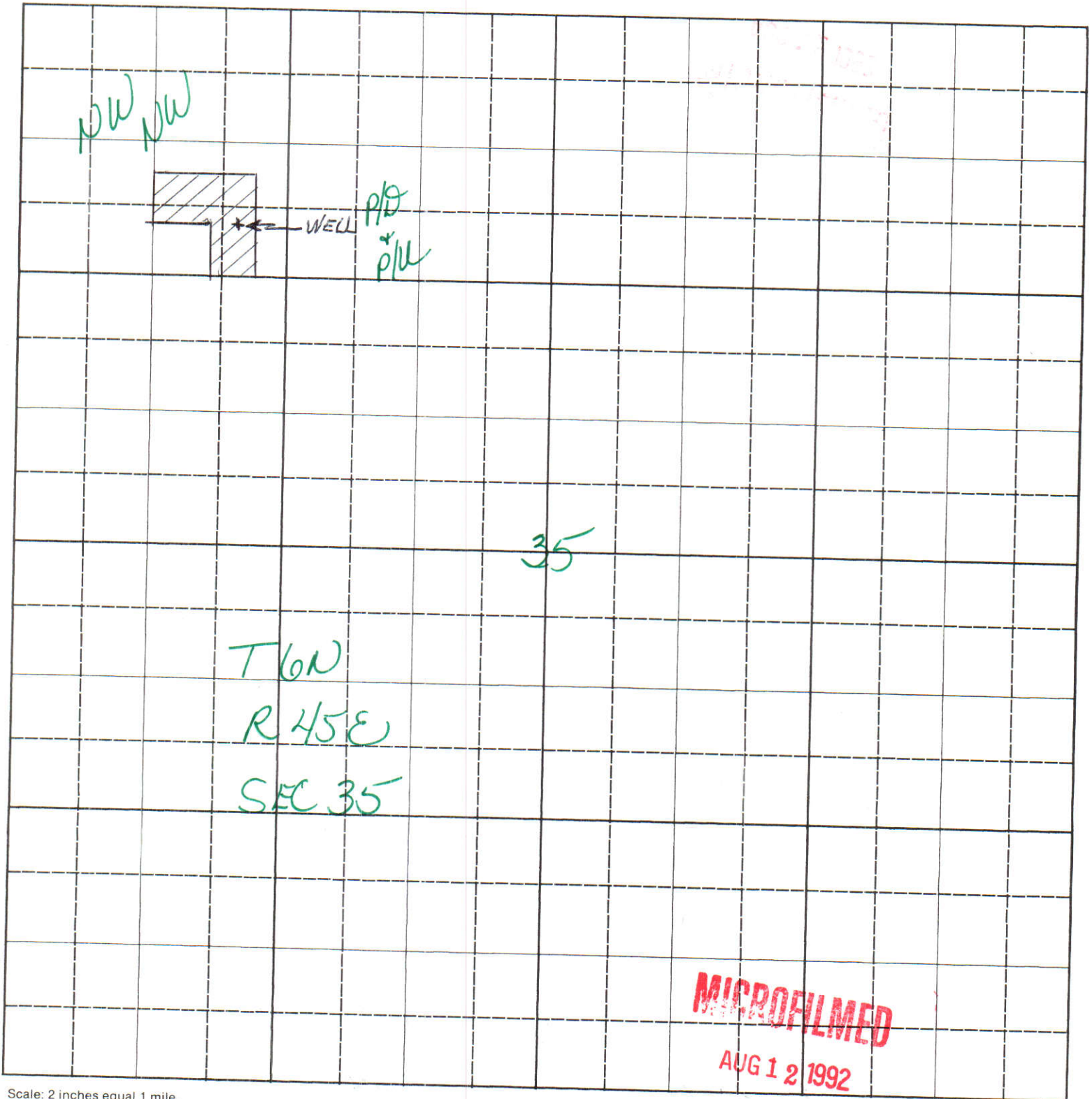


22-7731

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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 Shane R. Bayer, Jr.
(Applicant)

RECEIVED

APR 23 1992

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho)
County of Teton)ss

I, Nadine Loose
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 2nd day of April,
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 Loose

State of Idaho)
County of Teton)

On this 21st day of April
in the year of 1992, before me, a Notary Public,
personally appeared
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 10/1/92

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07731

BOYER SR, HORACE R
PO BOX 196
DRIGGS, ID 83422

Source: GROUNDWATER

Diversion Pt: SENWNW Sec 35 T
06N R 45E in TETON County.

Use: IRRIGATION (.070 CFS)
DOMESTIC (.130 CFS)
Total Diversion: (.200 CFS)

Date Filed: 3/10/1992

In: TETON County
T06N R45E S35 NWNW
5.0 ACRES TOTAL

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 APRIL 20, 1992.

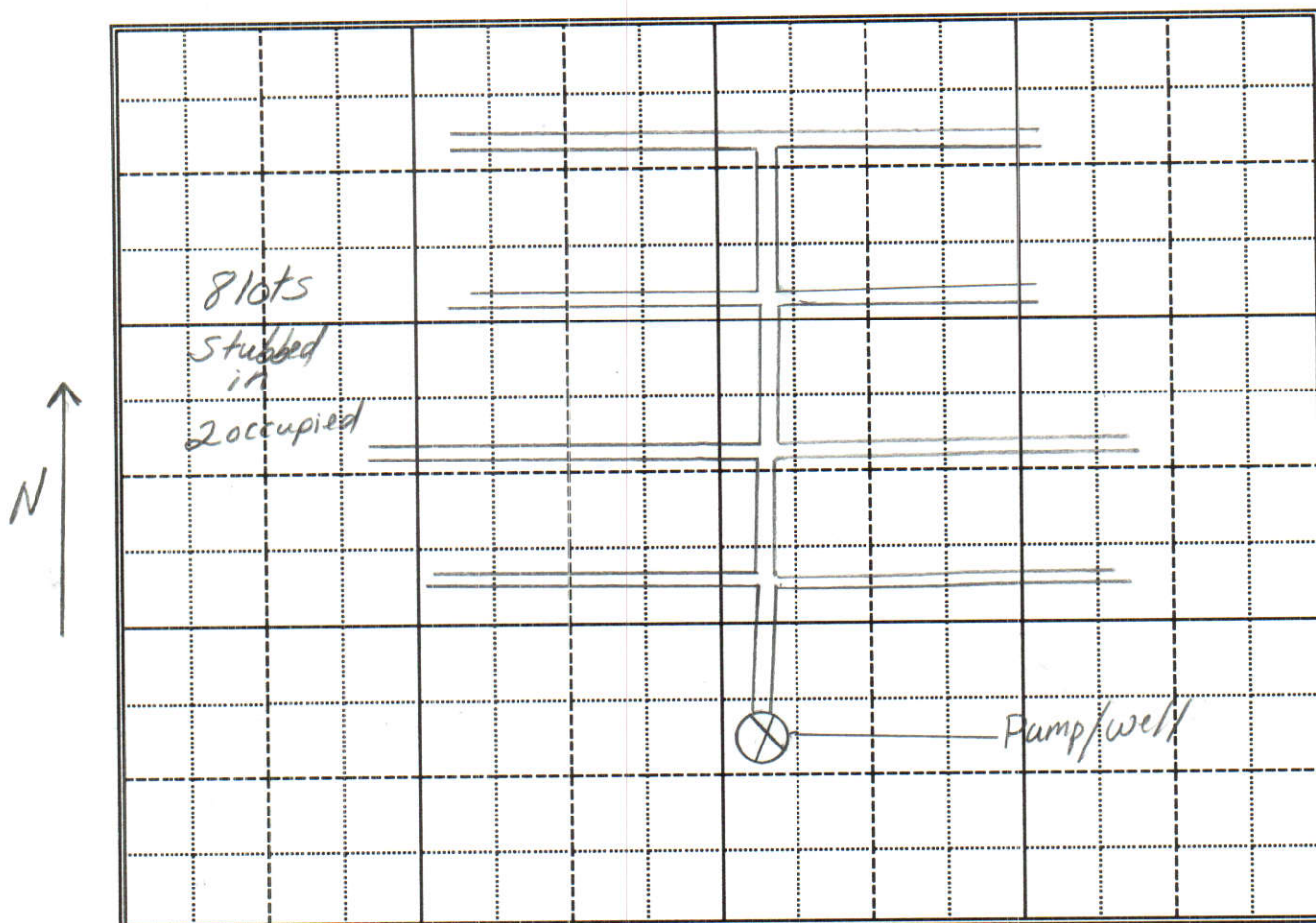
R. KEITH HIGGINSON,
Director

Published in the Teton Valley
News April 2 and 9, 1992.

