

AFFIDAVIT OF PUBLICATION

State of Idaho)

)ss

County of Teton)

I Judy Lou E. Davis
being first duly sworn, depose and say that I am
the Office Manager of the Teton Valley
News, a newspaper as defined by Idaho Codes
Annotated, Section 58-106, as amended, and that
said newspaper is a weekly newspaper printed
and published at Driggs, in Teton County, Idaho,
having a general circulation in said county, and
that said newspaper has been printed in said
county for more than 78 consecutive weeks prior
to the first publication of the attached notice,
advertisement, or publication of Notice
of Application for Water Rights.

And affiant further says that said attached
notice, advertisement, or publication, as per
clipping attached, was published in said
newspaper, in the regular and entire issue
thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first
publication having been made on the 21st day
of Sept., 2000. And affiant further says
that at the times herein mentioned said
newspaper was made up of at least eight pages of
at least five columns each, printed from typed
matter, of at least sixteen inches deep.

Judy Lou E. Davis

State of Idaho)

)

County of Teton)

)

On this 11 day of Oct, 2000,
before me, a Notary Public, personally appeared
Judy Lou E. Davis known or
identified to me to be the person whose name
subscribed to the within instrument, and being
by me first duly sworn, declared that the
statements there-in are true, and acknowledged
to me that he executed the same.

M. Lou Vrabec
Notary Public for Idaho
Residing at Driggs Idaho
My commission expires 12-21-2005

M. LOU VRABEC
Notary Public
State of Idaho

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OCT 13 2000

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-078215

POWDER VALLEY/SHADOW-
BROOK HOMEOWNERS
C/O TOM FEWELL
P. O. BOX 572
DRIGGS, ID 83422

Source: GROUND WATER: Diversion
Pt: SENE Sec 25 T05N R45E in TETON
County. Use: DOMESTIC (0.510 CFS).
Total Diversion: (0.510 CRS). Date Filed:
9/6/2000. In: TETON County, T05N R45E
S25 SENE.

Any protests against the proposed ap-
plication must be filed with the Dept. of
Water Resources, 900 N Skyline Drive, Suite
A, Idaho Falls, ID 83401, together with a
protest fee of \$25 on or before OCTOBER
10, 2000, to be considered by the Depart-
ment in its decision to grant or deny any part
of the proposed application. The protestant
must also send a copy of the protest to the
applicant.

KARL J. DREHER, Director

Published in the Teton Valley News on
September 21 and 28, 2000.

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JAN 29 2001

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)
22-07815 IN THE NAME OF)
SHADOWBROOK HOMEOWNERS,)
POWDER VALLEY)

REINSTATEMENT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 22, 2000, the Department issued Permit No. 22-07815 to Shadowbrook Homeowners, Powder Valley ("permit holder") authorizing the diversion of 0.51 cubic feet per second (cfs) of ground water to be diverted for domestic use within the SE1/4 NE1/4 of Section 25, Township 5 North, Range 45 East, B.M., Teton County. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before December 1, 2002.

2. On September 30, 2002, the Department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").

3. On December 6, 2002, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension request.

6. On February 5, 2003, the permit holder submitted Proof of Beneficial Use with the required license examination fee to the Department. The permit holder submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require

sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

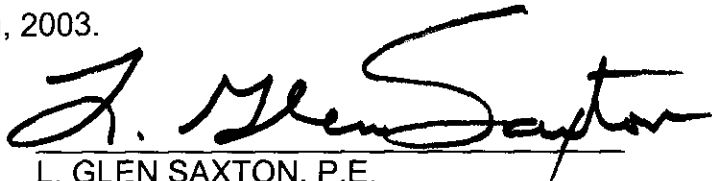
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting sufficient information verifying the construction of the well during the development period.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 22-07815 in the name of Shadowbrook Homeowners, Powder Valley is **REINSTATED** with the priority advanced to **February 5, 2003**.

Dated this 10th day of March, 2003.



L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

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FEB 7 2003
Department of Water Resources

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

1. Permit No. 22-07815 Telephone No. (208) 523-2274

2. Name of Permit Holder(s): THE POWDER VALLEY - SHADOWBROOK HOMEOWNERS ASSOCIATION, INC.

3. Mailing Address: c/o THOMAS FEWELL, P.O. BOX 572

City DRIGGS State ID Zip 83422

4. Source of Water: Well If GROUNDWATER (well), Date Drilled: mo. Sept / yr. 2002

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 47 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 23.5* Other: _____

* not exceeding 1/2 acre per ft as per item 7 of permit.
6. Total rate of diversion and/or volume for which proof is submitted: .51 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No _____
Has the measuring device been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: THOMAS FEWELL Telephone Number: (208) 523-2274

Address: P.O. BOX 572, Driggs, ID 83422

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

THE POWDER VALLEY - SHADOW BROOK HOMEOWNERS ASSOCIATION, INC.

