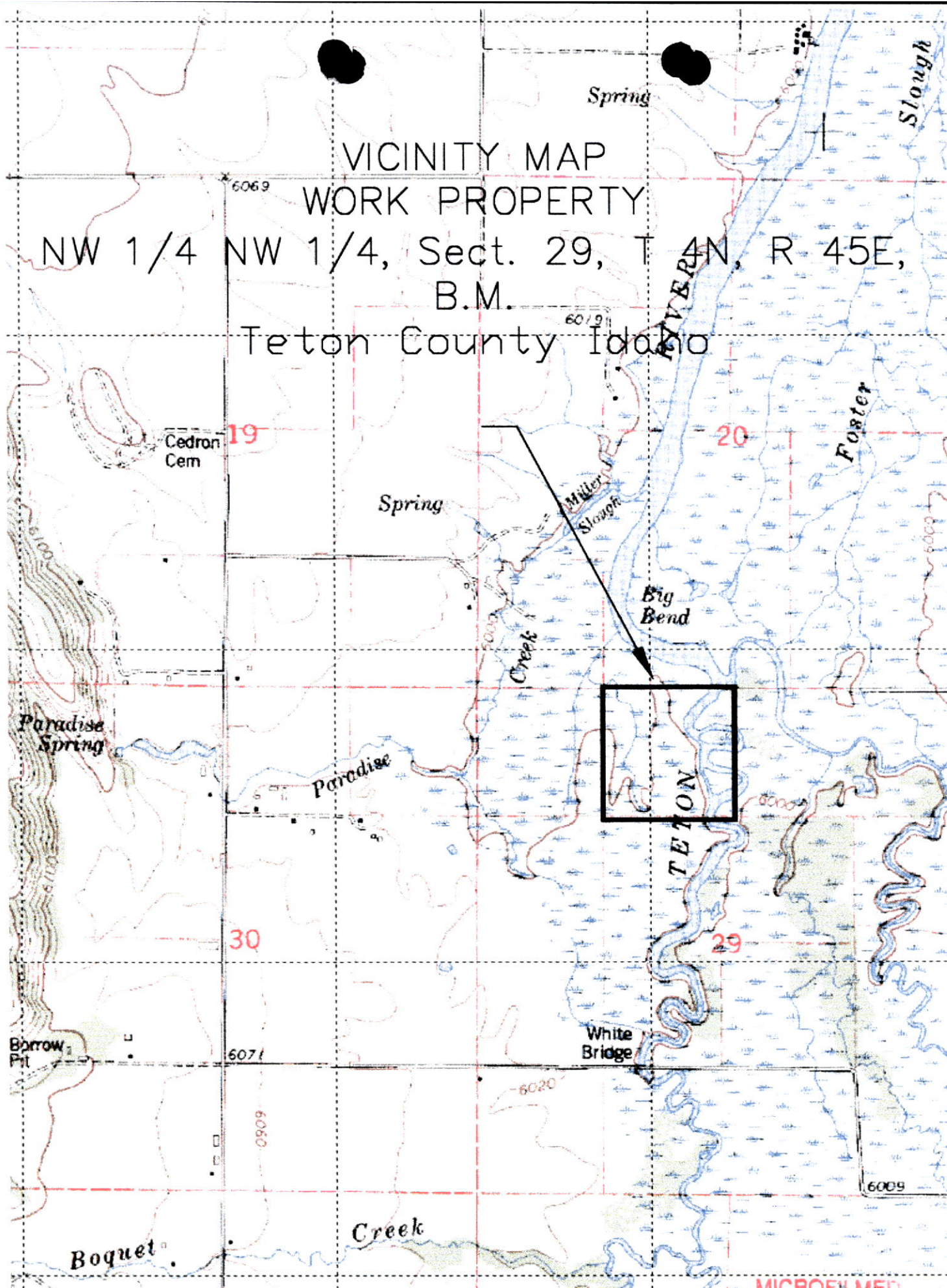


VICINITY MAP
WORK PROPERTY

NW 1/4 NW 1/4, Sect. 29, T 4N, R 45E,
B.M.

Teton County Idaho



MICROFILMED

APR 22 2002

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

I, Barbara Gibson, being first duly sworn, depose and say that I am the editor 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 No. 22-13184

Application for permit
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 6th day of September, 2001. 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 September, 2001, 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 10/01/2004

RECEIVED

OCT 12 2001

Department of Water Resources
Eastern Region

Application for
Permit No. 22-13184

The following application has been filed to appropriate the public waters of the State of Idaho.

22-13184
David Work
Susan Work
205 Soresen Creek Road
Victor, ID 83455

Point(s) of Diversion: NENW S29
TO4N R45E, Teton County
Source: Ground Water
Use: Recreation storage 05/01 to 10/31 4 AFA
Use: Diversion to storage 05/01 to 10/31 0.4 CFS
Total Diversion: 0.4 CFS 4 AFA
Date filed: 8/27/01
Place of use: Recreation storage
TO4N R45E S29 NENW SENW

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

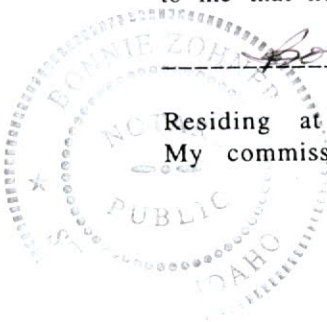
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N. Skyline Dr. Ste. A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before September 24, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Kreher, Director

Published in the Teton Valley News
September 6 and 13, 2001.

