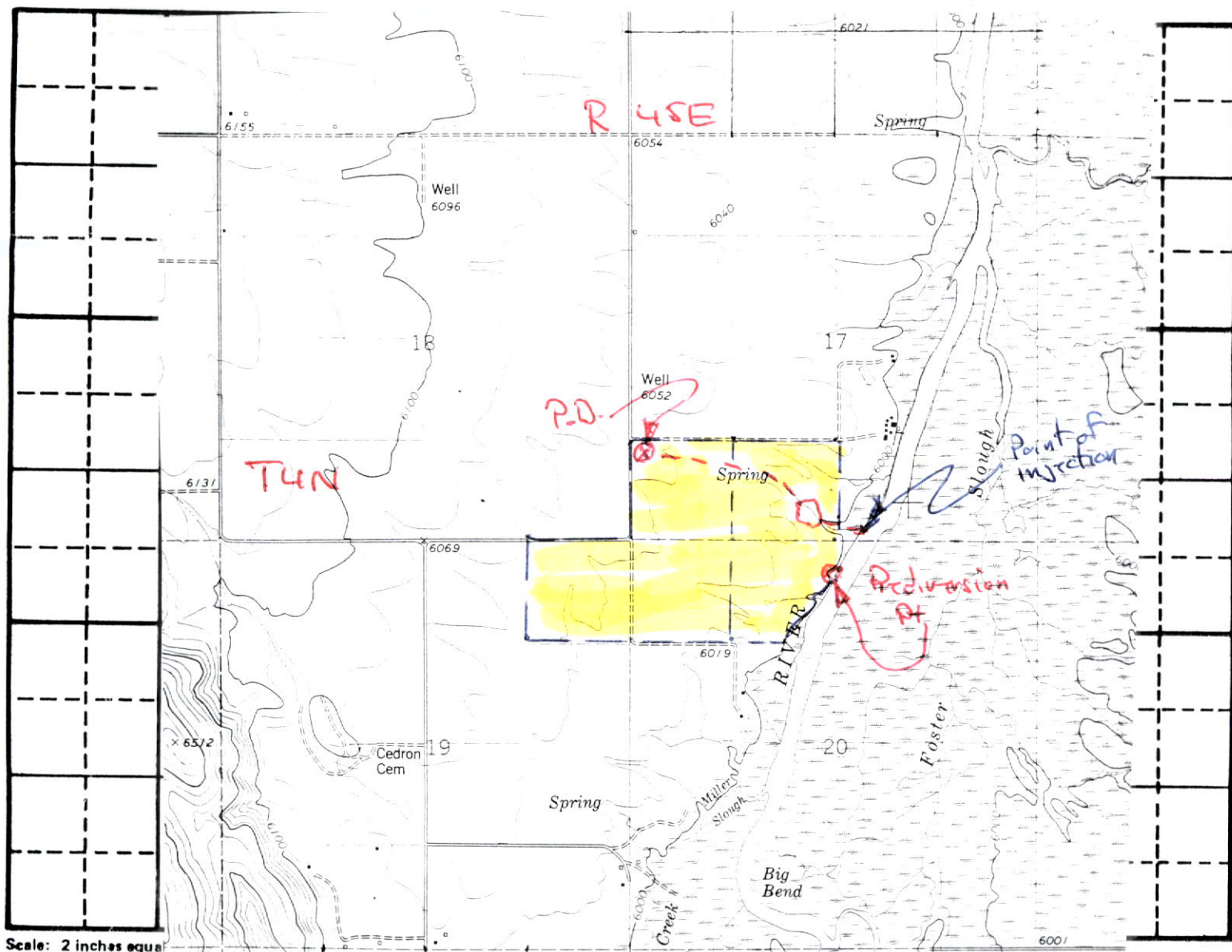


Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 40-acre subdivisions, townships, ranges and ditches.



That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Idaho Falls, this 9 day of May, 19 91.

Garl R Drake
 (Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 #E016063 Received by HWS Date 5-9-91

Publication prepared by RB Date _____ Published in Teton Valley News

Publication dates 5-16-23-91

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
 approve the above referenced application for amendment. See attached sheet for the
 conditions of approval.

Witness my hand this 28 day of July, 19 92.

L. Glen Saxton
 Chief, Water Allocation Bureau

AUG 12 1992



T4N
R4S

FILMED

FEB 06 1991

22-07681

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

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

Notice of Application
for Water Right
And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for two consecutive
issues thereof; first publication having been
made on the 18 day of October
1990

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 29th day of October
in the year of 1990, before me, a Notary Public,
personally appeared Nadine Soore
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.

Nicola A. Ricks
Notary Public for Idaho

Residing at Driggs, Idaho

My commission expires 12-2-91

RECEIVED

NOV - 2 1990

Department of Water Resources
Eastern District Office

Source: GROUNDWATER

Diversion Pt: NWSW Sec 17 T
04N R 45E

Use: IRRIGATION (3.460 CFS)
Total Diversion: (3.460 CFS)

Date Filed: 8-27-1990

In: T04N R45E S17 SWSW SESW
S19 NENE S20 NENW NWNW

173.0 ACRES TOTAL

22-07684

SMITH, LYNN E.
382 W. MC REYNOLDS AVE.
FELT, ID 83424

Source: GROUNDWATER

Diversion Pt: SESESE Sec 3 T 06N
R44E

Use: IRRIGATION (16.000 CFS)
Total Diversion: (16.000 CFS)

Date Filed: 0-5-1990

In: T06N R44E S02 SWSW SESW
SWSE SESE S03 NENE SENE
NESE SESE S10 NWNW SWNE
S11 NENW NWNW SWNW
SENW NESW NWSW SWSW
SESW S14 NENW SENW

800.0 ACRES TOTAL

22-07685

PARTRIDGE, ROBERT P.
552 S. 50 W.
P.O. BOX 331
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: NESW Sec 26 T 04N
R 45E

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 9-10-1990

In: T04N R45E S26 NESW

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 NOVEMBER 5, 1990.

R. Keith Higginson, Director

Published in the Teton Valley
News October 18 and 25, 1990.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07681

DRAKE BROTHERS
641 S. 450 W.
VICTOR, ID 83455

MICROFILMED

FEB 06 1991



Reservoir outlet.

MICROFILMED

OCT 23 2000

SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 20, T04N, R45E



Photo Taken 09/28/2000

Location of P/D **22-00086B**
Keith C. Wilson



Photo Taken 09/28/2000

View West from Teton River
Keith C. Wilson



Photo Taken 09/28/2000

View East towards Teton River
Keith C. Wilson

MICROFILMED

OCT 23 2000

① Describe pond use.

② Are the lawns included in the POW described in the exams? Yes

③ How are we going to prevent injury to Teton River when water flows from the pond into the river and right holder is pumping from the pond?

Keith will talk to WDOI and send me a memo.



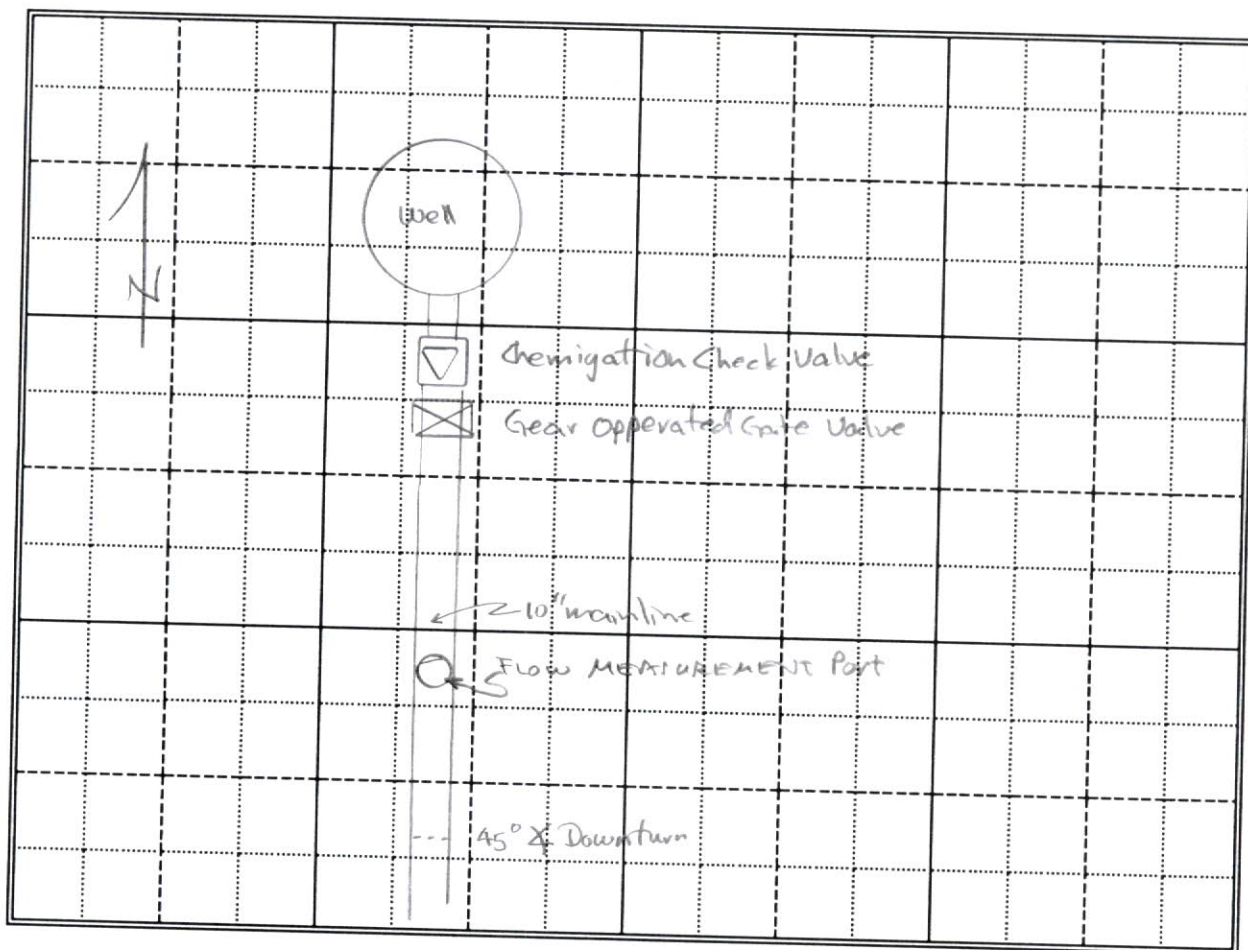
To preserve C, A must equal B.