MICROFILMED

AUG 12 1992

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 Quadrangle 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
	Franklin Electric	3	2823028110	Fairbanks Morse Submersible	

*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
Pressure Gauge					0-60	
Theoretical						

2. Measurements: Operating PSI = 44

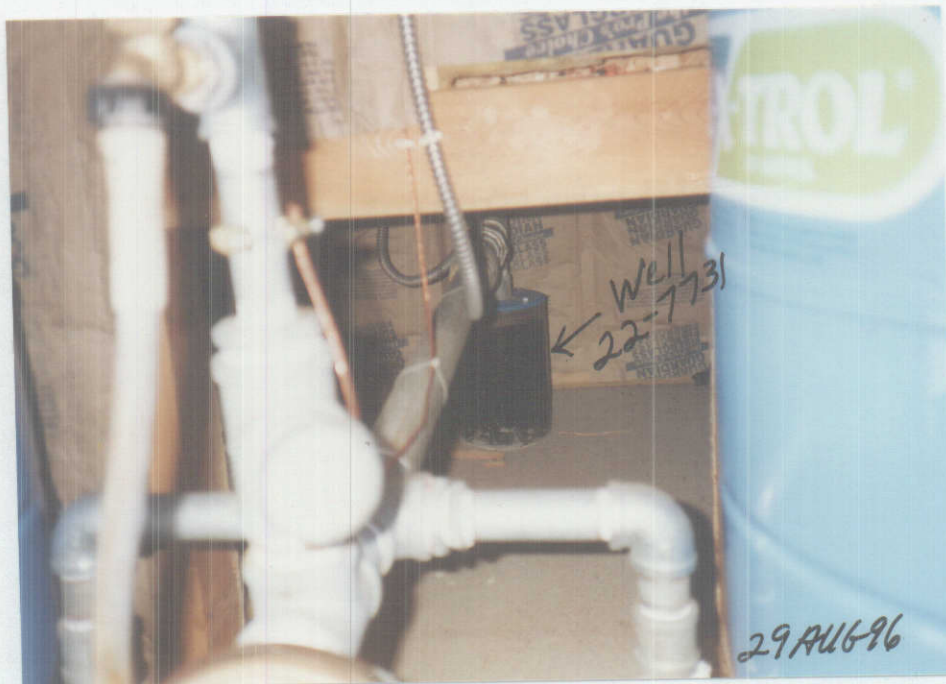
MICROFILMED

OCT 29 1997

Point of Diversion

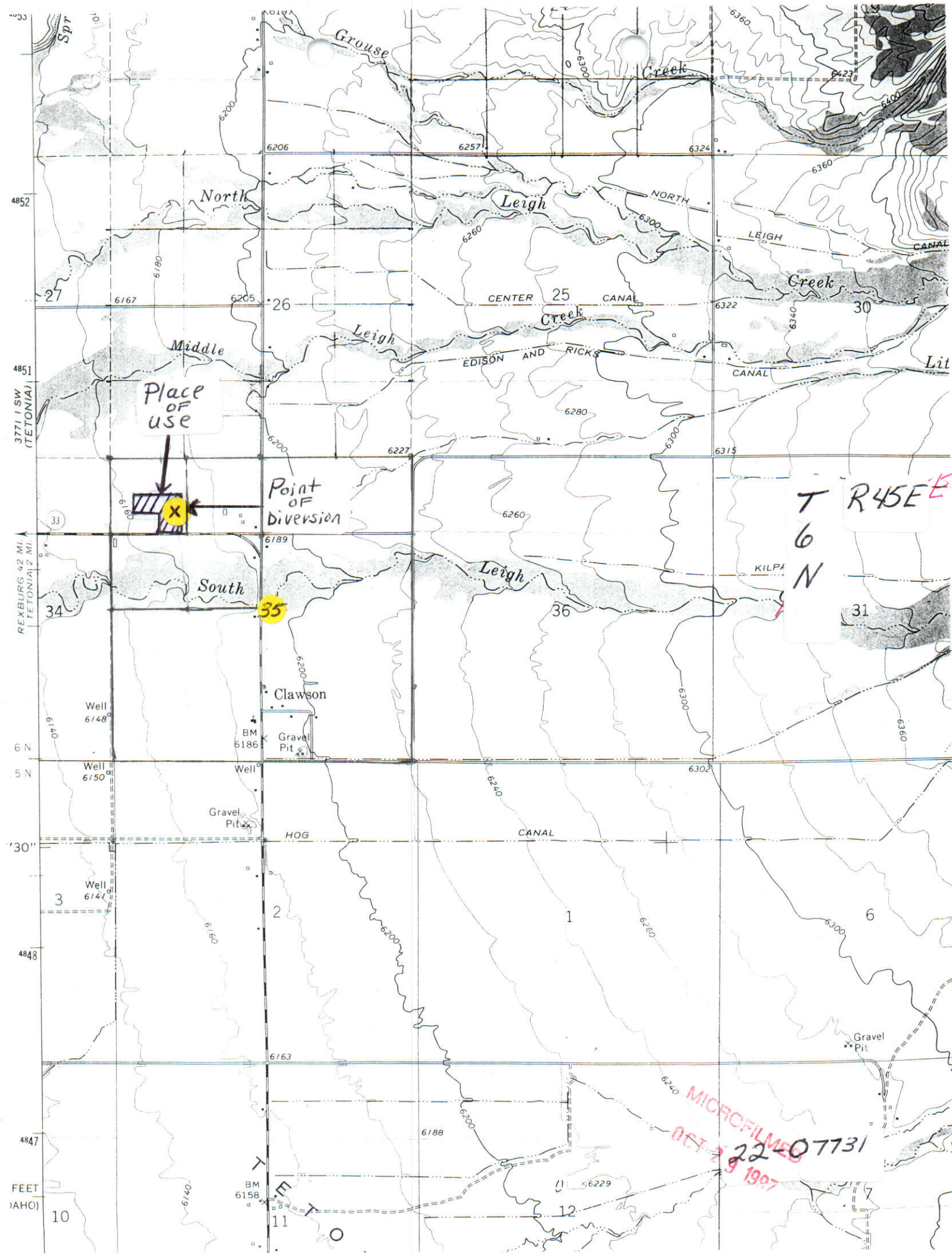


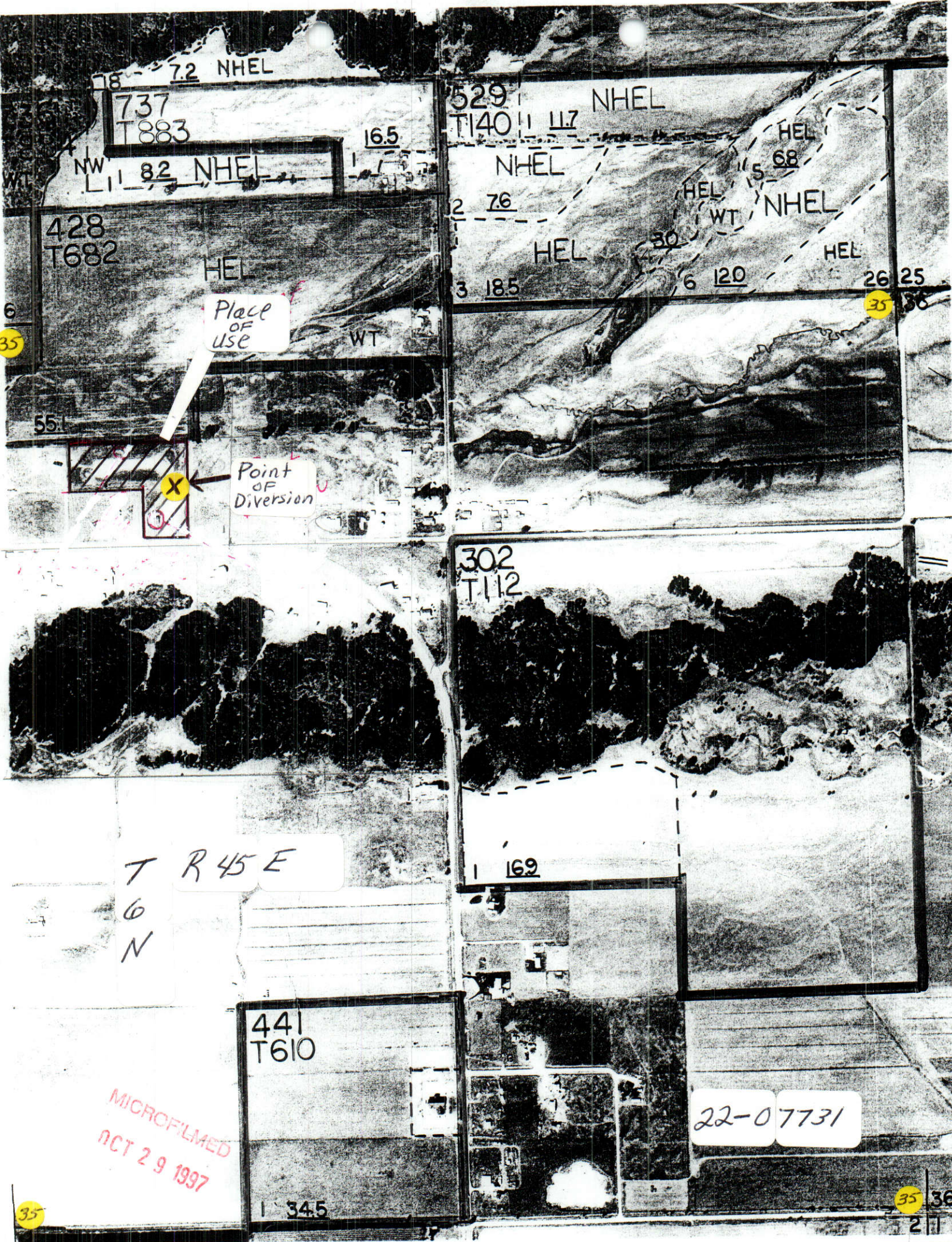
Examiner: Steven Garrison



22-7731

MICROFILMED
OCT 29 1997





State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07731

Priority: March 10, 1992

Maximum Diversion Rate:

0.13 CFS

Maximum Diversion Volume:

9.6 AF

This is to certify, that HORACE R BOYER SR
C/O HORACE R BOYER JR
PO BOX 538
DRIGGS ID 83422

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 10, 1992; and has submitted Proof of Beneficial Use on August 29, 1994. An examination indicates that the works have a diversion capacity of 0.130 cfs of water from a GROUNDWATER 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>
DOMESTIC	01/01 to 12/31	0.13 CFS	9.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 35, Township 06N, Range 45E
TETON County

PLACE OF USE: DOMESTIC

TWN RGE SEC

06N 45E 35

NWNW

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.
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.

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APR 29 1997

State of Idaho
Department of Water Resources

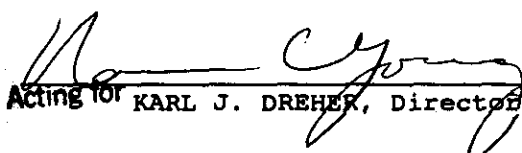
WATER RIGHT LICENSE

WATER RIGHT NO. 22-07731

CONDITIONS OF APPROVAL AND REMARKS

7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
9. Domestic use is for 8 homes within Spring Creek Manor.

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 23RD day of OCTOBER, 19 77.


Acting for KARL J. DREHER, Director

MICROFILMED
OCT 29 1987

STATE OF IDAHO
RECEIVED DEPARTMENT OF WATER RESOURCES

AUG 29 1994

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

1. Permit No. 22-7731 Telephone No. 456-2603

2. Name(s) of Permit Holder(s): HORACE R. BOYER SR

3. Mailing Address: PO. Box 196 DRIGGS, IDAHO 83422

4. Source of Water: Well If GROUNDWATER (well), Date Drilled: mo. Aug / yr. 92

a. Well Driller: DENNING Well Drilling Drilling Permit Number: 22-92-E-110

b. **OPTIONAL:**
Pump Horsepower: 7 1/2 Pressure (psi): 40-60 Dynamic pumping level (ft): 14' 6"

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

8 LOTS
Domestic (No. of households): 2 CURRENTLY Stockwater (No. and type of stock): 0

Irrigation (No. of acres): 0 Other: NONE

6. Total rate of diversion and/or volume for which proof is submitted: — cfs OR — acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☒ or No ☐

Has the measuring device been installed?

Yes ☒ or No ☐

Flow Measurement Port: Is a flow measurement port required?