MICROFILMED

APR 22 2002



RECEIVED

FEB 19 2003

FOR OFFICE USE ONLY

Amt. of Fee \$: 100.00
Receipt No. 2967432
Receipt By: [Signature]
Date Received: 2-18-03

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

JAN 24 2003

Department of Water Resources

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

1. Permit No. 22-13184 Telephone No. (208) 354-2965
2. Name of Permit Holder(s): DAVID WORK or SU SAW WORK
3. Mailing Address: 510 S 375 W
City VICTOR State ID Zip 83455
4. Source of Water: Sandpoint Well If GROUNDWATER (well), Date Drilled: mo. 9 / yr. 02
Well Driller: ROCK NT Construction Drilling Permit Number: NA

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

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

Irrigation (No. of acres): _____ Other: RECREATION STORAGE

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 4.0 acre-feet

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

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

Measuring Device: Is a measuring device required?

Yes _____ or No ☒

Has the measuring device been installed?

Yes _____ or No ☒

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

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

Name: JEFFREY KLAUS MANN Telephone Number (208) 354-3690

Address: Intermountain Aquatics Inc. P.O. Box 1115 PR1665, ID 83422

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

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

Date: 1/19/03

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MAR 11 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-13184

Priority: 08/22/2001

Maximum Diversion Rate: 0.40 CFS

This is to certify, that DAVID WORK Or
SUSAN WORK
205 SORENSEN CREEK RD
VICTOR ID 83455

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	05/01 to 10/31		4.0 AF
DIVERSION TO STORAGE	05/01 to 10/31	0.40 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, Twp 04N, Rge 45E, B.M. TETON County

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	45E	29					X				X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2003**.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The sand point well authorized for use under this permit shall not be drilled or dug to a depth greater than 18 feet.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. In the event that this wetland enhancement project is de-commissioned, the right holder shall abandon this right.
9. As mitigation for the consumptive water losses from evapotranspiration, the right holder shall annually rent 15.0 acre feet of storage water to be delivered back to the Teton River via the Crosscut Canal.
10. Recreation storage is for a wetland enhancement project.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of March, 2002

APR 22 2002

[Signature]
for KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

DEC -22

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant DAVID or SUSAN WORK Phone 208 787-2965
Mailing address 205 Sorenson Creek Dr. Victor, ID 83455
2. Source of water supply Groundwater which is a tributary of Teton River
3. Location of point of diversion is Township 4N Range 45E Sec. 29, in the NE 1/4, NW 1/4, Govt. Lot Teton, B.M., Teton County;
additional points of diversion if any: SE NW Sec 29 T4N R45E
4. Water will be used for the following purposes: Diversion to Recreation Storage
Amount 0.40 cfs for Recreation Storage purposes from 5-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 4.0 af for Recreation Storage purposes from 5-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.40 CFS and/or (b) _____
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 Sand point Well and pump.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 72 inches; proposed depth of well is 15 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? No; 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 1 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

MICROFILMED

APR 22 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	
4N	45E	29					R			R									

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Dr. Williams or 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: Please see attached Cover letter and documentation for further details.

Pursuing contract with Eugene Williams - L-8 Riverbend Estate

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.

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APR 22 2002

Daff Link

Signature of Applicant (and title, if applicable)