Signature of permit holder: BY Thomas Fewell Date: 3-Feb-03
(include your title, if on behalf of company of organization)

THOMAS FEWELL, PRESIDENT

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State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07815

Priority: September 6, 2000

Maximum Diversion Rate:

0.51 CFS

This is to certify, that **SHADOWBROOK HOMEOWNERS**
POWDER VALLEY
C/O TOM FEWELL
PO BOX 572
DRIGGS ID 83422

has applied for a permit to appropriate water from: **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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.51 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 25, Township 05N, Range 45E
TETON County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05N 45E 25

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2002**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

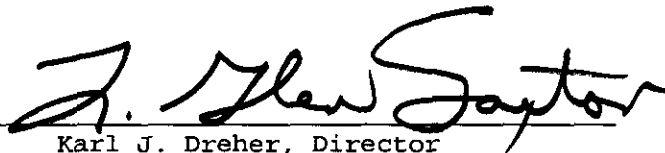
NO. 22-07815

CONDITIONS OF APPROVAL AND REMARKS

8. Three points of diversion are located within SENE, S25, T5N, R45E.
9. Place of use is located within Lot 23, Cobblecrest Subdivision, Powder Valley Townhouses and Shadow Brook Townhouses.
10. Domestic use is for 47 homes.

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

22nd day of November, 2000


Karl J. Dreher, Director
for

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JAN 25 1991

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OCT 20 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

C/O Tom Fewell

1. Name of Applicant Thunder Valley / Shadow Creek HCA Phone 820-526-1783Mailing address P.O. 572, Driggs Idaho 834222. Source of water supply GROUND WATER which is a tributary of _____3. Location of point of diversion is Township 5N Range 4SE Sec. 25, in the SE 1/4, NE 1/4, _____ 1/4, Govt. Lot _____, B.M., TETCH County;additional points of diversion if any: 3 WELLS IN SAME 1/4 of 1/4

4. Water will be used for the following purposes:

Amount 0.51 for Domestic Community purposes from 1 JAN to 31 DEC (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.51 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 3 INTERCONNECTED WELLS TO BE A COMMON DISTRIBUTION SYSTEM

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 85°F being sought? NOe. If well is already drilled, when? 87-95-96; Drilling firm Duane & Daniel DenningWell was drilled for (well owner) Peter Esley / Dan Neeley; Drilling Permit No. 22-95E-0134 / 22-96E-0156 / 22-87C-10007. Time required for completion of works and application of water to proposed beneficial use is 2 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 in kW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully. 47 HOUSEHOLDS

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OCT 20 2000

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	25				D													

Total number of acres to be irrigated _____

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

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicants are the homeowners association

12. Remarks: Place of use is lot 23, Cobblecrest Subdivision, Power Valley (32 Townhouses) 16 units; Shadow Brook (10 Townhouses & 1 single family)

Tom Fewell - President

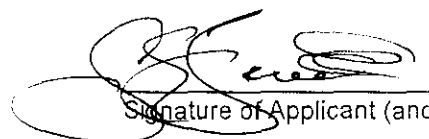
Susan Burnham - Treasurer

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

MICROFILMED

SEP 23 1999

 Pres. P/L/SB HoA
Signature of Applicant (and title, if applicable)

Received by HWT Date 9-6-00 Time _____ Preliminary check by _____

Fee \$ 250.00 Received by HWT # E026135 Date 9-6-00

Publication prepared by SC Date 9/21 & 9/28/00 Published in Teton Valley News

Publication approved _____ Date 10/13/00

MEMORANDUM

Date: September 19, 2003
To: Water Right File 22-7815
From: Shelley Keen *SWK*
Re: Domestic Use

Today I received a call from attorney Kent Foster regarding the use of water under Permit 22-7815. According to Mr. Foster, the permit holder has switched over to the municipal system for the City of Driggs for in-house water. However, the applicant wants to continue to irrigate lawn and garden under this right. Apparently there is also a pond or ponds that are being filled with water diverted from the points of diversion established under this permit. Mr. Foster asked if the reduced domestic use, coupled with the limited lawn and garden irrigation use, could allow for a change in nature of use to cover the ponds. I recommended that the issue be addressed by the field examiner, since proof of beneficial use has been submitted for this permit.

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SEP 27 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 11, 2003

SHADOWBROOK HOMEOWNERS
POWDER VALLEY
C/O TOM FEWELL
PO BOX 572
DRIGGS ID 83422

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 22-07815

Dear Permit Holder:

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

Enclosed is an order reinstating the permit since proof was submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **February 5, 2003**, the date the proof and license examination fee were submitted to the department, as provided in Section 42-218a(2), Idaho Code.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Eastern Regional Office** of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

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ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 22-7815

Reviewed By: dgibson

Date: March 10, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:	22-96-E-0156	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E026135, C067242		Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	02/05/2003
Date proof due	- 12/01/2002
Lapse notice sent	- 12/05/2002
No. of days late	= 62
Holiday allowance	+
Priority date	+ 09/06/2000
New priority date	= 02/05/2003

Deficiencies of Actions Items

Acknowledge proof based on information submitted. Reinstate and advance priority to 2/5/2003.

Law Offices of
MARTIN & ESKELSON, PLLC

Stephen E. Martin, Email: semartin@onewest.net
Scott P. Eskelson, Email: seskelson@onewest.net

P.O. BOX 3189
IDAHO FALLS, ID 83403-3189
PHONE: (208) 523-6644
FAX: (208) 522-0791

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MAR - 3 2003

Department of Water Resources

OFFICES:
425 S. HOLMES
IDAHO FALLS, ID 83401

February 27, 2003

Ms. Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau
Department of Water Resources
P.O. Box 83720
Boise, ID 83720

Re: Lapsed Permit No. 22-07815

Dear Ms. Gibson:

As attorney for the Powder Valley - Shadow Brook Homeowners' Association, Inc., Tom Fewell, the President of the Association, asked that I respond to your letter of February 11, 2003.

