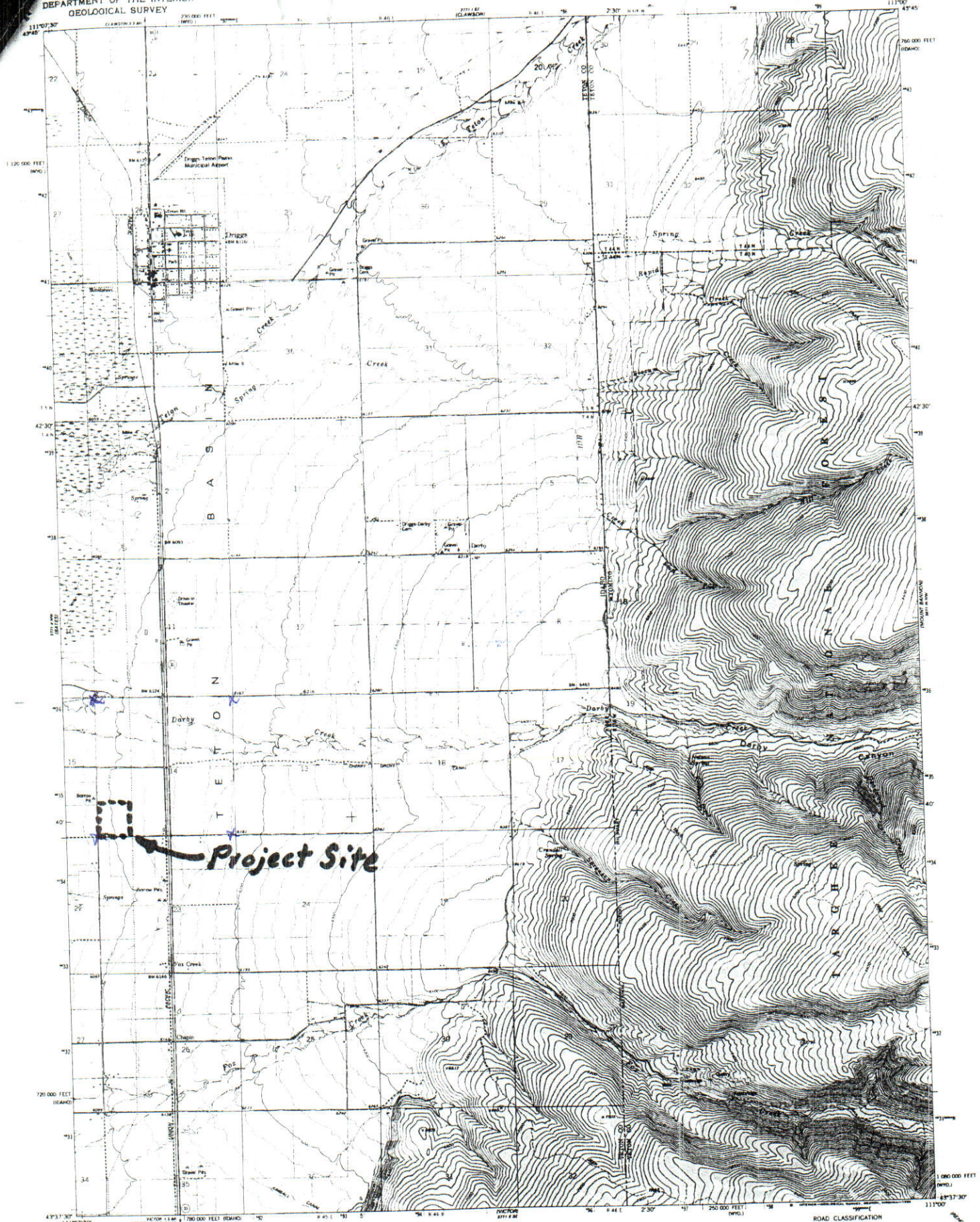




Maped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

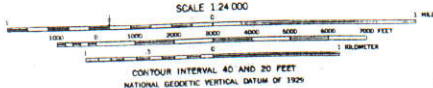
Topography by photogrammetric methods from aerial

photographs taken 1973. Field checked 1974. Map added 1978

Projection: State coordinate system, west zone

(Transverse Mercator)

10,000-foot grid ticks based on Idaho coordinate system.