(g) What's up with the 300 right? Keith Will ask WDOI

S. Kees
9/27/00

MICROFILMED
OCT 2 3 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Electric	75	B12-S321A-M04	Pump Tech	9-0496

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flow Meter	Sonic	Fuji	FLC S1011	7K00897B 240333	FLD-D-Transducer	

2. Measurements: 10.015" od 6.104" thickness steel mainline

MICROFILMED

OCT 1 2000

Creek

R44 E R45 E

T
4
N
R45 E

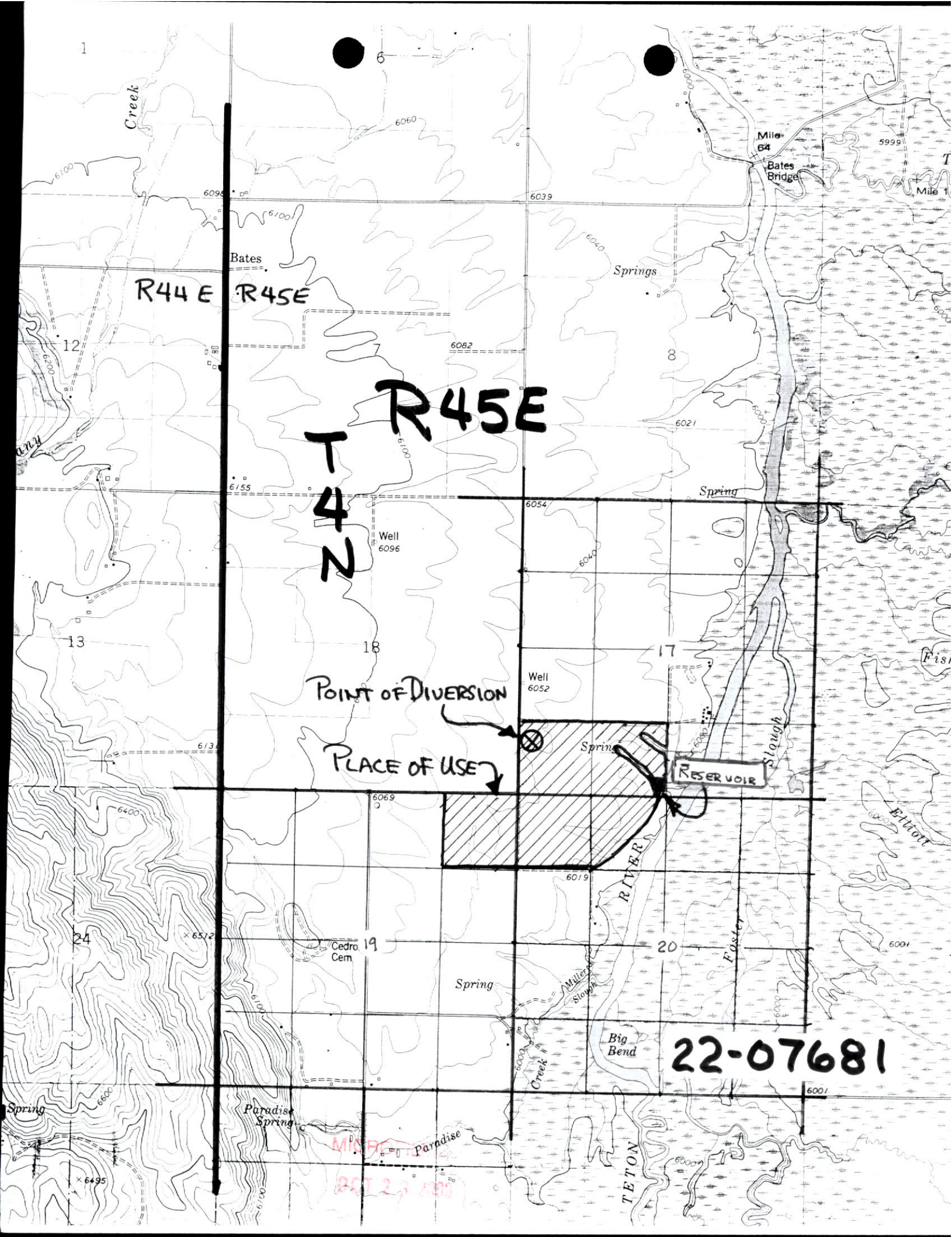
POINT OF DIVERSION

PLACE OF USE

RESERVOIR

22-07681

MINER Paradise
23 23 23



201

IT

G-

SEC
17
12

POINT OF DIVERSION

575
T291

38
NHEL

34

03

18 17 50.0

575
T318

19 20

574
T771

RESERVOIR

HEL 39

40

NHEL 22

PLACE OF USE

19.8

6 17.8

149
T316

R45E

T42

NHEL

MICROFILMED

OCT 23 2000

1 625

SEC
20

22-07681

NHEL

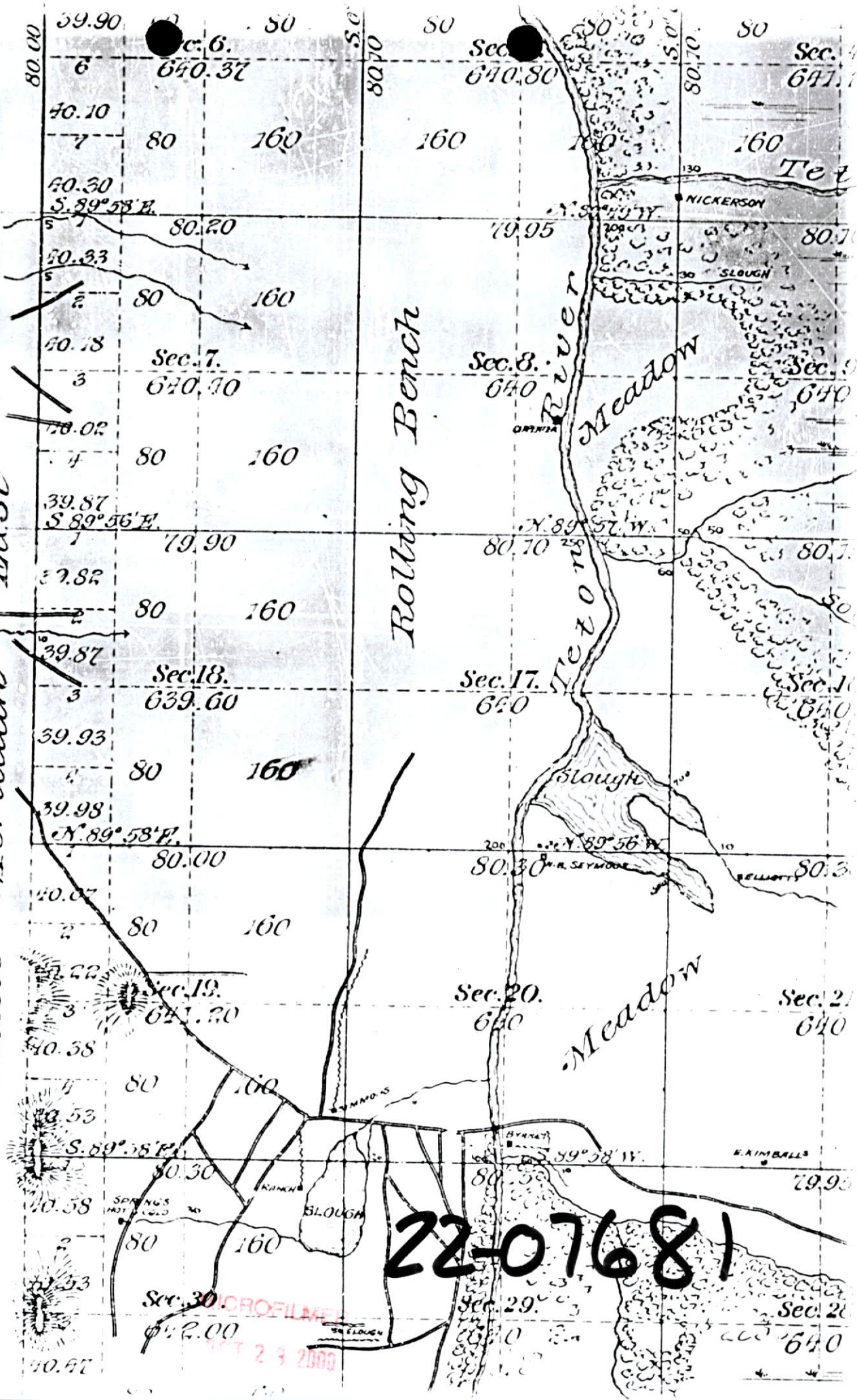
6 16.5

R45E

T
4
Z
i

Eleventh Guide Meridian East

22-07681





POINT OF DIVERSION

22-07681

MICROFILMED
OCT 23 2000



RESERVOIR SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 17, T4N, R45E)

22-07681

MICROFILMED

OCT 23 2000

RECEIVED

SEP 11 1997

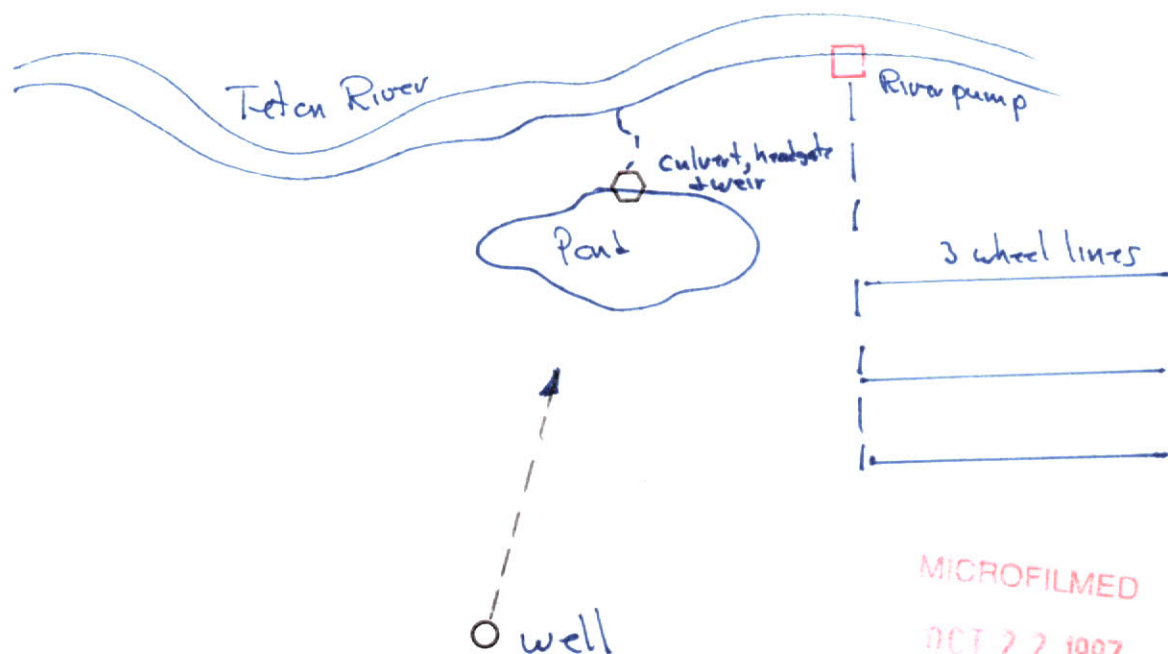
Department of Water Resources

MEMO

FROM: H.W. JONES
TO: SHELLEY KEEN
RE: MEASURING DEVICE REQUIREMENT ON PERMIT 22-07681

TONY OLENICHAK AND I HAVE INSPECTED THIS SYSTEM. CURRENTLY THERE IS A METER ON THE WELL WHICH PUMPS WATER DOWN TO A POND AND OVERFLOWS TO THE TETON RIVER. THERE IS A CULVERT WITH A HEADGATE ON THE OUTFLOW. THE APPLICANTS ARE CURRENTLY CONSTRUCTING A RECTANGULAR WEIR ON THIS POND OVERFLOW TO THE RIVER. THE EXCHANGE PUMP IN THE RIVER HAS A METER IN-LINE BUT ALSO HAS AN ELECTRIC METER ADJACENT WHICH CAN EASILY BE USED TO COMPUTE FLOW.

WE FEEL THAT A CONTINUOUS RECORDING DEVICE ON THE POND OUTFLOW IS NOT NECESSARY AND OUTFLOW DATA CAN BE GATHERED PRIODICALLY BY THE WD 01 DEPUTY. WHEN DATA STARTS TO BE ACCUMULATED THERE WILL DEVELOPE A STANDARD FLOW FROM THE WELL AND RIVER PUMP. IF THE WELL AMOUNT IS DEFICIENT THE WD 01 DEPUTY CAN REQUIRE THAT FEWER LINES ARE USED ON THE IRRIGATION FIELDS TO ACHIEVE THE REQUIRES BALANCE.