Enclosed will be copies of the following documents to show that the water had indeed been applied to beneficial use within the required time period:

1. A copy of the well drilling log which I obtained from Mr. Ryan Urbanec, of the Idaho Department of Environmental Quality.
2. A copy of a Certificate of Occupancy for Unit #1 at 91 Powder Valley Road, which certificate was issued March 28, 1996.
3. A copy of a Certificate of Occupancy for Powder Valley Unit #31 issued December 10, 1997.

I am including these documents to show that those units had been cleared for occupancy at that time. Obviously, Teton County would not have issued a Certificate of Occupancy if the units had not been supplied with water.

4. I will also include a copy of a billing for Powder Valley Unit #3 - owned by Tom Fewell. This is a billing from the City of Driggs for sewer service. You will see that this goes back to April of 1997. This shows evidence that the unit was occupied and

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Ms. Deborah J. Gibson
February 27, 2003
Page 2

in use from that date forward. Again, that unit could not have been occupied if water service had not been supplied to the premises.

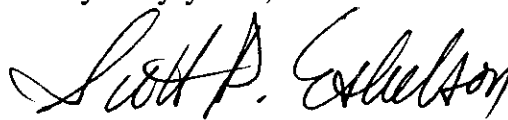
I would hope that this information would supply sufficient evidence of beneficial use. However, if something further is required we can seek to supply additional information. Frankly, because of the way the developer (Peter Estay) built these units records pertaining to the well drilling, etc. are rather difficult to come by. That drilling by Mr. Estay leads me to the next issue outlined in your letter - that is, "reasonable cause why the license examination fee was submitted late".

As it turned out, about a year and a half ago, the Idaho Department of Environmental Quality ("the DEQ") inspected the water supply system for the Powder Valley - Shadow Brook Development. The DEQ determined that the system, as it then was constituted, was a community well system in violation of the requirements of the DEQ. Since that time, Mr. Fewell has been working with Ryan Urbanec, of the Department of Environmental Quality, and Mr. Dennis Dunn, in the Water Resources - Idaho Falls office. What has now occurred is, after a great deal of work, the Powder Valley - Shadow Brook Development will be connected to the City of Driggs Water Supply. This has taken substantially longer than anticipated. In fact, the State of Idaho has made a loan to the Homeowners' Association to allow for the payment of the costs of this system. However, until such time as the new pipe line has been put into place and the system has been connected to the City of Driggs Water Supply, obviously the well will continue to supply the water. Originally, Mr. Urbanec had indicated to Tom Fewell that it did not appear to be necessary to submit the paperwork associated with the well. However, this was based upon the assumption that the development would be hooked up to the City of Driggs which has not occurred as yet.

Therefore, we have submitted the necessary information and proof of beneficial use for these permits and would ask that this be processed at this time so that the Association will be in good standing with your department.

Should you have any further questions, please do not hesitate to contact me.

Very truly yours,



Scott P. Eskelson

Enclosures

cc: Tom Fewell (w/encl.)

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9-20-03



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Dennis Denny
525-7161

900 North Skyline, Suite B • Idaho Falls, Idaho 83402-1718 • (208) 528-2650

Dirk Kempthorne, Governor
C. Stephen Allred, Director

DEPARTMENT OF ENVIRONMENTAL QUALITY

IDAHO FALLS REGIONAL OFFICE

TRANSMITTAL COVER SHEET

FAX NUMBER (208) 528-2695

DATE: 2/26/03
TO: SCOTT ESKELSON

FROM: RYAN URBANEC

DEQ - IFRO

900 NORTH SKYLINE, STE B

IDAHO FALLS, ID 83402

PHONE: _____

PHONE: (208) 528-2650

FAX: 522-0791

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 4

IF FAX IS INCOMPLETE OR UNREADABLE CALL: (208) 528-2650

DOCUMENT DESCRIPTION/COMMENTS: I BELIEVE THAT

(PERMIT #'S 22-96-E-0156 + 22-95-E-0134) ARE
THE 2 WELLS FOR POWDER VALLEY TOWNHOUSES.
WHEREAS (PERMIT #: 22-98-E-108-000) IS THE 3RD
WELL TIED INTO P.V.T. @ SHADOWBROOK SUBDIVISION.
IF YOU NEED ANYTHING ELSE, DO NOT HESITATE TO
CONTACT ME. THX -RU
MICROFILMED

**Teton County, Idaho
Planning and Building Department
89 N. Main Street, P.O. Box 763
Driggs, Idaho 83422**

✓ **Peter Estay & Randy Burnside are hereby granted this Certificate of Occupancy on March 28, 1996 indicating completion of construction in compliance with the 1994 Uniform Building Code.**

CERTIFICATE OF OCCUPANCY

Building Permit No.: 082195-3

Type of Unit: Condo/3-story dwelling

Location: Section 25

Township 5N Range 45EBM

Zoning District: R-3

Physical Address of Site Including Subdivision Name and Lot Number:

91 Powder Valley Road, Unit #1, Driggs, Idaho 83422

- ⊙ Septic Permit is issued PRIOR to issuance of the Building Permit
- ⊙ Electrical and Plumbing Permits must be obtained from the State

x Leslie Nemeth

Leslie Nemeth, Planning Administrator

x R. Bruce Nye

R. Bruce Nye, Building Official

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1996 3 1 10:07

**Teton County, Idaho
Planning and Building Department
89 N. Main Street, P.O. Box 763
Driggs, Idaho 83422**

Peter Estay/Randy Burnside are hereby granted this Certificate of Occupancy on *December 10, 1997* indicating completion of construction in compliance with the 1994 Uniform Building Code.

