



PROJECT: 2001-2002 TRAIL CREEK SUBDIVISION
OWNER: KINCAID CONSTRUCTION
DATE: 07/23/02

NOT TO SCALE
1/2" = 1' FOR CONTOUR INTERVALS
WITH ELEVATIONS SHOWN ON LINES

Trail Creek Springs
OWNER/DEVELOPER: KINCAID CONSTRUCTION



TABLE 1: ELEVATION DATA

POINT	ELEVATION
1	101.00
2	101.00
3	101.00
4	101.00
5	101.00
6	101.00
7	101.00
8	101.00
9	101.00
10	101.00
11	101.00
12	101.00
13	101.00
14	101.00
15	101.00
16	101.00
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29	101.00
30	101.00
31	101.00
32	101.00
33	101.00
34	101.00
35	101.00
36	101.00
37	101.00
38	101.00
39	101.00
40	101.00
41	101.00
42	101.00
43	101.00
44	101.00
45	101.00
46	101.00
47	101.00
48	101.00
49	101.00
50	101.00
51	101.00
52	101.00
53	101.00
54	101.00
55	101.00
56	101.00
57	101.00
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66	101.00
67	101.00
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69	101.00
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73	101.00
74	101.00
75	101.00
76	101.00
77	101.00
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79	101.00
80	101.00
81	101.00
82	101.00
83	101.00
84	101.00
85	101.00
86	101.00
87	101.00
88	101.00
89	101.00
90	101.00
91	101.00
92	101.00
93	101.00
94	101.00
95	101.00
96	101.00
97	101.00
98	101.00
99	101.00
100	101.00

TABLE 2: ELEVATION DATA

POINT	ELEVATION
1	101.00
2	101.00
3	101.00
4	101.00
5	101.00
6	101.00
7	101.00
8	101.00
9	101.00
10	101.00
11	101.00
12	101.00
13	101.00
14	101.00
15	101.00
16	101.00
17	101.00
18	101.00
19	101.00
20	101.00
21	101.00
22	101.00
23	101.00
24	101.00
25	101.00
26	101.00
27	101.00
28	101.00
29	101.00
30	101.00
31	101.00
32	101.00
33	101.00
34	101.00
35	101.00
36	101.00
37	101.00
38	101.00
39	101.00
40	101.00
41	101.00
42	101.00
43	101.00
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62	101.00
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85	101.00
86	101.00
87	101.00
88	101.00
89	101.00
90	101.00
91	101.00
92	101.00
93	101.00
94	101.00
95	101.00
96	101.00
97	101.00
98	101.00
99	101.00
100	101.00

- REMARKS: CORNER
- LOT CORNER
- ROAD POINT
- PROPERTY BOUNDARY
- ROAD CENTERLINE
- BOUNDARY SETBACK LINE
- LOW ENGINEERING 100 YEAR FLOOD LINE
- TRAIL 100 YEAR FLOOD LINE
- WILSON CENTERLINE
- PROPOSED BUILDING LOCATION
- DEPRESSED VENTILATION

RECEIVED

MAY 13 2002

Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

I, Barbara Gibson being first duly sworn, depose and say that I am the Art Director 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 Public Notice Application Kincaid

And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 18th day of April, 2002. 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.

Barbara Gibson

Signature

State of Idaho)
)
County of Teton)

On this 18th day of April, 2002, before me, a Notary Public, personally appeared Barbara Gibson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements there-in are true, and acknowledged to me that he/she executed the same.

Bonnie Zohner

Notary Public for Idaho
Residing at Driggs Idaho
My commission expires 4/01/2004

Public Notice

The following application have been filed to appropriate the public waters of the State of Idaho: 22-13221 Robert F. Kincaid P.O. Box 530 Victor, ID 83455 Point(s) of Diversion: SENW S11 TO3N R45 E, Teton County Source: Trail Creek, Tributary to Teton River Use: Recreation 01/01 to 12/31 1.9 CFS Use: Recreation Storage 01/01 to 12/31 3 AFA Total Diversion: 1.9 CFS 3 AFA Date Filed: 04/04/02 Place of Use: Recreation and Recreation Storage TO3N R45E S11 SENW Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline Dr. Ste. A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 for each application on or before May 6, 2002. The protestant must also send a copy of the protest to the applicant. Karl J. Kreher, Director

Published in the Teton Valley News
April 18 and April 25, 2002.