Yes ☒ or No ☒

Has the measurement port been installed?

Yes ☒ or No ☐

8. Fee Enclosed: \$ — (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: HORACE R. BOYER SR Telephone Number: 456-2603

Address: PO. Box 196 DRIGGS, IDAHO 83422

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

Signature of permit holder: HORACE R. BOYER SR Date: SEP 21 1994
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07731

Proposed Priority: March 10, 1992 Maximum Diversion Rate: 0.20 CFS
This is to certify, that **HORACE R BOYER SR**

PO BOX 196
DRIGGS ID 83422

has applied for a permit to appropriate water from: **GROUNDWATER**
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>
IRRIGATION	04/15 to 10/15	0.07 CFS
DOMESTIC	01/01 to 12/31	0.13 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SENWNW , Sec. 35, Township 06N, Range 45E
TETON County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>				
<u>TWN RGE SEC</u>	<u>ACRES</u>		<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N 45E 35	NWNW 4				4

Total number of acres irrigated: 4

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1994**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
7. Construction of the well must comply with minimum construction standards.

MAILED

AUG 12 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 22-07731

CONDITIONS/REMARKS:

8. 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.
9. 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.
10. The issuance of this right in no way grants any right-of-way or easement across the land of another.
11. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
12. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.
13. The domestic use authorized under this permit shall not exceed 13,000 gallons of water per day per dwelling.
14. Place of use is also known as Spring Creek Manor.
15. Domestic use is for 8 homes.

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

6th day of August, 1992

R. Keith Higginson
for R. Keith Higginson, Director

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AUG 12 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Horace R. Boyer Sr. Phone 456-2603
Post office address 94 West STATE HWY # 33 Driggs, ID
83422
2. Source of water supply underground which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 35 Township 6 N Range 45E B.M. Teton County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount ^{.13} ~~.03~~ for Domestic purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount ^{.07} ~~.03~~ for Irrigation purposes from MAY 15 to OCT 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) ^{.20} ~~.06~~ cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 8" well

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 8" inches; proposed depth of well is 100 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
2 years (minimum 1 year).

