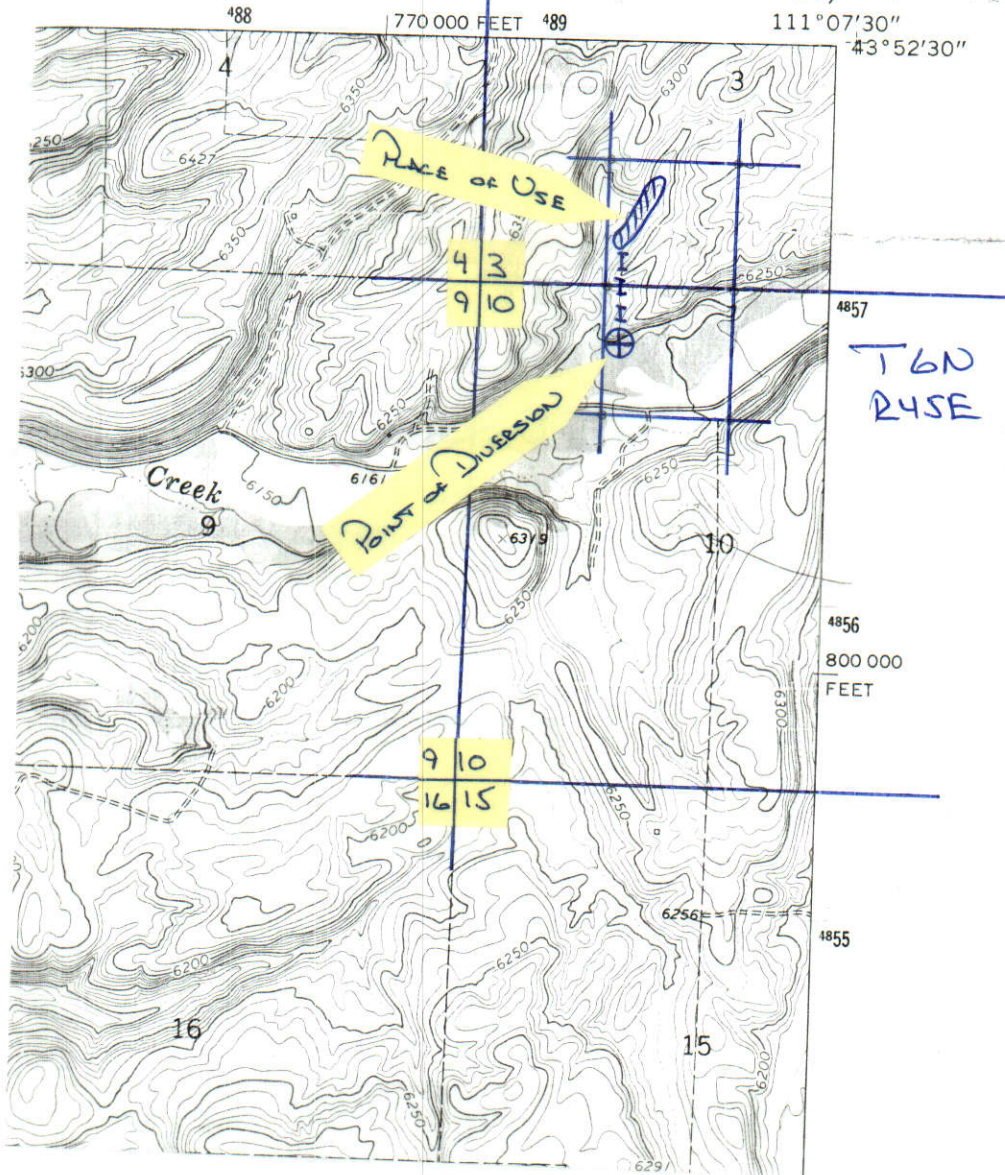


7.5 MINUTE SERIES (TOPOGRAPHIC)



MICROFILMED

SEP 10 1997

22-07768



MICROFILMED
OCT 02 2001



MICROFILMED
OCT 02 2001

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

I, Nadine Soose
being first duly sworn, depose and say that I am
the secretary of the Teton Valley News,
a newspaper as defined by Idaho Codes An-
notated, 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, ad-
vertisement, or publication of

Notice of Application
for Water Right
And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for two consecutive
issues thereof; first publication having been
made on the 17th day of Feb,
1994.

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 in-
ches deep.

Nadine Soose

State of Idaho)

County of Teton)

On this 1st day of March
in the year of 1994, before me, a Notary Public,
personally appeared Nadine Soose
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 therein are true, and acknowledged to
me that he executed the same.

Bonnie Zolner
Notary Public for Idaho

Residing at Driggs Idaho

My commission expires 10/24/98

Source: BADGER CREEK
Tributary: TETON RIVER

on or before March 7, 1994.

R. Keith Higginson, Director
Published in the Teton Valley
News February 17 and 24, 1994.

Diversion Pt: NENW Sec 10 T
06N R 45E in TETON County.