ROAD CLASSIFICATION

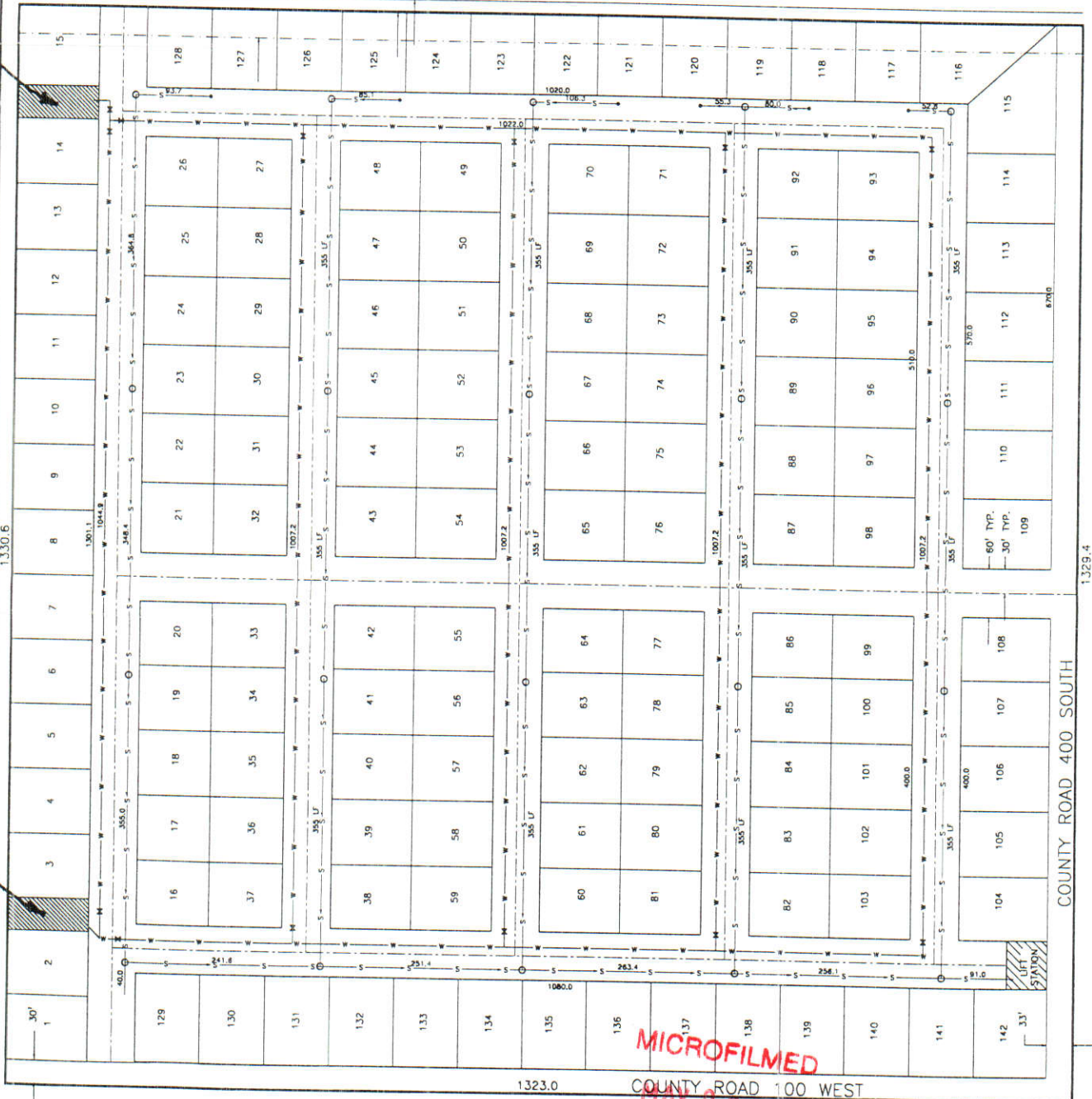
- | | |
|---------------------------------|---|
| Primary highway, hard surface | Light-duty road, hard or improved surface |
| Secondary highway, hard surface | Unimproved road |
| S. Route | State Route |

