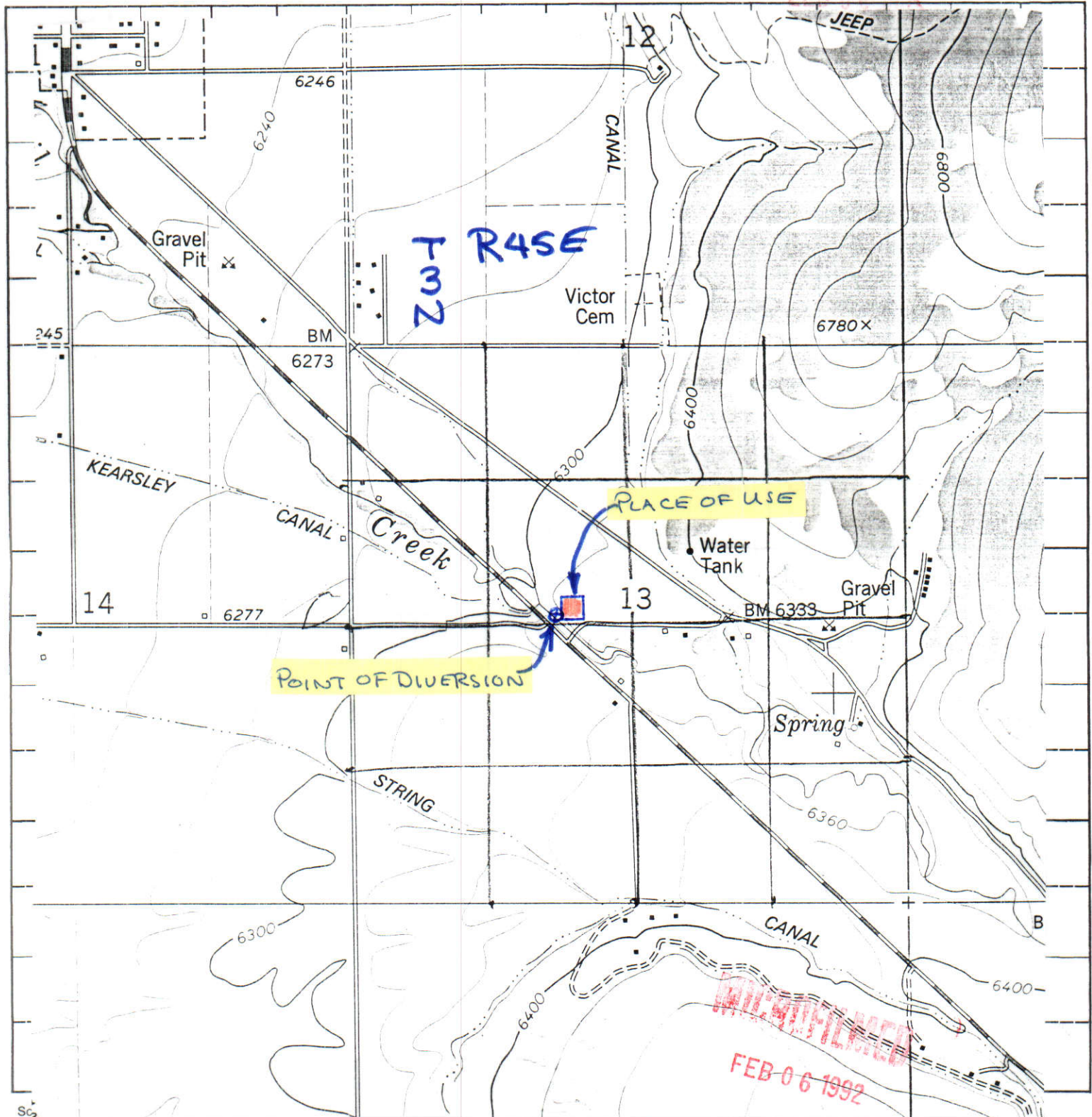


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

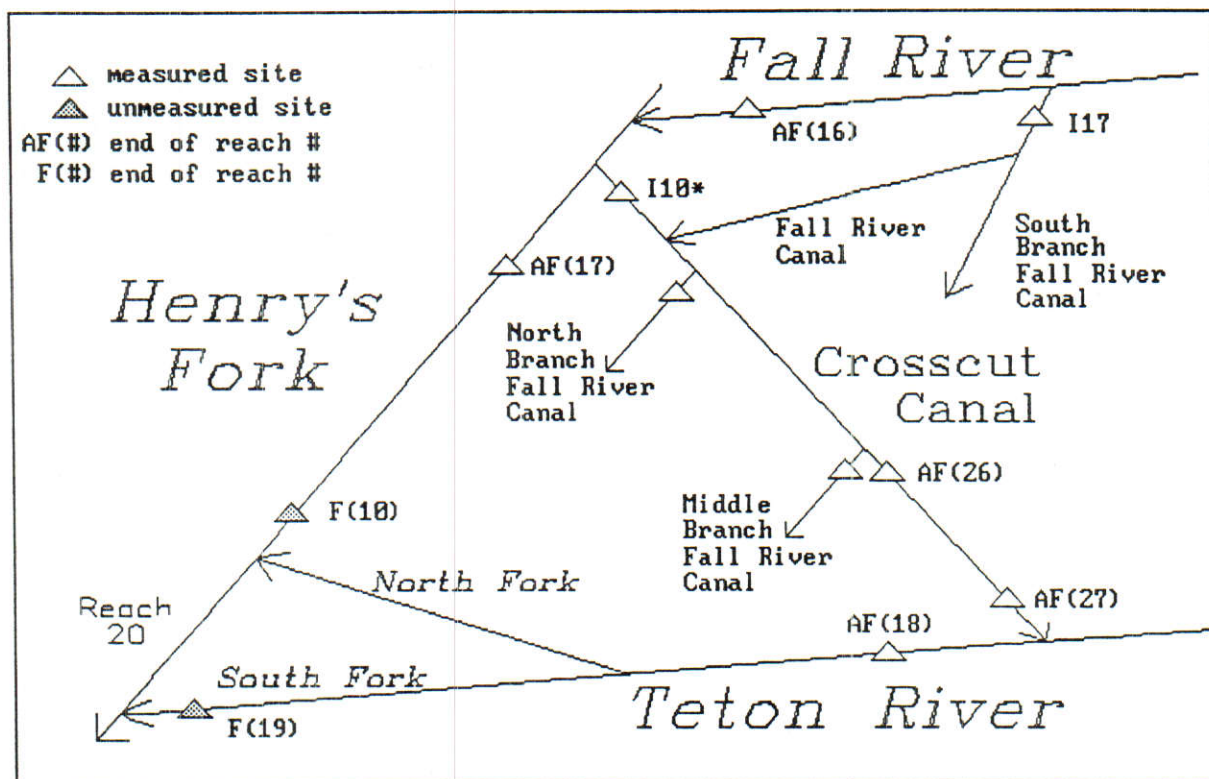
Tim Vegaand
(Applicant)







Figure 22. Limited Conceptual Diagram of the Crosscut Canal Vicinity



branch of the Fall River Canal contributes flow to this reach and since it's not assigned as a measured tributary it appears as part of the reach gain, anyway.¹ Any "excess" reach gain - that not usable to satisfy reach 26 diversions - is propagated downstream into reach 27 without being accounted for on paper, and thus appears as part of the reach 26 tributary to reach 27. The gain in reach 27 is discussed shortly.

The second remedy removes all, or a portion of, the actual discharge of the canal into the Teton River from reach 18's calculated gain. Since reach 27 is not assigned as a tributary reach to the Teton's number 18, the entire contribution is originally accounted for as an unmeasured component by the reach gains equation. However, since part of the Crosscut's

¹Although a gain is calculated for reach 26 it does not affect natural flow determinations in the system because feeder canals are not included in the reach gain summation employed to that end.