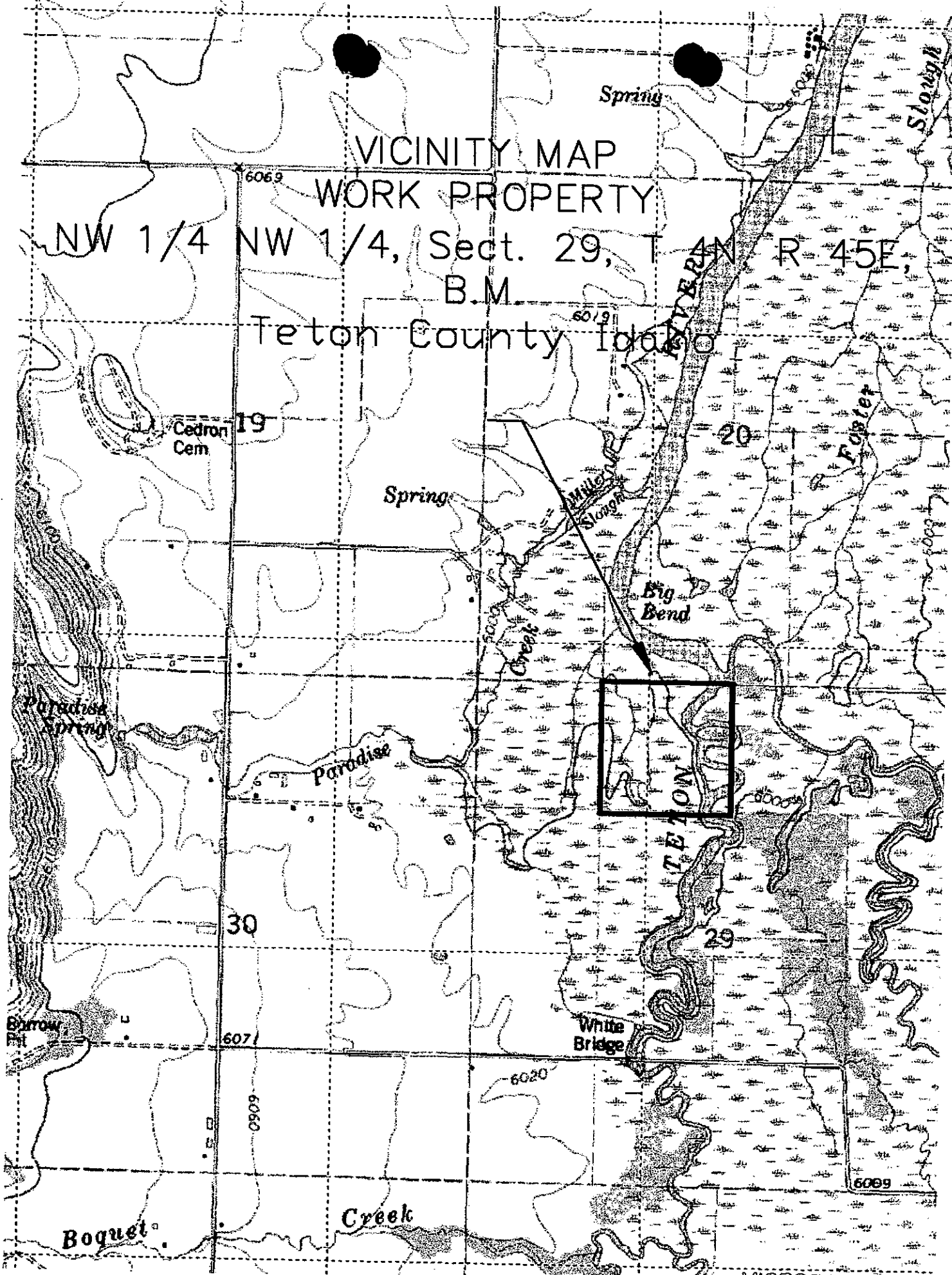
Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 250.00 Received by AWJ # R027046 Date 8-22-01
 Publication prepared by SL Date 9/6 & 9/12/01 Published in Teton Valley News
 Publication approved _____ Date _____

VICINITY MAP
WORK PROPERTY

NW 1/4 NW 1/4, Sect. 29, T 4N R 45E,
B.M.

Teton County Idaho



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APR 22 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1501 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

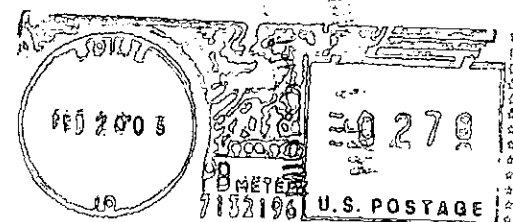
Return Service Requested

RECEIVED

FEB 27 2003

Department of Water Resources

PRESORTED
FIRST CLASS



22-13184

MACROFILMED
FEB 27 2003

WORK 205* 834552005 1002 04 02/25/03
RETURN TO SENDER
WORK
S10 S 375 W
VICTOR ID 83455
RETURN TO SENDER

-remained by
Database old

ARACHTHE 27 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2003

DAVID WORK
SUSAN WORK

~~205 SORENSEN CREEK RD~~ 510 S 375 W
VICTOR ID 83455

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-13184

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
MAR 11 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 22-13184

Reviewed By: dgibson

Date: February 19, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E027046, C067432	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		02/18/2003
Date proof due	-	03/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	08/22/2001
New priority date	=	08/22/2001

Deficiencies of Actions Items

Acknowledge proof.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

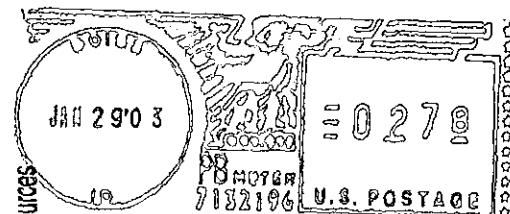
Return Service Requested

RETURN SERVICE
REQUESTED

PREVIOUS
FIRST CLASS

RECEIVED
FEB 5 - 2003

Department of Water Resources



MICROFILMED

FEB 11 2003

22-13184

WORK205* 834552007 1002 04 02/03/03
RETURN TO SENDER
WORK
510 S 375 W
VICTOR ID 83455
RETURN TO SENDER

LAAGTME 23 FEB 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2003

DAVID WORK
SUSAN WORK

~~205 SORENSEN CREEK RD~~
VICTOR ID 83455

510 S 375 W

Resent 2/7/03 dg

RE: PERMIT NO. 22-13184

Dear Mr. and Mrs. Work:

Enclosed is the original Proof of Beneficial Use form ("proof") you have filed with the Department, I am returning this document to you since the department cannot accept it without the appropriate license exam fee or a Beneficial Use Field Report done by a certified water right examiner. The only time a fee is waived for a proof is if the rate of diversion is 0.04 cubic feet per second ("cfs") or less for a ground water right. Since you were permit a Maximum Diversion Rate of 0.40 cfs your license exam fee is \$100.00. Please see the enclosed fee schedule.

