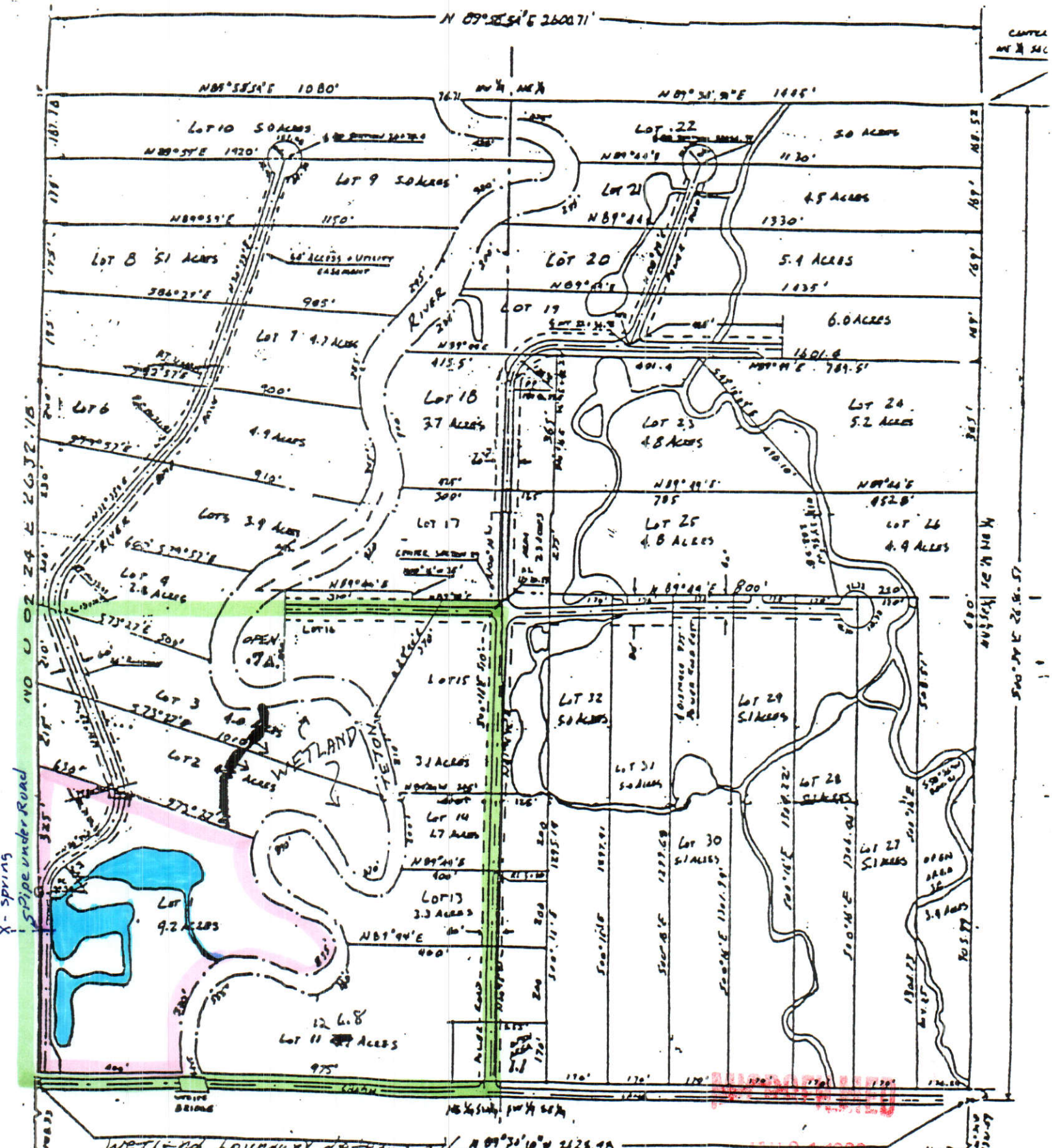


22-7752



Wetland boundary determined/verified by:
 Martin Miller
 Martin Miller
 Corps of Engineers
 5-6-92

RIVER BEND ESTATES

- Place of Use (Ponds)
 NESW 1/4, 29, T.4N, R. 45E.
 Applicant's land

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

I, Nadine Doore.....
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 5 day of Nov.....
1992

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 Doore

State of Idaho)

County of Teton)

On this 30th day of November
in the year of 1992, before me, a Notary Public,
personally appeared NADINE DOORE
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 Zacher
Notary Public for Idaho

Residing at Driggs Idaho

My commission expires 10/24/98

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07752

BLOCK, JOHN D

RT. 1 BOX 590 C

VICTOR, IDAHO 83455

Source: UNNAMED SPRING

Tributary: TETON RIVER

Diversion Point: NESW **SEC T**

04N R 45E in TETON County.