REPRODUCTION
FEB 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

JAN 19 1996

PROOF OF BENEFICIAL USE

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

1. Permit No. 22-07713 Telephone No. 208-787-2815

2. Name(s) of Permit Holder(s): Tim N. Vesgaard

(New Address)
3. Mailing Address: 45 E. 950 S. Victor, Id. 83455

4. Source of Water: Trail Creek If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

Irrigation (No. of acres): 0.20 Other: wildlife

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

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

Measuring Device:	Is a measuring device required?	Yes _____ or No <u>X</u>
	Has the measuring device been installed?	Yes _____ or No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No <u>X</u>
	Has the measurement port been installed?	Yes _____ or No _____

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

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

Name: Tim Vesgaard Telephone Number: 208-787-2815

Address: 45 E. 950 S Victor, Id. 83455

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

Signature of permit holder: Tim Vesgaard Date: FEB 2 1996 / 7-96
(include your title, if on behalf of company or organization)

MAR 14 1994

For Office Use Only
\$15 Fee Received by W
Date 3/15/94
Receipt No. 0029804

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 22-07713

Name(s) of Permit Holder: Tim N. Vesgaard

Mailing Address: P.O. Box 333 Victor, Id. 83455 (new Address)

Date Proof is Due Feb 1 1994 Telephone No. 208-787-2815

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

The pond has been dug and landscaped. I have built a small water fall on the inlet. I am pumping with a gas pump - and want to switch to an electric pump. and install a gravity feed system if I can get an easement neighbors. Costing \$1350.00
I have had ducks, deer, weasels and birds just since I built the pond.
The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I don't have electricity yet, but plan to have it installed in the summer. There has been a death in the family at the neighbors so that has held up my easement.
Permit holder(s) request an extension to Feb 1st, 1996.

FEE: \$15.00

Tim Vesgaard
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1996.

IT IS FURTHER HEREBY ORDERED that the permit is reinstated and the priority is advanced to August 21, 1991.

Signed this 31st day march, 1994

J. Glen Saxton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07713

Proposed Priority: July 11, 1991 Maximum Diversion Rate: 0.20 CFS
This is to certify, that **TIM N VESGAARD**

PO BOX 276
VICTOR ID 83455

has applied for a permit to appropriate water from:

TRAIL CREEK tributary of **TETON RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
WILDLIFE	04/01 to 11/01	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 13, Township 03N, Range 45E
TETON County

PLACE OF USE: WILDLIFE
TWN RGE SEC

03N 45E 13 SENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
5. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. Use of water under this right shall be non-consumptive.
9. This right is subject to the establishment of a by-flow to preserve the riparian habitat.

RECEIVED

FEB 06 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07713

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

24th day of January, 1992

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED

FEB 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Tim N. Vesgaard Phone 787-2806
Post office address P.O. Box 276, Victor Id 83455
2. Source of water supply Trail Creek which is a tributary of Teton River
3. Location of point of diversion is _____ 1/4 of SE 1/4 of NW 1/4, Govt. Lot _____
Sec. 13 Township 3N Range 45E B.M. Teton County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 for Wildlife purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

* Amount 0.02 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.20 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. diversion pump with open discharge and mainline to pond (duck pond) and mainline* to irrigation system with sprinklers.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 yrs years (minimum 1 year).

* m. removed per applicant's letter of 1-21-92. 08

B 06 1992

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Wildlife pond (i.e. duck pond) Pond 30' x 70'
average depth 7ft.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	4SE	13								+									+
										W									