Use: RECREATION (.390 CFS)
RECREATION STORAGE (5.00
AF)
Total Diversion: (.390 CFS) (5.00
AF)

Date Filed: 1/26/1994

In: Teton County
T06N R45E S03 SESW

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Wa-
ter Resources, Eastern Region, 900
N. Skyline, Idaho Falls, Idaho 83402

NOTICE OF APPLICA-
TION FOR WATER
RIGHT

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

Ricks College
c/o Jerald Jex
MC 150
Rexburg, Id. 83460

*should be
Not fatal
2/2/94
ez*

MICROFILMED

SEP 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

AUG 17 2001

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. 22-7768 Telephone No. 1-208-356-2468
2. Name of Permit Holder(s): RICKS COLLEGE (BYU-IDAHO) c/o J. JEX
3. Mailing Address: MC 150
City REXBURG State ID Zip 83460
4. Source of Water: BADGER CREEK IF GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: RECREATION
6. Total rate of diversion and/or volume for which proof is submitted: 0.39 cfs OR 5.0 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 X or No _____
Has the measuring device been installed? Yes X 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: LES MECHAM Telephone Number: 1-208-356-2468
Address: PHYS. PLANT BLDG. BYU-IDAHO, REXBURG, ID.
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.

Signature of permit holder: [Signature]
(include your title, if on behalf of company or organization)

Date: 8/16/01

Project Supervisor
MICROFILMED

OCT 02 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED
AUG 30 2000

Department of Water Resources

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

Permit No. 22-07768

Name(s) of Permit Holder: Ricks College

Address: MC 150 City Rexburg State ID Zip 83460

Telephone No. 208-356-2225 Date Proof is Due: 9/1/00

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

This pond was constructed 18 years ago but has had continued problems with
leaking. Several remedies have been tried through the years - including the application
bentonite, plastic liner, etc. None of these have been successful.

This year we brought in a consultant who has recommended a different type of
liner. Funding for this liner has been approved for Spring Costing \$ 515.72(pump repair)
2001. This summer we repaired pumps in the creek and at the well and filled the pond.
The permit holder(s) has been unable to complete the remainder of the work for the following reasons: as full as possible.

Information from the consultant was not received in time for submitted in
the Ricks College budget for the year 2000.

Permit holder(s) request an extension to September 1, 20 01

Kari L. Archibald

(Signature)* Recreation Education Department Head
*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use
is extended to September 1, 2001.

Signed this 31st day of August, 20 00

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

SEP 02 2001

RECEIVED

AUG 20 1998

For Office Use Only

\$50 Fee Received by

Date

Receipt No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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

Permit No. 22-07768

Name(s) of Permit Holder: Ricks College, c/o Gerald Jex

Mailing Address: MC 150 Rexburg, Idaho 83460-0730

Date Proof is Due: Sept 1, 98

Telephone No. 208-356-2225

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Blue Prints for Pond, WATER permit obtained, litigation
settled - pond water line completed, Pond filled
to capacity twice - have used pond in Spring
May + June - then water got too low. Costing \$

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

Pond leaks, extra funding needed to construct
lining in pond to hold water - called Idaho Falls
97 Summer to explain / fund raising underway.

Permit holder(s) request an extension to Approx. Summer ?, 19 2,000 if possible

FEE: \$50.00

(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to September 1, 2000 18 1998

MICROFILMED

Signed this 21st day of August, 19 98

Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07760

Proposed Priority: January 26, 1994 Maximum Diversion Rate: 0.39 CFS

This is to certify, that **RICKS COLLEGE**
C/O JERALD JEX
MC 150
REXBURG ID 83460

has applied for a permit to appropriate water from:
BADGER CREEK tributary of **TETON RIVER**

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>
RECREATION	10/16 to 04/14	0.39 CFS	
RECREATION STORAGE	01/01 to 12/31		5.0 AF
DIVERSION TO STORAGE	10/16 to 04/14	0.39 CFS	
	Totals	0.39 CFS	

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 10, Township 06N, Range 45E
TETON County

PLACE OF USE: RECREATION
TWN RGE SEC
06N 45E 3 SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1998.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
4. Prior to diversion of water under this right, a measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
5. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage.
6. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
7. Recreation use is for canoeing, kayaking, ice skating, and general outdoor recreation.

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SEP 10 1997

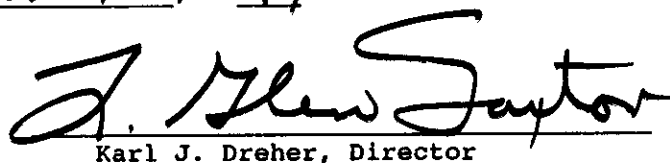
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07760

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

4th day of September, 1997.


Karl J. Dreher, Director

for



MICROFILMED
SEP 10 1997

Ident. No. 22-07768

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 29 1997

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: RICKS COLLEGE
Address: C/O JERALD JEX
MC 150
REXBURG ID 83460

208-356-2225

2. Source: BADGER CREEK Trib. to: TETON RIVER
3. Location of Point of Diversion: NENW Sec. 10, Township 06N, Range 45E
TETON County

4. Water will be used for the following purposes:

Purpose		From	To	CFS	(or)	AF
RECREATION	* 10/16	~~04/01~~	~~10/31~~ 4/14	0.390		
RECREATION STORAGE		01/01	12/31			5.00
* DIVERSION TO STORAGE	10/16		4/14	0.39		

5. Total quantity to be appropriated is:
0.390 CFS (and/or) 5.00 AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
PUMP IN CREEK TO STORAGE POND FOR REC. USE
- b. Height of storage dam 9 feet; active reservoir capacity 5.00
acre-feet; total reservoir capacity 5.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
- c. Proposed well diameter is inches; proposed depth of well is
feet.
- d. Is groundwater with a temperature greater than 85F being sought? NO
- e. If well is already drilled, when?
Drilling Firm
Well was drilled for

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

8. Place of Use: RECREATION

TWN RGE SEC
06N 45E 3 SESW

MICROFILMED
SEP 10 1997

* per Skip Jones Telephone Conversation on 9/3/97. For further information see my memo of 9/3/97. cz

Place of Use: RECREATION STORAGE

TWN RGE SEC
06N 45E 3

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

For Ricks College Outdoor Learning Center at Badger Creek.
These uses began approximately 1985. Uses include canoeing,
kayaking, general outdoor recreation, ice skating, etc.