Use: STOCKWATER (.040
CFS)

RECREATION (1.00 AF)

Total diversion: (.040 CFS)(1.00

AF)

Date Filed: 10/1/1992

In: TETON County T04N R45E

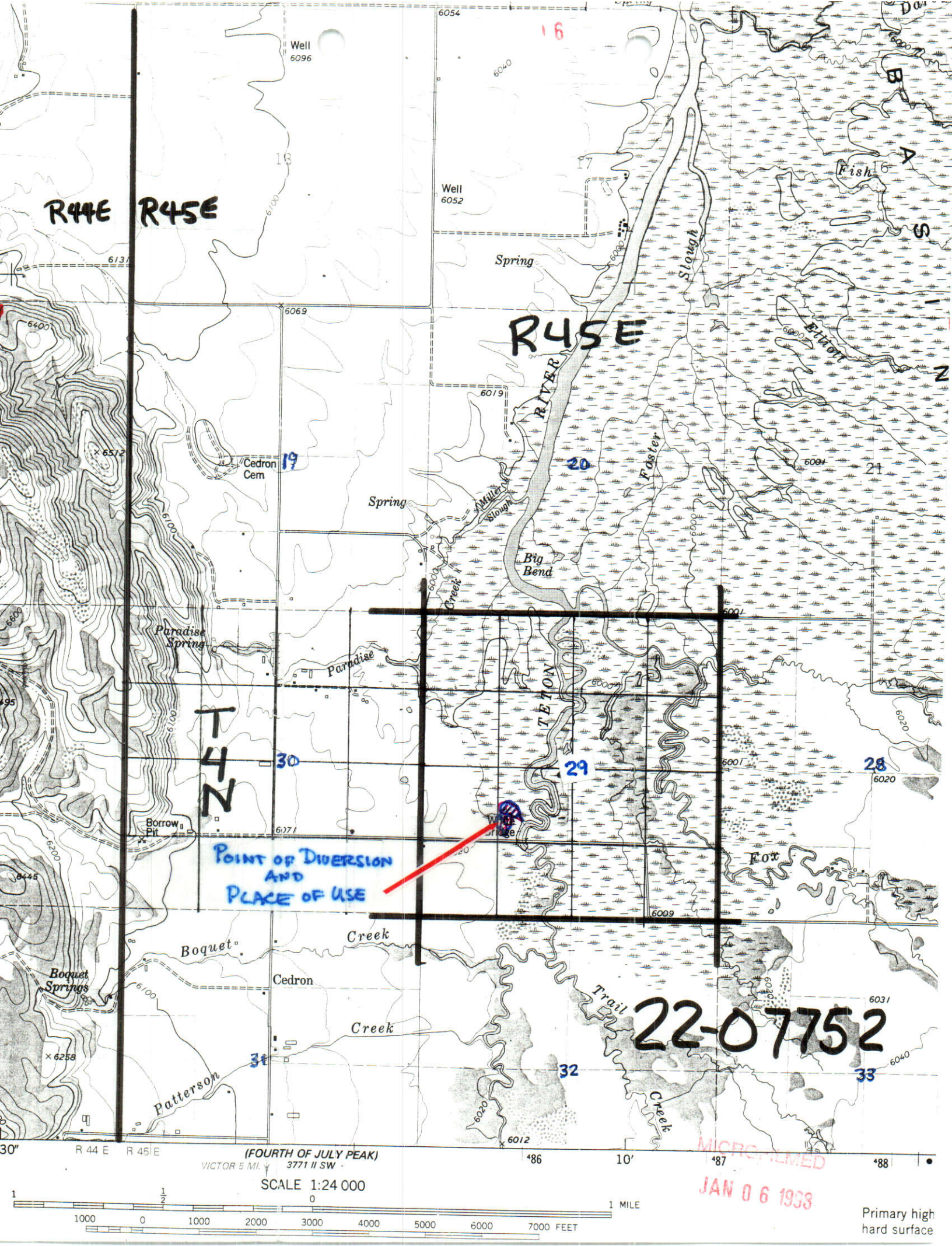
S29 NESW

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Depart-
ment of Water Resources, Eastern
Region, Shoup Avenue, Suite 15,
Idaho Falls, Idaho 83402 on or before
NOVEMBER 23, 1992.

R. KEITH HIGGINSON
Director

Published in the Teton Valley
News November 5 and 12, 1992.