No irrigation per letter 101-22-92
Total number of acres to be irrigated 28

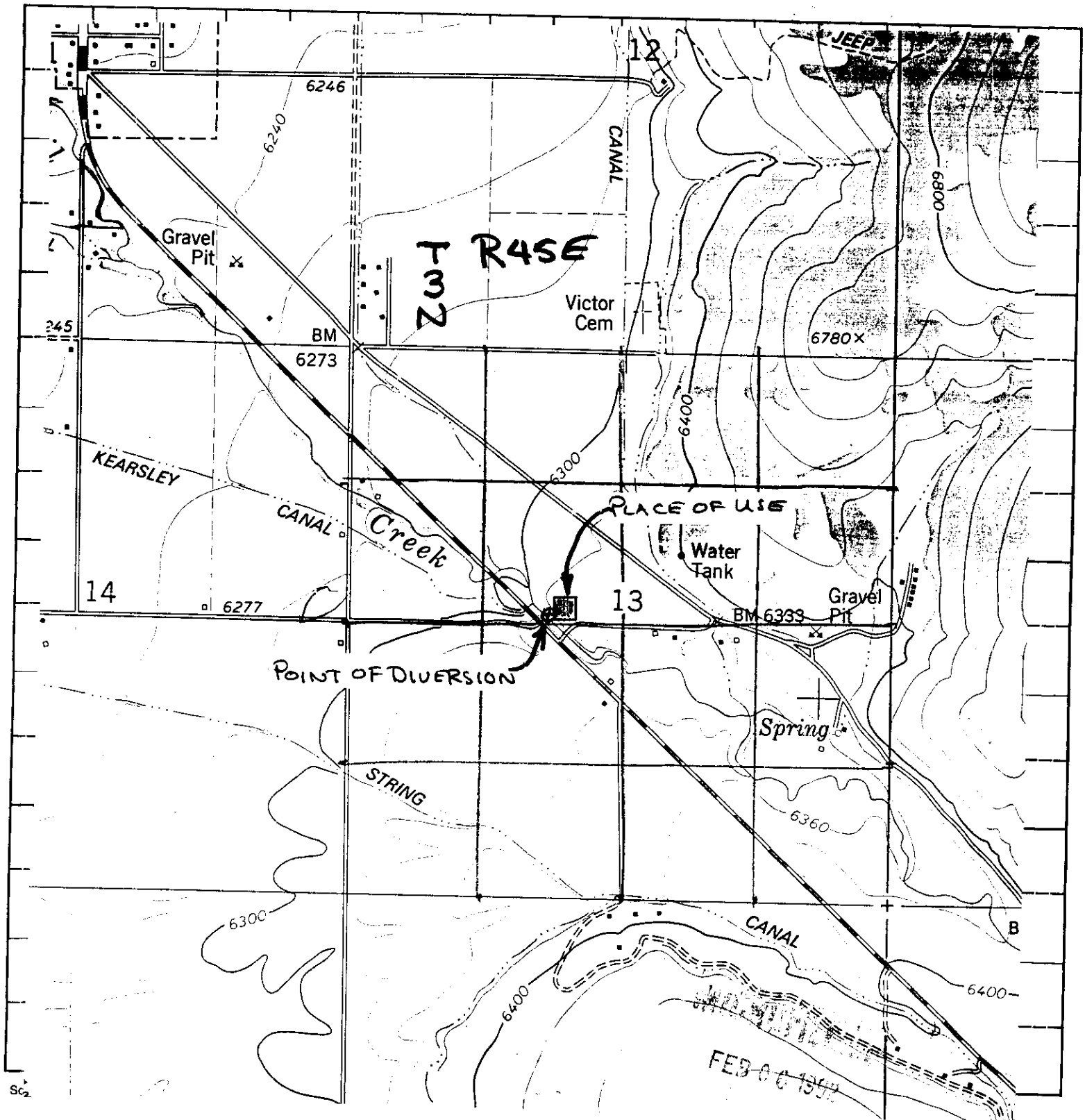
10. Describe any other water rights used for the same purposes as described above. NONE

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? _____
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Amount for Wildlife based on approximate capacity of
a 1 hp pump.

FEB 06 1992

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



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

Tim Vegaand
(Applicant)

Received by Kaw Date 11 July 91 Time 1049w Preliminary check by _____
Fee \$ 30⁰⁰ Receipted by Kaw # E016318 Date 11 July 1991
Publication prepared by RB Date 8-1-8-91 Published in Teton Valley News
Publication approved RB Date 8-28-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

RECORDED

FEB 06 1992

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

I, Nadine Loose
being first duly sworn, depose and say that I am
the Secretary of the Teton Valley News,
a newspaper as defined by Idaho Codes An-
notated, Section 58-106, as amended, and that
said newspaper is a weekly newspaper printed and
published at Driggs, in Teton County, Idaho,
having a general circulation in said county, and
that said newspaper has been printed in said
county for more than 78 consecutive weeks prior
to the first publication of the attached notice, ad-
vertisement, or publication of

22-07712
Tim Vesgaard
And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for the consecutive
issues thereof; first publication having been
made on the 1st day of Aug.
1991.