CERTIFICATE OF OCCUPANCY

Building Permit No. *275*
Type of Unit: *Townhouse*
Location: Section: *25* Range: *45EBM*
Zoning District: *R-1*
Physical Address of Site Including Subdivision Name and Lot Number:
98 Ski Hill Road, Driggs, Idaho 83422
Powder Valley PUD, Unit #31

- ◇ Address should be affixed to the dwelling prior to occupancy
- ◇ Electrical and Plumbing Permits must be obtained from the State
- ◇ Septic Permits are issued by District 7 Health prior to obtaining a building permit

x *Joyce Gaebel*
Joyce Gaebel, Acting Planning Administrator

x *R. Bruce Nye*
R. Bruce Nye, Building Official

MICRO
11/11/97
11/11/97

CITY OF DRIGGS

U / R HISTORY LEDGER

R

2/21/03

Years 1900-2002

PAGE 1

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ACCT# CUSTOMER DATE MN/YR PAYMENTS TTL-CHG WA-USED WATER SPRKLG SEWER GARBAGE OTHER RCD#

=====

9 0439 FEWELL, THOMAS EDWARD

POWDER VALLEY UNIT #3

.00 Present Bal

.00 Cur Credits

.00 Cur Chgs

History:	DATE	MN/YR	PAYMENTS	TTL-CHG	WA-USED	WATER	SPRKLG	SEWER	GARBAGE	OTHER	RCD#
	4/01/97	MAR97		21.00				21.00			32941
	4/14/97	APR97	12.50								32942
	4/25/97	APR97		8.50-				8.50-			32943
	5/01/97	APR97		12.50				12.50			32944
	5/09/97	JUN97	12.50								32945
	6/02/97	JUN97		12.50				12.50			32946
	6/18/97	JUN97	12.50								32947
	7/03/97	JUN97		8.00				8.00			32948
	7/25/97	JUL97	8.00								32949
	8/01/97	JUL97		8.00				8.00			32950
	8/25/97	AUG97	8.00								32951
	9/02/97	AUG97		7.16				7.16			32952
	9/01/97	SEP97		7.16				7.16			32953
	9/23/97	SEP97	7.16								32954
	10/21/97	OCT97	7.16								32955
	11/03/97	OCT97		7.16				7.16			32956
	11/17/97	NOV97	7.16								32957
	12/01/97	NOV97		7.16				7.16			32958
	1/02/97	DEC97		7.16				7.16			32959
	12/15/97	DEC97	7.16								32960
	1/13/98	JAN98	7.16								32961
	2/02/98	JAN98		7.16				7.16			32962
	2/17/98	FEB98	7.16								32963
	3/02/98	FEB98		10.74				10.74			32964
	3/13/98	APR98	10.74								32965
	4/01/98	APR98		10.74				10.74			32966
	4/14/98	APR98	10.74								32967
	4/30/98	APR98		10.74				10.74			32968
	5/11/98	MAY98	10.74								32969
	8/06/98	JUL98		10.74				10.74			32970
	8/17/98	AUG98	10.74								32971
	9/07/98	SEP98		32.22				32.22			32972
	9/11/98	SEP98		10.74				10.74			32973
	9/29/98	SEP98	42.96								32974
	10/02/98	SEP98		10.74				10.74			32975
	10/13/98	OCT98	10.74								32976
	11/02/98	OCT98		10.74				10.74			32977
	11/17/98	NOV98	10.74								32978
	12/02/98	NOV98		13.50				13.50			32979
	12/15/98	DEC98	13.50								32980
	1/04/99	DEC98		13.50				13.50			32981
	1/13/99	JAN99	13.50								32982
	2/01/99	JAN99		13.50				13.50			32983
	2/10/99	FEB99	13.50								32984
	3/01/99	FEB99		13.50				13.50			32985
	3/15/99	MAR99	13.50								32986
	4/01/99	MAR99		13.50				13.50			32987