RECORDED
JAN 21 1993



R44E R45E

R45E

T4N

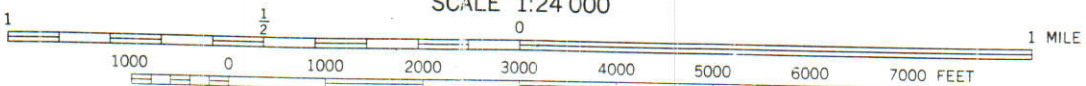
Point of Diversion
AND
PLACE OF USE

22-07752

MICROFILMED
JAN 06 1993

(FOURTH OF JULY PEAK)
VICTOR 5 MI. 3771 II SW

SCALE 1:24 000



Primary high
hard surface

19 20
30 29

176
T362

WT

T4N
R45E

29

PLACE
OF USE

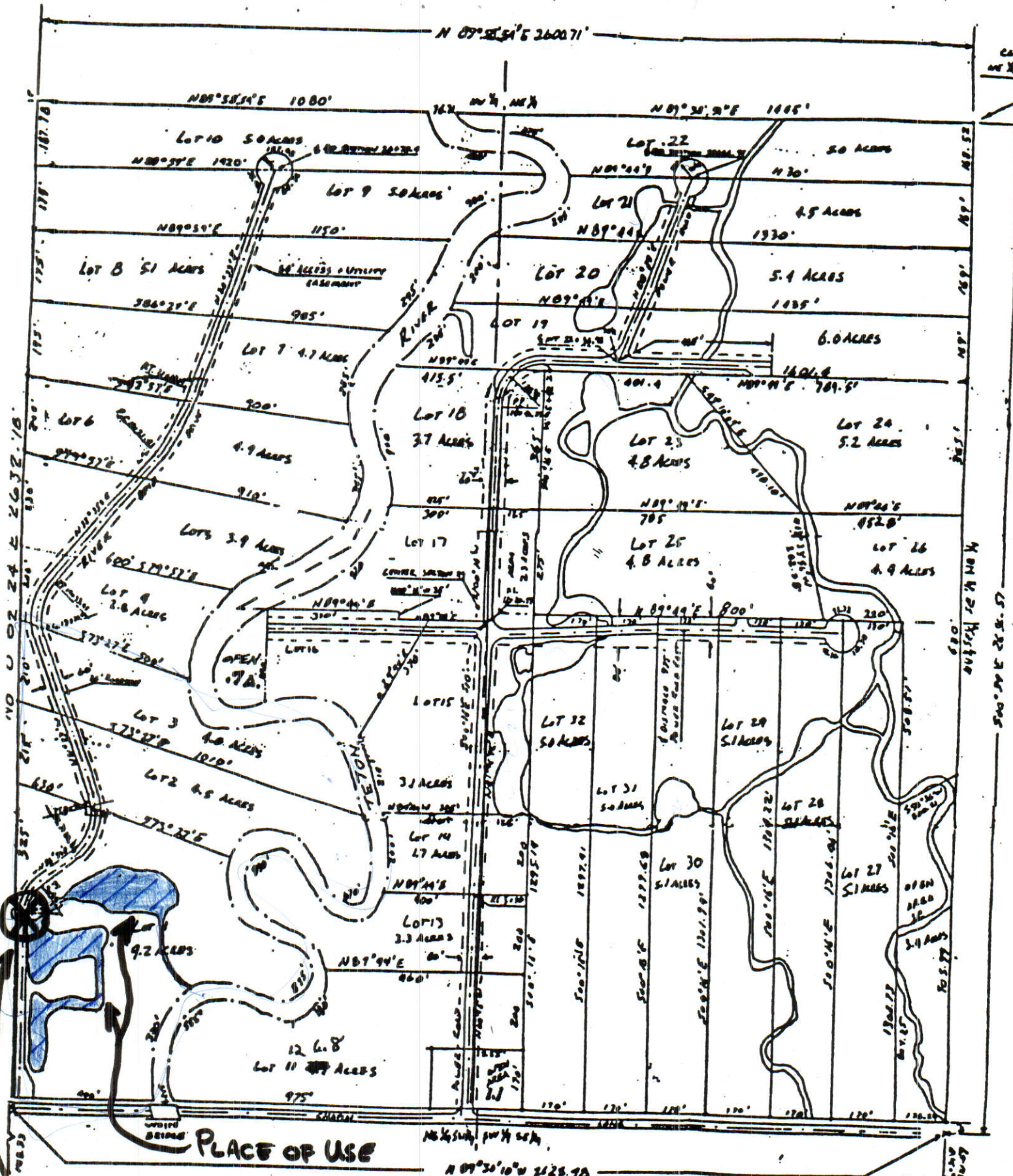
POINT OF DIVERSION

22-07752

30 29
31 32

205
T413
JAN 06 1993

WT



POINT OF
DIVERSION

RIVER BEND ESTATES
NESW Sec 29
T4N R45E

MICROFILMED
22-07752
JAN 06 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07752

Priority: October 1, 1992

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.1 AF

This is to certify, that MARGARET C SHIELDS
PETER F SHIELDS

26601 W HURON AVE
FLAT ROCK MI 48134

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 1, 1992; and has submitted Proof of Beneficial Use on May 24, 1993. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

SPRING tributary to TETON RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.04 CFS	0.1 AF
AESTHETIC STORAGE	01/01 to 12/31		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
	Totals	0.04 CFS	1.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNESW , Sec. 29, Township 04N, Range 45E
TETON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

04N 45E 29 NESW

PLACE OF USE: AESTHETIC STORAGE

TWN RGE SEC

04N 45E 29 NESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

RECORDED

NOV 6 1993

State of Idaho
Department of Water Resources

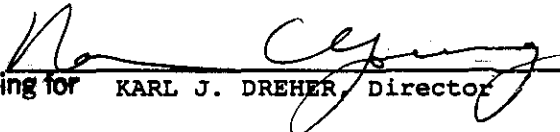
WATER RIGHT LICENSE

WATER RIGHT NO. 22-07752

CONDITIONS OF APPROVAL AND REMARKS

5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Aesthetic storage is for wildlife and aquatic habitat ponds.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12TH day of DECEMBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