And affiant further says that at the times herein
mentioned said newspaper was made up of at
least eight pages of at least five columns each,
printed from typed matter, of at least sixteen in-
ches deep.

State of Idaho)

County of Teton)

On this 24th day of August
in the year of 1991 before me, a Notary Public,
personally appeared Nadine Loose
known or identified to me to be the person whose
name subscribed to the within instrument, and
being by me first duly sworn, declared that the
statements therein are true, and acknowledged to
me that he executed the same.

Deeda A. Ruck

Notary Public for Idaho

Residing at

Driggs, Idaho

My commission expires

12-2-91

RECEIVED

AUG 22 1991

Department of Water Resources
Eastern District Office

22-07712

VESGAARD, TIM N.
P.O. BOX 276
VICTOR, ID 83455

Source: GROUNDWATER
Diversion Pt: SENW Sec 13 T
03N R 45E
Use: IRRIGATION (.020 CFS)
WILDLIFE (.200 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.200 CFS)
Date Filed: 7-11-1991
In: T03N R45E S13 SENW.
1.0 ACRES TOTAL.

22-07713

VESGAARD, TIM N.
P.O. BOX 276
VICTOR, ID 83455

Source: TRAIL CREEK.
Tributary: TETON RIVER.
Diversion Pt: SENW Sec 13 T
03N R 45E
Use: IRRIGATION (.020 CFS)
WILDLIFE (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 7-11-1991
In: T03N R45E S13 SENW
1.0 ACRES TOTAL.

The permit(s) will be subject to
all prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code
and/or the new public interest
criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho 83402 on or
before August 19, 1991.

R. Keith Higginson
Director

Published in the Teton Valley
News August 1 and 8, 1991.

FEB 06 1992

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 22-07713 Reviewed by [Signature] Date 2-2-96

GENERAL CONSIDERATIONS

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

TYPES OF USE

W. wildlife

Correct Uses? yes

SOURCE OF WATER

✓ Surface water source

 Ground water source

<u> </u>	Drilling permit required?	
<u> </u>	Copy in the file?	Drilling Permit No. <u> </u>
<u> </u>	Amount paid for permit	<u> </u> Correct?
<u> </u>	Well log in the file?	

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 45 E 950 S Proof Made 1-10-96



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 12, 1996

TIM N VESGAARD
45 E 950 S
VICTOR ID 83455

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 22-07713

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
FEB 22 1996

November 30, 1995

TIM N VESGAARD
PO BOX 333
VICTOR ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07713

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 February 1, 1996. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

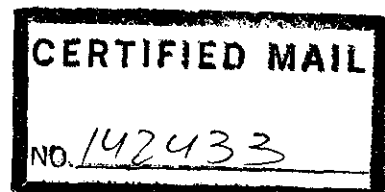
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

FEB 22 1996



**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 22-67713 Reviewed by [Signature] Date 3-28-94

BASIC INFORMATION

3-14-94 Date stamp received
no Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend extend to feb. 1, 1996 for due diligence

PRIORITY CALCULATION

Date extension received	<u>3-14-94</u>	=	<u>73</u>
Proof due date	<u>2-1-94</u>	=	<u>32</u>
Number of days late	<u>41</u>	=	<u>41</u>
Priority date	<u>8-7-11-91</u>	=	<u>192</u>
New Priority Date	<u>8-21-91</u>	=	<u>233</u>

DATA ENTRY

New Address P.O. Box 333, Victor Id 83455
Change Proof Due Date 2-1-96
Change Priority Date 8-21-91

April 1, 1994

Tim N. Vesgaard
P.O. Box 333
Victor, ID 83455

RE: Permit No. 22-07713

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1996. Since the extension was received after the proof of beneficial use date, it was necessary for the department to reinstate your permit and advance your priority date to August 21, 1991.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department will not be able to grant additional requests based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

c: IDWR - Regional Office

RECEIVED
FEB 22 1996







Tim Vesgaard
Box 333
Victor Id. 83455



2 1996

Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise Id. 83720-9000

February 7, 1994

TIM N VESGAARD
PO BOX 276
VICTOR ID 83455

LAPSE NOTICE

RE: PERMIT NO. 22-07713

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED

FEB 22 1996

CERTIFICATION OF MAILING

I hereby certify that on 2-7-94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