MICROFILMED

MAY 09 2001

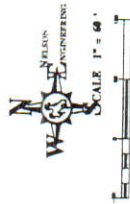
WELL SITE

WELL SITE



VICINITY MAP
SCALE 1:6000

15'
50'
100' B.P.A. APPROXIMATE
POWER LINE EASEMENT



- LEGEND
- CLEAN OUT
 - WATER VALVE
 - MANHOLE
 - WATER LINE
 - SEWER LINE
 - EASEMENT LINE

PRELIMINARY REPLAT
OF
TETON TOWN HOMES
LOCATED IN THE SW 1/4, SW 1/4
OF SECTION 14 T4N R45E
TETON COUNTY, ID

DATE	BY
REVIEWED	DATE
APPROVED	DATE

ENGINEERING
P.O. BOX 1000, JACKSON, WYOMING (307) 733-8087

REPLAT OF TETON TOWN HOMES
TETON COUNTY, ID

REPLAT OF TETON TOWN HOMES
TETON COUNTY, ID

1 OF 1
98-093-1

MICROFILMED
MAY 09 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

APR 10 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. 22-13155 Telephone No. 307-732-3867
2. Name of Permit Holder(s): TVDC, LLC dba Teton Town Homes
3. Mailing Address: P.O. Box 3393
City JACKSON State WY Zip 83001
4. Source of Water: WELL If GROUNDWATER (well), Date Drilled: mo. 4 / yr. 2001
Well Driller: THOMAS DRILLING Drilling Permit Number: 22-13155
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 112 Stockwater (No. and type of stock): N/A
Irrigation (No. of acres): N/A Other: N/A
6. Total rate of diversion and/or volume for which proof is submitted: 2.228 cfs OR N/A 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 X
Has the measuring device been installed? Yes or No X
8. Fee Enclosed: \$ 150.00 (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: Scott Shepherd Telephone Number: 307-732-3867
Address: P.O. Box 3393 JACKSON WY 83001
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: SM Shepherd Manager Date: 4/7/03
(include your title, if on behalf of company or organization)

MICROFILMED

JUN 02 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-13155

Priority: 02/13/2001

Maximum Diversion Rate: 0.90 CFS

This is to certify, that BIG HOLE LLC
C/O SCOTT SHEPHERD
PO BOX 3393
JACKSON WY 83001

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>
DOMESTIC	01/01 to 12/31	0.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 14, Twp 04N, Rge 45E, B.M.	TETON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 14, Twp 04N, Rge 45E, B.M.	TETON County

PLACE OF USE: DOMESTIC

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 14											X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2003**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater for irrigation under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

MICROFILMED

MAY 09 2001

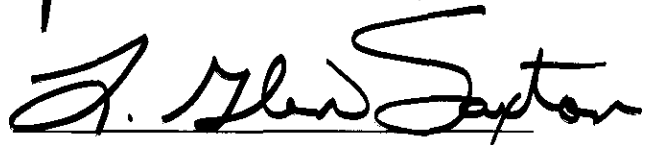
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-13155

CONDITIONS OF APPROVAL

9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. Domestic use is for 142 homes.
11. Place of use is located within Lots 1-142, Teton Town Homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of April, 2001.