JAN 06 1998

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	22-07752	John Block	0.04
Full Assignment	22-07752	Peter F Shields Margaret C Shields	0.04

RECORDED

JAN 21 1993

RECEIVED

MAY 24 1993

OFFICE USE ONLY

Amt. of Fee \$ 450.00
Date 5-12-93
Receipt No. E018588
Receipt by RB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07752 Telephone No. (208) 523-0620
2. Name(s) of Permit Holder(s): Peter F. Shields and Margaret C. Shields
3. Mailing Address: c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls ID 83405
4. Source of Water: Unnamed Spring, tributary to Teton River

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater 10 head cattle or horses (No. and type of stock)

Irrigation _____ (No. of acres) Other Recreation, fish pond, aesthetic water pond, wildlife habitat

6. Total rate and/or volume for which proof is submitted .04 cfs AND 1.0 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes X No Installed? _____ Yes X No

OR

Flow Measurement Port: Required? _____ Yes X No Installed? _____ Yes X No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Vergie Scroughams 208-354-8135
Name Telephone No.

P.O. Box 69, 417 Howard Ave., Driggs, ID 83422-0069
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

4/15/93
Date

Peter F. Shields Margaret C. Shields
Signature (and title, if on behalf of a company or organization)

JUN 29 1993

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07752

Proposed Priority: October 1, 1992 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **PETER F SHIELDS**
MARGARET C SHIELDS
26601 W HURON AVE
FLAT ROCK MI 48134

has applied for a permit to appropriate water from:

UNNAMED SPRING 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>
STOCKWATER	01/01 to 12/31	0.04 CFS	
RECREATION	01/01 to 12/31		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 29, Township 04N, Range 45E
TETON County

PLACE OF USE: STOCKWATER
TWN RGE SEC

04N 45E 29 NESW

PLACE OF USE: RECREATION, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 3, 1994**.
2. Subject to all prior water rights.
3. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Stockwater use is for 10 head of mixed stock.
6. Recreation use is for three wildlife and aquatic habitat ponds.

RECEIVED

JAN 21 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07752

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

21st day of December, 1992

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED

JAN 21 1993

RECEIVED

NOV 17 1992

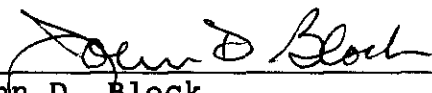
Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I, JOHN D. BLOCK, hereby assign to PETER F. SHIELDS and MARGARET C. SHIELDS, husband and wife, of 26601 West Huron Avenue, Flat Rock, Michigan 48134, all of my right, title and interest in and to Application for Permit No. 22-07752 to appropriate the public waters of the State of Idaho.

Made this 7 day of October, 1992.

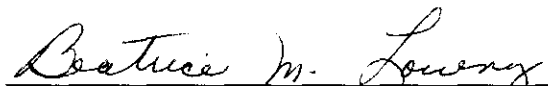


John D. Block

STATE OF CALIFORNIA)
) ss.
County of SAN MATEO)

On this 7 day of October, in the year 1992, personally appeared before me the signer of the above instrument, duly acknowledged to me that he executed the same.

(SEAL)