RECORDED

AUG 12 1992

NO

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 8 Small homes
- e. Other; describe fully. Irrigation

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	
<u>6N</u>	<u>45E</u>	<u>35</u>					<u>5</u>												<u>5 AC</u>
							<u>4/8</u>												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

Irrigation from ditch

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

b. Who owns the land to be irrigated or place of use? Horace Bayer - Spring Creek Manor

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: _____

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AUG 12 1992

*Jim has
Gary*

Post-It™ brand fax transmittal memo 7671		# of pages > 3
To: Brenda Miller	From: KENT C. Wilson	
Co: IDWR	Co: IDWR - Eastern	
Dept: Water Allocations	Phone: 525-7161	
Fax: 327-7866	Fax: 525-7177	

MEMORANDUM

TO: File No. 22-07731 in the Name of Horace R. Boyer Sr.
FROM: Gary Spackman *Gary*
DATE: July 9, 1992

I have reviewed application no. 22-7731 and the information submitted by the applicant. If the irrigation component of the application is reduced to four acres, I find that it qualifies for the domestic exemption. We should process the application.

cc: Horace Boyer

201 1001111111
AUG 12 1992

Ident. No. 22-07731

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES*BLW amended*

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: HORACE R BOYER SR
Address: PO BOX 196
DRIGGS ID 83422

208-456-2603

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion:

SENNW Sec. 35, Township 06N, Range 45E
TETON County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	~~06/15~~	~~10/01~~			0.070
DOMESTIC	01/01	12/31			0.130

5. Total quantity to be appropriated is:

0.200 CFS (and/or)

AF

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMPb. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.c. Proposed well diameter is 8 inches; proposed depth of well is 100
feet.

d. Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.

8. Description of proposed uses:

IRRIGATION AND DOMESTIC

9. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
06N 45E 35	NNW 4			4

Total number of acres irrigated:

4

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AUG 12 1992

Ident. No. 22-07731
Page 2

Place of Use: DOMESTIC, same as IRRIGATION use

10. Describe any other water rights used for the same purposes.

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:

Domestic use is for 8 homes.

13. 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.


Applicant

Received by KCW Date 3Au, 92 Time 1105 Preliminary check by _____

Fee \$ 30⁰⁰ Receipted by _____ # E017021 Date 3-10-92

Publication prepared by _____ Date _____ Published in _____

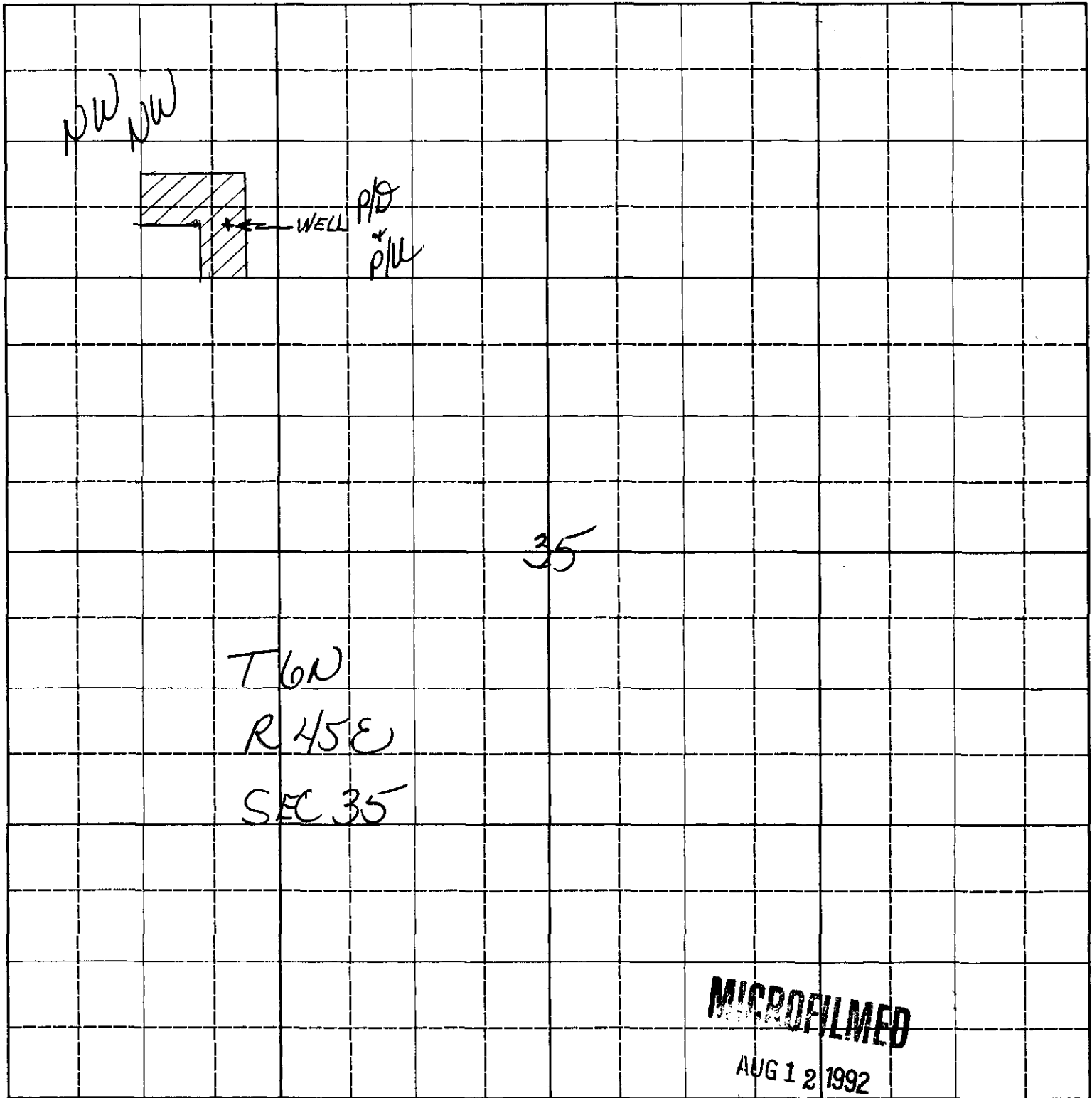
Publication approved _____ Date _____

MISSFILMED

AUG 12 1992

22-7731

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

James R. Boyer, Jr.
(Applicant)

Received by LB Date 3-10-92 Time 2:00 Preliminary check by _____
Fee \$ 30⁰⁰ Receipted by HWJ # E017021 Date 3-10-92
Publication prepared by LB Date 4-29-92 Published in Teton Valley News
Publication approved LB Date 4-29-92

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:

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AUG 12 1992

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APR 23 1992

Department of Water Resources
Eastern District Office

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 2nd day of April,
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 Soose

State of Idaho)

County of Teton)

On this 21st day of April
in the year of 1992, before me, a Notary Public,
personally appeared
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 10/1/92

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07731

NAME OF APPLICANT

DATE OF FILING

Source: GROUNDWATER

Diversion Pt: SENWNW Sec 35
R 45E in TETON County

Use: IRRIGATION (.070 CFS)
DOMESTIC (.130 CFS)
Total Diversion: (.200 CFS)

Date Filed: 3/10/1992

In: TETON County
TOWN R45E S35 NWNW
5.0 ACRES TOTAL

The permit(s) will be subject to
all prior water rights. Permits must
be filed with the Director, Dept.
of Water Resources, Eastern
Region, 150 Shoup Avenue, Suite
11, Idaho Falls, Idaho 83402 on or
before APRIL 20, 1992.

R. KEITH HIGGINSON,
Director

Published in the Teton Valley
News April 2 and 9, 1992.

RECEIVED
AUG 12 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

October 23, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HORACE R BOYER SR
C/O HORACE R BOYER JR
PO BOX 538
DRIGGS ID 83422

RE: WATER RIGHT NO. 22-07731

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.

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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.