MICROFILMED

OCT 22 1997

[Handwritten signature]









Ditch From spring to Pond
 (Ditch is 18"-20" wide with 1"-2"
 of water in it)

MICROFILMED

AUG 12 1992



Pond (approx 2 surface
acres)
with overflow pipe



outlet from
overflow pipe

MICROFILMED

AUG 12 1992

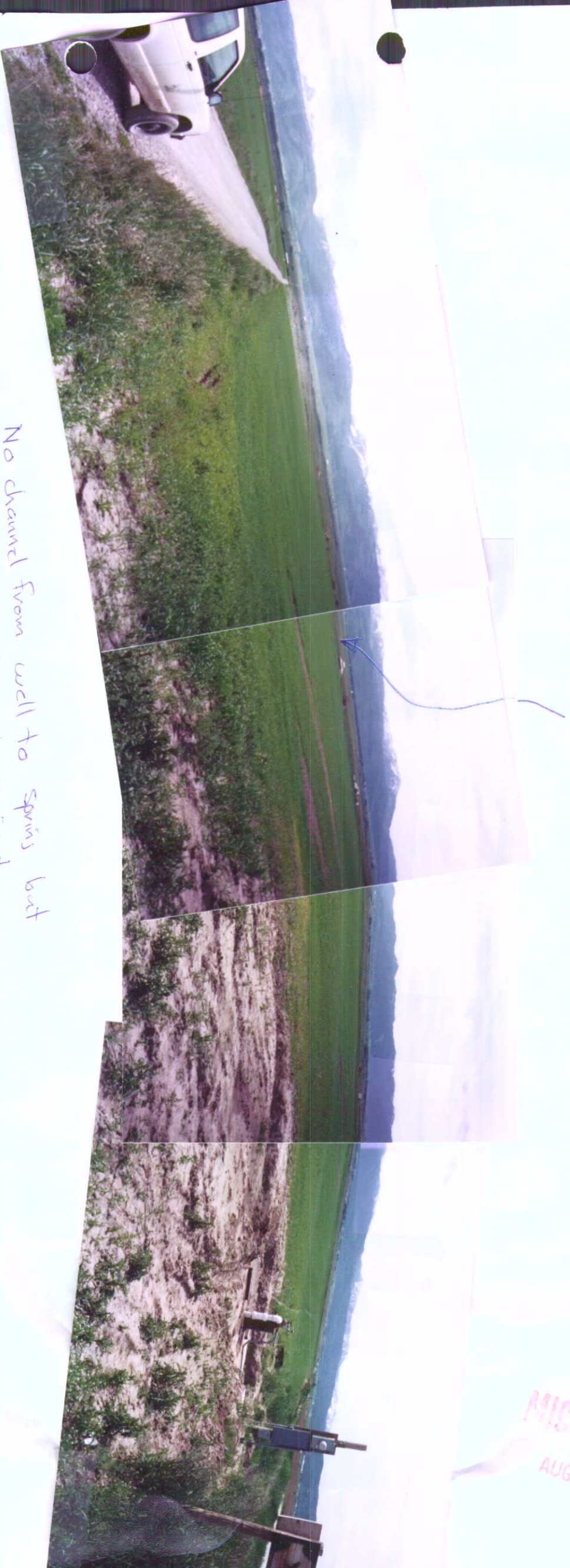


well with 30hp subm. pump,
(Locking East)
18" casing

MICROFILMED

AUG 12 1992

Teton River (approx 1/2 mile east of well site)



No channel from well to springs but there is a ditch from the springs to the pond with overflow pipe.

Transmission loss from well to spring / ditch could be very substantial.

MICROFILMED
AUG 12 1992

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07681

Priority: August 30, 1990

Maximum Diversion Rate:

2.22 CFS

Maximum Diversion Volume:

605.5 AF

This is to certify, that BOYD CHARLES SMITH
JILL JOHNSON SMITH

301 COLERIDGE AVE
PALO ALTO CA 94301

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 27, 1990; and has submitted Proof of Beneficial Use on February 4, 1999. An examination indicates that the works have a diversion capacity of 2.220 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	2.22 CFS	605.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NESWSW , Sec. 17, Township 04N, Range 45E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	45E	17	SWSW 38	SESW 34		72
		19	NENE 39			39
		20	NENW 22	NWNW 40		62

Total number of acres irrigated: 173

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

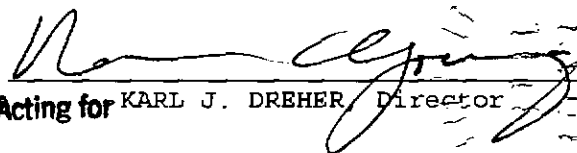
MICROFILMED

OCT 23 2000

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07681

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 19th day of OCTOBER, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
OCT 23 2000

For Office Use Only

\$25.00 Filing Fee

Receipt # EO25154Date 7-21-1999

RECEIVED

JUL 26 1999

State of Idaho
DEPARTMENT OF WATER RESOURCESASSIGNMENT OF PERMIT
To Change the Ownership of a Permit

Department of Water Resources

We, Asa J. Drake and Joann P. Drake, husband and wife, acting both individually and as Trustees of The DBL, A Trust and Garl R. Drake and Jill J. Drake, husband and wife, acting both individually and as Trustees of The DHL, A Trust, hereby assign to Boyd C. Smith and Jill Johnson Smith, as trustees of the Boyd Charles Smith and Jill Johnson Smith Trust Agreement dated December 13, 1990, of 3201 Ash Street, Palo Alto, California 94306-2240.

All our right, title, and interest in and to Permit No. 22-07681 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 8 day of July, 1999.

Asa J. Drake
Asa J. Drake, acting both individually
and as Trustee of The DBL, A Trust

Joann P. Drake
Joann P. Drake, acting both individually
and as Trustee of The DBL, A Trust

Garl R. Drake - T
Garl R. Drake, acting both individually
and as Trustee of The DHL, A Trust

Jill J. Drake - T
Jill J. Drake, acting both individually
and as Trustee of The DHL, A Trust

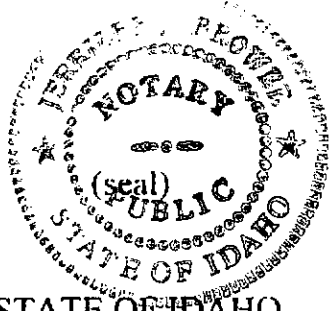
MICROFILMED

AUG 09 1999

STATE OF IDAHO)
)ss.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Asa J. Drake, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

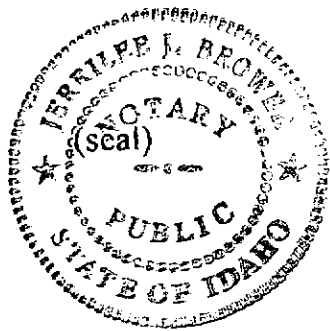


Jerriene J. Brower
 Notary Public for Idaho
 Residing at Tetonia, Idaho
 My Commission Expires: 2-27-04

STATE OF IDAHO)
)ss.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Asa J. Drake, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The DBL, A Trust and acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Jerriene J. Brower
 Notary Public for Idaho
 Residing at Tetonia, Idaho
 My Commission Expires: 2-27-04

STATE OF IDAHO)
)ss.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Joann P. Drake, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

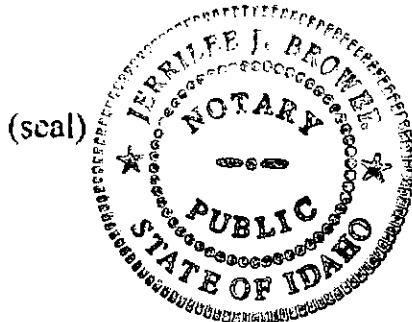


Jerrilee J. Brower
 Notary Public for Idaho
 Residing at Tetonia, Idaho
 My Commission Expires: 2-27-04

STATE OF IDAHO)
)ss.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Joann P. Drake, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The DBL, A Trust and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Jerrilee J. Brower
 Notary Public for Idaho
 Residing at Tetonia, Idaho
 My Commission Expires: 2-27-04

STATE OF IDAHO)
)SS.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Garl R. Drake, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)



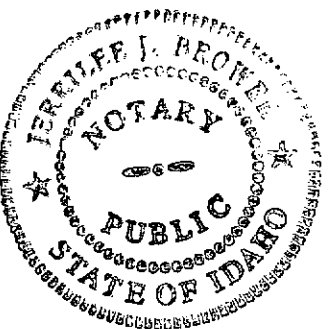
Jerriene J. Brower
 Notary Public for Idaho
 Residing at Tetonia, Idaho
 My Commission Expires: 2-27-04

STATE OF IDAHO)
)SS.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Garl R. Drake, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The DHL, A Trust and acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)



Jerriene J. Brower
 Notary Public for Idaho
 Residing at Tetonia, Idaho
 My Commission Expires: 2-27-04

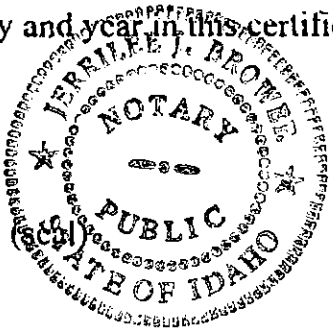
MICROFILMED

AUG 09 1999

STATE OF IDAHO)
)ss.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Jill J. Drake, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

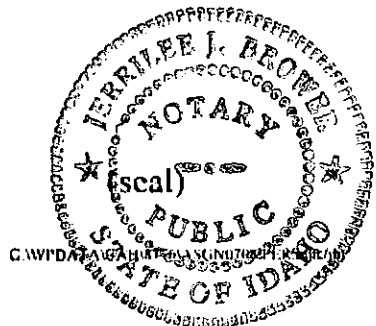


Jerilee J. Brower
 Notary Public for Idaho
 Residing at Tetonia, Idaho
 My Commission Expires: 2-27-04

STATE OF IDAHO)
)ss.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Jill J. Drake, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The DIIL, A Trust and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Jerilee J. Brower
 Notary Public for Idaho
 Residing at Tetonia, Idaho
 My Commission Expires: 2-27-04

IN THE MATTER OF PERMIT NO. 22-07681) **ORDER OF**
)
IN THE NAME OF DRAKE BROTHERS) **REINSTATEMENT**
)

JUN 23 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

PROOF OF BENEFICIAL USE

APR 29 1999

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

1. Permit No. 22-07681 Telephone No. (208)354-2585
2. Name(s) of Permit Holder(s): Drake Brothers
3. Mailing Address: 647 South 450 W. Victor, ID 83455
4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 7/28 / yr. 92
 - a. Well Driller: Independent Drilling Drilling Permit Number: 22-92-E-075
 - 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): 173 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 2 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ☒	or No ☐
	Has the measuring device been installed?	Yes ☒	or No ☐
Flow Measurement Port:	Is a flow measurement port required?	Yes ☒	or No ☐
	Has the measurement port been installed?	Yes ☒	or No ☐
8. Fee Enclosed: \$ 125.00 (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: Garl Drake Telephone Number: (208)354-2585
Address: 647 South 450 West 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:

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

Date: 4/23/99

MICROFILMED

JUN 23 1999

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF REQUEST FOR)
EXTENSION OF TIME TO SUBMIT)
PROOF OF BENEFICIAL USE FOR)
PERMIT NO. 22-07681 IN THE NAME)
OF DRAKE BROTHERS)
_____)

**PRELIMINARY ORDER
DENYING EXTENSION REQUEST**

This matter having come before the Idaho Department of Water Resources ("department"), as a result of the filing of a request for extension of time in which to submit proof of beneficial use of water, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 25, 1991, the department issued Permit No. 22-07681 (permit) in the name of Drake Brothers (permit holder) authorizing the diversion of 3.46 cubic feet per second of groundwater for the irrigation of 173 acres in parts of sections 17, 19 and 20, T4N, R45E, B.M. in Teton County, Idaho. Proof of construction of works and application of water to beneficial use (proof) was due on February 1, 1994.
2. On February 4, 1994, the permit holder requested an extension of time to February 1, 1997 in which to submit proof. On February 15, 1994, the department granted the extension request as authorized in section 42-204, subsection 5, Idaho Code.
3. On February 21, 1997, the permit holder submitted a second extension of time request which the department approved, extending the proof due date to February 1, 1999. The department granted this extension based on Section 42-204, subsection 1, Idaho Code, and advised the permit holder to work diligently toward completion of the project, since the department likely could not grant additional extension requests.
4. On February 1, 1999, the permit holder submitted a third request to extend the proof due date indicating that low commodity prices were the reason the permit holder had not completed development under terms of the permit.