MICROFILMED
AUG 15 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-13221

Priority: 04/03/2002

Maximum Diversion Rate: 1.90 CFS

This is to certify, that ROBERT F KINCAID
PO BOX 530
VICTOR ID 83455

has applied for a permit to appropriate water from:

Source: TRAIL CREEK

Tributary: TETON RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	1.90 CFS	
RECREATION STORAGE	01/01 to 12/31		3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

TRAIL CREEK SE¼NW¼ Sec. 11, Twp 03N, Rge 45E, B.M. TETON County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 45E 11								X									

PLACE OF USE: RECREATION STORAGE, same as Recreation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2004**.
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. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. The combined surface area of the two ponds proposed under this right shall not exceed 1/2 acre.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of June, 2002

MICROFILMED
AUG 15 2002


for KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 22-13221

RECEIVED

MAY 28 2002

Department of Water Resources

1. Name of Applicant ROBERT KINCAID Phone 208-787-2713
Mailing address P.O. Box 530 Victor, ID 83455
2. Source of water supply Trail Creek which is a tributary of Teton River
3. Location of point of diversion is Township 3N Range 4SE Sec. 11, in the SE 1/4, NW 1/4, Govt. Lot Teton, B.M., Teton County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>1.90 cfs</u> for <u>Div. to Recreation Storage</u> purposes from <u>1-1</u> to <u>12-01</u> (both dates inclusive)	(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	(cfs or acre-feet per annum)
Amount <u>3.0 af</u> for <u>Recreation Storage</u> purposes from <u>1-1</u> to <u>12-01</u> (both dates inclusive)	(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 3.0 af
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Concrete headgate with 12" pipe inlet gate thru a pond & then ditch outlet to creek
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW.
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully. Recreation pond 1/2 acre surface area for fishing etc

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AUG 15 2002

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	4SE	11								R									

Total number of acres to be irrigated _____

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

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

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

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

MICROFILMED

AUG 15 2002

Robert F. Kinsaid (owner)
Signature of Applicant (and title, if applicable)

Received by HWT Date _____ Time _____ Preliminary check by _____

Fee \$ 290.00 Received by HWT # E027603 Date 4-3-02

Publication prepared by SC Date 4/18 & 4/25/02 Published in Teton Valley News

Publication approved _____ Date _____

Trail Creek Springs

Legend:

- SUBDIVISION CORNER
- LOT CORNER
- ROAD FRONT
- PROPERTY BOUNDARY
- ROAD CENTERLINE
- BUILDING FOOTPRINT
- WATER FEATURES
- PROPOSED BUILDING LOCATION
- PROPOSED VEGETATION

Table:

Item	Quantity	Unit	Area	Volume
Subdivision Area	1.00	Acres	1.00	
Lot Area	1.00	Acres	1.00	
Water Area	1.00	Acres	1.00	
Building Area	1.00	Sq. Ft.	1.00	
Volume	1.00	Cu. Yd.	1.00	

Trail Creek Springs

Legend:

- SUBDIVISION CORNER
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Building Area	1.00	Sq. Ft.	1.00	
Volume	1.00	Cu. Yd.	1.00	



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2002

ROBERT F KINCAID
PO BOX 530
VICTOR ID 83455

RE: Permit No. 22-13221

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

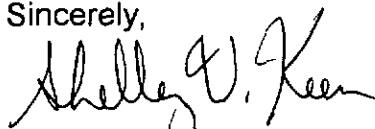
MICROFILMED

AUG 15 2002

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
AUG 15 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 22-13221

**ROBERT F KINCAID
PO BOX 530
VICTOR ID 83455**


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 15 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 5/29/02

No. 22-13221 Name: Kincaid Corp. Officers N/A Ad ok _____ Govt Lots _____

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

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

LOCATION:

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

USES:

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

BENEFICIAL USE DUE: 6.01.2004

MISC CONDITIONS/REMARKS:

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

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response None
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# 01)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

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

RIVER-BASINS: (SW special considerations)

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

Requested by region

USES:

MUNICIPAL

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

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS

Surface area ≤ 1/2 ac.