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

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

X Sandra L. [Signature]
Applicant
Supervisor Ricks College
Outdoor Learning Center.

Received by WM Date 2/2/94 Time 11:24 Preliminary check by CR# 82043 46.00

Fee \$ 45.00 Receipted by HWT # E019470 Date 2-2-94

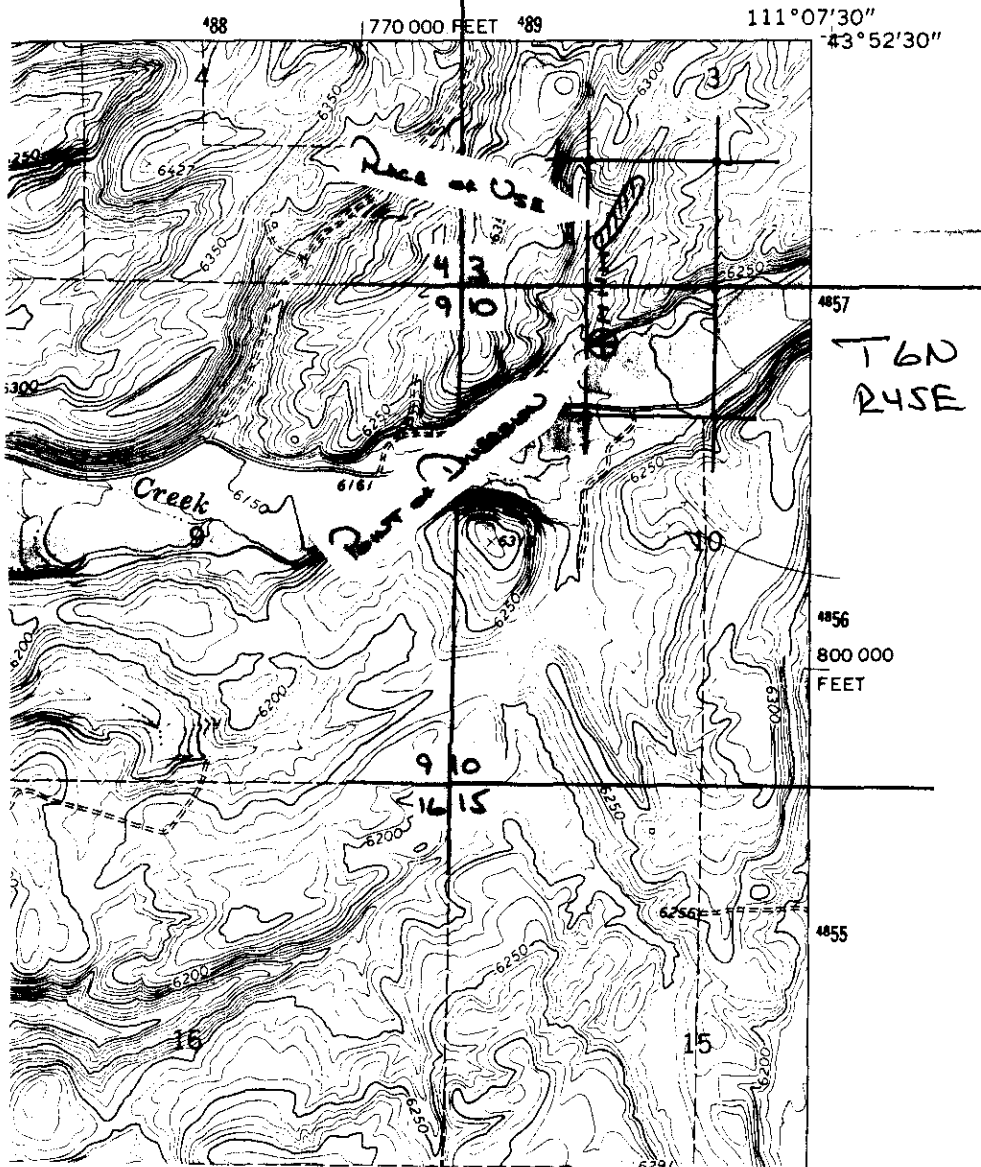
Publication prepared by LB Date 2/17/94 Published in Teton Valley News

Publication approved LB Date 3-7-94

MICROFILMED

SEP 10 1997

7.5 MINUTE SERIES (TOPOGRAPHIC)



MICROFILMED

SEP 10 1997

22-07768



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

September 5, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICKS COLLEGE
BYU - IDAHO
C/O JERALD JEX
MC 150
REXBURG ID 83460

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07768

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use. I understand that you wish to have the field examination delayed until you are able to divert the full amount of your water as permitted according to Les Mechem's July 2, 2001 letter. I will pass that information on to the Eastern Region staff, who will be conducting your field examination.

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.