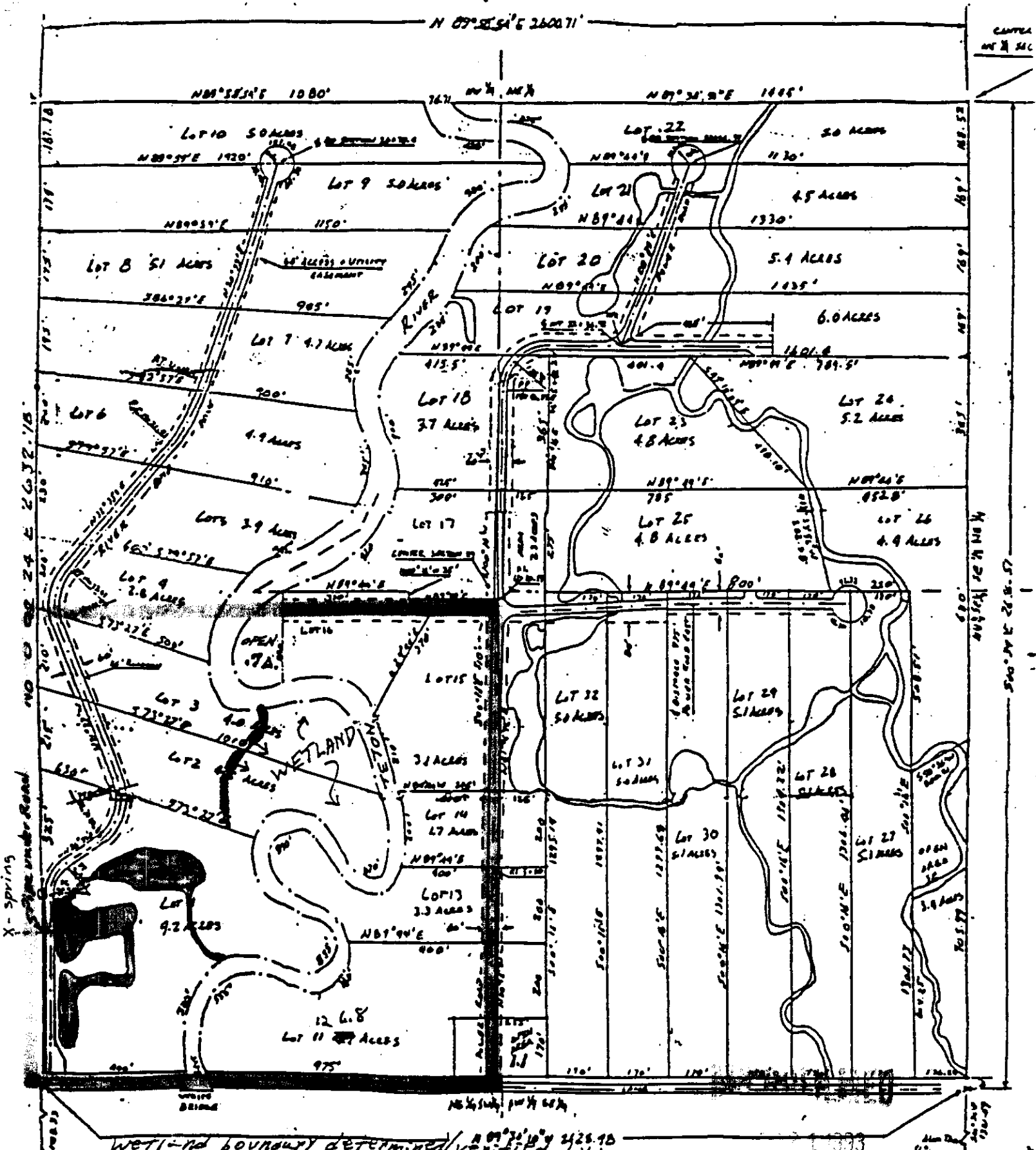
Notary Public
Residing at 475 SAN MATEO AV. SAN BRUNO CA.
My Commission Expires 12/26/92

CAH/27931/rfs
#0704



RECEIVED

JAN 21 1993



Wetland boundary determined/verified by 2/25/92

Martin Miller
Corps of Engineers
5-6-92

RIVER BEND ESTATES

- Place of Use (Ponds)

NESW 1/4, 29, T.4N, R. 45E.

Applicant's land

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant John D. Block Phone (208) 354-2406

Post office address Route 1, Box 590C, Victor, Idaho 83455

2. Source of water supply Unnamed Spring which is a tributary of Teton River

3. Location of point of diversion is _____ ¼ of NE ¼ of SW ¼, Govt. Lot _____

Sec. 29 Township 4N. Range 45E. B.M. Teton County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

~~Aesthetic, water pond,~~

Amount 1 AF/A for Wildlife Habitat purposes from Jan. 1 to Dec. 31 (both dates inclusive)

(cfs or acre-feet per annum) 0.1 cfs **BLM** DIVERSION TO STOR 1-1 12-31

Amount 1 AF/A for Fish Pond purposes from Jan. 1 to Dec. 31 (both dates inclusive)

(cfs or acre-feet per annum) 0.1 cfs Jan. 1 Dec. 31

Amount 1 AF/A for Recreation purposes from May 1 to Oct. 1 (both dates inclusive)

(cfs or acre-feet per annum) 0.1 cfs May 1 Oct. 1

Amount 1 AF/A for Stockwatering purposes from Jan. 1 to Dec. 31 (both dates inclusive)

(cfs or acre-feet per annum) _____

5. Total quantity to be appropriated is (a) .04 and/or (b) 1.0
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Small amount of water from unnamed spring collects on west side of county road, crosses under road through 6 inch pipe, flows into and through 3 ponds with total capacity of less than 1 acre foot thence into Teton River.

b. Height of storage dam None feet; active reservoir capacity less than 1 acre-feet; total reservoir capacity less than 1 acre-feet; period of year when water will be diverted to storage: Jan. 1 to Dec. 31 inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought? No

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

RECORDED

JAN 21 1993

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. Up to 10 head cattle and/or horses
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. The ponds are attractive, are used by waterfowl, provide habitat for other wildlife, and have fish in them.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N.	45E.	29									All Uses								
											Rx								

Total number of acres to be irrigated 0

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

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

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. _____

12. Remarks: To one extent or another, these ponds have probably existed for years. They were cleaned and excavated to their present configuration in about 1981.

JAN 21 1993

A large grid of graph paper with a 15x15 square pattern. A faint, dark, illegible stamp is visible in the bottom right corner.