November 30, 1993

TIM N VESGAARD
PO BOX 276
VICTOR ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07713

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 February 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

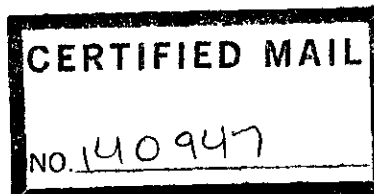
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
DEC 2 1993





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 28, 1992

TIM N VESGAARD
PO BOX 276
VICTOR ID 83455

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07713

Dear Permit Holder:

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

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

MICROFILMED

FEB 06 1992

APPLICATION FOR PERMIT REVIEW

Application #: 22-7713Reviewer: Pam Skaggs *CS*Date: 01-22-92

✓ Existing:

✓ No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23(All GW, even existing wells)

✓ Location:

✓ Water Districts - WD No. 01✓ Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

✓ Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - 1 (1, Blank or Other)

Trust - 051-052-053-P74(Consumptive Uses)

✓ Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

✓ Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A, 010, or 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

MICROFILMED**FEB 06 1992**✓ Beneficial Use Due Date: - 02-01-1994✓ Other Conditions Recommended Right subject to establishment of a fee-flow
to preserve riparian habitat. Per N. Spickman*This diversion will be supplemented by Groundwater right 22-7712 if necessary.*

- Tim Vesgaard
Box 276
Victor, Id
83055

TO

Dept. of Water Resources

RECEIVED
JAN 21 1992

Dear Pam:

I am responding to your
permit # 227713

RE: Diverting surface water from
Trail Creek for duck pond.

What my plans are
to divert .20 or less into the
pond and return all of
it to Trail Creek.

I am going to use a
pond liner so I don't lose
water into the ground.

The only water loss
would be evaporation which
I can replace with ground
water if needed.

I have received a permit
for ground water # 22-07712

Irrigation .02 CFS wildlife .20 CFS

Domestic .04 CFS

So on permit # 22 7713
I don't need irrigation
water.

I will irrigate with
ground water.

I received your letter
on 12-16. I have been into
your S.E. office (Idaho Falls)
persuading this. I talked to
J.I. she said that you should
give me a few extra days
since I have been working
on this.

Thank You Very Much!
Tim Vegard

RECEIVED
FEB 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 16, 1991

CECIL D. ANDRUS
GOVERNOR

Tim N. Vesgaard
P.O. Box 276
Victor, ID 83455

R. KEITH HIGGINSON
DIRECTOR

RE: Application for Permit No. 22-07713

Dear Applicant:

NOTICE OF PENDING ORDER REJECTING APPLICATION

On July 11, 1991 you filed with the Department of Water Resources (Department) Application for Permit No. 22-07713 which proposed the diversion of 0.20 cubic feet per second of surface water from Trail Creek for wildlife use and irrigation of 1 acre.

The source of water identified is Trail Creek in the Teton River Drainage. Ron Carlson, Watermaster of Water District 01, states that there is insufficient unappropriated water at the point of diversion without supplemental water, and that the source of storage water in this area has reached full capacity.

Section 42-203A(5), Idaho Code, states in part, "that applications where the proposed use will reduce the quantity of water under existing water rights...the department of water resources may reject such application."

The purpose of this notice is to provide an opportunity for you to submit any information that the Department may be unaware of regarding access to supplementary water. If you fail to respond to this inquiry within thirty (30) days of the date of this letter, the Department will issue an order rejecting the application pursuant to Section 42-203A(5), Idaho Code.

If you are no longer interested in pursuing the development described on the application, please complete and return the enclosed withdrawal form. Please note, if you are using water without an approved permit, the Department may issue an order requiring you to cease diverting the water.

If you have any questions concerning this notice please contact me and I will be happy to assist you in this matter.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

Enclosure

MICROFILMED

FEB 06 1992

M E M O

TO: Pam Skaggs & Gary Spackman
FROM: H. W. Jones
RE: Application for Permit No. 22-07713
DATE: 10-Sep-1991

This is another application for the Teton River Drainage which I feel should be denied. It is our policy, here and in Water District 01, to require some access to storage or supplementary water on late priority applications such as this. The main stem Snake River applications can access Palisades rental water but the Teton Drainage is a different problem.