COMMENTS _____

RECEIVED

MAY 28 2002

Department of Water Resources

Dist for Staffing 4-4-02
Submitted for advertising _____

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

INITIAL REVIEW BY HWT DATE 4-4-02 APPLICATION NO. 22-13221

Kincaid.

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

ADDITIONAL INFORMATION:

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Requesting Flow justification.

Date Requested 4-5-02

PROCESSING:

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

SEND COPIES TO: all maps, also.

- ☒ Id Dept of Environmental Quality
- ☒ Id Dept of Fish & Game Id Falls
- ☒ Id Dept of Lands
- ☒ Adjudication Bureau Unit
- _____ U.S. BLM
- _____ U.S. Forest Service
- _____ Water District
- ☒ Other Clay Fullmer - Deputy Wm WDOI
530 W. 575 N
Tetonia, ID 83452

FINAL REGIONAL PROCESSING REVIEW:

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Affidavit of publication received
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Application published correctly. If not, record action taken
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Publication dates & paper, recorded on application
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Protests received
		Final date for protest _____
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Protests, dates, resolution of protest, recorded on application
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Recommendations attached
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Measuring device required
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Access port required
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Will water be delivered by watermaster? If yes, what District <u>01</u>
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Special conditions of approval or cover letter below.

Date of priority recommend

4-03-02

By: [Signature]

Date: 5-21-02

STATE OFFICE REVIEW:

By: _____ Date: _____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

<input type="checkbox"/> City	<input type="checkbox"/> Id Fish & Game	<input type="checkbox"/> Irrigation District
<input type="checkbox"/> County	<input type="checkbox"/> Id Health & Welfare	<input type="checkbox"/> Canal Company
<input type="checkbox"/> Reservations	<input type="checkbox"/> Div. Of Environment	<input type="checkbox"/> Other _____

Project impacts/implications report

COMMENTS

I would ask that our state office send a letter to the applicant asking for flows in Trail Creek at the diversion point on the application with that info perhaps the effect of a 1.90 cfs withdrawal can be evaluated.

* ~~State~~ Fish surveys needed on diversion and exit ditch to Trail Creek

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

RECEIVED

APR 26 2002

Department of Water Resources
Eastern Region

Application for Permit No 22-13221
Applicant's Name: ROBERT F KINCAID
PO BOX 530
VICTOR ID 83455

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 25 day of April 2002.

Water District No: 01

Watermaster's Signature

Clayton Fullmer

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AUG 15 2002

1-50

34

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MAY 13 2002

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern Region

State of Idaho)

)ss

County of Teton)

I, Barbara Gibson being first duly sworn, depose and say that I am the Art Director 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 Public Notice-Application Kincaid

And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 18th day of April, 2002. 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.

Barbara Gibson
Signature

State of Idaho)

County of Teton)

On this 18th day of April, 2002, before me, a Notary Public, personally appeared Barbara Gibson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements there-in are true, and acknowledged to me that he/she executed the same.

Bonnie Zolner

Notary Public for Idaho

Residing at Driggs Idaho

My commission expires 4/01/2004

Public Notice

The following application have been filed to appropriate the public waters of the State of Idaho: 22-13221
Robert F. Kincaid
P.O. Box 530
Victor, ID 83455
Point(s) of Diversion: SENW S11 TO3N R45 E, Teton County
Source: Trail Creek, Tributary to Teton River
Use: Recreation 01/01 to 12/31 1.9 CFS

Use: Recreation Storage 01/01 to 12/31 3 AFA

Total Diversion: 1.9 CFS 3 AFA

Date Filed: 04/04/02

Place of Use: Recreation and Recreation Storage

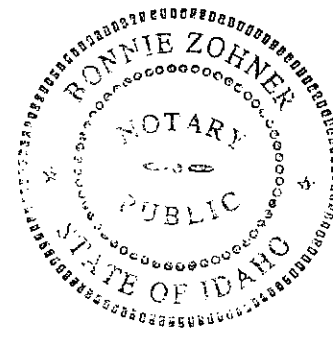
TO3N R45E S11 SENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline Dr. Ste. A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 for each application on or before May 6, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Kreher, Director

Published in the Teton Valley News
April 18 and April 25, 2002.