for
KARL J DREHER, Director

MAILED
MAY 09 2001

Ident. No. 22-13155# 68894

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

RECEIVED

FEB 12 2001

APPLICATION FOR PERMIT

FEB 05 2001

Department of Water Resources
Eastern Region

To appropriate the public waters of the State of Idaho

APR 23 2001

Department of Water Resources
Eastern Region

1. Name of Applicant Big Hole LLC c/o Scott Shepherd Phone 307-733-3209
Mailing address P.O. Box 3393, Jackson Wyoming 83001
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is Township 4N Range 45E Sec. 14, in the _____ 1/4,
SW 1/4, SW 1/4, Govt. Lot _____, B.M., Teton County County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 0.90 for domestic purposes from 1 Jan to 31 Dec (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)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.90 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 2 points of diversion - pumps
- mainline to a domestic distribution system for the subdivision
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is 12" inches; proposed depth of well is 500' feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- 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. 142 homes
- e. Other; describe fully. fire protection

MICROFILMED

APR 23 2001

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	14											Δ						

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? Big Hole LLC (applicant)

b. Who owns the land to be irrigated or place of use? Big Hole LLC (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: Corporation officers are: Scott Shepherd
Carl Dec

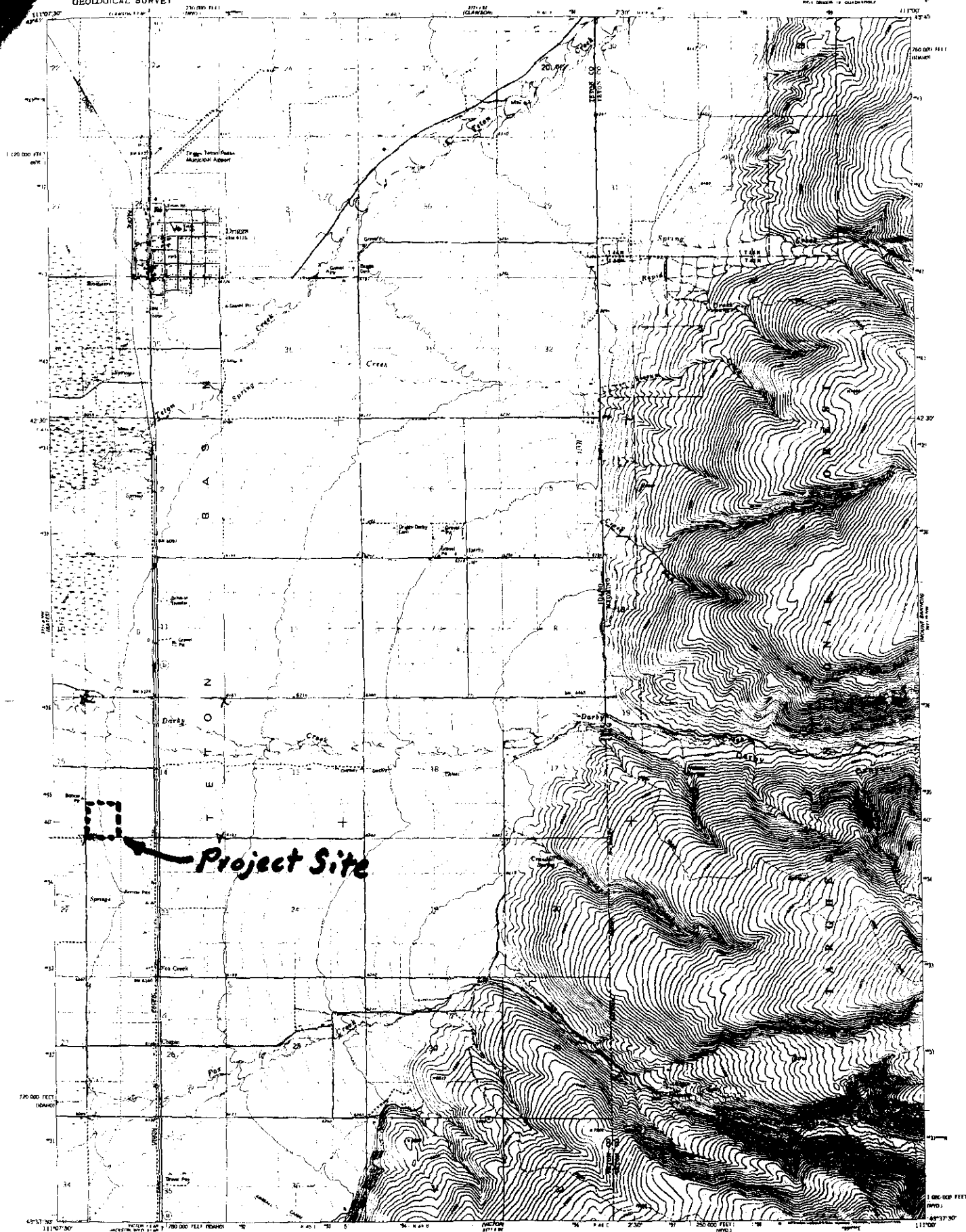
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