MICROFILMED
JUN 23 1999

CONCLUSIONS OF LAW

1. Section 42-204(5), Idaho Code, provides as follows:

In all other situations not governed by these provisions the department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use, upon request for extension received on or before the date set for completion, provided good cause appears therefor.

2. The department has granted the extensions of time it is authorized to grant under section 42-204, Idaho Code, and is not authorized to additional extensions.

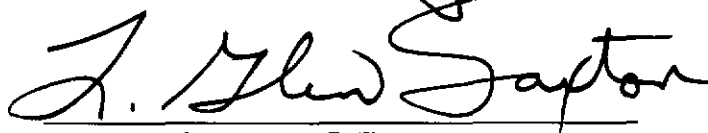
3. The department should deny the extension of time request and should lapse the permit.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the request of the permit holder to extend the proof due date for Permit No. 22-07681 is **DENIED**.

IT IS FURTHER, HEREBY ORDERED that Permit No. 22-07681 is **LAPSED** and will become of no further force nor effect within sixty (60) days of the date of this notice.

Dated this 25th day of February, 1999.

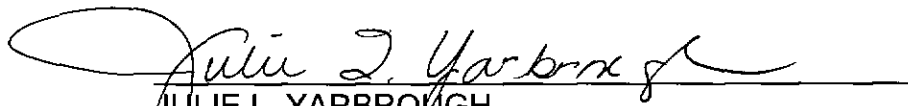


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I DO HEREBY CERTIFY that on the 3rd day of March, 1999, a true and correct copy of the foregoing **PRELIMINARY ORDER** was forwarded, by regular U.S. Mail, to the parties listed below:

Drake Brothers
641 S 450 W
Victor ID 83455


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

ORDER - Pg 3

MICROFILMED
JUN 23 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER PERMIT NO. 22-07681)
IN THE NAME OF DRAKE BROTHERS)
_____)

**ORDER CHANGING
MEASURING DEVICE
REQUIREMENT**

The Department of Water Resources (department) has issued water right permit no. 22-07681 (permit) with the following condition of approval:

Prior to diversion of water under this permit, a measuring device which continuously reads flow rate and which continuously accrues volume must be installed at the following locations:

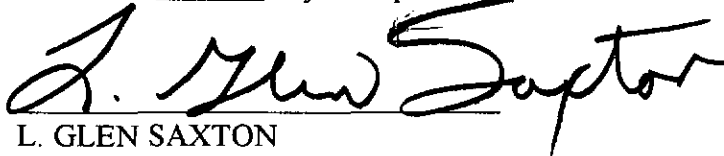
- A. At the well prior to its discharge**
- B. At the outlet of the reservoir and prior to discharge into the Teton River**
- C. On the pump which diverts from the Teton River.**

The department has determined that the measuring device installed at the outlet of the reservoir and prior to discharge into the Teton River does not need to continuously accrue volume.

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring the permanent installation of measuring devices is changed to read as follows:

Prior to diversion of water under this permit, a measuring device which continuously reads flow rate and which continuously accrues volume must be installed at the well prior to its discharge and on the pump which diverts from the Teton River. In addition, a measuring device of a type acceptable to the department shall be permanently installed and maintained at the outlet of the reservoir and prior to discharge into the Teton River.

Dated this 15th day of September, 1997.


L. GLEN SAXTON
Chief, Water Allocation Bureau

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OCT 22 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 21 1997

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

Department of Water Resources

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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 22-07681

Name(s) of Permit Holder: Drake Brothers

Mailing Address: 641 South 450 West, Victor, Idaho 83455

Date Proof is Due: February 1, 1997 Telephone No. 354-2501
354-2585

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".)

Well drilled, pump installed, main line buried.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
The well and pump utilize only part of the permitted water. We have surface water which we thought was protected by the "presumption statutes." They are now repealed, but the water should be approved in the adjudication under the "amnesty statutes." Since they have been in litigation, we do not know how they will be applied. If we lose the surface water, we will need to develop the balance of the water under this permit.

Permit holder(s) request an extension to one year following, 19_____
adjudication of surface water.

FEE: \$50.00

Drake Brothers by Earl R. Drake
(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, 1999.

MICROFILMED

FEB 07 1997

Signed this 23rd day of January, 19 97

J. Glenn Saylor
Chief, Water Allocation Bureau

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FEB 04 1994

Department of Water Resources

For Office Use Only
\$15 Fee Received by RB
Date 2-1-94
Receipt No. FO19467

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. 22-07681

Name(s) of Permit Holder: Drake Brothers

Mailing Address: 641 S. 450 W., Victor, ID 83455

Date Proof Is Due 1 Feb. 1994 Telephone No. 354-2501
354-2585

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".)

Well drilled, pump installed, mainline buried.

Costing \$ 29,800.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
We have been unable to develop the well, since the pump installation was just completed. Also, the part of the Snake River adjudication concerning "presumptive rights" will effect whether or not we need to develop more water with an additional well, or continue use of some surface water that has been used for the past 30 years.

Permit holder(s) request an extension to January 25, 19 97.

FEE: \$15.00

Asa J. Drake
(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, 1997.

MICROFILMED

FEB 07 1997

Signed this 15th day February, 19 94

J. Glen Saylor
Chief, Water Allocation Bureau

STATE OF IDAHO

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Drake Brothers c/o Garl Drake Phone 354-2585
of (address) 647 S. 450 W. Victor, ID 83455, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 22-07681, and requests that the permit and permit map be changed as follows:

CHANGE

1. Point of diversion: SW 1/4 SW 1/4, Section 17, Township 4N, Range 4SE, B.M.,

County of Teton. Other points of diversion: _____

Rediversion, downstream, From the Teton River to place
of use. Rediversion pt. is N1/4 NW Sec. 20 T4N R4SE

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.46^{of} for Irrigation purposes from 4-15 to 10-15 (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)

3. Place of use or land to be irrigated:

NO CHANGE

TWP	RGE	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	
4N	4SE	17											38	39					77
		19	38																38
		20					20	38											58

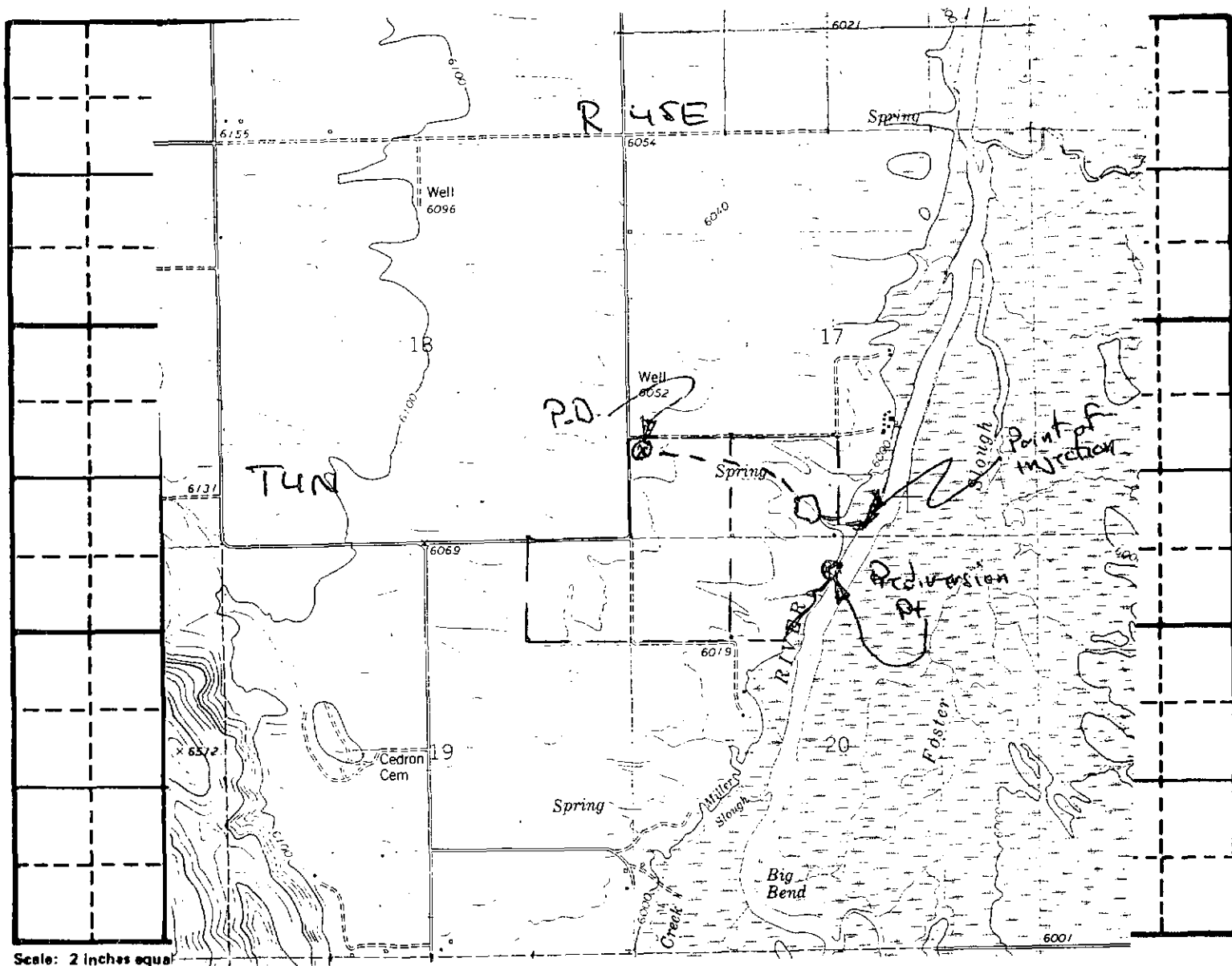
Total number of acres to be irrigated = 173

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the 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: _____

AUG 12 1992

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Idaho Falls, this 9 day of May, 19 91.

Gail R Drake
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 #E016063 Received by AWJ Date 5-9-91

Publication prepared by RB Date _____ Published in Teton Valley News

Publication dates 5-16-23-91

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
approve the above referenced application for amendment. See attached sheet for the
conditions of approval.

Witness my hand this 28 day of July, 19 92

L. Glen Saxton
Chief, Water Allocation Bureau

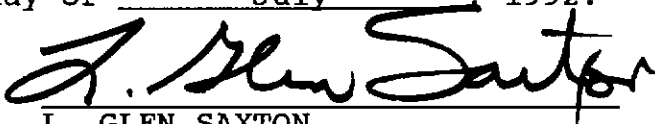
AUG 12 1992

CONDITIONS OF APPROVAL

Amendment of Permit No. 22-07681

1. The previous conditions as set forth in Permit No. 22-07681 must be met.
2. Prior to diversion of water under this permit, a measuring device which continuously reads flow rate and which continuously accrues volume must be installed at the following locations:
 - A. At the well prior to its discharge
 - B. At the outlet of the reservoir and prior to discharge into the Teton River.
 - C. On the pump which diverts from the Teton River.
3. The water right holder must submit daily flow and volume records to the watermaster of Water District No. 01, Snake River.
4. This right shall be administered by the watermaster of Water District No. 01, Snake River.
5. Diversion from the Teton River in excess of the flow from the pond, or in excess of the rate of diversion from the groundwater pump is an illegal diversion of water. Upon finding an illegal diversion of water, the watermaster of Water District No. 01 shall immediately prevent diversion of Teton River water by the river pumps until a civil penalty of one hundred dollars (\$100.00) per day of diversion is paid.

Dated this 28th day of July 1992.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
AUG 12 1992

RECEIVED

JUN 13 1991

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton) ss

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

Notice of Proposed
Amending of Water Right

And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for two consecutive
issues thereof; first publication having been
made on the 16 day of May,
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 11th day of June
in the year of 1991, before me, a Notary Public,
personally appeared Nadine Soose
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.

Nelda A. Rich

Notary Public for Idaho

Residing at Driggs, Idaho

My commission expires 12-2-91

NOTICE OF PROPOSED
AMENDING OF WATER RIGHT

Notice is hereby given that
Permit No. 22-07681 in the name
of Drake Brothers was issued for
the diversion of 3.46 cfs of water
from a groundwater source with
the point of diversion being within
the NWSW, Sec 17, T 04N, R
45E, B.M., Teton County; to be
used for the irrigation of 173 acres
from April 15 to October 15
within the S4SW, Sec 17; NENE,
Sec 19; N4NW, Sec 10, T 4N, R
45E, B.M.