MICROFILMED

APR 1999

CITY OF DRIGGS

U / B HISTORY LEDGER

2/21/03

Years 1900-2002

PAGE 2

ACCT#	CUSTOMER	DATE	MN/YR	PAYMENTS	TTL-CHG	WA-USED	WATER	SPRKLG	SEWER	GARBAGE	OTHER	RCD#
		4/12/99	APR99	13.50								32988
		5/03/99	APR99		13.50				13.50			32989
		5/17/99	APR99	13.50								32990
		6/01/99	APR99		13.50				13.50			32991
		6/15/99	JUN99	13.50								32992
		6/30/99	JUN99		13.50				13.50			32993
		7/19/99	JUL99	13.50								32994
		7/30/99	JUL99		13.50				13.50			32995
		8/16/99	AUG99	13.50								32996
		8/31/99	AUG99		13.50				13.50			32997
		9/13/99	SEP99	13.50								32998
		9/30/99	SEP99		13.50				13.50			32999
		10/14/99	OCT99	13.50								33000
		10/30/99	OCT99		13.50				13.50			33001
		11/15/99	NOV99	13.50								33002
		11/30/99	NOV99		13.50				13.50			33003
		12/06/99	DEC99	13.50								38550
		1/03/00	DEC99		13.50				13.50			38551
		1/11/00	JAN00	13.50								39546
		1/31/00	JAN00		13.50				13.50			39547
		2/29/00	MAR00		13.50				13.50			40511
		3/10/00	MAR00	13.50								41506
		3/31/00	MAR00		13.50				13.50			41507
		4/17/00	APR00	13.50								42490
		4/30/00	APR00		45.00				45.00			42491
		5/24/00	MAY00	45.00								43465
		5/31/00	MAY00		45.00				45.00			43466
		6/30/00	JUN00		45.00				45.00			44485
		7/10/00	JUL00	90.00								45522
		7/31/00	JUL00		45.00				45.00			45523
		8/28/00	AUG00	90.00								46568
		8/31/00	AUG00		45.00				45.00			46569
		9/30/00	SEP00		45.00				45.00			47613
		10/13/00	OCT00	45.00								48681
		10/31/00	OCT00		45.00				45.00			48682
		11/30/00	NOV00		45.00				45.00			49730
		12/04/00	DEC00	90.00								50764
		12/31/00	DEC00		45.00				45.00			50765
		1/31/01	JAN01		45.00				45.00			51820
		2/28/01	FEB01		45.00				45.00			52876
		3/06/01	MAR01	135.00								53951
		3/31/01	MAR01		45.00				45.00			53952
		4/30/01	APR01		45.00				45.00			55033
		5/01/01	MAY01	90.00								56091
		5/31/01	MAY01		45.00				45.00			56092
		6/20/01	JUN01	45.00								57175
		6/30/01	JUN01		45.00				45.00			57176
		7/17/01	JUL01	45.00								58278
		7/31/01	JUL01		45.00				45.00			58279
		8/22/01	AUG01	45.00								59391

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CITY OF DRIGGS

U / B HISTORY LEDGER

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2/21/03

Years 1900-2002

PAGE 3

ACCT#	CUSTOMER	DATE	MM/YR	PAYMENTS	TTL-CHG	WA-USED	WATER	SPRKLG	SEWER	GARBAGE	OTHER	RCD#
		8/31/01	AUG01		45.00				45.00			59392
		9/31/01	SEP01		45.00				45.00			60498
		10/16/01	OCT01	45.00								61606
		10/31/01	OCT01	45.00	45.00				45.00			61609
		11/13/01	NOV01	45.00								62736
		11/30/01	NOV01		45.00				45.00			62737
		12/31/01	DEC01	45.00	45.00				45.00			63834
		1/31/02	JAN02		45.00				45.00			64971
		2/04/02	FEB02	45.00								66083
		2/28/02	FEB02		45.00				45.00			66084
		3/11/02	MAR02	45.00								67234
		3/31/02	MAR02		45.00				45.00			67235
		4/22/02	APR02	45.00								68380
		4/23/02	APR02	45.00								68381
		4/30/02	APR02		45.00				45.00			68382
		5/13/02	MAY02	45.00								69529
		5/31/02	MAY02		45.00				45.00			69530
		6/30/02	JUN02		45.00				45.00			70649
		7/02/02	JUL02	45.00								71843
		7/31/02	JUL02		45.00				45.00			71844
		8/22/02	AUG02	90.00								73055
		8/31/02	AUG02		45.00				45.00			73056
		9/31/02	SEP02		45.00				45.00			74173
		10/02/02	OCT02	45.00								75322
		10/28/02	OCT02	90.00								75323
		10/31/02	OCT02		45.00				45.00			75324
Total				1,814.86	1,828.36				1,828.36			

MICRO
10/10/02

File Main Menu Edit Search Maintenance Period Other



Customer:

Customer

191 of 699

9.0439.1 FEWELL, THOMAS EDWARD 12000 SUNRISE CIRCLE Account Balance: 45.00
POWDER VALLEY UNIT #3 Balance Due: 45.00
90439 IDAHO FALLS ID 83404 Last Pmt: 01/14/03 45.00

Display Compare History Trans Deposits Services Meters Customer Location Delinq

A/R by Service as of: 02/28/2003

Date	Description	Amount	Balance
09/30/02	Billings	45.00	45.00
10/31/02	Payments	.00	45.00
10/31/02	Billings	45.00	.00
11/30/02	Payments	.00	.00
11/30/02	Billings	45.00	45.00
12/31/02	Payments	45.00	.00
12/31/02	Billings	45.00	45.00
01/31/03	Payments	45.00	.00
01/31/03	Billings	45.00	45.00
02/28/03	Payments	.00	45.00
02/28/03	Billings	.00	45.00

Service	Amount
Sewer	45.00

A/R Balance: 45.00

02/28/03	01/31/03	12/31/02	11/30/02	10/31/02	09/30/02	08/31/02	Balance
.00	45.00	.00	.00	.00	.00	.00	45.00

City of Driggs

C:\CsData

Fri Feb 21, 2003 02:18pm

Start Caselle Applications Menu... Utility Billing Main Menu Utility Billing - Inquiry... Caselle Screen Print Utility

2:18 PM

MICRO...