Please return the enclosed proof form along with the filing fee to my attention on or before **March 1, 2003** to avoid lapsing of this water right. If you have any questions regarding filing the proof, please contact me at (208) 327-7953, or contact the regional office in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR- Region

MICROFILMED

MAR 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

JAN 24 2003

Department of Water Resources

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

1. Permit No. 22-13184 Telephone No. (208) 354-2965
2. Name of Permit Holder(s): DAVID WORK or SU SAW WORK
3. Mailing Address: 510 S 375 W
City VICTOR State ID Zip 83455
4. Source of Water: Sandpoint Well If GROUNDWATER (well), Date Drilled: mo. 9 yr. 02
Well Driller: ROCK NT Construction Drilling Permit Number: NA
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: RECREATION STORAGE
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 4.0 acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No ✓
8. Fee Enclosed: \$ NA (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: JEFFREY KLAUSMANN Telephone Number (208) 354-3690
Address: Intermountain Aquatics Inc. P.O. Box 1115 PRIBBS, ID 83421
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____

(include your title, if on behalf of company or organization)

Date: 1/19/03

MICROFILMED

MAR 11 2003

December 31, 2002

DAVID WORK
SUSAN WORK
205 SORESEN CREEK RD
VICTOR, ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-13184

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 March 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

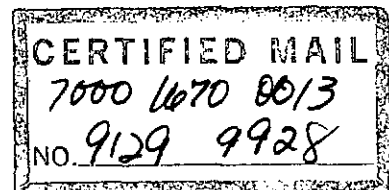
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 11 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 11, 2002

DAVID WORK
SUSAN WORK
205 SORENSEN CREEK RD
VICTOR ID 83455

RE: Permit No. 22-13184

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

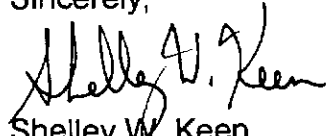
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

APR 22 2002

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)

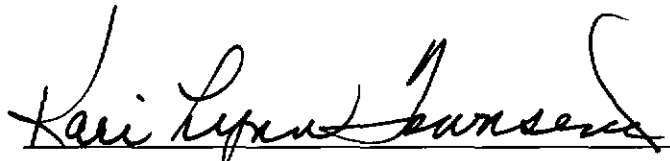
MICROFILMED
APR 22 2002

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 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. 22-13184

**DAVID WORK
SUSAN WORK
205 SORENSEN CREEK RD
VICTOR ID 83455**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
APR 22 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).

MICROFILMED
APR 22 2002

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.

Memorandum

To: File 22-13184

From: Sharla

Date: March 5, 2002

Re: Mitigation

Pond is approximately 5 acres surface area; consumptive use to be mitigated is 3 af/ac for a total of 15 af. Per telecon with Jeff Klaussman on 2/28/02, Fremont-Madison Irrigation District has a verbal agreement with the applicant to rent storage water and this will be on a yearly basis; the irrigation district's policy is to only provide written agreements at the time the right holder comes to them each year and pays the fee.

MICROFILMED

APR 22 2002

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 2/5/08

No. 22-13184 Name: Work Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes ESPA 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)
N/A

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)
STOCK WATER - 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: 2/01/2003

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
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD#)
≤ 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

USES:

MUNICIPAL
 Restricted area - 022,075
 Irr., GW supp to SW - 102
 Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
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)

Multiple pd's per ¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON - (Per updated map) IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS Spec Cond of Skips

COMMENTS per telecon 2/28, w/ Jeff Klausman, FmID doesn't have written contract, verbal agreement to rent of app is approved by IDWR & will be on a yearly basis.

RECEIVED

DEC - 4 2001

Department of Water Resources Dist. for staffing
Submitted for advertising

Form No. 202
4/87

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

David Work

INITIAL REVIEW BY HWS DATE 8-22-01 APPLICATION NO. 22-13184

#69366

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 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 Field check required
- ☐ Yes ☐ No Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

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 _____
☒ 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. G1
☒ Yes ☒ No Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 8-22-01
By thf Date 11-27-01

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

Applicant will be required to rent storage water during those
times that an Aug 22, 2001 priority each year in the
amount of 5 ac. In those years that storage is not
available then the applicant will be curtailed.

thf

LOCAL PUBLIC INTEREST

Comments received from

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

Project impacts/implications report

COMMENTS



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

November 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Paradise Springs Farm
Michael Reid
450 W 550 South
Victor ID 83455

RE: Withdrawal of protest on Application for Permit No.: 22-13184

Dear Protestants:

This Department has received the withdrawal of protest against the application for David or Susan Work. We will continue to process this application.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