Initially, Fremont-Madison can and does rent storage water to water users within the boundaries of their district. This water comes through the Cross Cut Canal from Henry's Fork to the Teton River. To be eligible to rent storage exchange water, the applicant must be within the Fremont-Madison boundaries as mentioned above. The real problem lies in the fact that there is no way to tell if Fremont-Madison can accommodate on a daily basis all the water needs of those who rent.

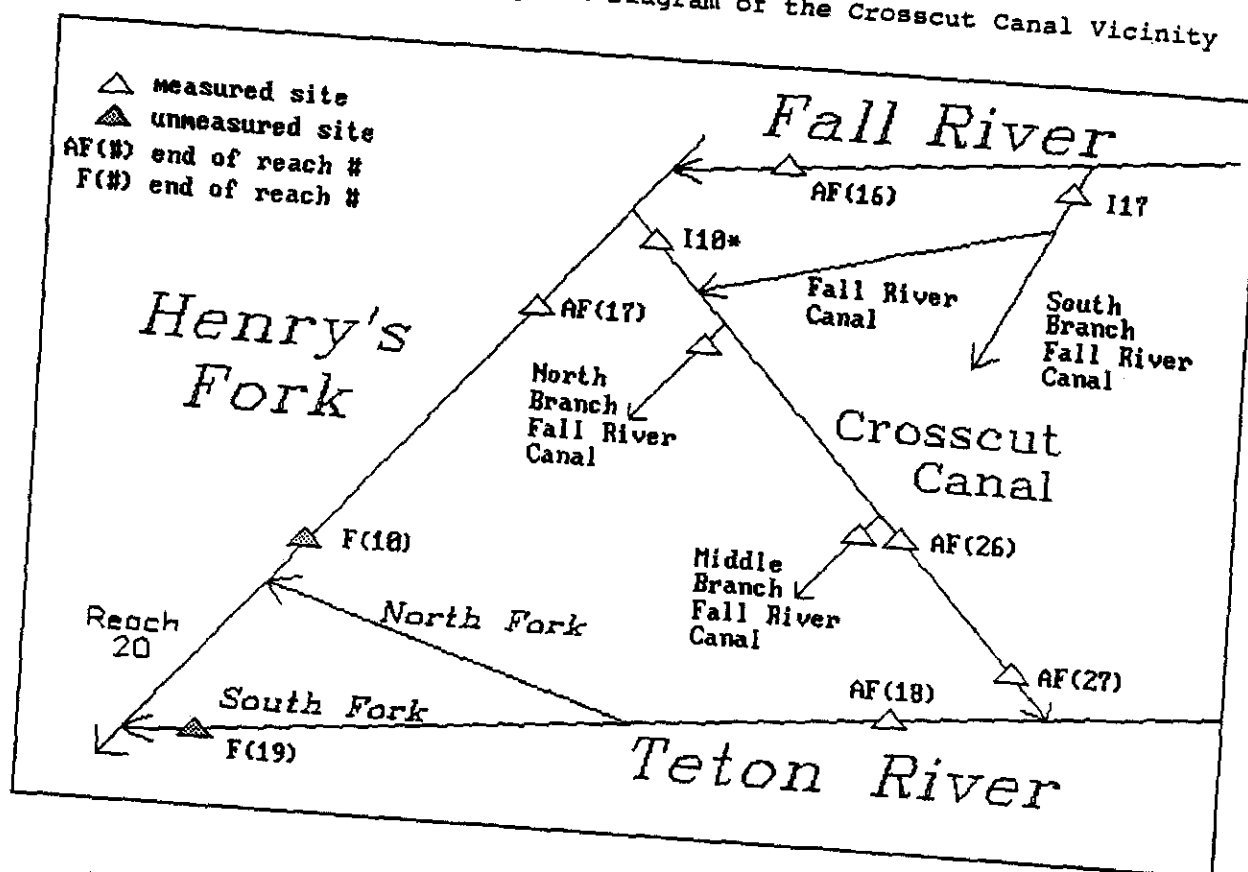
The Cross Cut Canal naturally has a finite capacity, and Ron Carlson has mentioned to me that he feels this capacity has been reached and to continually approve applications that need extra water from this system is to probably allow natural flow rights to be adversed.