If you have questions, please contact the **Eastern Regional Office** of the department in Idaho Falls at (208) 525-7161, or me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

MICROFILMED

OCT 12 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 22-7768

Reviewed By: dgibson

Date: September 4, 2001

	<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.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C043187, CO55625	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	08/17/2001
Date proof due	- 09/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 01/26/1994
New priority date	= 01/26/1994

Deficiencies of Actions Items

Acknowledge proof. Request that field exam be delayed until water right can be diverted to the full capacity of the right.



CHUCK FROST

Director

Physical Plant Department

Rexburg, ID 83460-8205

208 356-2451

208 356-2490 fax

frostc@ricks.edu

RECEIVED

JUL - 5 2001

Department of Water Resources

July 2, 2001

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau
IDWR
1301 North Orchard Street
Boise, Id 83720-0098

RE: Permit No. 22-07768

Dear Ms. Gibson:

The enclosed copy of the Request for Extension of Time dated August 31, 2000 should have been included as an enclosure with a letter sent to you earlier today. Please excuse the mix-up.

Sincerely,

Les Mecham
Project Supervisor

MICROFILMED

OCT 02 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED
AUG 30 2000

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

Department of Water Resources

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

Permit No. 22-07768
Name(s) of Permit Holder: Ricks College
Address: MC 150 City Rexburg State ID Zip 83460
Telephone No. 208-356-2225 Date Proof is Due: 9/1/00

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

This pond was constructed 18 years ago but has had continued problems with
leaking. Several remedies have been tried through the years - including the application
bentonite, plastic liner, etc. None of these have been successful.

This year we brought in a consultant who has recommended a different type of
liner. Funding for this liner has been approved for Spring. Costing \$ 515.72(pump repair)
2001. This summer we repaired pumps in the creek and at the well and filled the pond.
The permit holder(s) has been unable to complete the remainder of the work for the following reasons: as full as possible.

Information from the consultant was not received in time for submission in
the Ricks College budget for the year 2000.

Permit holder(s) request an extension to September 1, 2001

Zain A. Abdulvalid

(Signature)* Recreation Education Department Head
*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use
is extended to September 1, 2001.

Signed this 31st day of August, 2000

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

RECEIVED

SEP 02 2001



CHUCK FROST
Director

Physical Plant Department
Rexburg, ID 83460-8205

208 356-2451
208 356-2490 fax
frostc@ricks.edu

RECEIVED

JUL - 5 2001

Department of Water Resources

July 2, 2001

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau
IDWR
1301 North Orchard Street
Boise, Id 83720-0098

RE: Permit No. 22-07768

Dear Ms. Gibson:

This is a letter of confirmation regarding our telephone conversation on July 2, 2001. We are acknowledging that due to the water projections and current drought conditions, and as we are unable to fill the storage reservoir, we are requesting that our permit be extended for another year.

Enclosed please find pictures of the Badger Creek Project indicating improvements, construction and completion of the repairs to the facility to comply with the beneficial use requirements.

We appreciate your help concerning this matter. If you have any questions, please contact me at 208-356-2468.

Sincerely,

Les Mecham
Project Supervisor

Cc: Chuck Frost
Lloyd Benson

MICROFILMED

OCT 02 2001



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

August 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICKS COLLEGE
MC 150
REXBURG ID 83460

RE: PERMIT NO. 22-07768

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **September 1, 2001**. Please note that the department granted the extension based on due diligence. Therefore, it is important that you work diligently towards completion of the project since the department **will not** be able to grant future extension requests based on due diligence.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