The permit holder now
proposes to amend said permit,
changing the point of diversion to
the SWSW, Sec 17, T 04N, R 45E,
and add a redirection point from
the Teton River to the place of use.
Redirection point is NENW, Sec
20, T 04N, R 45E, B.M.

Any protest to the proposed
amending of the permit must be
filed with the Idaho Department
of Water Resources, 150 Shoup
Ave., Idaho Falls, ID 83402, on or
before June 3, 1991.

R. Keith Higginson

Director

Published in the Teton Valley
News May 16 and 23, 1991.

MICROFILMED

JUN 12 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07681

Proposed Priority: August 27, 1990 Maximum Diversion Rate: 3.46 CFS

This is to certify, that **DRAKE BROTHERS**
641 S. 450 W.
VICTOR, ID 83455

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/15 to 10/15	3.46 CFS
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LOCATION OF POINT(S) OF DIVERSION: NWSW Sec. 17, Township 04N, Range 45E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	45E	17	SWSW 38	SESW 39		77
		19	NENE 38			38
		20	NENW 20	NWNW 38		58

Total number of acres irrigated: 173

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. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit 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.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

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FEB 06 1991

Permit To Appropriate Water

NO. 22-07681

CONDITIONS/REMARKS:

8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

25th day of January, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

FEB 06 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DRAKE BROTHERS
Address: 641 S. 450 W.
VICTOR, ID 83455 208-354-2501
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWSW Sec. 17, Township 04N, Range 45E
TETON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	3.460		
5. Total quantity appropriated is:
3.460 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP AND PIPELINES TO WHEELINES AND HANDLINES FOR IRR.
 - 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 16 inches; proposed depth of well is 230 feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years.
8. Description of proposed uses:
IRRIGATION
9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES
04N	45E	17	SWSW 38
		19	NENE 38
		20	NENW 20

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FEB 06 1951

ACRES	ACRES	TOTAL
SESW 39		77
		38
NWNW 38		58
Total number of acres irrigated:		173

10. Describe any other water rights used for the same purposes.
A22-00231, A22-00086B

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

TETON VALLEY LODGE

b. Who owns the land to be irrigated or place of use?

DRAKE BROTHERS

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
AGREEMENT BETWEEN BOTH PARTIES.

12. Remarks:

OFFICERS IN DRAKE BROTHERS:

GARL R. DRAKE

ASA J. DRAKE

13. Map of proposed point of diversion and place of use attached? ☒

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

Asa J. Drake
Applicant

Received by DM Date 8/27/90 Time 5:00 Preliminary check by _____

Fee \$ 105⁰⁰ Receipted by DM # E015177 Date 8/27/90

Publication prepared by LB Date 10-18-90 Published in Teton Valley News

Publication approved CW Date 11-13-90

MICROFILMED

FEB 06 1991



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K 45

TAN

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FEB 06 1991

22-07681

Slough

FROM

PAUL MEYER

DATE

TO

FILE

SUBJECT

WELL DRILLED 22-90-E-022 IS ACTUALLY
IN NWSN SEC. 17, T4N, 24SE

MICROFILMED

FEB 06 1991

SIGNATURE

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

I, Nadine Soore being first duly sworn, depose and say that I am the secretary 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 two consecutive issues thereof; first publication having been made on the 18 day of October, 1990.

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.

Nadine Soore

State of Idaho)

County of Teton)

On this 29th day of October in the year of 1990, before me, a Notary Public, personally appeared Nadine Soore 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.

Debra A. Ricks

Notary Public for Idaho

Residing at Driggs, Idaho

My commission expires 12-2-91

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NOV - 2 1990

Department of Water Resources
Eastern District Office

Source: GROUNDWATER

Diversion Pt: NWSW Sec 17 T 04N R 45E

Use: IRRIGATION (3.460 CFS)
Total Diversion: (3.460 CFS)

Date Filed: 8-27-1990

In: T04N R45E S17 SWSW SESW
S19 NENE S20 NENW NWNW

173.0 ACRES TOTAL

22-07684

SMITH, LYNN E.
382 W. MC REYNOLDS AVE.
FELT, ID 83424

Source: GROUNDWATER

Diversion Pt: SESESE Sec 3 T 06N R44E

Use: IRRIGATION (16.000 CFS)
Total Diversion: (16.000 CFS)

Date Filed: 0-5-1990

In: T06N R44E S02 SWSW SESW
SWSE SESE S03 NENE SENE
NESE SESE S10 NWNW SWNE
S11 NENW NWNW SWNW
SESW NESW NWSW SWSW
SESW S14 NENW SENW

800.0 ACRES TOTAL

22-07685

PARTRIDGE, ROBERT P.
552 S. 50 W.
P.O. BOX 331
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: NESW Sec 26 T 04N R 45E

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 9-10-1990

In: T04N R45E S26 NESW

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 NOVEMBER 5, 1990.

R. Keith Higginson, Director

Published in the Teton Valley News October 18 and 25, 1990.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07681

DRAKE BROTHERS
641 S. 450 W.
VICTOR, ID 83455

MICROFILMED

FEB 06 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BOYD CHARLES SMITH
JILL JOHNSON SMITH
301 COLERIDGE AVE
PALO ALTO CA 94301

RE: WATER RIGHT NO. 22-07681

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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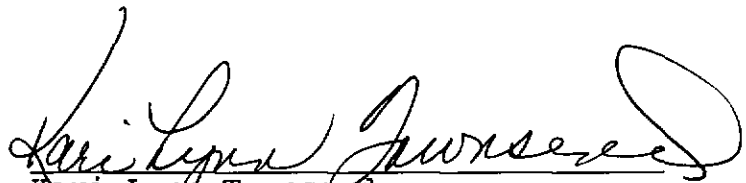
OCT 23 2000

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of October, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 22-07681

BOYD CHARLES SMITH
JILL JOHNSON SMITH
301 COLERIDGE AVE
PALO ALTO CA 94301


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 23 2000

**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
OCT 23 2000

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

NOV 2 4 1988

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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SHAN B. PERRY
AMELIA A. CANEGALY
RYAN B. FRAZIER

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

RECEIVED

OCT 16 2000

Department of Water Resources
Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

October 11, 2000

Sharla Curtis
Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720-0098

Re: Permit No. 22-07681

Dear Ms. Curtis:

We are enclosing our check in the amount of \$50.00 for the additional examination fee and the late payment penalty referenced in your letter of October 5, 2000. Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

Enclosure

GAWPDATA\KWF\8527\cc101100.ltr.wpd

Received by
J. Barvon

Receipt # C050793
Amt: \$50.00

MICROFILMED
OCT 23 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

October 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Permit No. 22-07681 (Boyd &/or Jill Smith)

Dear Mr. Foster:

Permit 22-07681 is currently being reviewed for licensing. The Department's field examiner recommended licensing your clients' water right with a diversion rate of 2.22 cfs. However, because the examination fee submitted with your Proof of Beneficial Use only covered up to 2.00 cfs, the license will be limited to 2.00 cfs.

If you want the water right license to reflect the 2.22 cfs found by the examiner, you must submit the additional examination fee of \$25.00 required for a diversion of 2.22 cfs, plus a late payment penalty of \$25.00, within 30 days. If we receive the examination fees after 30 days from the date of this letter, the priority date of the right will be advanced in accordance with Section 42-217, Idaho Code.

If you have any question, please contact me as soon as possible at (208) 327-7946.

Sincerely,

for Shelley W. Keen
Water Rights Supervisor

pd 10/16
5000 Receipt C050793

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OCT 23 2000

WRO749NP
No. L22-07681

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/29/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
		DATE		FROM	TO	RATE	VOLUME
C	BOYD CHARLES SMITH	08/30/1990	IRRIGATION	04/15	10/31	2.220 CFS	605.50 AFA
C	JILL JOHNSON SMITH						
	301 COLERIDGE AVE						
	PALO ALTO CA 94301						
	(650) 493-5310						
TOTAL DIVERSION:						2.220 CFS	605.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 2.220 CFS

Point(s) of Diversion: T04N R45E S17 NESWSW TETON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM
04N	45E	17	:	:	:	:	:	38	34	:	:	:	:	:	:	72.0
04N	45E	19	: 39	:	:	:	:	:	:	:	:	:	:	:	:	39.0
04N	45E	20	:	:	22	40	:	:	:	:	:	:	:	:	:	62.0
TOTAL ACRES																173.0

Pou County: TETON

Conditions of Approval:

- 048 - 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.
- 049 - The Director retains jurisdiction of the right to incorporate
- the use into a water district, require streamflow augmentation
- or other action needed to protect prior surface water and
- groundwater rights.
- 050 - Diversion and use of water under this right is subject to rules
- that may subsequently be promulgated for existing rights used
- for supplemental purposes.
- R63 - This right when combined with all other rights shall provide no
- more than 0.02 cfs per acre nor more than 3.5 afa per acre at the
- field headgate for irrigation of the lands above.

Dates: App. Received: 08/27/1990 Priority Date: 08/30/1990 (Priority Date Advanced.)
Proof Due Date: 02/01/1999 Proof Made Date: 02/04/1999 (Proof Received Late.)
Exam Made Date: 10/04/1999 Exam Sent to S.O.: 12/28/1999
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

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OCT 23 2000

Keen, Shelley

From: Wilson, Keith
Sent: Friday, September 29, 2000 12:05 PM
To: Keen, Shelley
Subject: Re-Diversion Pump 22-00086B & Uses under 22-07681

Shelley,

I went to the location of the Re-diversion Pump for 22-00086B from the Teton River. As you can see from the attachment the Pump & System has been removed.



22-00086B.doc

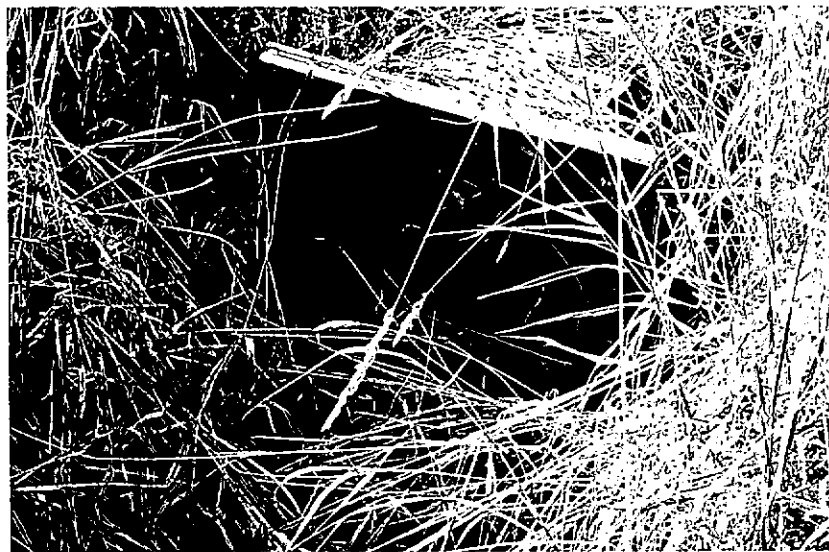
Thought you would like to know.

As for 22-07681, it appears that no irrigation is taking place from the reservoir. All homes in the area have domestic wells and are irrigating less than ½ acre from their wells. I feel that we can remove any reference to irrigation from the reservoir.

I have enclosed a photo of the reservoir outlet. A rectangular weir is used to measure the flow out of the reservoir. Note that there is no flow. I took the photo on 09/28/2000. The reservoir level was down to the top of the overflow pipe.

Keith

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OCT 23 2000



Reservoir outlet.