Customer:

Customer



191 of 699



S.0439.1	FEWELL, THOMAS EDWARD	12000 SUNRISE CIRCLE	Account Balance:	45.00
	POWDER VALLEY UNIT #3		Balance Due:	45.00
	90439	IDAHO FALLS ID 83404	Last Pmt: 01/14/03	45.00

Display	Compare	History	Trans	Deposits	Services	Meters	Customer	Location	Defining
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Sewer

Billing Information

Rate Table No: 311	Sewer - Residential - OC	
Quantity: 0	Master Billing: No	
Low Usage Chk: 0	XRef Cust No: .0	
High Usage Chk: 0	Adjustment: None	Port: .00
Minimum Amount: .00	Compute Bill: Yes	
Units / Shares: 1	Notes:	
Frequency: Monthly		
Discount Percent: .00		
Connect Date:		
Disconnect Date:		
Terminated Date:		
Billing Info Code: 0	Tax Xmpt: .00	
Comments:		



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

February 11, 2003

THE POWDER VALLEY
SHADOWBROOK HOMEOWNERS ASSOCIATION INC
C/O THOMAS FEWELL
PO BOX 572
DRIGGS ID 83422

RE: LAPSED PERMIT NO. 22-07815

Dear Permit Holder:

The department is in receipt of the proof of beneficial use statement and the license examination fee, which you submitted to the department on February 5, 2003, in connection with the above referenced lapsed permit.

Since the proof was received after the 60-day lapse period, the permit can be reinstated only if you submit the following information for department consideration:

- ▶ **Two (2) pieces of evidence** to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period, i.e. from the time the permit was issued until the proof due date (November 22, 2000 to December 1, 2002).
- ▶ Reasonable cause why the license examination fee was submitted late.

In order to provide me the necessary evidence, you may submit drilling records, receipts from equipment purchased and/or installed, affidavits by individuals who witnessed the construction and the use of the system during the authorized development period.

The department will maintain the proof of beneficial use for **30-days** to provide you the opportunity to submit the required information. Please be aware that this permit is **lapsed** and is of no force nor effect unless it is reinstated.

MICROFILMED

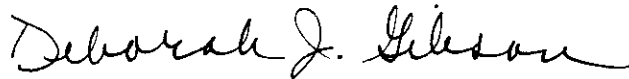
1997-11-17/01

Page 2

Enclosed you will find the original Request for Extension of Time and the receipt for the filing fee you paid to the department. I will request with this letter that a check in the amount of \$50.00 be processed and mailed to you as refund for the fee you paid. The check will be issued in 7-10 days and mailed directly to you.

If you have questions regarding this matter, please feel free to contact me at (208) 327-7953.

Sincerely,

A handwritten signature in black ink that reads "Deborah J. Gibson". The signature is fluid and cursive, with the first name "Deborah" being more prominent and the last name "Gibson" following in a similar style.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

C: Fiscal
Eastern Region

MICROFILMED

SEP 11 2011

RECEIVED

FEB 5 - 2003

Department of Water Resources

Law Offices of
MARTIN & ESKELSON, PLLC

Stephen E. Martin, Email: semartin@onewest.net
Scott P. Eskelson, Email: seskelson@onewest.net

P.O. BOX 3189
IDAHO FALLS, ID 83403-3189
PHONE: (208) 523-6644
FAX: (208) 522-0791

OFFICES:
425 S. HOLMES
IDAHO FALLS, ID 83401

February 3, 2003

Mr. L. Glen Saxton
Chief, Water Allocation Bureau
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Permit Number 22-07815

Dear Mr. Saxton:

Our office represents the Powder Valley - Shadow Brook Homeowners Association, Inc. Enclosed with this letter please find the following:

1. Proof of Beneficial Use form.
2. \$100.00 examination fee required to go with the Proof of Beneficial Use form.
3. Request for Extension of Time form.
4. \$50.00 fee to accompany the Extension of Time form.

Unfortunately, our client did not realize the importance of returning the Proof of Beneficial Use form. Therefore, we are returning this form within sixty (60) days of the date of mailing of the Lapse Notice and including the examination fee. In addition, to be on the safe side, we are also including the Request for Extension of Time form along with the \$50.00 filing fee.

MICROFILMED

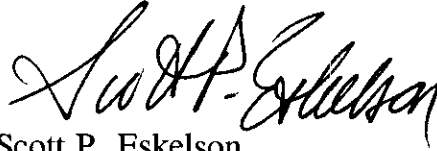
FEB 11 2003

Mr. Glen Saxton
February 3, 2003
Page 2

If an extension is necessary, we would appreciate your processing this form and the \$50.00 accompanying fee. We have broken this out separate from the other fee for this reason. If the extension is not required, and you can process the Beneficial Use form and regular fee to get this back in a current status, we would ask that you please do so and return the \$50.00 check and the extension form in the enclosed pre-paid envelope.

Please contact me should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott P. Eskelson", written in a cursive style.

Scott P. Eskelson

Enclosures

cc: Tom Fewell

C:\MyFiles\SPE-Clients\6002\03Feb03-DeptWaterResources.wpd

MICROFILMED

FEB 11 2003

December 5, 2002

POWDER VALLEY
SHADOWBROOK HOMEOWNERS
C/O TOM FEWELL
PO BOX 572
DRIGGS, ID 83422

LAPSE NOTICE

RE: PERMIT NO. 22-7815

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated September 30, 2002. No further construction or additional development is authorized under this permit unless it is reinstated.