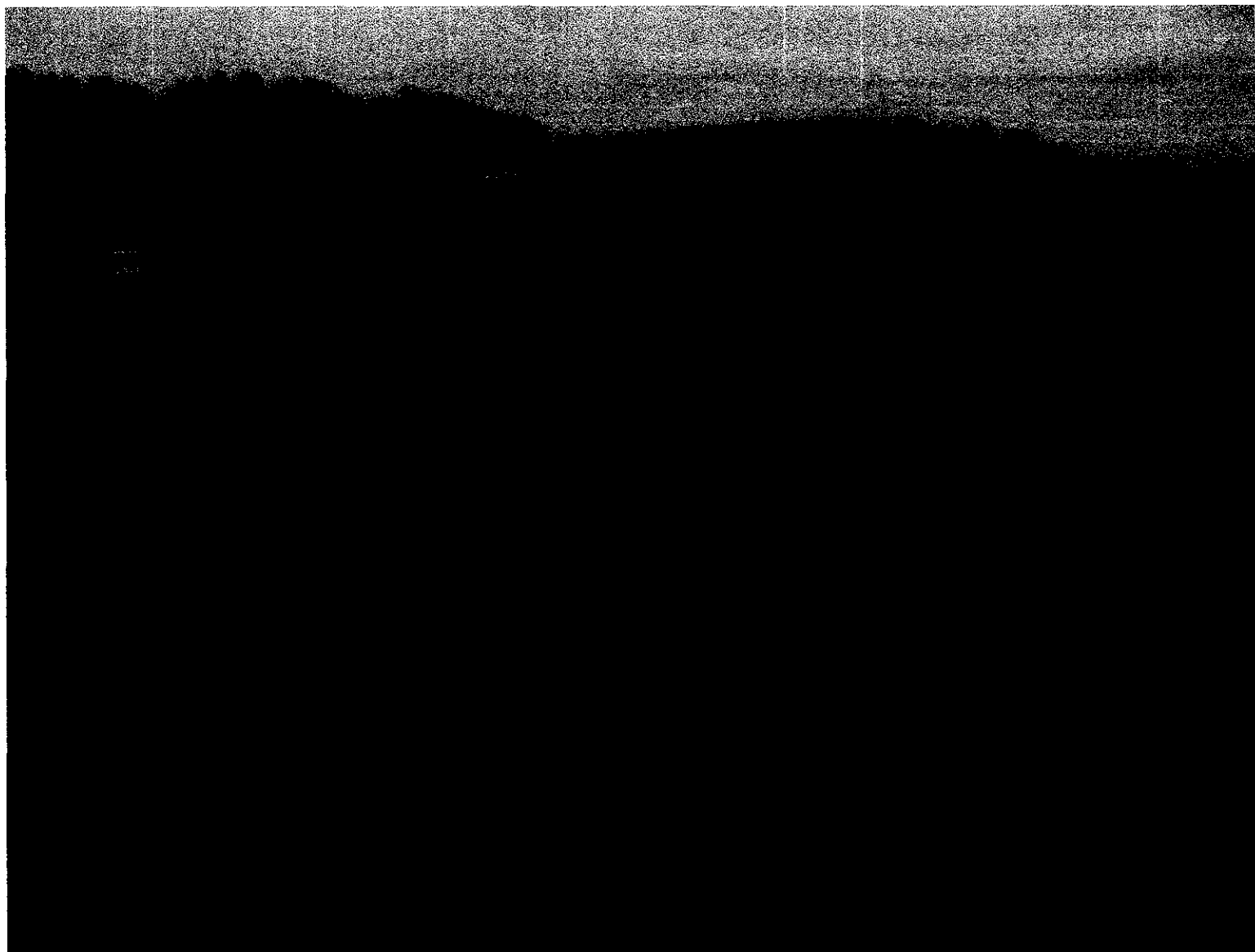
c: IDWR - Regional Office

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OCT 02 2001



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OCT 02 2001



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OCT 02 2001

June 30, 2001

RICKS COLLEGE
C/O JERALD JEX
MC 150
REXBURG, ID 83460

PROOF DUE NOTICE

RE: PERMIT NO. 22-7768

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 September 01, 2001. (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.

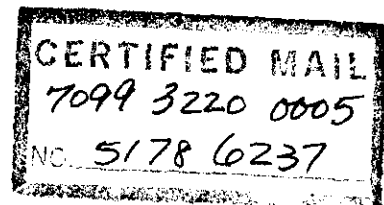
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Enclosures



MICROFILMED

OCT 02 2001



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

August 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICKS COLLEGE
MC 150
REXBURG ID 83460

RE: PERMIT NO. 22-07768

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **September 1, 2001**. Please note that the department granted the extension based on due diligence. Therefore, it is important that you work diligently towards completion of the project since the department **will not** be able to grant future extension requests based on due diligence.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

OCT 02 2001

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 22-07768 Reviewed by D. Silver Date 8/31/00

BASIC INFORMATION

8/30/00 Date stamp received
Yes Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit No
No Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?
No Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Approve request and extend proof to 9/1/2001.

PRIORITY CALCULATION

Date extension received	<u>8/30/00</u>	=	<u>/</u>
Proof due date	<u>9/1/00</u>	=	<u>/</u>
Number of days late	<u>/</u>	=	<u>/</u>
Priority date	<u>/</u>	=	<u>/</u>
New Priority Date	<u>/</u>	=	<u>/</u>

DATA ENTRY

New Address No
Change Proof Due Date Sept. 1, 2001.
Change Priority Date No

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0000000000

Date:

Time:

8/30/2000

11:50:19

Received
From:

RICKS COLLEGE

Type of Payment

Program A cct

Amount

EXTENTION PERMIT#220776B

56103

229 21 1155

50.00

Total

CHECK

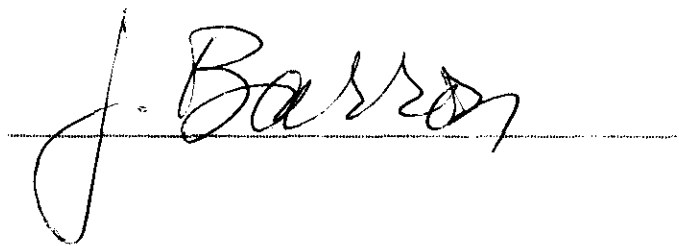
46971

\$

50.00

Region: STATE

Signature:



MICROFILMED

OCT 10 2001

June 30, 2000

RICKS COLLEGE
C/O JERALD JEX
MC 150
REXBURG ID 83460

PROOF DUE NOTICE

RE: PERMIT NO. 22-07768

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 September 1, 2000. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

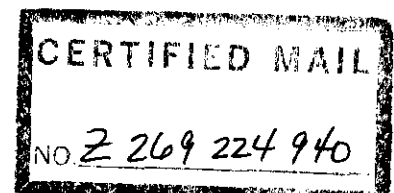
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

OCT 02 2001



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 22-07768 Reviewed by my Date 8-21-98

BASIC INFORMATION

8-20-98 Date stamp received
YES Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to Sept. 1, 2000, on basis of due diligence.*

PRIORITY CALCULATION

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

DATA ENTRY

New Address X
Change Proof Due Date 8-1-2000
Change Priority Date V



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 21, 1998

Ricks College
c/o Jerald Jex
MC 150
Rexburg ID 83460

RE: Permit No. 22-07768

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **September 1, 2000**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

SEP 18 1998

June 30, 1998

RICKS COLLEGE
C/O JERALD JEX
MC 150
REXBURG ID 83460

PROOF DUE NOTICE

RE: PERMIT NO. 22-07768

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 September 1, 1998. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

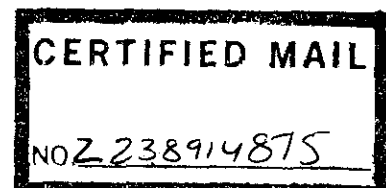
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

SEP 18 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 4, 1997

RICKS COLLEGE
C/O JERALD JEX
MC 150
REXBURG ID 83460

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07768

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.