JAN 21 1993

1 Gen D. Block
(Applicant)

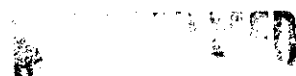
Received by HWT Date 10-1-92 Time 10:46 am Preliminary check by _____
Fee \$ 30.00 Received by HWT # E017951 Date 10-1-92
Publication prepared by LB Date 11-5-92 Published in Teton Valley News
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:



JAN 21 1993

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 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 right
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 two consecutive issues thereof; first publication having been made on the 5 day of Nov, 1992.

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.

Nadine Soose

State of Idaho)

County of Teton)

On this 30th day of November in the year of 1992, 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

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:
22-07752
BLOCK, JOHN D.
RT. 1 BOX 590 C
VICTOR, IDAHO 83455
Source: UNNAMED SPRING
Tributary: unidentified
Diversion: unidentified
BEN R 45E
Use: SPRING WATER (L&D)

RECREATION (1.00)
Total diversion (DWCFS) (L&D)

Date Filed: 10/1/1992
In: TETON County T04N R08E
N12SW

The permit(s) will be subject to all prior water rights. Petitions shall be filed with the Director, Department of Water Resources, Eastern Region, Group Avenue, Suite 100, Boise, Idaho 83702 on or before NOVEMBER 23, 1992.

R. KEITH HIGGINSON
Director

Published in the Teton Valley News on November 3, 1992.

RECEIVED
NOV 21 1992



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

December 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARGARET C SHIELDS
PETER F SHIELDS
26601 W HURON AVE
FLAT ROCK MI 48134

RE: WATER RIGHT NO. 22-07752

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

REC'D - FILED

JAN 06 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

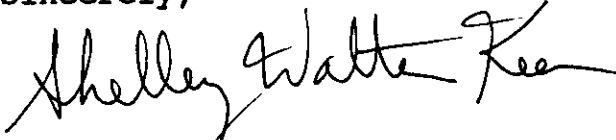
MAILED - 100

JAN 06 1988

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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of December, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 22-07752

MARGARET C SHIELDS
PETER F SHIELDS
26601 W HURON AVE
FLAT ROCK MI 48134


Kari Lynn Townsend
Secretary

MAILED 12/12/97

JAN 06 1998

MEMORANDUM

TO: File 22-07752

FROM: Sharla

DATE: December 9, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 22-07752 are based on the following:

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.04 cfs	0.1 afa
Recreation Storage	1/1 - 12/31		1.0 afa
Diversion to Storage	1/1 - 12/31	0.04 cfs	
TOTALS		0.04 cfs	1.1 afa

There is only volume associated with the recreation use which denotes storage. The use code of Recreation Storage should have been used when the permit was issued; it was department oversight and no amendment should be required to make this modification.

Recreation Storage doesn't match the description of the reservoir as well as Aesthetic Storage does. I have changed the use to Aesthetic Storage. This is not a change in the nature of use of the right, but merely a clarification of terms. No amendment necessary.

S.W. Keen
12/11/97

Examiner: Keith Wilson
Exam Date: July 17, 1995

12/11/97
12/11/97

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07752

DATE 12/9/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	—	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	—	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	—	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.04</u> cfs
Fee limit	<u>.20</u> cfs \$50 ⁰⁰
Measured	<u>—</u> cfs
Theoretical	<u>.04</u> cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/

NATURE OF USES <u>—</u>	<u>✓</u>	Use	cfs	Volume Calc	
		<u>Stock</u>	<u>.04</u>	<u>.1</u>	af
		<u>Rec Stor</u>	<u>—</u>	<u>1.0</u>	af
		<u>Div. to Stor</u>	<u>.04</u>	<u>—</u>	af
		<u>—</u>	<u>—</u>	<u>—</u>	af
		SUBTOTAL	<u>.04</u>	<u>1.1</u>	af

Flow rate — cfs X — days X 1.98 = — af

Total volume recommended — af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

FS/wildlife & aquatic habitat ponds.
PD & P/U on Lot 1, River Bend Estates.

CONDITIONS

— Watermaster Control WD# —
— GW Measurement/Measuring Device
— Overlap
— Use-specific conditions

048,049

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

Adjustment Memo

Rec. Storage
no amend

1st Amend Letter NA

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 26 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7752

1. Owner: Peter F or Margaret C Shields Phone No. _____

Current Address: 26601 W Huron Ave Flat Rock MI 48134

2. Accompanied by: John McKellar EXAM DATE: 7-17-95

Address: 76 N. Main St Driggs ID 83422 Phone No. 354-2348

Relationship to Permit Holder: Realtor

3. Source: Spring tributary to Teton River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SW	29	4N	4SE	Teton	USGS Map/ACIS aerial/on site inspect

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4SE	29									S								
											R								

MICROFILMED

JAN 06 1998

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Scale: 1" = _____

☒ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Current Meter	Pigmy	Scientific Instruments	-	090187		-