BIG HOLE, LLC
Scott Shepherd PM
Signature of Applicant (and title, if applicable)

MICROFILMED
MAY 09 2001

Received by KB Date 12-14-2000 Time 11:00 Preliminary check by _____
Fee \$ 1110.00 Receipted by KE Date 12/12/2001
Publication prepared by SL Date 3/18/01 # E026468 Date 12/15/2000
Publication approved 3c Date 4/9/01 Published in Teton Valley News



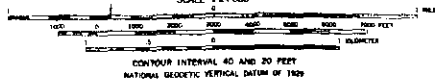
Maped, edited, and published by the Geological Survey

Control by USGS and NGS/NGA

Topography by photogrammetric methods from aerial
photographs taken 1973. Field checked 1974. Map edited 1978.
Projection: UTM (Universal Transverse Mercator), zone 12N.
Datum: North American Datum of 1983.



SCALE 1:250,000



ROAD CLASSIFICATION

Primary highway: ————
Hard surface: ————
Secondary highway: ————
Unimproved road: - - - - -
S. Route: ○ State Route

MICROFILMED

MAY 5 1980



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

May 2, 2003

SCOTT SHEPHERD
PO BOX 3393
JACKSON WY 83001

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-13155

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form (proof) 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.

During my review of your file I noted that you were permitted to develop a maximum diversion rate of 0.90 cfs, and according to your proof you have 2.228 cfs. That would be an expansion of use for this water right, and is not acceptable. I recommend that you either verify the actual amount of the diversion for this right, and supply that information to the field examiner during their site visit, or contact IDWR's Eastern Region at 900 N. Skyline Dr., Suite A, in Idaho Falls, Idaho, to apply for a second water right to permit the additional amount of diversion rate. If you wish to amend this proof to 0.90 cfs, please send me a revised copy with the word Amended at the top, and I will refund \$50.00 of the fee you paid for the lesser diversion rate.

Another item, you filed the proof in the name of TVDC, LLC, dba Teton Town Homes. Presently this permit is in the name of Big Hole, LLC. If you need to change the name of the permit holder it is necessary to file an Assignment of Permit with the department.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. 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.

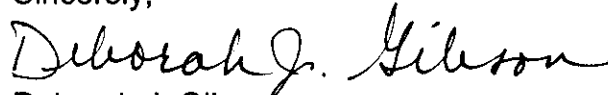
MICROFILMED

MAY 9 2 2003

Page 2

If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161. You may contact me at (208)327-7953, if you have any questions regarding my review.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JUN 9 2 2003

Idaho Department of Water Resources Receipt

Receipt ID C068529

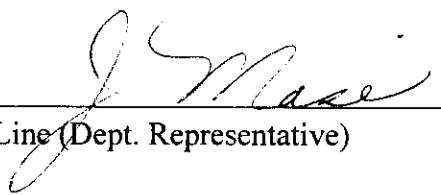
Payment Amount	\$150.00	Date Received	4/10/2003 9:29:19 AM	Region	State	Status
Payment Type	Check	Check Number	1247			

Payer TETON VALLEY DEVELOPMENT CO LLC

Comment WATER RIGHT 22-13155

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$150.00	BENEFICIAL USE	0229	21	56104	1155


Signature Line (Dept. Representative)

MICROFILMED

APR 22 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 22-13155

Reviewed By: dgibson

Date: May 1, 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.:	E026468,W0272 22, C-68529		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	04/10/2003
Date proof due	- 05/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 02/13/2001
New priority date	= 02/13/2001

Deficiencies of Actions Items

Acknowledge proof, but explain two problems with proof. 1. the diversion rate on the proof is not the permitted amount, and the name of the permit holder does not match the file information. Ask if an Assignment of Permit is necessary. \$150 fee was paid for 2.228 cfs, however, the correct rate is 0.90 and should only be \$100 fee.