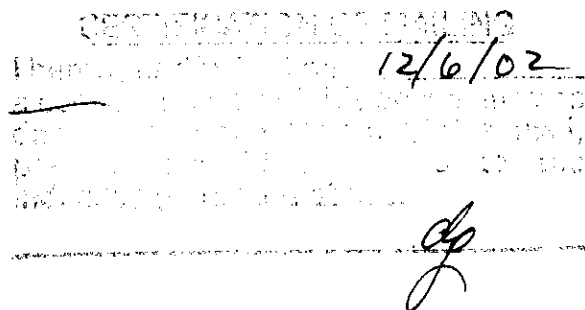
The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed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

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

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau
Enclosures

MICROFILMED



September 30, 2002

POWDER VALLEY
SHADOWBROOK HOMEOWNERS
C/O TOM FEWELL
PO BOX 572
DRIGGS, ID 83422

PROOF DUE NOTICE

RE: PERMIT NO. 22-7815

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

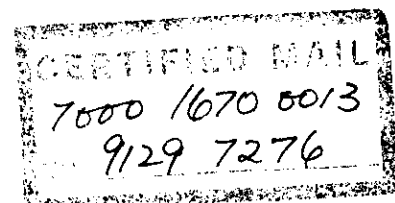
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILM

10/1/02





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 24, 2000

POWDER VALLEY
SHADOWBROOK HOMEOWNERS
C/O TOM FEWELL
PO BOX 572
DRIGGS ID 83422

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07815

Dear Permit Holder:

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

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

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.

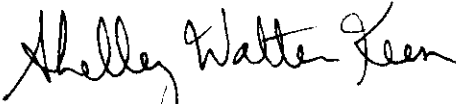
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July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

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

JAN 29 2000

CERTIFICATE OF MAILING

I hereby certify that on the **24th** day of **November, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 22-07815

SHADOWBROOK HOMEOWNERS
POWDER VALLEY
C/O TOM FEWELL
PO BOX 572
DRIGGS ID 83422



Kari Lynn Townsend
Secretary

MICROFILMED

JAN 24 2001

**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).

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JAN 29 2001

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

NOV 28 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 11/13/00

No. 22-07815 Name: Powder Valley Corp. Officers ☒ Ad ok ☒ Govt Lots ☐

AREA OF CONCERN: No/Yes SR Moratorium ☐ GWMA ☐ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
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
42-248 Area - P84
Swan Falls Flag -
Trust - 051(P74) (consumptive/uses)
Non-Trust - 048-049 (consumptive/uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-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/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 11/01/2002

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
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
In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB3
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32 (3)
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
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

COMMENTS

OCT 20 2000

Dist for Staffing _____
Submitted for advertising 9-6-00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

Powder Valley H.A.

INITIAL REVIEW BY HWT DATE 9-6-00 APPLICATION NO. 22-07815

☒ 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 subdivision, local name, flow and/or volume)

☒ County

☒ Quantity (flow and/or volume)

☒ Period of Use

☒ Nature of proposed use (Include description of use.)

☒ Description of diverting works

☒ Time required for beneficial use of water

☒ Place of use or acres irrigated

☒ Map

☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)

☒ Fee

☒ Yes _____ No* In form to receipt

Overlapping place of use (Describe source & relationship to present application on the back)		
Overlapping point of diversion		
Yes	No	Critical groundwater area
Yes	No	Groundwater management area
Yes	No	Send dam safety information
Yes	No	Send fish farm requirement letter
Yes	No	Power residency affidavit
Yes	No	Within trustwater boundary (If yes, <u>attach trust water supplementary analysis sheet</u>)
☒ Yes	No	Public Water System
Yes	No	Planning section review
Yes	No	Moratorium Hold file
See reverse side for additional information		

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

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

_____ Id Dept of Health & Welfare _____ U.S. BLM
_____ Id Dept of Fish & Game _____ U.S. Forest Service
_____ Id Dept of Lands _____ Water District
_____ Adjudication Bureau Unit X Other *DEQ - Carlin Frishtern / JD Ball*

☒	Yes	☐ No	Affidavit of publication received
☒	Yes	☐ No	Application published correctly. If not, record action taken
☒	Yes	☐ No	Publication dates & paper, recorded on application
☐	Yes	☒ No	Protests received
			Final date for protest _____
☐	Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐	Yes	☐ No	Recommendations attached
☐	Yes	☐ No	Measuring device required
☐	Yes	☐ No	Access port required
☐	Yes	☐ No	Will water be delivered by watermaster? If yes, what District _____
☒	Yes	☐ No	Special conditions of approval or cover letter below.

** Must conform to DBQ requirements.*

By:

Date:

STATE OFFICE REVIEW

By: _____ Date: _____

ADDITIONAL INFORMATION:

Comments received from:

_____ City _____ Id Fish & Game _____ Irrigation District
 _____ County _____ Id Health & Welfare _____ Canal Company
 _____ Reservations _____ Div. Of Environment _____ Other _____

Project impacts/implications report

COMMENTS

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

RECEIVED

OCT 13 2000

Department of Water Resources
Eastern Region

I Judy Lou E. Davis
being first duly sworn, depose and say that I am
the Office Manager of the Teton Valley
News, a newspaper as defined by Idaho Codes
Annotated, Section 58-106, as amended, and that
said newspaper is a weekly newspaper printed
and published at Driggs, in Teton County, Idaho,
having a general circulation in said county, and
that said newspaper has been printed in said
county for more than 78 consecutive weeks prior
to the first publication of the attached notice,
advertisement, or publication of Notice
of Application for Water Rights.
And affiant further says that said attached
notice, advertisement, or publication, as per
clipping attached, was published in said
newspaper, in the regular and entire issue
thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first
publication having been made on the 21st day
of Sept., 2000. And affiant further says
that at the times herein mentioned said
newspaper was made up of at least eight pages of
at least five columns each, printed from typed
matter, of at least sixteen inches deep.