MICROFILMED

OCT 23 2000

SE¼NE¼NW ¼ Sec 20, T04N, R45E



Photo Taken 09/28/2000

Location of P/D **22-00086B**
Keith C. Wilson



Photo Taken 09/28/2000

View West from Teton River
Keith C. Wilson



Photo Taken 09/28/2000

View East towards Teton River
Keith C. Wilson

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OCT 23 2000

SD-0420-2 Idaho Department of Water Resources Date: 09/23/00
ADD COMMENT Modify Comment Time: 10:30:57

Water Right Number: L22-07681

Comment Date: 9/23/2000 User ID: SKEEN

Subject: License review _____

Licensing review and data entry by S. Keen on 9/23/00. _____

Address updated to match field report. _____

Season of use updated to new standard. _____

Approval conditions adjusted to account for the discontinuance
of the exchange with the Teton River. _____

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OCT 23 2000

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM		
		NE		NW		SW		SE		NE		NW		SW		SE				
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
L2207681	T04N R45E S17	GROUNDWATER																		
	:													38	34	:			:	72
A2200231	PATTERSON	:												38	39	:			:	77
2204071	GROUNDWATER	:			01												05		:	6
2207030	GROUNDWATER	:					40	39											:	79
A2207030	GROUNDWATER	:					40	39											:	79
2207228	GROUNDWATER	:							40	40	:	40	39						:	159
A2207228A	GROUNDWATER	:							40	40	:	40	39						:	159
2207419	TETON RIVE	:			01						:						05		:	6
2207636	GROUNDWATER	:									:						11		:	11
2207637	GROUNDWATER	:									:							10	:	10
2207641	GROUNDWATER	:			05						:								:	5
2207681	GROUNDWATER	:									:			38	39	:			:	77

L2207681	T04N R45E S19	GROUNDWATER																
	:		39															39
2200086B	TETON RIVE	:	40															40
A2200086B	BLODGETT C	:	40															40
A2200180A	PARADISE S	:												40	40		40	120
2200365	PINE CREEK	:	I	I	I	I												
A2200365	TETON RIVE	:				40								40			20	100
A2200575A	PARADISE S	:												40	40		40	120
2202046	MAHOGANY C	:					18		37									55
2202053A	MAHOGANY CR	:						05			02							7
2202057	UNNAMED ST	:			10									30		40	20	100
A2202057	TETON RIVE	:			40									40			20	100
2202169	GROUNDWATER	:		38	39													77
A2202280	GROUNDWATER	:		40	39		40		35									154
2202280A	GROUNDWATER	:					39		30									69
2202283	GROUNDWATER	:								01								1
2204142	PARADISE S	:												20		35		55
2207681	GROUNDWATER	:	38															38
A2212714A	PARADISE S	:												40		32		72
A2212714B	PARADISE S	:														08		8

L2207681	T04N R45E S20	GROUNDWATER																
	:						22	40										62
A2200180A	PARADISE S	:									30	10						40
A2200231	PATTERSON	:					20	38										58
2200365	PINE CREEK	:						I			I							
A2200365	TETON RIVE	:						30										80
2200563	FOX CREEK	:														I	I	
2200564	FOX CREEK	:														I	I	
A2200575A	PARADISE S	:																40

MICROFILMED
OCT 23 2000
30 10

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
2202057	UNNAMED ST :												40									40										80		
A2202057	TETON RIVE :												30									10	40								80			
A2204089	ELLIOT CRE :		16						04																						20			
2207637	GROUNDWATE :				01						09																				10			
2207681	GROUNDWATE :										20	38																			58			

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OCT 23 2000

WR0749NP
No. 22-00086B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/26/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHURCH OF JESUS CHRIST LATTER DAY SAINTS RT. 1, BOX 523 VICTOR ID 83455	01/22/1916	IRRIGATION	01/01 10/31	0.800 CFS	
TOTAL DIVERSION:					0.800 CFS	

Water Source: TETON RIVER

Tributary to: HENRYS FORK

Stage: DECREED

Point(s) of Diversion:

T04N R45E S20

NENW

TETON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
04N	45E	19	: 40													: 40.0
															TOTAL ACRES	40.0

Pou County: TETON

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.
- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.

Remarks: GEN TRANS. #2704. AMT: MAX. DIVERSION RATE = 0.8 CFS AND 140 AFA.
0.8 CFS APPEARS LOST DUE TO THIS TRANSFER SINCE ORIGINAL DECREE
IMPLIED 0.04 CFS PER ACRE. HWJ 3-20-96

Dates:	App. Received:	Priority Date:	01/22/1916
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 01 Field Exam Fee:

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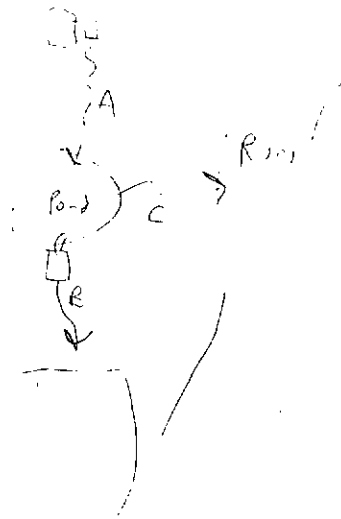
OCT 23 2000

① Describe pond use.

② Are the laws included in the
PDU described in the annex? Yes

③ How are we going to proceed in the river
when we take place for the pond into the river
and right side - pumping for the pond?

Keith will talk
to WDO1
and send me
a memo.



To preserve C, A must equal B.

④ What is up with B. Keith
Will ask WDO1

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S. Kae
9/27/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 3 2000
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 22-67681

1. Owner: Boyd Charles Smith Phone No. (650) 443-5310

Current Address: 301 Coleridge Ave. Palo Alto, CA 94301

2. Accompanied by: MR SMITH EXAM DATE: 10-4-1999

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: NO GOV LOTS

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	SW	17	4N	45E	Teton	Onsite / FSA Aerial / USGS QUAD

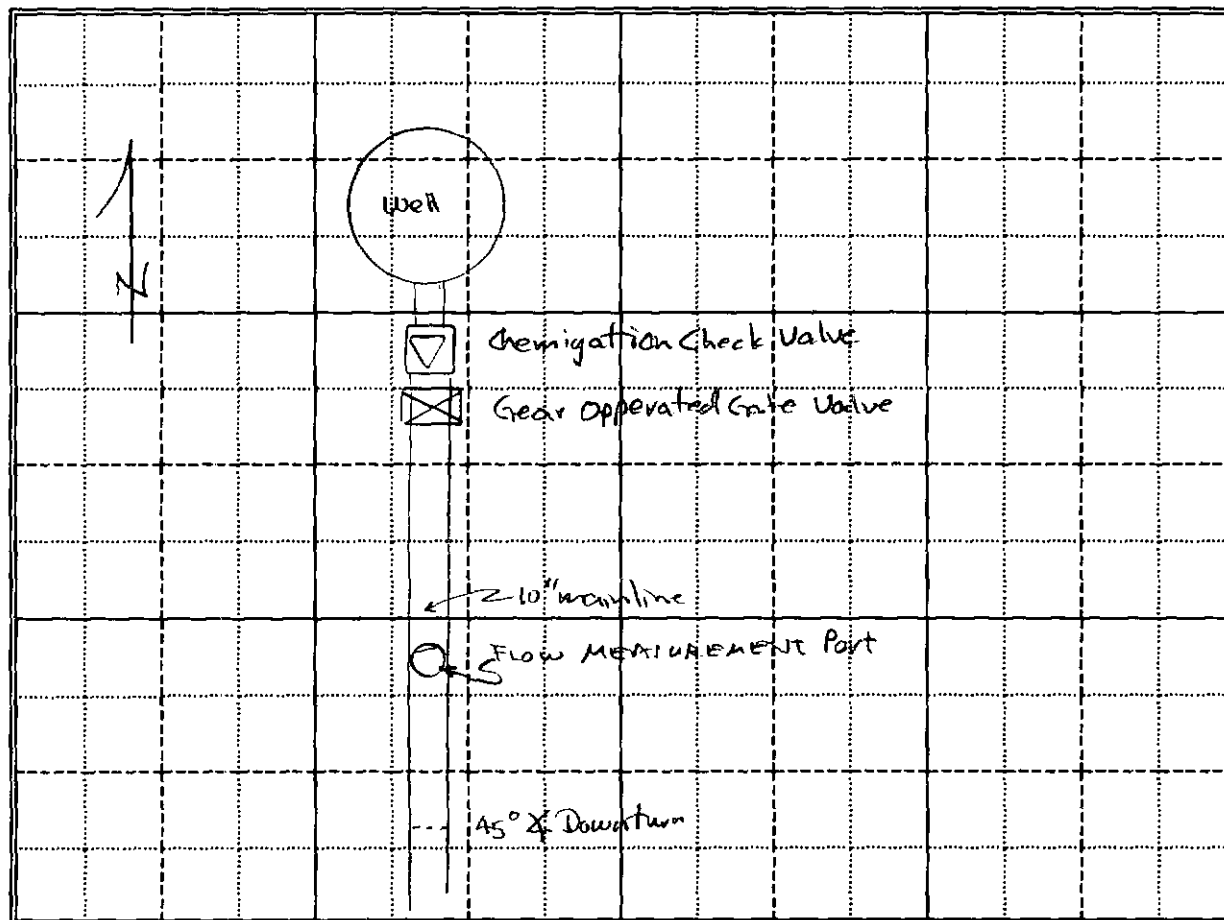
2. Place(s) of Use: NO GOV LOTS E 1/2 Sec 19, all Sec 17 & 20 Indicate Method of Determination FSA AERIAL

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	17											38	34					72
		19	39																39
		20					22	40											62
																			173

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Electric	75	B12-S321A-M04	Pump Tech	9-0496

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flow Meter	Sonic	Fuji	FLC S1011	7K00897B 240333	FLD-D	Transducers

2. Measurements: 10.015' od 6.104" thickness steel mainline

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91 2000

E. NARRATIVE/REMARKS/COMMENTS

Well pump mainline to lateral with sprinklers (6- $\frac{1}{4}$ mile wheel & hand lines) and open discharge into 6.4af reservoir. Pumping from reservoir would be for lawns on the place of use.

Note: The system has been changed from the original system. The groundwater well now discharges directly into mainline for laterals with sprinklers then can be discharged into reservoir. That portion of the system that pumps from the Teton River will be removed. Since the system has been changed and no river water will be pumped some of the approval conditions no longer apply.

★ → Original permit should have identified the volume (6.4af) of the reservoir as a component of the system.

The majority of water supplied the reservoir comes from springs. Pumping from reservoir will occur only when water pumped is replaced from ground water well.

Incidental uses for reservoir: Fish & Wildlife habitat, and aesthetic. At time of exam there was no diversion into or out of reservoir for irrigation. However, water was discharging from the reservoir and flowing into Teton River.