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.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

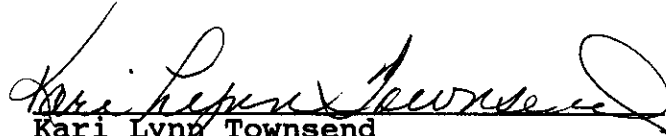
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of October, 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. 22-07731

HORACE R BOYER SR
C/O HORACE R BOYER JR
PO BOX 538
DRIGGS ID 83422


Kari Lynn Townsend
Secretary

OCT 29 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07731

DATE 10/17/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>—</u> <i>C/O Jr.</i>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<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>.20</u> cfs	
Fee limit	<u>.04</u> cfs NO FEE PD.	<i>request fee</i>
Measured	<u>—</u> cfs	
Theoretical	<u>.13</u> cfs	<i>even 50 psi and 30' lift = .13</i>
		Recommended Total Div Rate <u>.13</u> cfs

ANNUAL VOLUME/ NATURE OF USES

<u>✓</u> Use	cfs	Volume Calc
<u>Dom.</u>	<u>.13</u>	<u>8 x 1.2 = 9.6</u> af
<u>—</u>	<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u>	<u>—</u> af
SUBTOTAL	<u>.13</u>	<u>9.6</u> af

Flow rate .13 cfs X 365 days X 1.98 = 94.0 af
 Total volume recommended 9.6 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

18 homes. Plu aka Spring Creek
Homes

CONDITIONS

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

Advancement of Priority Date Required — yes — no

048, 049, 070, 071

SRBA Claim Filed NA
 Adjustment Memo —

1st Amend Letter NA
 2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

SEP 11 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7731

1. Owner: Horace R. Boyer, Jr. Et.al. Phone No. 456-2753
 Mailing
 Current Address: P.O. Box 538, Driggs, ID. 83422
2. Accompanied by: Leah Boyer EXAM DATE: 29 AUG 96
 Residence
 Address: 1605 Boyer Lane, Driggs, ID 83422 Phone No.
- Relationship to Permit Holder: Spouse
3. Source: Groundwater tributary to

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:**

[illegible]

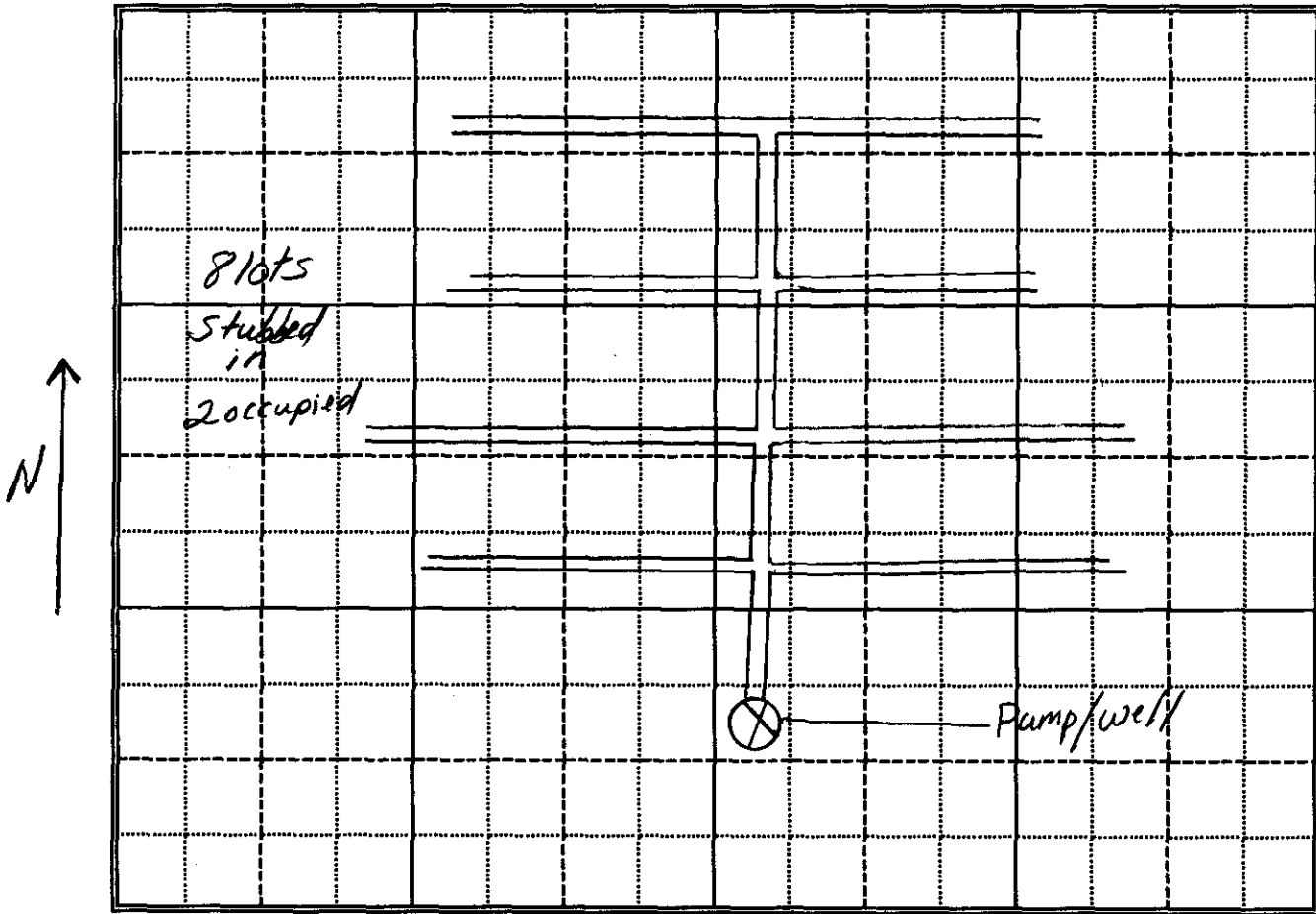
- 2. Place(s) of Use:**

Indicate Method of Determination *on site*

[illegible]

OCT 29 1997

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 Quadrangle 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
	Franklin Electric	3	2823028110	Fairbanks Morse Submersible	

*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
Pressure Gauge					0-60	
Theoretical						

2. Measurements: Operating PSI = 44

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OCT 29 1997

E. NARRATIVE/REMARKS/COMMENTS

- * Note: Original applicant was Horace R. Boyer, Sr., whom has since moved to Minnesota. He originally filed for 4 acres irrigation for 0.07 CFS and domestic use for 0.13 CFS. The Proof of Beneficial Use amended the Permit only asking for water use for 8 lots, 2 currently occupied.
- * There is no irrigation and according to Len Boyer, there will not be any in the future.
- * Horace Boyer, Sr. has sold most of the 8 lots off. Horace Boyer, Jr. occupies one of the two homes on the property. He is in the process of purchasing an additional, leaving him with 2 of the 8 lots. Hugh and Rodee Rodgers own 1 lot. Steven Boyer, the brother of Horace Boyer, Jr. owns 1 lot. Two (2) of the lots are owned by a couple from Maryland. There are two (2) remaining lots for sale of the 8 original lots. * All 8 lots are stumped in.

for Theoretical $HP = 3$

$PSI = 44$

$Eff = 70\%$

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

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OCT 29 1987

F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{Theoretical}} = \frac{3 \text{ HP}(8.814) \cdot 7 \text{ eff}}{42 \text{ lift} + (44 \text{ PSI} \times 2.308)} = 0.13 \text{ cfs.}$$

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:

$$8 \text{ houses (potential)} \times 1.2 \text{ cfs} = 9.6 \text{ cfs}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>1-1</u>	<u>12-31</u>	<u>0.13</u>	<u>9.6</u>
Totals:			<u>0.13 cfs</u>	<u>9.6</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 Steven Garrison Date 29 AUG 96