February 28, 2003

BIG HOLE LLC
C/O SCOTT SHEPHERD
PO BOX 3393
JACKSON, WY 83001

PROOF DUE NOTICE

RE: PERMIT NO. 22-13155

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 May 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.

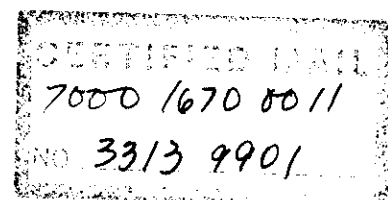
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

JUN 9 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

May 8, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ZIA YASROBI
NELSON ENGINEERING
PO BOX 1599
JACKSON WY 83001

RE: Big Hole LLC Permit (22-13155)

Dear Mr. Yasrobi:

As you requested, I am writing to answer your question about establishing a diversion capacity in excess of your water right in order to meet potential fire fighting needs.

For many years the Idaho Dept. of Water Resources (IDWR) has taken the position that any existing diversion and distribution system may be used to fight an existing fire, regardless of water rights. That position was enacted into law last year. Section 42-201(3), *Idaho Code*, now states:

Notwithstanding the provisions of subsection (2) of this section, water may be used at any time, with or without a water right, to extinguish an existing fire on private or public lands, structures, or equipment, or to prevent an existing fire from spreading to private or public lands, structures, or equipment endangered by an existing fire.

Establishing diversion and delivery capacity in excess of your water right is not contrary to the statute, as long as the excess capacity is used only when there is a fire. When conducting the field inspection to verify the development under your permit, IDWR will verify that your diversion system is designed to limit your use to the authorized amount under normal operations.

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

MICROFILMED

MAY 08 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 30, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BIG HOLE LLC
C/O SCOTT SHEPHERD
PO BOX 3393
JACKSON WY 83001

RE: Permit No. 22-13155

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.

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.

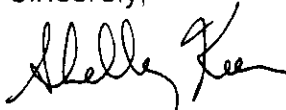
MICROFILMED

MAY 10 2001

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 Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

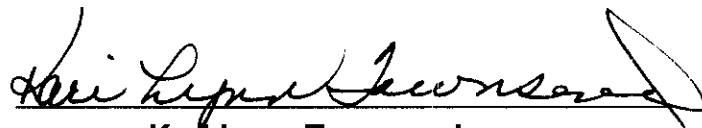
MICROFILMED
MAY 09 2006

CERTIFICATE OF MAILING

I hereby certify that on April 30, 2001 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. 22-13155

**BIG HOLE LLC
C/O SCOTT SHEPHERD
PO BOX 3393
JACKSON WY 83001**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 09 2001

**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

MAY 03 2001

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.

MICROFILMED
MAY 29 2001

MEMORANDUM

To: File 22-13155

From: Sharla

Date: April 27, 2001

Re: Surface Water Overlap

On this date, I spoke with Scott Shepherd concerning the condition requiring use of surface water for the lawn irrigations prior to diversion of groundwater under this right. He was aware of this condition being used on such applications in this area and had no problem with the condition being placed on this permit.