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

OCT 23 2000

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method: $Q = 2.25 \text{ cfs}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 173 \text{ ac} (3.5) = 605.5 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.25 \text{ cfs} (183) (1.9835) = 816.7 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 605.5 \text{ af}$$

2. Volume Calculations for Other Uses:

$$V_{\text{RESERVOIR}} = 2 \text{ ac} \times \frac{8' \text{ deep}}{(\text{Max depth})} \times 0.4 = 6.4 \text{ af}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	2.25 cfs	605.5
Totals:			2.25 cfs	605.5

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Keith C Wilson Date 10-4-1999

Reviewer _____ Date _____

SEAL

MICROFILMED

4-1-1999

LOG NAME: 22-07681 Smith

START: 10-04-1999 13:25
 END: 10-04-1999 13:35
 INTERVAL: 00:01:00

10-04-1999 13:25:00
 +4.237E+0 ft/s
 +9.976E+2 gal/m
 +2.222E+0 ft³/s
 +TOTAL 0000000 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:26:00
 +4.228E+0 ft/s
 +9.956E+2 gal/m
 +2.218E+0 ft³/s
 +TOTAL 0000973 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:27:00
 +4.206E+0 ft/s
 +9.903E+2 gal/m
 +2.206E+0 ft³/s
 +TOTAL 0001966 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:28:00
 +4.201E+0 ft/s
 +9.892E+2 gal/m
 +2.204E+0 ft³/s
 +TOTAL 0002953 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:29:00
 +4.170E+0 ft/s
 +9.818E+2 gal/m
 +2.187E+0 ft³/s
 +TOTAL 0003937 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:30:00
 +4.182E+0 ft/s
 +9.847E+2 gal/m
 +2.194E+0 ft³/s
 +TOTAL 0004921 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:31:00
 +4.205E+0 ft/s
 +9.901E+2 gal/m
 +2.206E+0 ft³/s
 +TOTAL 0005906 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:32:00
 +4.188E+0 ft/s
 +9.862E+2 gal/m
 +2.197E+0 ft³/s
 +TOTAL 0006891 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:33:00
 +4.164E+0 ft/s
 +9.804E+2 gal/m
 +2.184E+0 ft³/s
 +TOTAL 0007876 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:34:00
 +4.154E+0 ft/s
 +9.782E+2 gal/m
 +2.179E+0 ft³/s
 +TOTAL 0008787 gal
 -TOTAL 0000000 gal
 NORMAL

10-04-1999 13:35:00
 +4.166E+0 ft/s
 +9.808E+2 gal/m
 +2.185E+0 ft³/s
 +TOTAL 0009764 gal
 -TOTAL 0000000 gal
 NORMAL

Maximum Diversion Rate Observed:

$$Q = 1009 \text{ gpm} = Q_{cfs} = 2.25 \text{ cfs}$$

Average Diversion Rate:

$$Q = 9764 \text{ gal/10 min} = 976 \text{ gpm} =$$

$$Q_{cfs} = 2.17 \text{ cfs}$$

Maximum Recorded Diversion Rate:

$$Q = 997.6 \text{ gpm} = Q_{cfs} = 2.22 \text{ cfs}$$

22-07681 MICROFILMED

OCT 23 2000

R44 E R45E

T4 N R45E

POINT OF DIVERSION

PLACE OF USE

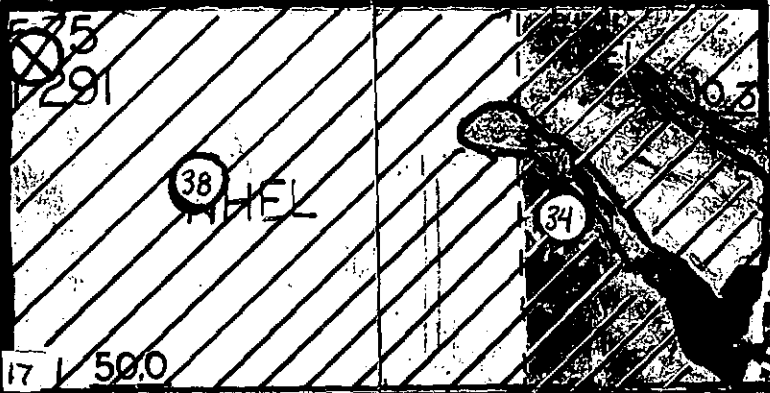
22-07681

BCI 23 2000

201

SEC 17

POINT OF DIVERSION



18 17 500

19 20

318

HEL 39

40

221

PLACE OF USE

RESERVOIR

149
T316

R45E

NHEL

MICROFILMED

OCT 23 2000

625

T47

SEC 20

22-07681

NHEL

NHEL

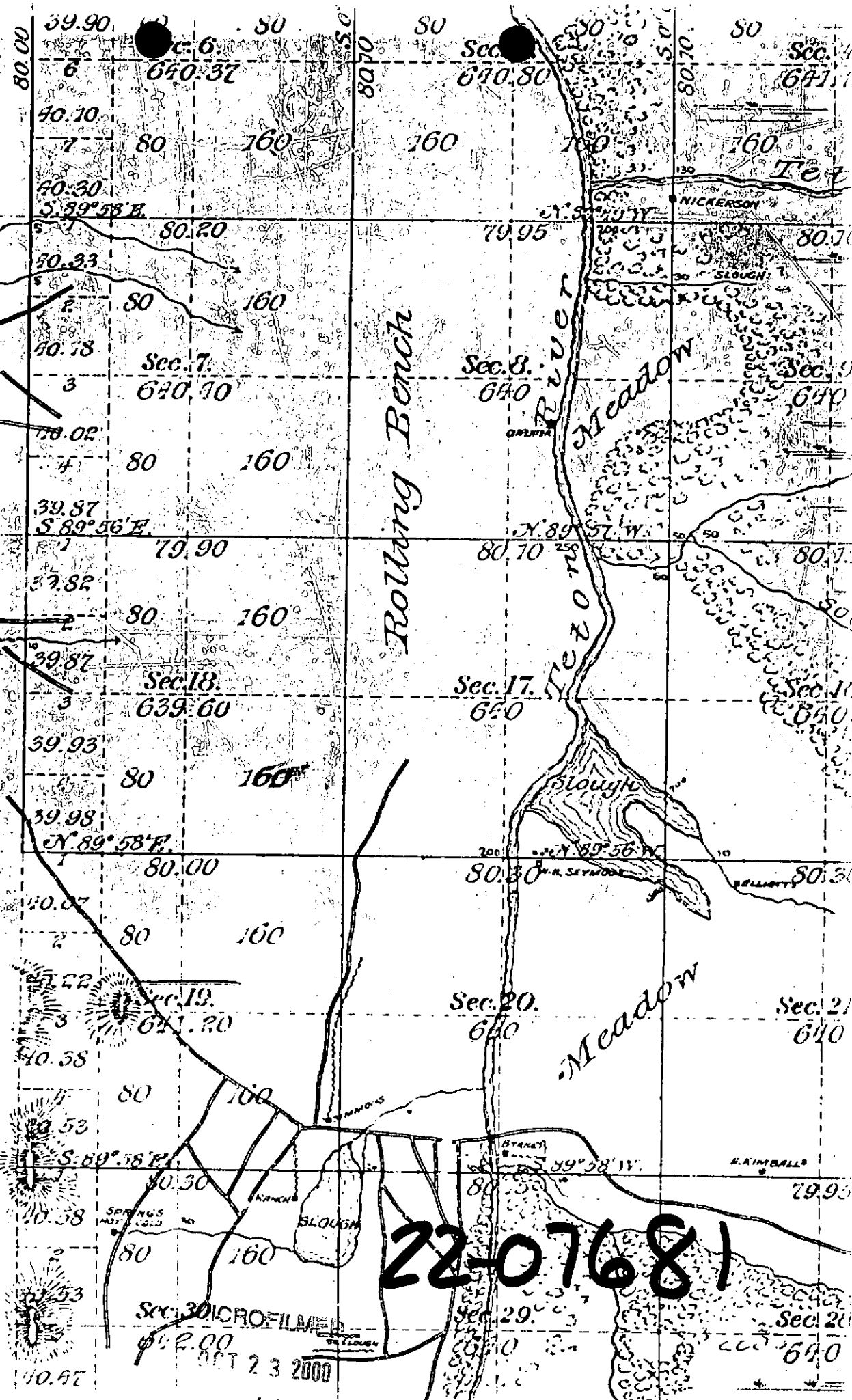
6 165

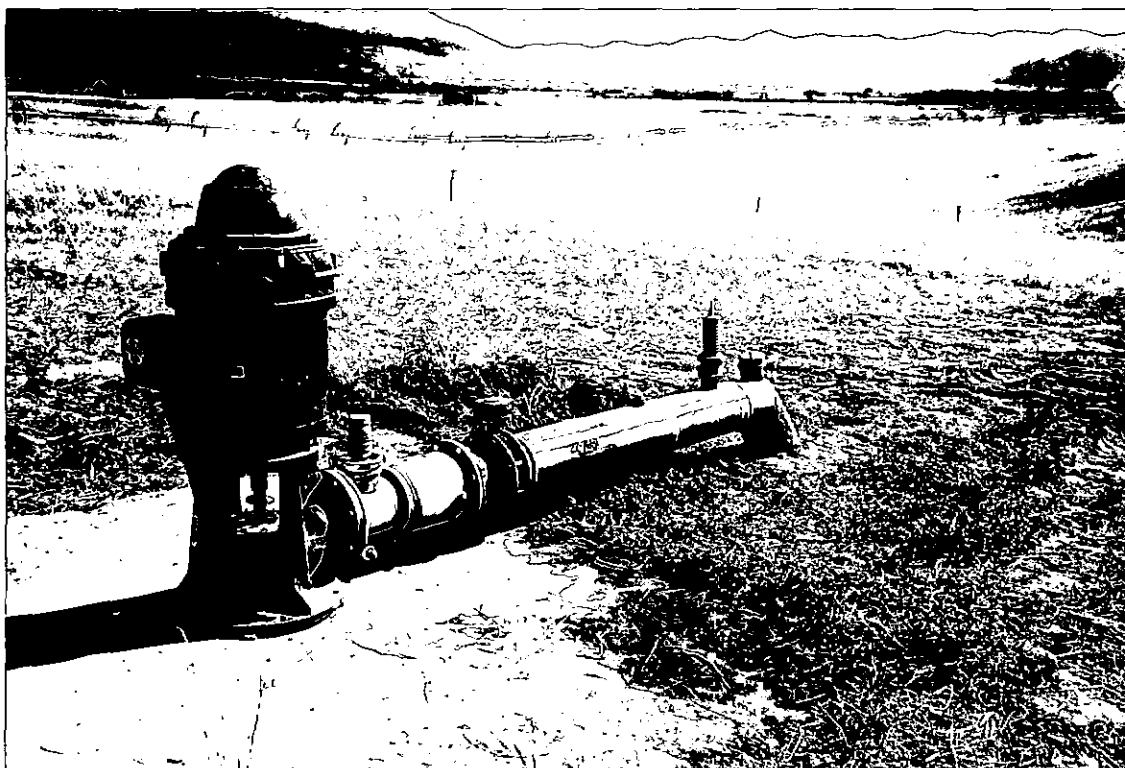
R45E

T4

Eleventh Guide Meridian East

22-07681



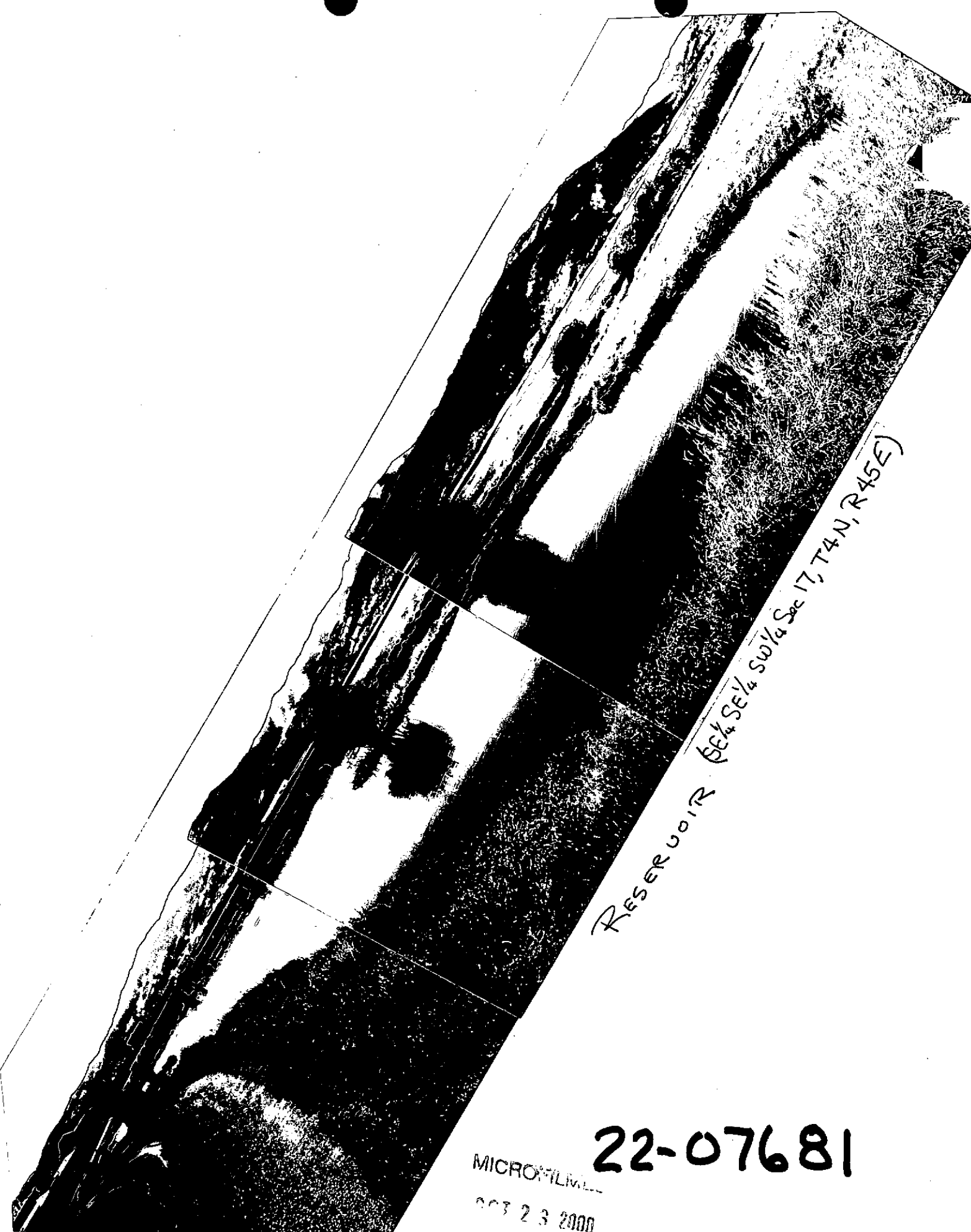


POINT OF DIVERSION

MICROFILM

OCT 23 2000

22-07681



RESERVOIR (SE 1/4 SW 1/4 Sec 17, T4N, R45E)

