75 miles South of Bellevue, ID between Highway 75 and the Gannett Highway.

Water Right No. 37-0113T

Priority Date: 07/10/1884

Name: Decreed to R.F. and Rosa Buhler

Amount: 4.0 cfs

Water Right No. 37-0480F

Priority Date: 6/15/1891

Name: Decreed to Annie I. Miller, et al

Amount: 3.10 cfs

Protests against the proposed applications must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls ID 83301 with a protest fee of \$25.00 for each application on or before May 6, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal--April 17 & 24, 2002.

RECEIVED

APR 25 2002

Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Application For Permit
RECOMMENDATION OF WATERMASTER

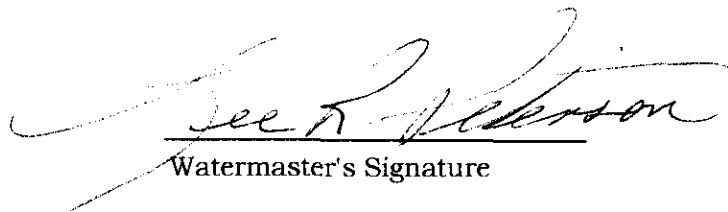
Application No: 37-20704 Water Right No(s):
Applicant's Name: Frank & Janet Nachtman

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 23rd day of April , 2002.

Water District No. 37


Watermaster's Signature

MICROFILMED

OCT 20 2003



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

April 15, 2002

KEVIN LENANE PRES
ALPINE AQUATICS
PO BOX 6370
KETCHUM ID 83340

RE: Application for Transfer No. 69819, Water Right Nos. 37-577CN, 37-704J **AND** Application for Permit No. 37-20704 - Frank & Janet Nachtman

Dear Mr. Lenane:

The Department of Water Resources acknowledges receipt of the above referenced applications filed on behalf of Frank & Janet Nachtman. Please refer to the numbers in all correspondence regarding the above referenced applications.

This office has scheduled advertising the applications in the **Wood River Journal** for 4/17 and 4/24/02. The advertisement will be published for two weeks, and a **period of ten calendar days following the second publication will be allowed for the submittal of protests. (May 6, 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.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant of the outcome of this review.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant

cc:
FRANK & JANET NACHTMAN
PO BOX 1612
HAILEY ID 83333

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APR 16 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

April 15, 2002

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

Re: Applications for Transfer & Permit (Nachtman); Extensions of Time to Avoid Forfeiture
(Northstar Ranches)

Dear Mr. Peterson:

Enclosed are copies of Applications within your District, and Watermaster's Recommendation Forms.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation forms and return to this office.

Regional review of an untested 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

Enclosures

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OCT 20 2009

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

April 12, 2002

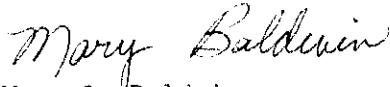
ATTN: ROCHELLE-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Rochelle:

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

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APR 11 2002

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Date Filed: 04/08/2002

Place of Use: T01N R18E S36 SWNW

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Water Right No. 37-0480F

Priority Date: 6/15/1891

Name: Decreed to Annie I. Miller, et al

Amount: 3.10 cfs

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APR 10 2003

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Karl J. Dreher, Director

Published in the Wood River Journal on 4/17 & 4/24/02.

MICROFILMED
OCT 24 2003

STAFF ANALYSIS SUPPLEMENT

Frank Wachtman
Local Description of new proposed site:

_____ miles N/S and _____ miles E/W of _____

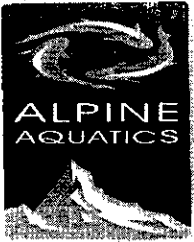
(City or local landmark).

☐

Other:

APPLICATION PROPOSES DIVERTING WATER FROM AN
EXISTING WELL FOR DOMESTIC, COMMERCIAL, FIRE PROTECTION,
COMMERCIAL STORAGE, AND FIRE PROTECTION STORAGE FOR
A HOME AND A PROPOSED POND. THE WELL, POND,
AND HOME ARE LOCATED SIX MILES SOUTH OF
BELLEVUE ON THE EAST SIDE OF HIGHWAY 75.
PENDING TRANSFER APPLICATION #69819 HAS
BEEN FILED TO SERVE AS MITIGATION FOR APPLICATION.

MICHO, K...
10/10/2003



(208) 788-1803
Fax: (208) 788-2416

Post Office Box 6370
Ketchum, Idaho 83340

www.alpineaquatics.com
waterfeature@alpineaquatics.com

March 8, 2002

Corey Skinner
Southern Region
Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls ID 83301

RECEIVED

APR 08 2002

Department of Water Resources
Southern Region

Nachtman's Dog Training Pond Water Right Transfer & Application for Permit

Dear Corey Skinner,

Enclosed are applications for permit and water right transfer for Frank & Janet Nachtman's Dog Training Pond.

Please refer any questions regarding these applications directly to me.

Thank you.

Sincerely,



Kevin Lenane
President
Alpine Aquatics, Inc.
Enclosures (2)
KL

MICROFILMED

APR 17 2002