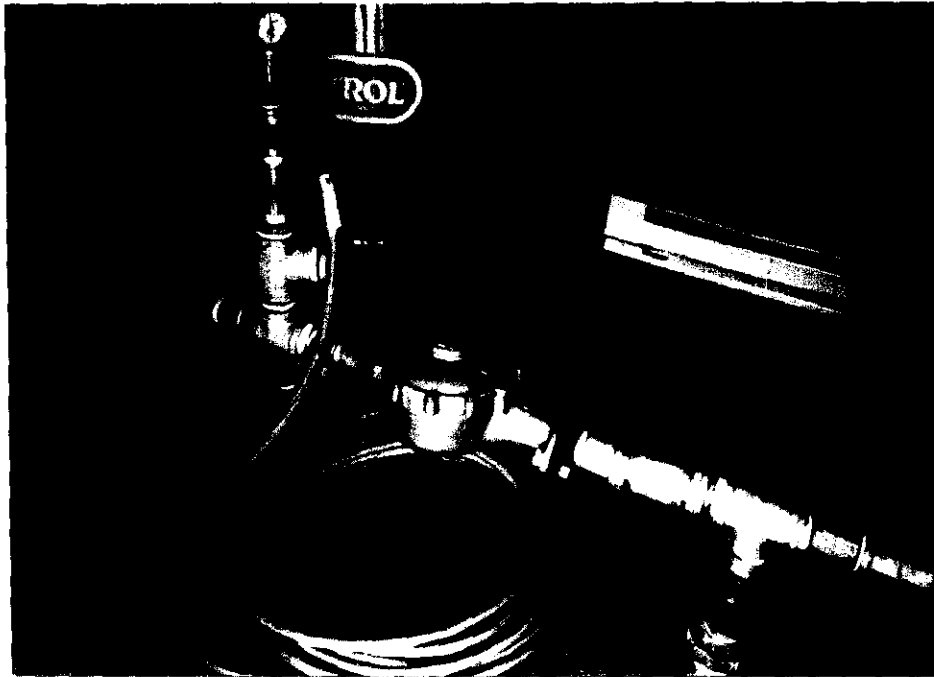
Reviewer _____ Date _____

SEAL

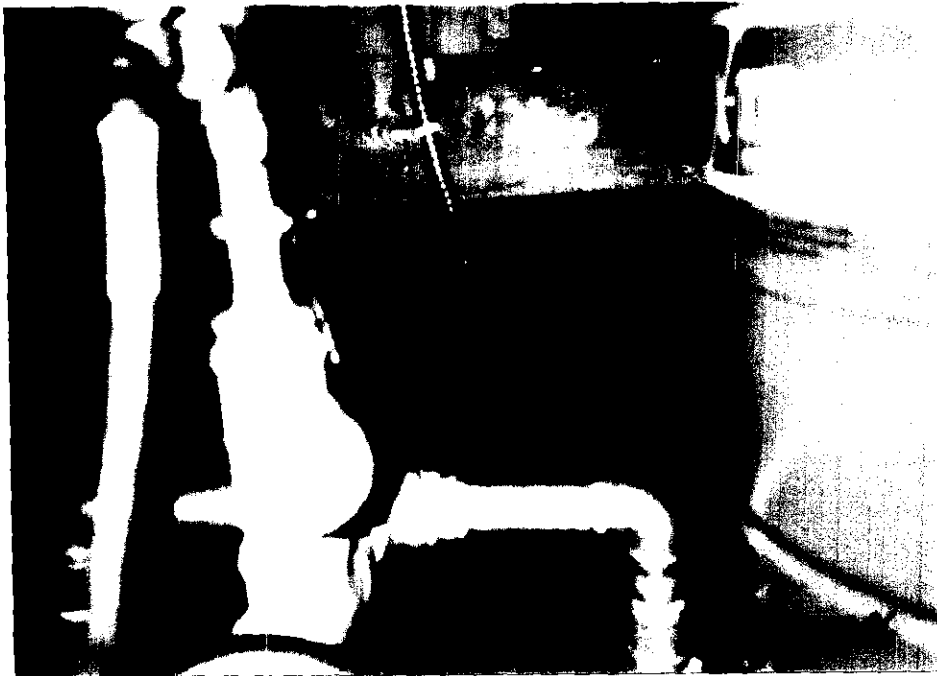
MICROFILMED

OCT 29 1997

Point of Diversion



Examiner: Steven Garrison



22-7731

RECORDED
OCT 29 1987

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp) (8.814) (Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{3}$$

$$Eff = \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%)$$

$$\text{Lift: (Static Level + Assumed Draw down)}$$

$$\text{Static Water Level} = \underline{12} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{30} \text{ ft.}$$

$$\text{Lift} = \underline{42}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{44} \text{ psi}$$

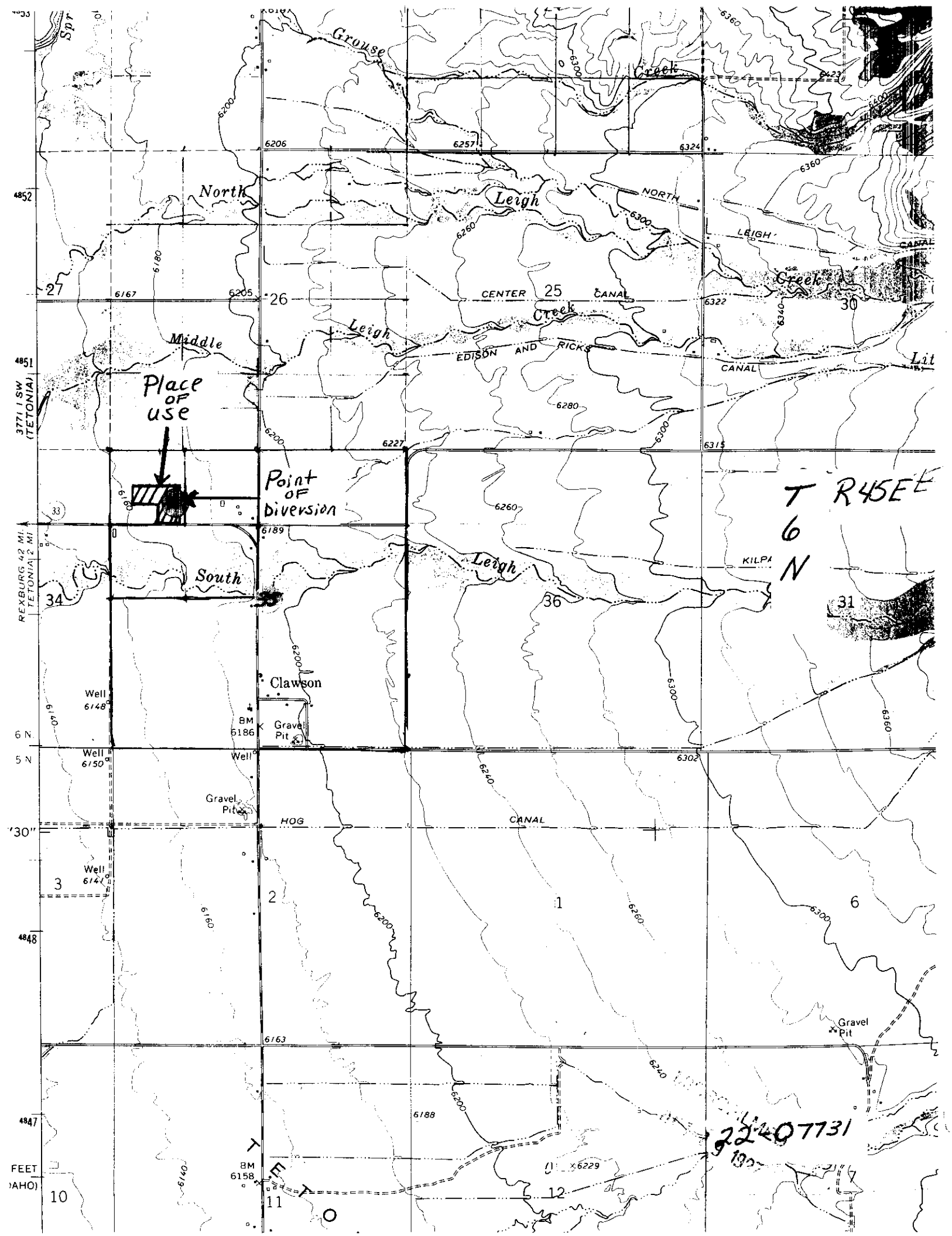
$$Q_{cfs} = \left[\frac{3}{Hp} \times 8.814 \times \frac{.7}{eff} \right] \div \left[\frac{42}{Lift} + \left(\frac{44}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{18.5094} \right] \div \left[\underline{143.552} \right]$$