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.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

SEP 10 1997

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

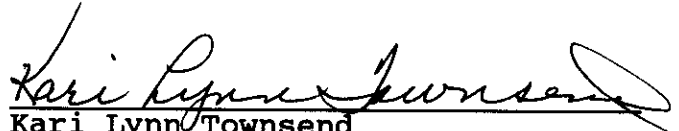
SEP 10 1997

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of **September, 1997**, 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. 22-07768

**RICKS COLLEGE
C/O JERALD JEX
MC 150
REXBURG ID 83460**


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 10 1997

MEMORANDUM

DATE: September 3, 1997
TO: File No. 22-07768
FROM: Cindy Zimmermann
RE: Application Review

In reviewing this application I noted that Fish & Game had identified exceptions to approval of this use of water in Badger Creek. Badger Creek supports trout and trout spawning. During recent years the creek has gone dry during the irrigation season. Fish & Game requested the application be denied, or, if approved, be limited to the off-irrigation season. Fish & Game also identified the requirement for fish screens and a fish pond permit.

Fish & Game concerns were not addressed in the file. I called Skip Jones today to clarify the situation. Skip said the application had agreed to not pump from the creek during the irrigation season.

Based on that telephone call, I have modified the recreation use season to 10/16-4/14. Also, the diversion description identifies a pump in the creek to the storage pond. I have added diversion to storage of 0.39 cfs from 10/16-4/14.

I recommend the permit be approved with a condition requiring the applicant to comply with Fish & Game requirements.

MICROFILMED
SEP 10 1997

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou

No.: 22-07768 Name: Ricks College Date: 9/3/97 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN:**PROTESTED:****SYSTEM COMPLETED:**

1 year/no proof

>1 year

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD >0.24 cfs

>5 a.

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

Existing well

Included w/permit

No drilling permit?

irr. in WD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

Pumped >0.20 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Boise R (63)

Payette R(65)

USE:

Domestic surface

>1 in rest. area

Fish Propagation

Irr ≤ 5 acres

> 5 acres

Mining

Muni (in restricted areas)

Power

Storage (✓ 3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**- No/Yes: ESRP Mor / GWMA / Trust / Non-trust

- 020 (Protest Agreement) or *W19 (Order)

- (P16)

- 26A-P17

- or No MD (in-stream stock or power)

- No MD

- 01M (report when notified)

- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- No MD

- NA (pre 7/1/87; ✓ WDQ3)

- Permit No. - - - - P99

- 046-46B-P23 (post 7/1/87)

- P05 (new well location)

- (modify remark *WB9)

- R04 (WD # 01) - 01J (P08 MD)

- 01H-P01 (LD & MD) or No MD (in-stream stock)

- or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- 11A-P04, NA

- 007-P07 (w/ remark *WB9 if above Weiser), NA

- 05A (if WD), 11E (not 42-111 use), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 070-071- P53

- 07A-042 (req)-09E (WQ)-P10; 044 (N of 1000 Springs)

- 057 (0.03 cfs/acre)

- 03A (0.02 cfs/acre)

- 054 (req) & 09E-P10

- 022, 075, 004 (+memo?)

- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

- 080; ~~18A~~ (in- & out-flow MD within district), 18B-P09 (>10' dam),- no outflow
- *P84 (in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 023 (Twin Falls area)

- 1

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

- 029- Dec use @ F&G Screen & permit

- 9/1/ 1998

Protest Period ends 3/7/94
Protest Received 3/4/94 - Bates
F&G Response to deny 3/7/94 - ^{considered} (protest)
WM Response - OK 3/8/95
Hrg Requested .

Protest Ack Protest WD

✓ 8/25/97
✓

RECEIVED

AUG 29 1997

DEPARTMENT OF WATER RESOURCES

Dist. for staffing 2-2-94
Submitted for advertising 2-2-94

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT
Ricks College
REQUIRED INFORMATION

DATE 2-2-94

APPLICATION NO. 22-7768

- ☒ 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 and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

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

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

SEND COPIES TO Idaho Dept. of Health & Welfare U.S. BLM
XX Idaho Dept. of Fish & Game ~~IF~~ U.S. Forest Service
 Idaho Dept. of Lands X Water District 01
 Adjudication Bureau Unit Other

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

_____ See below for additional information

Date of priority recommended _____
By _____ Date _____

See below for additional information

By _____ Date _____

* well permit for same Pend also.

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other _____

Project impacts/implications report

COMMENTS

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAY F BATES ESQ
157 E MAIN ST
RIGBY ID 83442

RE: Withdrawal of protest on Application for Permit No. 22-07768
RICKS COLLEGE at Badger Creek

Dear Protestant:

This Department has received your withdrawal of protest by Cleo Williams against the above application.