MICROFILMED

APR 22 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

November 1, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

David or Susan Work
205 Sorensen Creek Dr
Victor ID 83445

RE: Withdrawal of protest on Application for Permit No. 22-13184

Dear Sir:

This Department has received a withdrawal of protest from Paradise Springs Farm.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

MICROFILMED

APR 22 2002

RECEIVED

OCT 31 2001

Department of Water Resources
Eastern Region

Paradise Springs Farm
450 West 550 South
Victor, ID 83455
(208) 354 8024
ParadiseSpringsFarm.com

October 15, 2001

Director
IDWR Eastern Region
Idaho Falls, Idaho

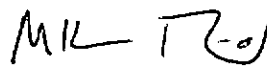
To Whom It May Concern:

On or about September 15, 2001, I filed a protest against proposed right # 22-13184. This proposal would drill a sand point well in Section 29 of Township 4 North in Range 45 East, apparently within yards of the Teton River.

The intent of this project is to provide for more surface and ground water in the Paradise Springs Basin, and I believe there is little chance of this project affecting surface flows of the Paradise Spring negatively like other local wells do.

However, to insure maximum protection of the Paradise Spring and the groundwater that feeds the Spring, I asked for and kindly received written assurances from Intermountain Aquatics and Mr. Work that if their project did affect surface flows, they would voluntarily respond to calls for water. I also received assurances that this groundwater right would never be transferred or sold, but would be abandoned in the event the project is decommissioned.

With these factors in mind, I hereby withdraw my protest of water right 22-13184.


Michael Reid

Encl.

MICROFILMED

APR 22 2002



October 8, 2001

Mr. Michael Reid
Paradise Springs Farm
450 West 550 South
Victor, ID 83455

RECEIVED

OCT 31 2001

Department of Water Resources
Eastern Region

Re: Work Water Rights - Letter of Understanding and Agreement

Dear Mr. Reid-

Thank you for taking the time to meet with me to discuss water rights for Mr. Work's proposed wetland enhancement project near the Teton River. We are sympathetic to your concerns regarding water use from Paradise Spring. I understand that other irrigators who may operate illegally and without regulation, jeopardize your irrigation rights. I am confident that our proposed water use will have no impact on your rights or the flow rates from Paradise Spring. Intermountain Aquatics has thoroughly evaluated the groundwater and geotechnical conditions at the Work project site.

Please remember that Mr. Work's application is for a permit to pump water from a sandpoint well (<18' depth) to facilitate wetland hydrology in remnant sloughs on his property. Sandpoint wells are shallow wells designed to capture water from the shallow groundwater aquifer. In this case the well will be located immediately adjacent the Teton River considerably down slope from your property and potential recharge areas for Paradise Spring. An agreement with the Idaho Fish and Game Department stipulates that the total diversion rate will not exceed 0.40 cfs. Pragmatically speaking diversion rates will generally be well below this level. Water pumped from the sandpoint will flow down through natural flood channels and outlet back to the Teton River. The only consumptive losses will be from evapotranspiration.

The new water right, if granted will have a 2001 priority date, and we agree to abide voluntarily to calls for water regardless of Idaho Department of Water Resources (IDWR) regulatory enforcement. We also agree to use this water solely for the purposes of the wetland enhancement project described. In the event that the project is de-commissioned the water right will be abandoned and not sold or transferred for other uses. Under the highly unlikely scenario that our pumping directly impacts flows from Paradise Spring, we agree to curtail pumping, evaluate the situation and seek resolution with the interested parties prior to further pumping.

I am hopeful that with these assurances you will promptly withdraw your IDWR protest. Thank you for your time and consideration of this matter.

MICROFILMED

APR 22 2002

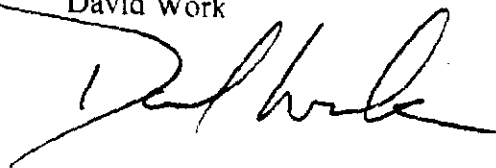
Sincerely,


Jeffrey Klausmann, project manager



I, David Work, understand and agree with the terms and conditions of this letter.

David Work



MICROFILMED

APR 22 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

October 16, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**Paradise Springs Farms
Michael Reid
450 W 550 South
Victor ID 83455**

RE: Application for Permit No. 22-13184 – David or Susan Work

Dear Protestant:

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 their approving or denying the application (Idaho Code ' 42-203):

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

APR 22 2002

Page 2

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

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones". The signature is written in black ink and is positioned above the printed name and title.

HAROLD W. JONES
Water Rights Supervisor

HWJ: sc

cc: IDWR - State Office

MICROFILMED

APR 22 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 16, 2001

**David or Susan Work
205 Sorenson Creek Dr
Victor ID 83455**

RE: Application for Permit No. 22-13184

Dear Applicant:

Enclosed are copies of a protest filed against the issuance of the above referenced applications. 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 protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code ' 42-203):

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

APR 22 2002

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

Enclosure

HWJ:sc

cc: IDWR - State Office

MICROFILMED
APR 22 2002

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 No. 22-13184

Application for permit

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 6th day of September, 2001. 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 September, 2001, 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 10/01/2004

MICROFILMED

APR 22 2002

RECEIVED

OCT 12 2001

Department of Water Resources
Eastern Region

Application for
Permit No. 22-13184

The following application has been filed to appropriate the public waters of the State of Idaho.