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MAY 9 9 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 4/24/01

No. 22-13155 Name: Big Hole Linc Corp. Officers ✓ Ad ok _____ Govt Lots _____

AREA OF CONCERN: No/Yes Snake Moratorium _____ CWMA 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 - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-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)
MINING - 054-106
FISH PROP - 029 (70's only)-007-042-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8

BENEFICIAL USE DUE: 5/01/2003

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(P01), 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) - W22, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H or 17K (+uses)-17G (not under FERC)
or 17M (FERC regulated >25 cfs or 500hp)
08A-025-027-01N-106-W13(if dewatering stream)

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-073(no parks/common areas, etc)
Irr use listed separate
or none allowed - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - 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 _____

COMMENTS 22-7750 (Carl Dec)

APR 13 1988

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

Bis Holz LLC
INITIAL REVIEW BY HWS DATE 4-17-88 APPLICATION NO. 22-13155

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
_____ 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 _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

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

Project impacts/implications report

COMMENTS

[illegible]

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

I Judy Lou Davis
being first duly sworn, depose and say that I am
the Office Manager of the Teton Valley
News, a newspaper as defined by Idaho Codes
Annotated, Section 58-106, as amended, and that
said newspaper is a weekly newspaper printed
and published at Driggs, in Teton County, Idaho,
having a general circulation in said county, and
that said newspaper has been printed in said
county for more than 78 consecutive weeks prior
to the first publication of the attached notice,
advertisement, or publication of Notice
of Application for Water Right.
And affiant further says that said attached
notice, advertisement, or publication, as per
clipping attached, was published in said
newspaper, in the regular and entire issue
thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first
publication having been made on the 1st day
of March, 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.

Judy Lou Davis

State of Idaho)
)
County of Teton)

On this 14 day of March, 2001,
before me, a Notary Public, personally appeared
JUDY LOU DAVIS 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.

Robert A. Dye
Notary Public for Idaho
Residing at Driggs Idaho
My commission expires 03/20/06

RECEIVED

APR 09 2001

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application(s) have been
filed to appropriate the public waters of the
State of Idaho: Permit #22-13155, BIG
HOLE LLC, P.O. BOX 3393, JACKSON,
WY 83001. Point(s) of Diversion SWSW
S14 T04N R45E TETON County, Source
GROUND WATER, Use: DOMESTIC 01/
01 to 12/31 0.9 CFS, Total Diversion: 0.9
CFS, Date Filed: 02/13/2001, Place of Use:
DOMESTIC, T04N R45E S14 SWSW.

Permits will be subject to all prior wa-
ter 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 March 29,
2001. The protestant must also send a copy
to the protest to the applicant.

KARL J. DREHER, Director

Published in the Teton Valley News on
March 1 & 3, 2001.

MICROFILMED

MAY 03 2001



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

February 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS ID 83402

RE: Application for Permit #22-13155

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is March 19, 2001, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

MAY 09 2001



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

February 21, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BIG HOLE LLC
P O BOX 3393
JACKSON WY 83001

RE: Application for Permit No 22-13155

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 March 1 and 8, 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). The protest(s) 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

MAY 09 2001



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

February 21, 2001

Legal Notice Department

Teton Valley News

PO Box 509

Driggs ID 83422

RE: Application for Permit No. 22-13155 and 22-13156

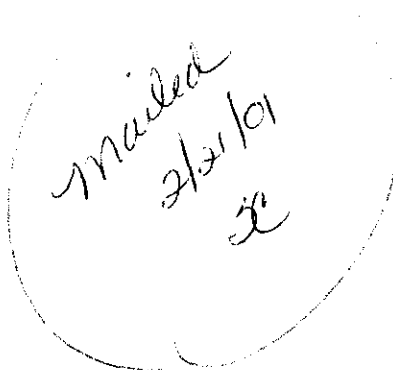
Dear LEGAL NOTICE DEPARTMENT:

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 March 19, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

MAILED 3 2001

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

22-13155

BIG HOLE LLC
P O BOX 3393
JACKSON WY 83001

Point(s) of Diversion SWSW S14 T04N R45E TETON County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.9 CFS

Total Diversion: 0.9 CFS

Date Filed: 02/13/2001

Place Of Use: DOMESTIC

T04N R45E S14 SWSW

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 March 19, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on March 1 and 8, 2001

MICROFILMED

MAY 9 3 2001