If you have any questions, please call our office.

Sincerely,


HAROLD JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

SEP 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 26, 1997

JERALD JEX
RICKS COLLEGE
MANWARING CENTER 150
REXBURG ID 83440

RE: Withdrawal of protest on Application for Permit
No. 22-07768

Dear Applicant:

This Department has received a withdrawal of protest from Jay F. Bates, Esq. on behalf of Cleo Williams.

Our office will continue to process your application.

If you have any questions, please call our office.

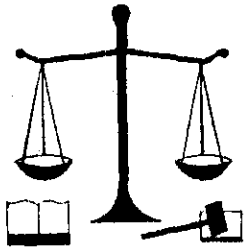
Sincerely,

Harold Jones rb
HAROLD JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

SEP 10 1997



JAY F. BATES
ATTORNEY AT LAW
Phone (208) 745-7504
FAX (208) 745-6313

August 25, 1997

Department of Water Resources
900 North Skyline
Suite A
Idaho Falls ID 83402

Re: Badger Creek Protest-Cleo Williams
Reference 22-07768

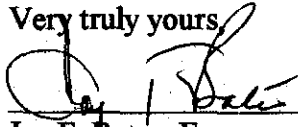
ATTENTION: Harold Jones

Dear Mr. Jones:

Please be advised that Cleo Williams has withdrawn her protest reference the above matter.

Thank you for your consideration.

Very truly yours,


Jay F. Bates, Esq.

JFB: jp

RECEIVED

AUG 26 1997

Department of Water Resources
Eastern Region

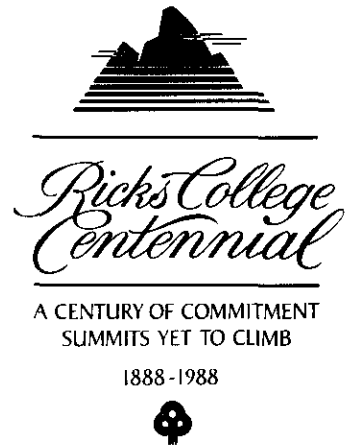
MICROFILMED

SEP 10 1997

157 E. Main St.

Rigby, Idaho 83442

August 19, 1997



State of Idaho
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Attention: Harold W Jones, Water Rights Supervisor

Gentlemen:

Concerning Application #22-07768, we hereby request a pre-hearing conference with the Protestants of said application.

Thank you,

Jerald L. Jex

MICROFILMED

SEP 10 1997

RECEIVED

AUG 20 1997

Department of Water Resources
Eastern Region

JULY 17, 1997

RICKS COLLEGE
C/O OUTDOOR LEARNING CENTER
MC 150
REXBURG ID 83460

RE: Notice of Intent to Void Application #22-07768

Gentlemen:

Application #22-07768 to develop a recreation pond has been on file with this department since February 2, 1994. Several calls have been made to College officials over the years attempting to learn what action they had taken to resolve the protests against this application.

I would ask that you either request and pursue a pre hearing conference with the protestants or withdraw the application. I have enclosed a withdrawal form for your use.

I will need you to respond in writing within 30 days of this letter or an Order to Void application #22-07768 will be issued.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

Enclosure

MICROFILMED

SEP 10 1997

11-Mar-1994

ID FISH & GAME
UPPER SNAKE REGION
1515 LINCOLN RD
IDAHO FALLS ID 83401-2198

RE: Application for Permit No. 22-07768

Dear Mr. Wright:

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

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the applications for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the applications for permit (Sec. 42-203, Idaho Code):

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

MICROFILMED

SEP 10 1997

Don E. Wright, Regional Supervisor
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

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

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

MICROFILMED

SEP 10 1997

08-Mar-1994

JAY F BATES
ATTORNEY AT LAW
157 E MAIN ST
RIGBY ID 83442

RE: Application for Permit No. 22-07768

Dear Mr. Bates:

Your protest on behalf of your clients Cleo, Francis & Sharon, Joseph B., Byron, Barton, and Brett Williams against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the applications for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the applications for permit (Sec. 42-203, Idaho Code):

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

MICROFILMED

SEP 10 1997

Jay F. Bates, Esq.

Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

MICROFILMED

SEP 10 1997

08-Mar-1994

JERALD JEX
RICKS COLLEGE
MC 150
REXBURG ID 83460

RE: Application for Permit No. 22-07768

Dear Applicant:

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

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-203, Idaho Code):

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

MICROFILMED

SEP 10 1997

Jerald Jex
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office
Enc.

MICROFILMED

SEP 10 1987

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7768 and have the following comments objections to the approval of this application for permit:

Because of the non-Consumptive
nature of this project theoretically
there should be no impact on
stream flows or water rights.
There is no way to evaluate
how operations of this pond
will affect others in the
future

March 8, 1994

Date



RONALD D. CARLSON, WATERMASTER
Water District 01

MICROFILMED

SEP 10 1997



IDAHO FISH & GAME
UPPER SNAKE REGION
1515 Lincoln Road
Idaho Falls, Idaho 83401-2198

Cecil D. Andrus / Governor
Jerry M. Conley / Director

March 4, 1994

RECEIVED
MAR 7 1994

Mr. Harold Jones
Water Right Supervisor
Idaho Department of Water Resources
900 Skyline Dr.
Idaho Falls, ID 83402-1718

Department of Water Resources
Eastern District Office

RE: WATER RIGHT APPLICATION NO. 22-07768 (RICKS COLLEGE, BADGER CR.)