22-13184
David Work
Susan Work
205 Sorensen Creek Road
Victor, ID 83455

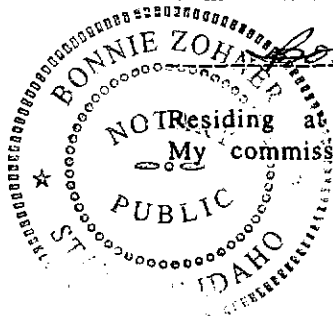
Point(s) of Diversion: NENW S29
T04N R45E, Teton County
Source: Ground Water
Use: Recreation storage 05/01 to
10/31 4 AFA
Use: Diversion to storage 05/01 to
10/31 0.4 CFS
Total Diversion: 0.4 CFS 4 AFA
Date filed: 8/27/01
Place of use: Recreation storage
T04N R45E S29 NENW SENW

Permits will be subject to all prior water rights. Protest 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 September 24, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Kreher, Director

Published in the Teton Valley News
September 6 and 13, 2001.



55.00

September 15, 2001

Paradise Springs Farm
450 West 550 South
Victor, ID 83455

Director
IDWR Eastern Region
900 N Skyline Dr. Ste A
Idaho Falls, ID 83402

RECEIVED

SEP 21 2001

Department of Water Resources
Eastern Region

To Whom it may concern:

This letter is to officially protest the application for water right # 22-13184. This groundwater permit is 0.4 cfs apparently for "recreational purposes" undescribed in the public notice.

I hereby protest the appropriation of any and all groundwater that conceivably falls within the zone of influence over the Paradise Spring. I have sent independently reviewed data to IDWR which shows the effect of other wells in the T4N R45E Sections 18, 19 and 30 is to pump the spring dry. Former IDWR hydrographer Dee O'Brien measured the interference of at least one of these wells more than two decades ago and found there to be significant negative effect on the Paradise Springs. Until IDWR deals with the current over-appropriation of groundwater within this small basin, it would be unconscionable to approve what may be a further over-appropriation in the form of 22-13184.

I have filed claims with IDWR to attempt to assess the relationship of groundwater to surface water in the general Paradise Springs Basin, which includes but is not limited to T4N R45E Sections 18, 19, 29, 30. As long as the IDWR declines to defend my water right, #22-405, I am forced to protest any new wells, culinary or agricultural, in these sections based on the accepted data.

Even if there was no data proving well - spring interferences, it is my understanding that there is a moratorium on all new wells (except culinary). Since I am unaware of any lifting or cancellation of this moratorium, perhaps the IDWR could explain how they legally expect to get around this moratorium to grant this application.

At the bare minimum, the applicants should have to prove, at their expense, that the new well doesn't affect any local springs. Also, there would have to be a flow meter easily readable by the public to aid in any future study of the groundwater in the Paradise Springs zone of influence.

I urge the IDWR to postpone any approval of this appropriation until after a complete study has been done to determine the effects of the current wells on the Paradise Spring and other small springs in the aforementioned sections.



Michael Reid
Owner, Paradise Springs Farm

Cc: Kent Foster
David and Susan Work

MICROFILMED

APR 22 2002

E027130

TETON VALLEY LODGE

Fly Fishing • Bird Shooting
RANDY BERRY JOHN DEHRSON
Since 1938

RECEIVED

SEP 20 2001

Department of Water Resources
Eastern Region

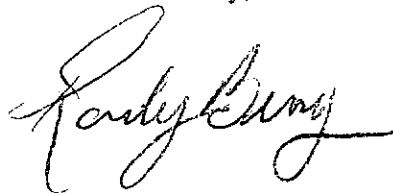
August 30, 2001

Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Dr., Suite A
Idaho Falls, Idaho 83402

Dear Mr. Jones,

Mr. Dave Work is proposing to construct approximately 5 acres of wildlife habitat on the upper Teton River at the Big Bend area. I can see no reason why this is not a very good idea. Our valley needs more wet areas for breeding and feeding of migratory birds. With all the development going on in this valley, wildlife habitat is becoming more critical. I can also not see any adverse effect to the current wildlife feeding or breeding because of this project. As far as the adjacent river and fishing, the project will have no harmful effects that I can foresee. I am you will support Mr. Works application.