Judy Lou E. Davis
State of Idaho)
)
County of Teton)

On this 11 day of Oct, 2000,
before me, a Notary Public, personally appeared
Judy Lou E. Davis known or
identified to me to be the person whose name
subscribed to the within instrument, and being
by me first duly sworn, declared that the
statements there-in are true, and acknowledged
to me that he executed the same.

M. Lou Vrabec
Notary Public for Idaho
Residing at Driggs Idaho
My commission expires 12-21-2005

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-078215

POWDER VALLEY/SHADOW-
BROOK HOMEOWNERS
C/O TOM FEWELL
P. O. BOX 572
DRIGGS, ID 83422

Source: GROUNDWATER Diversion
Pt: SENE Sec 25 T05N R45E in TETON
County. Use: DOMESTIC (0.510 CFS).
Total Diversion: (0.510 CRS). Date Filed:
9/6/2000. In: TETON County, T05N R45E
S25 SENE.

Any protests against the proposed ap-
plication must be filed with the Dept. of
Water Resources, 900 N Skyline Drive, Suite
A, Idaho Falls, ID 83401, together with a
protest fee of \$25 on or before OCTOBER
10, 2000, to be considered by the Depart-
ment in its decision to grant or deny any part
of the proposed application. The protestant
must also send a copy of the protest to the
applicant.

KARL J. DREHER, Director

Published in the Teton Valley News on
September 21 and 28, 2000.

M. LOU VRABEC
Notary Public
State of Idaho

MICROFILMED

1000 2 - 1000



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
OCT 6 5 2000
Department of Environmental Quality
Eastern Region

900 North Skyline, Suite B • Idaho Falls, Idaho 83402-1718 • (208) 528-2650

Dirk Kempthorne, Governor
C. Stephen Allred, Director

Tom Fewell
Powder Valley/Shadow Brook HOA
P.O. Box 572
Driggs, ID 83422

October 4, 1999

SUBJECT: Application for Permit #22-07815

Dear Mr. Fewell:

We have reviewed the application for permit for the Powder Valley/Shadow Brook HOA. The following items will need to be addressed in order to meet DEQ approval:

Plans and Specifications:

- ◆ Since the Powder Valley/Shadow Brook HOA will be using the proposed wells to provide potable water to (47) forty seven households it will be considered a "public water system." All public water systems must submit, for approval, a complete set of plans and specifications for the proposed water system prior to construction. The plans and specifications must be prepared and certified by a professional engineer licensed to practice in the state of Idaho.

Minimum Well Standards:

- ◆ All wells used as a domestic water supply source must meet all of the minimum standard well requirements for public drinking water systems.

Well Site Approval:

- ◆ The DEQ shall be consulted prior to design and construction regarding a proposed well location as it relates to required separation between existing and potential sources of contamination and groundwater development.

All of these items will need to be addressed before the DEQ will approve the proposed water system. If you have any questions feel free to contact me at (208)-528-2650.

Sincerely,

Carlin Feisthamel
Water Quality Engineer

cc: Greg Eager, Regional Engineering Manager, IDEQ-IF
Harold W. Jones, Water Right Supervisor, IDWR

MICROFILMED

OCT 25 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

September 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ID DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS ID 83402

RE: Application for Permit #22-07815

Dear Carlin Fiesthamel:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is October 10, 2000, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

144 2 3 7000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

September 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

POWDER VALLEY / SHADOWBROOK HOMEOWNERS ASSOC
PO BOX 572
DRIGGS ID 83422

RE: Application for Permit #22-07815

Dear Applicant:

This office is currently in the process of advertising the application in the Teton Valley News on September 21 and 28, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

SEP 25 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SEPTEMBER 12, 2000

Legal Notices Department
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS, ID 834225163

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 10, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.

*mailed
9/27/00
gc*

MICROFILMED

SEP 21 2000

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

NOT E OF APPLICATION FOR WATER RIGHT

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

22-07815

POWDER VALLEY / SHADOWBROOK HOMEOWNERS
C/O TOM FEWELL
PO BOX 572
DRIGGS, ID 83422

Source: GROUND WATER

Diversion Pt: SENE Sec 25 T 05N R 45E in TETON County.

Use: DOMESTIC (0.510 CFS)
Total Diversion: (0.510 CFS)

Date Filed: 9/ 6/2000

In: TETON County
T05N R45E S25 SENE

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before OCTOBER 10, 2000. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/21/2000 & 9/28/2000

RECEIVED

SEP 24 2000

POWDER VALLEY HOMEOWNERS ASSOCIATION
SHADOWBROOK HOMEOWNERS ASSOCIATION

August 31, 2000

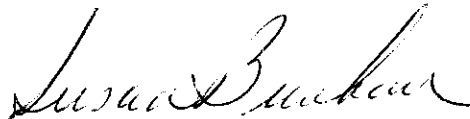
RECEIVED
SEP 05 2000
Department of Water Resources
Eastern Region

Mr. Dennis Dunn
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402

Dear Mr. Dunn:

Enclosed please find a check in the amount of \$250.00 for the water application that was submitted to you by Tom Fewell on behalf of the Associations.. If there is any other requirements needed, please contact Tom.

Very truly yours,



Susan Burnham
Treasurer

MICROFILMED

PO BOX 572 • DRIGGS, ID • 83422

SEP 24 2000