Dear Harold:

The Idaho Department of Fish and Game has reviewed the referenced application to withdraw 0.39 cubic feet per second and/or 5 acre-feet annually from Badger Creek, during the time period April 1 to October 31. Badger Creek supports trout and trout spawning, when there is sufficient water available. In recent years, the creek has gone dry during the irrigation season, indicating irrigation withdrawals are already over-allocated. Based on this, we believe the application should be denied. If the application is approved, withdrawals should be limited to the spring high-flow period. If the applicant develops a pond and stocks fish, they must screen the pond and obtain a fish pond permit from our office.

Sincerely,

Don E. Wright

Don E. Wright
Regional Supervisor
Upper Snake Region

DW:RM

cc: Natural Resources Policy Bureau

MICROFILMED
SEP 10 1997



JAY F. BATES
ATTORNEY AT LAW
745-7504

RECEIVED
MAR 13 1994
Department of Water Resources
Eastern District Office

RECEIVED
MAR 4 1994
Department of Water Resources
Eastern District Office

March 2, 1994

R. Keith Higginson,
Director, Dept. of Water Resources
Eastern Region
900 North Skyline
Idaho Falls, ID 83402

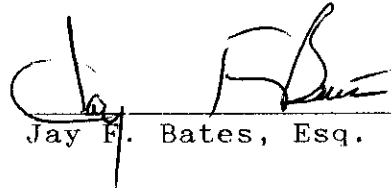
Re: Application of Ricks College
to Appropriate Public Waters
Diversion Pt. T 6 N, R 45 E
Se. 3 SESW, Badger Creek

Dear Mr. Higginson:

On behalf of Cleo Williams, Francis and Sharon Williams, Joseph B. Williams, Byron Williams, Barton Williams and Brett Williams a protest to the above referenced application is filed.

Please advise the undersigned of any hearing on the protests sufficiently in advance of the date of hearing in order that my clients can be notified and arrange for attendance at the hearing.

Very truly yours,


Jay F. Bates, Esq.

JFB:ae
cc: Cleo Williams

MICROFILMED

SEP 10 1997

AFFIDAVIT OF PUBLICATION

State of Idaho)
County of Teton)ss

I, Nadine Soose
being first duly sworn, depose and say that I am
the secretary of the Teton Valley News,
a newspaper as defined by Idaho Codes An-
notated, 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, ad-
vertisement, or publication of

Notice of Application
for Water Right
And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for two consecutive
issues thereof; first publication having been
made on the 17th day of Feb.,
1994.

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 in-
ches deep.

Nadine Soose

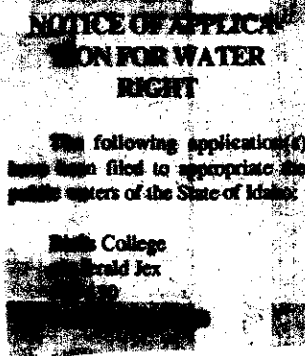
State of Idaho)
County of Teton)

On this 1st day of March
in the year of 1994, before me, a Notary Public,
personally appeared Nadine Soose
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 therein are true, and acknowledged to
me that he executed the same.

Bonnie Johnson
Notary Public for Idaho

Residing at Driggs Idaho

My commission expires 10/24/98



Source: BADGER CREEK
Tributary: TETON RIVER

on or before March 7, 1994

Diversion Pt: NENW Sec 10 T
R 45E in TETON County.

R. Keith Higginson, Director
Published in the Teton Valley
News February 17 and 24, 1994.

Use: RECREATION (300 CFS)
RECREATION (300 CFS) (300
AF)
Total Diversion: (300 CFS) (300
AF)

Date Filed: 1/26/1994

In: Teton County
T06N R45E S03 SESW

The permit(s) will be subject to
prior water rights. Permit(s) must
be filed with the Director, Dept. of Wa-
ter Resources, Eastern Region, 200
N. Capitol Blvd., Boise, Idaho 83725.

Added for total 2/2/94
33

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SEP 10 1997

10-Feb-1994

ID DEPT OF FISH & GAME
REGION 6
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application No. 22-07768

Dear Sir:

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 3-07-94, 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:rb
enc

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SEP 10 1997

10-Feb-1994

JERALD JEX
RICKS COLLEGE
MC 150
REXBURG ID 83460

RE: Application No. 22-07768

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the TETON VALLEY NEWS on 2-17 & 24-94. The advertisement will be published 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.

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

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

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SEP 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 8, 1994

TETON VALLEY NEWS
P.O. BOX 509
DRIGGS, ID 83422

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 7, 1994.

Yours truly,

Rita Bodell
Secretary

Encl.

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SEP 10 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

SEP 10 1937

22-07768

RICKS COLLEGE
C/O JERALD JEX
MC 150
REXBURG, ID 83460

Source: BADGER CREEK

Tributary: TETON RIVER

Diversion Pt: NENW Sec 10 T 06N R 45E in TETON County.

Use: RECREATION (.390 CFS)

RECREATION STORAGE

(5.00 AF)

Total Diversion: (.390 CFS)

(5.00 AF)

Date Filed: 1/26/1994

In: TETON County
T06N R45E S03

SESW

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SEP 10 1967

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MARCH 7, 1994.

R. KEITH HIGGINSON, Director

Published: 2/17/1994 & 2/24/1994

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SEP 10 1987