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54.00



P.O. Box 139
Victor, ID 83455
208-787-2952

A-W Engineering

Civil Engineering
Land Surveying
Construction Management

Dept of Water Resources
900 N. Skyline Drive
Idaho Falls, Id. 83402

May 15, 2002

Atten Mr Harold Jones;

Please find enclosed a drawing of the small ditch that we hope will turn into a small creek channel with enough flow through it to be a environmentally enhancement to Trail Creek for wildlife, fish and aquatic vegetation and associated living creatures. To accomplish this we are asking for the 1.9 cfs flow through water to supply the water needed to create this type of channel.

We are proposing a 1.5 foot wide channel bottom with a slope of from .5 to 1 % . From the enclosed sketch and the computer print out this would run at 0.4 feet deep in the 1.5 foot wide channel. We felt this was necessary to have a nice little creek channel and not just a little ditch that does not look good and doesn't sustain any aquatic growth.

I hope this helps in supporting the request for the 1.90 cfs of water.

If you have further questions please call us at 787-2952.

Kind regards,

Arnold W. Woolstenhulme P.E./L.S.

RECEIVED

MAY 17 2002

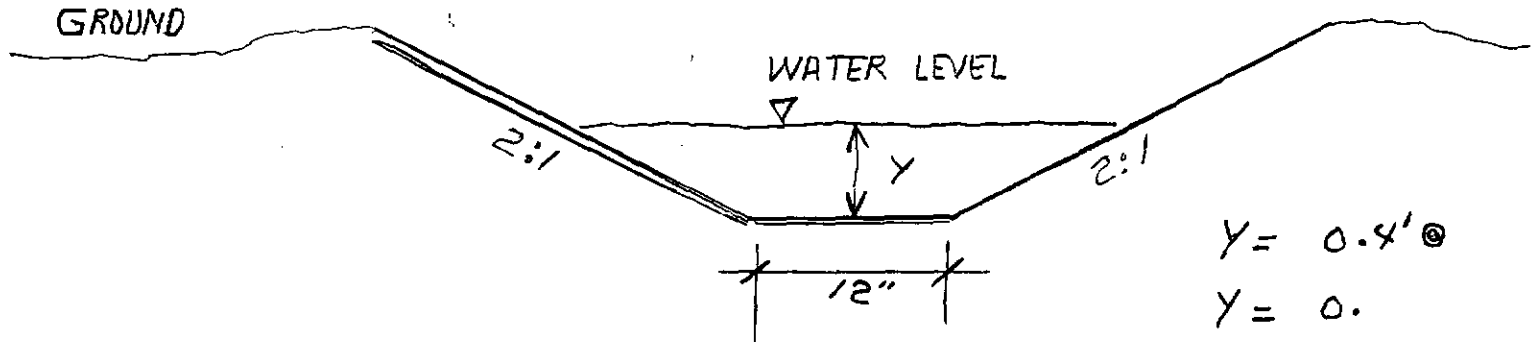
MICROFILMED Department of Water Resources
Eastern Region

AUG 15 2002

TRAIL CREEK SPRINGS

FLOW THROUGH DITCH

5/15/02



Trapezoidal Channel Analysis & Design

Open Channel - Uniform flow

Worksheet Name: Trail Cr Springs

Comment: 12" wide channel x 1.0% slope

Solve For Depth

Given Input Data:

Bottom Width.....	1.00 ft
Left Side Slope..	2.00:1 (H:V)
Right Side Slope.	2.00:1 (H:V)
Manning's n.....	0.020
Channel Slope....	0.0100 ft/ft
Discharge.....	1.90 cfs

Computed Results:

Depth.....	0.37 ft
Velocity.....	2.91 fps
Flow Area.....	0.65 sf
Flow Top Width...	2.50 ft
Wetted Perimeter.	2.67 ft
Critical Depth...	0.37 ft
Critical Slope...	0.0100 ft/ft
Froude Number....	1.00 (flow is Critical)

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AUG 15 2002

Rectangular Channel Analysis & Design
Open Channel - Uniform flow

Worksheet Name: Trail Cr Springs

Comment: Ditch for Ponds

Solve For Depth

Given Input Data:

Bottom Width.....	1.50 ft
Manning's n.....	0.025
Channel Slope....	0.0050 ft/ft
Discharge.....	1.90 cfs

Computed Results:

Depth.....	0.62 ft
Velocity.....	2.04 fps
Flow Area.....	0.93 sf
Flow Top Width...	1.50 ft
Wetted Perimeter.	2.74 ft
Critical Depth...	0.37 ft
Critical Slope...	0.0217 ft/ft
Froude Number....	0.46 (flow is Subcritical)

Open Channel Flow Module, Version 3.42 (c) 1991
Haestad Methods, Inc. * 37 Brookside Rd * Waterbury, Ct 06708

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AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
May 14, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Robert Kincaid
PO Box 530
Victor, Idaho 83455

Mr. Kincaid:

I have enclosed a copy of my inquiry letter of April 9, 2002.

I have not yet received a reply and I will need your response for your application file.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Jones'.

Harold W. Jones
Water Resource Supervisor

HWJ/ck

MICROFILMED
AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 09, 2002

Robert Kincaid
PO Box 530
Victor, Idaho 83455

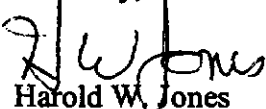
Mr. Kincaid:

I have received your application for a water right for 2 small ponds adjacent to Trail Creek. The cfs requested 1.90cfs or 855 gallons per minute.

I have discussed this flow request with our Boise office and they have asked that I request a justification letter for your file.

Since I will be contacting Idaho Fish and Game and the Deputy Water Master about this application, I will need you to provide some information and data as to why this much flow would be needed on flow through impoundments of only ½ acre in surface area.

Sincerely,



Harold W. Jones
Water Resource Supervisor

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AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 05, 2002

ROBERT F KINCAID
PO BOX 530
VICTOR ID 83455

RE: Application for Permit No 22-13221

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Teton Valley News on April 18 and 25, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

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AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 05, 2002

STATE OF IDAHO
DEPT OF FISH & GAME
1515 LINCOLN RD
IDAHO FALLS, ID 83401

Application to Permit No. 22-13221

STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can complete the processing of an untested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by May 6, 2002.

Please contact this office if you have any questions regarding the application.

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

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AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

April 05, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Clay Fullmer
Deputy Watermaster 01
530 W 575 N
Tetonia ID 83452

RE: Application for Permit No 22-13221

Dear Mr. Fullmer:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office before May 6, 2002.

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

Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

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MAY 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 05, 2002

Legal Notice Department

Teton Valley News

80 E LITTLE AVE

DRIGGS ID 83422

RE: Application for Permit No. 22-13220 and 22-13221

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 6, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
4/10/02
SC*

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AUG 15 2002

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

22-13221

ROBERT F KINCAID
PO BOX 530
VICTOR ID 83455

Point(s) of Diversion: SENW S11 T03N R45E, TETON County
Source TRAIL CREEK, Tributary To TETON RIVER

Use: RECREATION 01/01 To 12/31 1.9 CFS

Use: RECREATION STORAGE 01/01 To 12/31 3 AFA

Total Diversion: 1.9 CFS 3 AFA

Date Filed: 04/04/2002

Place Of Use: RECREATION and RECREATION STORAGE

T03N R45E S11 SENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.


Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 6, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 18 and 25, 2002

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AUG 15 2002



P.O. Box 139
Victor, ID 83455
208-787-2952

A-W Engineering

Civil Engineering
Land Surveying
Construction Management

Idaho Department of Water Resources
Idaho Falls, Id.

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MAR 20 2002
Department of Water Resources
Eastern Region

March 5, 2002

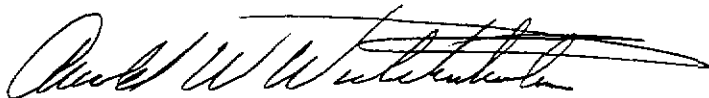
To whom it may concern:

Enclosed is the application and drawings to divert water from Trail Creek for non consumptive use. This work and method of performing it was discussed with Harold Jones at the Dept of Water Resources office in February.

Please review and let us know if we can answer any questions or assist in addressing this application.

check enclosed for \$200.00

Sincerely,



Arnold W. Woolstenhulme

Arny W. Woolstenhulme 5-11-1695

522-

525- 7/6/

MICROFILMED

AUG 15 2002

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APR 02 2002
Department of Water Resources
Eastern Region