$$Q_{cfs} = \underline{0.13} \text{ cfs}$$

MICROFILM
OCT 28 1977

PERMIT NO. 22-7731



72 NHEL

737
T883

NW 82 NHEL

165

Place
OF
USE

Point
OF
Diversion

529
T140 11.7 NHEL

NHEL

2 76

NHEL

NHEL

WT

NHEL

NHEL

120

26 25

302
T112

1 162

T R 45 E

6
N

441
T610

22-07731

DET 2 8 337

Permit No. 22-7731 Reviewed by [Signature] Date 9/14/94

Dom.

Correct Uses? yes

Drilling Permit No. 22-92-E-0110
 Permit 1165 Correct?

yes Required?
yes Installed?
Waiver requested?

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

Proof accepted

New Address ~~_____~~
~~_____~~

Proof Made 8/29/94

September 15, 1994

HORACE R BOYER SR
PO BOX 196
DRIGGS ID 83422

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07731

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,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
SEP 21 1994

SEP 21 1994

June 30, 1994

HORACE R BOYER SR
PO BOX 196
DRIGGS ID 83422

PROOF DUE NOTICE

RE: PERMIT NO. 22-07731

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, 1994. (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.

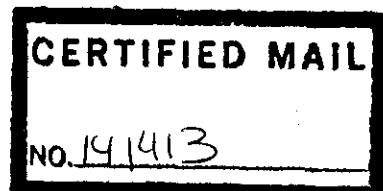
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

SEP 21 1994





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

August 7, 1992

HORACE R BOYER SR
PO BOX 196
DRIGGS ID 83422

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07731

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. **APPROVED** as far as possible from surface water channels and casing your well

AUG 12 1992

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

MAILED

AUG 12 1992

APPLICATION FOR PERMIT REVIEW

Application #: 22-773/ Date: 8-3-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

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

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- NMR <fl ch>, A of C SNAKE RIVER BASIN
LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99
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 - 005, 005-01H-P01(LT.2 w/pump)
005-01J-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(restricted areas)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: -
Other Conditions Recommended

09-01-1994
Intermittent 1/2 acre domestic remark,
13,000 gallon limit. -
Subdivision - use 500' limit

MEMORANDUM

TO: File No. 22-07731 in the Name of Horace R. Boyer Sr.
FROM: Gary Spackman *Gary*
DATE: July 9, 1992

I have reviewed application no. 22-7731 and the information submitted by the applicant. If the irrigation component of the application is reduced to four acres, I find that it qualifies for the domestic exemption. We should process the application.

cc: Horace Boyer

MICROFILMED

AUG 12 1992

RECEIVED
JUN 1 1992

Department of Water Resources
28 MAY 1992

FROM: HORACE R. BOYER SR.
P.O. BOX 196
DRIGGS, ID 83422

(208) 456-2603

TO: IDWR

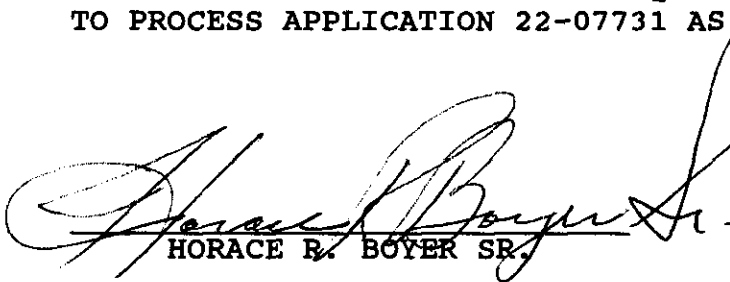
SUBJECT: REMOVAL OF MORATORIUM FOR APPLICATION 22-07731

I WISH TO CHANGE APPLICATION 22-07731 TO READ THAT THE MAXIMUM IRRIGATION WILL BE FOR 4 ACRES AT THE CURRENT APPLICATION RATE OF 0.07 CFS.

UNDER ITEM 5 OF THE MORATORIUM PERMITS SEEKING WATER FOR MULTIPLE OWNERSHIP SUBDIVISIONS WILL BE CONSIDERED PROVIDED THAT EACH UNIT SATISFIES THE DEFINITION FOR THE EXCEPTION OF REQUIREMENT TO FILE AN APPLICATION FOR PERMIT AS DESCRIBED IN SECTION 42-111.

APPLICATION 22-07731 WITH EIGHT(8) SINGLE FAMILY DOMESTIC HOMES WOULD QUALIFY FOR THIS EXEMPTION WITH 1/2 ACRE OF IRRIGATION PER HOME FOR UP TO 4 ACRES.

PLEASE CONSIDER THIS MEMO A REQUEST TO CHANGE THE APPLICATION AND TO PROCESS APPLICATION 22-07731 AS SOON AS POSSIBLE.


HORACE R. BOYER SR.

RECEIVED

AUG 12 1992

1. Drilling Permit

2

2. Police Return

4. Post 1976 Wtr Users -
formal order

4. 1. Logistics

letter - to start off
not ~~at~~ certified

non-compliance -

no helicopter -

\$600/hr for rental

x
Clear

Conditional warning on Drilling Permits
state office approval

Details needed.

Conditions of approval.

MICROFILMED

AUG 12 1992

30-Apr-1992

HORACE R BOYER SR
94 W STATE HWY #33
DRIGGS ID 83422

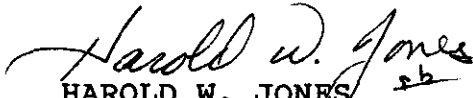
RE: App. for Permit No. 22-7731

Dear Mr. Boyer:

This letter is to advise you that the protest filed by Homer E. Kunz against approval of the above referenced application has been withdrawn. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,


HAROLD W. JONES ^{sb}
Water Rights Supervisor

HWJ/rb

MICROFILMED

AUG 12 1992

30-Apr-1992

HOMER E KUNZ
VICTOR ID 83455

RE: App. for Permit No. 22-7731

Dear Mr. Kunz:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


HAROLD W. JONES
Water Right Supervisor

HWJ/rb

AUG 12 1992

Daiggs, Idaho
April 25, 1992

Dear Sirs

Enclosed you will find Mr. Kung
withdraw of protest for the
well which I hope applied for.
Hoping this meets the Requirements of
your Department, If so Please
Process as soon as possible

Thanking you
in advance
Frank Boyer Sr.

attached: Letter of
withdraw

MICROFILMED

AUG 12 1992

RECEIVED

APR 27 1992

Department of Water Resources
Eastern District Office

April 8-1992

Dept. of Water Resources

150 Shoup - #15

Idaho Falls - Id. 83402

I, Homer E. Kung hereby do wish
to file a protest again the attached
P.O. Box 196 - Ariga, Id. - 83422
(Domestic Wells - .130 CFS - OK) but
No additional acreage at all -

Homer E. Kung
Patterson Cr. Ranch Victor Id. 83455

RECEIVED

APR 08 1992

Department of Water Resources
Eastern District Office

IX 196
SS, ID 83422

22-7731

GROUNDWATER

ion Pt: SENWNW Sec 35 T
45E in TETON County.