Sincerely,



Randy Berry
President
Friends of the Teton River

MICROFILMED

APR 22 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 28, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID WORK
SUSAN WORK
205 SORESEN CREEK ROAD
VICTOR ID 83455

RE: Application for Permit No 22-13184

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 September 6 and 13, 2001. 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

MICROFILMED
APR 22 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 28, 2001

Legal Notice Department

Teton Valley News

PO Box 509

Driggs ID 83422

RE: Application for Permit No. 22-13184

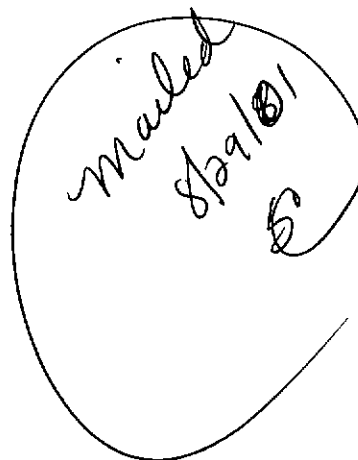
Dear LEGAL NOTICE DEPARTMENT:

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 September 24, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED
APR 22 2002

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

22-13184

DAVID WORK
SUSAN WORK
205 SORESEN CREEK ROAD
VICTOR ID 83455

Point(s) of Diversion: NENW S29 T04N R45E, TETON County

Source GROUND WATER

Use: RECREATION STORAGE 05/01 To 10/31 4 AFA

Use: DIVERSION TO STORAGE 05/01 To 10/31 0.4 CFS

Total Diversion: 0.4 CFS 4 AFA

Date Filed: 08/27/2001

Place Of Use: RECREATION STORAGE

T04N R45E S29 NENW 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 September 24, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 6 and 13, 2001

MICROFILMED
APR 22 2002



RECEIVED

AUG 22 2001

Department of Water Resources
Eastern Region

August 16, 2001

Mr. Ron Carlson
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

Dear Mr. Carlson-

Enclosed please find Mr. Work's application for permit to pump water from a sand point well to facilitate wetland hydrology in remnant sloughs on his property along the upper Teton River near Victor, Idaho. The primary goal of this effort is to improve shallow brood rearing habitat for resident and migratory waterfowl. To avoid redundancy I will not describe project goals in detail here because goals have been outlined in past meetings and correspondences. For your review I have attached a letter dated January 3, 2001 addressed to Harold Jones, which describes in detail our goals and intent. Some of the technical details described in the January 3, 2001 letter (e.g. method, place and type of diversion etc.) have changed but the goals are still the same. Also attached are letters of support for the project from the Idaho Fish and Game Department and Teton Regional Landtrust.

The Work project has been evolving over the last 2 years and you have played a valuable role in the process. Regulations associated with bank alterations under the Henrys Fork Basin Comprehensive State Water Plan and lack of suitable surface water rights to mitigate consumptive losses have impeded implementation of the project. Several alternative resolutions to both issues have been considered throughout the planning process. Based on strong recommendations from Bill Graham and Irv Ballou, who recently visited the site, we are no longer seeking to divert surface water directly from the Teton River. They have both urged us to use a sand point well and avoid the sensitive issue of new diversions on this reach of the Teton. Optimally the sand point could be located on the Williams property to the south where water historically entered the sloughs during floods. Locating the water source on Williams would allow maximum restoration potential because hydrology could be restored to the entire slough system. If agreement cannot be reached with Dr. Williams we propose to locate the sand point near Mr. Work's south boundary. The attached maps depict both locations. We propose to use a 48-72 in. dia. perforated culvert to case the well. Well depth will not exceed 18 ft.

To solve the problem of water usage we propose to mitigate anticipated consumptive water losses from evapotranspiration by purchasing rental water from the Fremont-Madison Irrigation District (FMID). In theory delivering storage water back to the Teton River via the Crosscut Canal could compensate downstream users for water lost on the upper river. You were instrumental in facilitating the development of this concept when we met with the FMID Board last January. Since then I have requested written

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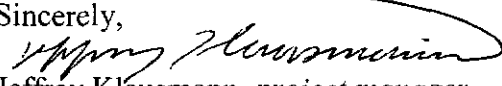
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agreement from FMID that they would continue to support our efforts. Dale Swensen responded with concern about the location of this project outside of their district and suggested that this could derail implementation of the concept. He did however agree to deliver the water if things could be worked out within IDWR.



The project as designed will inundate approximately 5 acres. Based on our estimates consumptive losses to evapotranspiration will be approximately 15 ac. ft. or 0.04 cfs from Mid-May through October. The balance of water will outlet through Mr. Works proposed dike into sloughs on Idaho Fish and Game Property and back to the Teton River. In theory we would commit to renting this water on contract renewed annually from FMID or Palisades (if more appropriate). Mr. Work is fully aware that water may become undeliverable in dry years and that he may have to stop pumping periodically even in normal years when delivery demand is high. I am waiting on written commitment from FMID and will forward it when it's available. I would be happy to arrange another meeting or conference call with Dale to work out the details if need be. I have also attached the concept plans for your further review. Thanks for all your help with this project we are anxious to have a resolution and begin construction.

Sincerely,


Jeffrey Klausmann, project manager

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August 21, 2001

Mr. Ron Carlson
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

Dear Mr. Carlson;

The Teton Regional Land Trust mission is to conserve agricultural and natural lands and to encourage land stewardship in the Upper Snake River Valley for the benefit of today's communities and as a legacy for future generations. The Trust actively supports activities that enhance or restore wildlife and fisheries habitat along the Teton River, while working with the agricultural community to assure respect for water rights and uses.