I would like to see a blanket disapproval of any new Teton Drainage natural flow applications unless the applicants can establish that there is supplementary water positively available.

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Figure 22. Limited Conceptual Diagram of the Crosscut Canal Vicinity



branch of the Fall River Canal contributes flow to this reach and since it's not assigned as a measured tributary it appears as part of the reach gain, anyway.¹ Any "excess" reach gain - that not usable to satisfy reach 26 diversions - is propagated downstream into reach 27 without being accounted for on paper, and thus appears as part of the reach 26 tributary to reach 27. The gain in reach 27 is discussed shortly.

The second remedy removes all, or a portion of, the actual discharge of the canal into the Teton River from reach 18's calculated gain. Since reach 27 is not assigned as a tributary reach to the Teton's number 18, the entire contribution is originally accounted for as an unmeasured component by the reach gains equation. However, since part of the Crosscut's

¹Although a gain is calculated for reach 26 it does not affect natural flow determinations system because feeder canals are not included in the reach gain summation employed to that end.

FEB 06 1992

Send Copies to agencies
shd on 2nd pg.

Dist. for staffing: 15-Jul-1991
Submitted for advertising:

Form No. 202a
4/87

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

22 7713

INITIAL REVIEW BY HWS
APPLICANT NAME: TIM N. VESGAARD

DATE 7-15-91

APPLICATION NO. _____

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
Overlapping point of diversion
Yes _____ No _____ Field check required
Field check by _____
Yes _____ No _____ Field report attached
Yes _____ No _____ Critical groundwater area
Yes _____ No _____ Groundwater management area
Yes _____ No _____ Send dam safety information
Yes _____ No _____ Send power requirement letter
Yes _____ No _____ Send fish farm requirement letter
Yes _____ No _____ Power residency affidavit
Yes _____ No _____ Power efficiency form
Yes _____ No _____ Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
Yes _____ No _____ Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

RECEIVED
SEP 13 1991

Department of Water Resources

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

~~Idaho Dept. of Health & Welfare~~ ☐ U.S. BLM
☒ ~~Idaho Dept. of Fish & Game~~ ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ ~~Water District~~ 01
☐ 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 8-19-91
☐ 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. 01
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

Date of priority recommended _____ See below for additional information
By _____ Date _____

STATE OFFICE REVIEW

By _____ See below for additional information
Date _____

ADDITIONAL INFORMATION

* Groundwater application No. 22-7712

Recommend Denial - see attached memo

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7713 and
have the following comments/objections to the approval of this
application for permit:

I do not believe there
is water available for
appropriation or trail crop

Date

RONALD D. CARLSON, WATERMASTER
Water District No. 01

MICROFILMED

FEB 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

25-Jul-1991

HERBERT POLLARD
DEPT OF FISH & GAME
REGION 6
1515 LINCOLN RD

IDAHO FALLS ID 83401

RE: Application NO. 22-7713

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 August 19, 1991, 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
HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb
enc.

RECORDED

FEB 06 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

25-Jul-1991

TIM N VESGAARD
PO BOX 276
VICTOR ID 83455

RE: Application No. 22-7712 & 22-7713

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Teton Valley News on August 1 & 8, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Harold W. Jones
HAROLD W. JONES ^{rb}
Water Rights Supervisor

HWJ/rb



FEB 06 1992

22-07713

VESGAARD, TIM N.
P.O. BOX 276
VICTOR, ID 83455

Source: TRAIL CREEK

Tributary: TETON RIVER

Diversion Pt: SENW Sec 13 T 03N R 45E

Use: IRRIGATION (.020 CFS)
 WILDLIFE (.200 CFS)
 Total Diversion: (.200 CFS)

Date Filed: 7/11/ 1991

In: T03N R45E S13 SENW

1.0 ACRES TOTAL

RECEIVED

FEB 06 1992

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 19, 1991.

R. Keith Higginson, Director

Published 8/ 1/1991 & 8/ 8/1991



FEB 06 1992