RRIGATION (.070 CFS)
ESTIC (.130 CFS)
Diversion: (.200 CFS)

Filed: 3/10/1992

TETON County
R45E S35 NWNW
CRES TOTAL

e permit(s) will be subject to
for water rights. Protests must
led with the Director, Dept.
Water Resources, Eastern
on, 150 Shoup Avenue, Suite
daho Falls, Idaho 83402 on or
re APRIL 20, 1992.

EITH HIGGINSON

OT 3

ublished in the Teton Valley
s April 2 and 9, 1992.

Protest
all wells
except
calmery those
wells
Homer
Kung

MICROFILMED

AUG 12 1992

22 April 8: PM - 1992

I, Homer E Kunz, having met this day with
Arnold Woolstenhulme. Concerning a permit
to Drill a domestic well - covering six lots
Horace R. Boyer, Jr - owner - who will stay
within 5 acres including 6 residences -

I do hereby withdraw my Protest as
long as the above limitations are met -

signed - Homer E. Kunz
Patterson Cr. Road -
Victor, Ida -
Ph. 787 - 2748

Protest withdrawn on
22-07731.
HWT

RECORDED

AUG 12 1992

RECEIVED

APR 27 1992

Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

13-Apr-1992

HORACE R BOYER SR
94 W STATE HWY 33
DRIGGS ID 83422

Dear Mr. Boyer:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 22-7731. 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

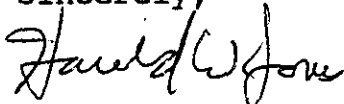
AUG 12 1992

Horace R. Boyer Sr.
13-Apr-1992
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.

RECEIVED
AUG 12 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

13-Apr-1992

HOMER E KUNZ
VICTOR ID 83455

RE: Application for Permit No. 22-7731
Horace R. Boyer Sr.

Dear Mr. Kunz:

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 application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application 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?

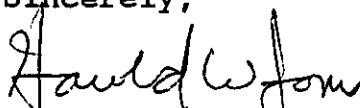
MICROFILMED
AUG 12 1992

Homer E. Kunz
13-Apr-1992
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

NOT RECORDED
AUG 12 1992

DRIGGS, ID. 83422

22-7731

Source: GROUNDWATER

Diversion Pt: SENWNW Sec 35 T
06N R 45E in TETON County.

Use: IRRIGATION (.070 CFS)
DOMESTIC (.130 CFS)
Total Diversion: (.200 CFS)

Date Filed: 3/10/1992

In: TETON County
T06N R45E S35 NWNW
5.0 ACRES TOTAL

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 APRIL 20, 1992.

R. KEITH HIGGINSON,
Director

Published in the Teton Valley
News April 2 and 9, 1992.

*Protest
all wells
except those
primary
wells
Homer
Kings*

April 8-1992

Dept. of Water Resources

150 Group - #15

St. Charles Falls - Id. 83402

AUG 12 1992

I, Homer E. Kung hereby do wish
to file a protest again the attached
P.O. Box 196 - Driggs, Id. 83422
(Domestic Wells - .130 CFS - OK) but
No additional acreage at all -

Homer E. Kung
Patterson Cr. Ranch - Victor Id. 83455

RECEIVED

APR 08 1992

Department of Water Resources
Eastern District Office

Dist. for staffing: 13-Mar-1992
Submitted for advertising: 3-16-92

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: James J. Juma **DATE:** 15 March 92 **APPLICATION NO.** 22 7731
APPLICANT NAME: BOYER, HORACE R.

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
MAY 6 1992

Department of Water Resources

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 4-20-92
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations, attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 3-10-92
By HWT Date 5-1-92

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Condition: OLG

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 <u> </u>

Project impacts/implications report

COMMENTS

30-Mar-1992

HORACE R BOYER
94 W STATE HWY 33
DRIGGS ID 83422

RE: Application No. 22-7731

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 4-2 & 9-92. 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 Rights Supervisor

HWJ/rb

RECEIVED

AUG 12 1992

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

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 25, 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 APRIL 20, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

AUG 12 1992

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

AUG 12 1982

22-07731

BOYER SR, HORACE R
PO BOX 196
DRIGGS, ID 83422

Source: GROUNDWATER

Diversion Pt: SENWNW Sec 35 T 06N R 45E in TETON County.

Use: IRRIGATION	(.070 CFS)
DOMESTIC	(.130 CFS)
Total Diversion:	(.200 CFS)

Date Filed: 3/10/1992

In: TETON County
T06N R45E S35 NWNW

5.0 ACRES TOTAL

MICROFILMED

AUG 12 1992

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 APRIL 20, 1992.

R. KEITH HIGGINSON, Director

Published: 4/ 2/1992 & 4/ 9/1992

MICROFILMED

AUG 12 1992



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

224 South Arthur, Pocatello, ID 83204-3202, (208) 236-6160

Cecil D. Andrus, Governor Richard P. Donovan, Director

September 25, 1991

Mr. Horace Boyer Sr.
94 W. State Hwy. # 33 P.O. Box 1196
Teton, ID 83452 Driggs, ID 83422

RE: Spring Creek Manor WELL SITE APPROVAL.

Dear Mr. Boyer:

This letter will confirm our conversation at the well site on the afternoon of September 24, 1991. The enclosed copy of part of the plat gives the location of the well lot. I remind you that the well must be located at least 50 feet from the nearest well lot boundary and at least 50 feet from the irrigation ditch. The plat shows the well too close to the irrigation ditch.

As we discussed, the area around the well will need to be filled about two feet to make sure the finished ground slopes away from the well in all directions.

THE SPRING CREEK MANOR WELL SITE IS APPROVED.

I remind you that this approval does not include the water system. Except for the well, no construction on the water system may begin until the plans and specifications have been approved by this office.

If you have any questions or if we can be of help to you, please call 236-6160.

Sincerely,

Elmer W. "Bill" Smith, P.E.
Water Quality Engineer

EWS:ews

cc: Henry Moran, IDHW-DEQ, Poc
Bill Skinner, District 7 Health Dept., St Anthony
Arnold Woolstenhulme, AW Engineering, Victor

AUG 12 1991



October 24, 1991

Mr. Horace Boyer
44 West State Highway 33
Tetonia, Idaho 83452

RE: Spring Creek Manor

Dear Mr. Boyer:

The plans and specifications for the referenced water supply facilities appear to meet State standards and are therefore approved. Our approval is for design only; final system approval is given after it is established that the system is operating properly.

Deviations from the approved plans that might result in violations of Idaho Regulations must be reviewed by this office prior to field installation. This office must also be kept informed of the scheduling of all construction phases so that spot inspections can be made as necessary.

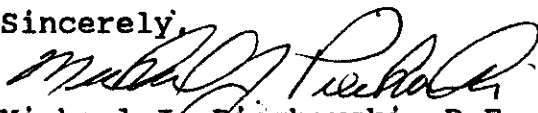
This approval will expire November 1, 1992. If construction is not complete by the expiration date, plans will need to be resubmitted for approval before further construction proceeds.

Within 30 days after construction, a professional engineer registered in the State of Idaho must provide this office with as-built plans, or a letter of certification stating that the project was installed substantially according to the approved plans.

Please note that all items pertaining to well location discussed by Mr. Bill Smith in his letter to you dated September 25, 1991 must be strictly adhered to.

If you have any questions, please do not hesitate to contact this office (236-6160).

Sincerely,


Michael J. Piechowski, P.E.
Water Quality Engineer

MJP/mjp

cc: Henry Moran, IDHW-DEQ, Poc.
Bill Skinner, Dist. 7 Health, St Anthony
Arnold Woolstenhulme, AW Engineering, Victor

AGS:2