I was recently invited by Mr. Jeff Klausmann of Intermountain Aquatics to review a project proposed by Mr. David Work to restore approximately 5 acres of shallow marsh habitat on his property near Fox Creek on the west side of the Teton River. As I understand the proposal, Mr. Work intends to seek the right to pump a small volume of water from a very shallow groundwater well into the wetlands. The project will not damage the banks of the nearby Teton River nor alter its flow. It appeared to me that the design proposed will benefit a host of wetland dependent wildlife species and may help to hold water for slower release into the watershed. I am hopeful that you will support it.

Sincerely,

Michael Whitfield,
Executive Director

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THE TETON REGIONAL LAND TRUST INC.
P.O. BOX 247 • DRIGGS, IDAHO 83422 • 208-354-8939



COPY

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

Dirk Kempthorne / Governor
Rod Sando / Director

May 17, 2001

Mr. Jeff Klausmann
Intermountain Aquatics, Inc.
85 S. Main
P.O. Box 1115
Driggs, Idaho 83422

Re: David Works wetland proposal

Dear Jeff,

Thank you for meeting with Mark Gamblin, Bill Schrader, and Don Kemner of our staff regarding the wetland development proposal on David Works property in Teton Valley. We appreciate Mr. Works' and your efforts to develop a wetland project to benefit wildlife.

It is our understanding from the information you provided that Mr. Works intends to pursue a new use of water (priority date of 2001 or 2002) from the Teton River. The water would be diverted from the Teton River, via an existing wetland channel on Mr. Williams property (adjacent to Mr. Works' property), during high spring flows to fill the proposed wetland. Also, water from the Teton River would be used to keep the wetland topped off during the irrigation season. The head of the channel has silted in and it may be necessary to lower a portion of the existing channel to allow river water to enter the channel and flow to the proposed wetland. An alternative to lowering the channel would be to pump water from the Teton River into the channel. The latter season water used to top off the wetland would be purchased from Island Park reservoir to protect downstream irrigation interests. The amount of water to be diverted from the Teton River would be no more than 0.4 cfs. Also, that there may not be water available for the proposed wetland during dry years.

Essentially, the proposed wetland is a flow through system with water returning to the Teton River via the existing wetlands on Mr. Works property and the adjacent Idaho Fish and Game (Department) property. Currently, these wetlands go dry during the summer. The proposed wetland will increase the time period that water is in the wetlands on Mr. Works' property, the Department's property and most likely Mr. Williams' property.

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As you are aware, new water diversion works and stream alternations on the Teton River between Trail creek and Highway 33 are prohibited, pursuant to Idaho Code 42-1734A(6), as stated in the "Comprehensive State Water Plan for the Henry's Fork Basin" (Idaho Water Resource Board 1992). The plan is in place to protect the fisheries values, wildlife habitat, and the scenic values of the area. However, stream alternations can be pursued for purposes of improving fish and wildlife enhancements.

We support the wetland project if the following recommendations are met.

1. The wetland project dimensions must not deviate from the dimensions you provided the Department of Fish and Game on March 5, 2001.
2. The proposed project would not be permitted for more than 0.4 cfs of water.
3. The diversion should be adequately screened to prevent fish from being diverted into the wetland channel and proposed wetland. It is our understanding that Mr. Works does not intend to stock fish in the proposed wetland. Be advised, the Department of Fish and Game will not permit the wetland for fish stocking.
4. Gauging of diverted water must occur to prevent diverting of water in excess of 0.4cfs. A plan for monitoring amount of water used must be part of the overall wetland proposal. We refer you to Idaho Department of Water Resources regarding compliance with state laws and/or regulations requiring flow control and measuring devices.
5. There must be a net gain of like wetlands by implementing the project. If wetland area is lost or changed on Mr. Williams' property or Mr. Work's property, there must be an increase in similar wetlands of more than a 1:1 ratio on Mr. William's property, Mr. Works' property, or Department property by implementing the proposal. The project proposal should clearly show the amount of existing wetland type that will be converted to open water, and the amount of and type of new wetland that will be created by wetting existing dry pasture.
6. The proposal must include a 5 year monitoring plan to determine wildlife (birds, mammals, reptiles, and amphibians) use of the proposed wetland. The Department would appreciate annual copies of the results of the monitoring project. Monitoring results would be helpful to the Department in determining the wildlife value of this project and similar wetland proposals.
7. Also, key to our support is the concept that the proposal is a flow through system that returns water to the Teton River.

Our support of a project does not relieve you of required permits from other entities. You would still have to receive the appropriate permits from the Department of Water Resources. Also, permits from the Army Corp of Engineers may be necessary. Other permits may be necessary from the appropriate governing entities.

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The Department of Fish and Game is not giving blanket approval for wetland proposals that divert water from the Teton River. Wetland proposal projects would be reviewed on a case by case basis.

Thank you for the opportunity to provide comments on this proposal. Please contact Don Kemner of our staff at 525-7290 if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Amell for RJS".

Robert J. Saban
Regional Supervisor

RJS:dk

Cc: Natural Resources Policy Bureau (IDFG)
U.S. Fish and Wildlife Service (Pocatello)

Literature Cited

Comprehensive State Water Plan, Henry's Fork Basin. Idaho Water Resources Board.
1992.

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