2. Measurements: _____

RECORDED

JAN 6 1958

E. NARRATIVE/REMARKS/COMMENTS

Pigmy leading 7 revolutions/48 sec
 $7 \text{ rev}/48 \text{ sec} = 0.1458 \text{ ft/sec}$

Pond surface area $\approx 0.7 \text{ ac}$ @ avg dept $\approx 1.5'$

STOCK CAN WATER FROM PONDS

Have conditions of permit approval been met? ☒ yes ☐ no

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JAN 06 1958

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$Velocity = 7 \text{ rev} / 48 \text{ sec} = 0.14583 \text{ ft/sec}$$

$$Q = A V = (1 \times 3') (14583) = (0.3) (0.14583) = 0.04 \text{ cfs}$$

$$VOLUME \text{ of POND} = 0.7 \text{ ac} \times 1.5' \text{ deep} = 1.05 \text{ af} = 1.1 \text{ af}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$V_{\text{POND}} = 0.7 \text{ ac} \times 1.5' \text{ depth} = 1.05 = 1.1 \text{ af Limit to } 1.0$$

$$V_{\text{STOCK}} = 10 \times 0.0134 = 0.1 \text{ af}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>STOCK WATER</u>	<u>1/1</u>	<u>12/31</u>	<u>0.04 cfs</u>	<u>0.1</u>
<u>DIVERSION TO STORAGE</u>	<u>1/1</u>	<u>12/31</u>	<u>0.04 cfs</u>	
<u>RECREATION</u>	<u>1/1</u>	<u>12/31</u>		<u>1.0</u>
Totals:			<u>0.04 cfs</u>	<u>1.1 af</u>

2. Recommended Amendments

____ Change P.D. as reflected above

____ Add P.D. as reflected above

☒ None

____ Change P.U. as reflected above

____ Add P.U. as reflected above

____ Other

I. AUTHENTICATION

Field Examiner's Name

KEITH C WILSON

Date

17 July 1995

Reviewer

Date

SEAL

MICROFILMED

JAN 06 1998

19 2
30 2

20
29

176
T362

T
4
2

R45E

29

LINE
OF TIME

Point of DIVERSION

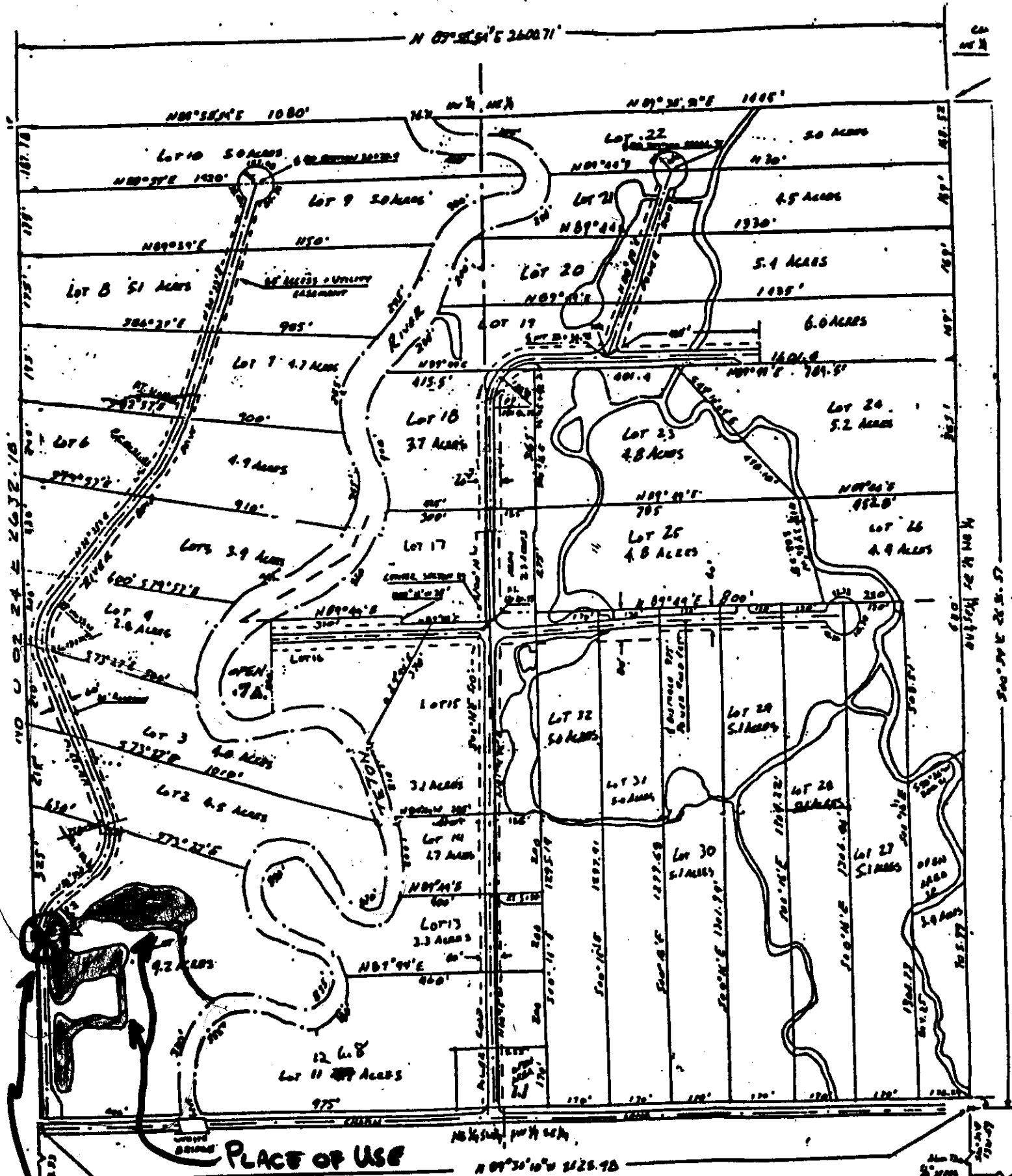
22-07752

30 31
31 32

29
32

205
143

W.T.



**POINT OF
DIVERSION**

PLACE OF USE

**RIVER BEND ESTATES
NESW Sec 29
T4N R45E**

22-07752

JAN 06 1938

May 28, 1993

MARGARET C SHIELDS
PETER F SHIELDS
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07752

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

JUN 29 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 22-07752 Reviewed by Klg Date 5/25/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
NA Drilling permit required?
/ Copy in the file? Drilling Permit No. _____
/ Amount paid for permit _____ Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?
NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA _____
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address C/O Holden Kidwell, Lahing Crapo Proof Made 5/24/93
PO Box 50130 Idaho Falls 83405 5/28/93 Klg



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 22, 1992

PETER F SHIELDS
MARGARET C SHIELDS
26601 W HURON AVE
FLAT ROCK MI 48134

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07752

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

RECEIVED

JAN 21 1993

APPLICATION FOR PERMIT REVIEW

BLM

Application #: 22-7752 Date: 12-17-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

AREA OF CONCERN?

YES
SNAKE RIVER BASIN

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - No measurement required <flow chart>
 LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99 Permit No. _____
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. 01
 Surface water - R04, R04-01H-P01(LT.2 w/pump)
 - R04-01J-P08(GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - 1 (1, Blank or Other)
 Trust - 051-052-053-P74(Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date

Other Conditions/Remarks: - 01-03-1994

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0820
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM. LYMAN BELNAP, P.A.
RANDALL B. REED
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

November 16, 1992

RECEIVED

NOV 17 1992

Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

RE: ASSIGNMENT OF NOTICE OF CLAIM NO. A22-10700 AND
ASSIGNMENT FOR APPLICATION OF PERMIT NO. 22-07752

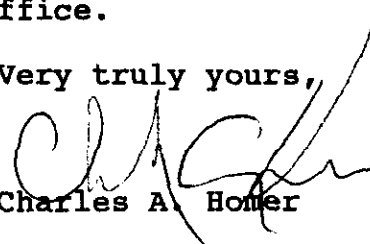
Gentlemen:

Our office recently represented John D. Block on a real estate sale of property in Teton County, Idaho to Mr. and Mrs. Peter Shields. In connection with the real estate sale from Mr. Block to Mr. and Mrs. Shields, we are enclosing for your records the following:

1. Notice of Appearance for our firm for John D. Block,
2. Assignment of Notice of Claim pertaining to Claim No. A22-10700,
3. Notice Concerning Water Rights for Property, and
4. Assignment of Application for Permit pertaining to Permit No. 22-07752.

If you need any additional information pertaining to this transfer, please contact our office.

Very truly yours,


Charles A. Homer

CAH/sb
Enc.
#0704


JAN 21 1993

Form No. 202a
1/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWO DATE 10-7-92 APPLICATION NUMBER 22-1152

REQUIRED INFORMATION

- ☒ 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
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 _____

RECEIVED
DEC 07 1992

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

☐ City	☐ Idaho Fish & Game	☐ Irrigation District
☐ County	☐ Idaho Health & Welfare	☐ Canal Company
☐ Reservations	☐ Division of Environment	☐ Other _____

Project impacts/implications report

COMMENTS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 21, 1992

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 NOVEMBER 23, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

JAN 21 1993

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED

JAN 21 1993

22-07752

BLOCK, JOHN D
RT 1 BOX 590 C
VICTOR, ID 83455

Source: UNNAMED SPRING

Tributary: TETON RIVER

Diversion Pt: NESW Sec 29 T 04N 45E in TETON County.

Use: STOCKWATER (.040 CFS)

RECREATION

(1.00 AF)

Total Diversion: (.040 CFS)

(1.00 AF)

Date Filed: 10/ 1/1992

In: TETON County
T04N R45E S29

NESW

MICROFILMED

JAN 21 1993

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before NOVEMBER 23, 1992.

R. KEITH HIGGINSON, Director

Published: 11/ 5/1992 & 11/12/1992

RECEIVED

JAN 21 1993