22-07681

MICROFILMED

OCT 23 2000



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

July 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BOYD CHARLES SMITH
JILL JOHNSON SMITH
3201 ASH ST
PALO ALTO CA 94306-2240

RE: ASSIGNMENT OF PERMIT 22-07681

Dear Mr. & Mrs. Smith:

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'L. Glen Saxton'.

for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

MICROFILMED
AUG 09 1999

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL CHOMER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

July 16, 1999

RECEIVED

JUL 26 1999

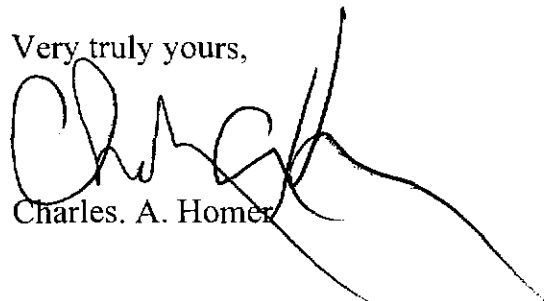
Idaho Department of Water Resources
900 Skyline Drive
Idaho Falls, Idaho 83402-1718

Department of Water Resources

Gentlemen:

Our office recently represented the Boyd Charles Smith and Jill Johnson Smith Trust in connection with a real estate purchase of property in Teton County, Idaho. In connection with such real estate purchase, Water Permit Number 22-07681 was transferred to the Smith Trust. I am enclosing for you to process an original Assignment of Permit providing for the transfer of such Permit Number 22-07681. I am also enclosing for your information a copy of the Warranty Deed from the sellers to the Smith Trust. If you need any additional documentation in order to properly transfer such permit to Boyd C. Smith and Jill Johnson Smith as Trustees of the Boyd Charles Smith and Jill Johnson Smith Trust, please advise.

Very truly yours,



Charles A. Homer

Enclosures

c: Boyd Smith (w/encl.)

G:\WPDATA\CAH\8776\UDWR715.LTR:jht

RECEIVED

JUL 19 1999

MICROFILMED

AUG 09 1999

Department of Water Resources
Eastern Region

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 22-07681 Reviewed by Jay Date 6-3-99

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?
Yes Address same as permit?
Yes ~~NO~~ Proof timely received?
If not, complete calculation below.

Inc.
Yes Correct Uses?

SOURCE OF WATER

 Surface water source

✓ Ground water source

Yes Drilling permit required?

NO Copy in the file?

Drilling Permit No. 22-92-E-0075-000

200 Amount paid for permit

Yes Well log in the file?

Yes Correct?

LICENSE EXAMINATION FEE

Yes Required?
200 Amount Submitted
Yes Correct?

MEASURING DEVICE

Yes Required?
Yes Installed?
1 Waiver requested?

PRIORITY CALCULATION

Date proof received 2-4-99

Date proof due 2-1-99 -

No. of days late 3 =

Priority Date 8-27-90 +

New Priority Date 8-30-90

7 8-30-90

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance priority to aug. 30, 1990.
Proof acceptable

DATA ENTRY

New Address X

Proof Made 2-4-99



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

June 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Drake Brothers
647 S 450 W
Victor ID 83455

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07681

Dear Permit Holder:

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

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Note that the priority date has been advanced to August 30, 1990, as provided in Section 42-218a.2, Idaho Code.

Please 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.

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, you may contact the **EASTERN** Regional Office of the department in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED
JUN 23 1999

From: DWR06::GSAXTON@idwr.state.id.us "Glen Saxton" 10-MAY-1999 16:23:32.84
To: "Jones, Skip (vast)" <dwr06::hjones>
CC:
Subj: FIELD EXAMINATION - PERMIT 22-07681

On February 4, 1999, Drake Brothers submitted a request for extension of time in which to submit proof of beneficial use for permit no. 22-07681. The request stated that a well has been drilled 240 feet deep and that a pump and pipeline has been installed. The request also states that the permit holder has not had the funds to complete the project.

On February 26, 1999, the department issued a preliminary order denying the extension request, since the department has issued 2 prior extensions and has no authority to issue a third one and lapsed the permit.

On April 29, 1999, the permit holder filed proof of beneficial use for the permit.

On May 10, 1999, an attorney called this office to check the status of the permit, apparently thinking it was lapsed and gone. The attorney apparently is calling on behalf of another party who is concerned that water use under the permit has not been developed.

Please schedule an early field check or field examination for this permit in order to determine the extent of use which has been made under this permit.

TO: Glen Saxton

From: H.W. Jones - Eastern

Please see 5 attached sheets referring to 2 on-site visits made for permit 22-07681.

Huf

MICROFILMED
JUN 23 1999

Post-it [®] brand fax transmittal memo 7671		# of pages > 1
To	JEFF FERGUSON	
From	TONY OLENICHAK	
Co.	WATER DISTRICT #1	
Dept.	Phone # 525-7170	
Fax # 388-1201	Fax # 525-7177	



(208) 525-7172

Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A

Idaho Falls, Idaho 83402-1718

August 18, 1997

IDWR DIRECTOR
KARL J. DREHER

COMMITTEE OF NINE

CHAIRMAN

Doris Kramer

VICE CHAIRMAN

Dale Raybould

Janet Siddoway

Telma

Paul Skergrun

Blackfoot

Dale Buckwood

Idaho Falls

Doris Moses

Jerome

Leonard Beck

Burley

Charles Storer

Idaho Falls

Dale Hale

Blaine

Asa Drake

c/o Lynn Moses

P.O. Box 426

Driggs, ID 83422

RE: Permit 22-07681

Dear Mr. Drake:

Harold Jones and I telephoned you and Mr. Lynn Moses on August 15, 1997 concerning the irrigation of lands covered by Permit 22-07681 and Adjudication Claim A22-00231. The adjudication claim indicates the lands in Sections 17 & 20 were first irrigated in 1964 from the pump in the Teton River. Permit 22-07681 is for pumping water from a groundwater well, into a pond to the Teton River, where the exchanged water is then rediverted from the river to the irrigated acreage.

Water District #1 is projecting 1964 water-right priorities to be cut later this week. If you plan to continue irrigating Sections 17 & 20, you have the option of using your exchange well as described in Permit 22-07681 or you must rent storage water from Fremont-Madison Irrigation District or the Water District #1 rental pool.

If you decide to use your exchange well, you must satisfy the Conditions of Approval for Permit 22-07681 which include installation of measuring devices at the groundwater well, the outlet of the pond, and the irrigation pump on the Teton River. Additionally, you must also submit daily flow and volume records to the watermaster of Water District #1. You indicated there are flowmeters on both the well and river pump that may or may not be in proper working condition. A measuring device still needs to be installed at the outlet of the pond to record the amount of water discharging into the Teton River.

I've discussed the irrigation system with Ronald Carlson, Watermaster, and he agreed with me that both the well and pump volumes can be monitored by using the electric power meter if each diversion has its own dedicated meter. A weir must be installed at the outlet below the pond to insure that the proper amount of water is being discharged into the Teton River. Daily reporting of weir readings, along with flow rates from both the well and river pump, would be sufficient for water delivery at the present time. However, you must petition the Department of Water Resources to remove, from the conditions of approval, the requirement for a continuously accruing volume measuring device at the outlet of the pond. Otherwise, you'll also be required to install a continuous stage-recorder and stilling well alongside the weir.

If you have any questions concerning the measuring devices, permit conditions, storage-water rental, or daily reporting requirements, please contact me or Harold Jones.

Sincerely,

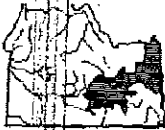
Tony Olenichak

Deputy Watermaster

MICROFILMED

JUN 23 1999

Post-It Fax Note		7671	Date	7/19/98	# of pages	5
To	JEFF F.		From	TONY OLENIKAK		
Co. Dept.			Co.	WATER DISTRICT #1		
Phone #	388-1217		Phone #	525-7170		
Fax #	388-1201		Fax #			



WATERMASTER

(208) 525-7172

Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A

Idaho Falls, Idaho 83402-1718

September 5, 1997

IDWR DIRECTOR
KARL DREHER

COMMITTEE OF NINE

CHAIRMAN
Don KnechtVICE CHAIRMAN
Dell RaybouldJames Salkway
TetonPaul Bergeron
BlackfootDale Rockwood
Idaho FallsDe Witt Moss
JeromeLeonard Beck
BurleyClaude Storer
Idaho FallsDon Blawie
Blackfoot

Asa Drake - 354-2501

c/o Lynn Moses 354-8111

P.O. Box 426

Driggs, ID 83422

RE: Permit 22-07681

Dear Mr. Drake:

I was able to field inspect the diversions and measuring devices used to irrigate the land described in Permit 22-07681 on September 3, 1997. It appears the measuring devices should be adequate for documenting your water diversions. The exchange well and river pump were not operating at the time so I was not able to obtain a measurement. Dee O'Brien, who also accompanied me on the field inspection, will periodically check the diversions and make the necessary measurements when the system is in operation.

My only concern is that the weir measuring capacity at the outlet of the pond is approximately three cubic feet per second (cfs). The three-cfs capacity is achieved when the level of the water coming through the weir plate reaches 10.5 inches in depth (see attached weir table). The culvert opening will pass more water than three cfs once the depth exceeds 10.5 inches due to additional head pressure, however, the weir ceases to become an accurate measuring device once this occurs. If you plan to keep the outflow from the pond below three cfs (1330 gpm), there shouldn't be any problem. If you decide to divert higher discharges in the future, you may have to install a new weir to measure the higher discharges into the river. I have some weir designs available if you should become interested in constructing another weir in the future.

Permit 22-07681 also requires you to submit daily records of the diversion from the exchange well, the weir at the pond outlet, and the pump from the river. I have enclosed a diversion card for each diversion which you must complete and return to Water District #1 at the end of the month. You will be sent new cards which you must complete and return to the water district each month of the irrigation season so we may keep an accurate record of your diversion.

The following items must be completed on the pump cards for both the exchange well and river pump diversions: the flow rate and hours pumped each day of the month, and the beginning of the month power-meter reading (kwh) and flow-meter volume totalizer reading (gallons or acre-feet). The volume total at the beginning of the month and the daily flow rate for the exchange well can be read directly from the digital flow meter attached to the well diversion. The kwh total at the beginning of the month is read from the digital electric meter supplying power to the well.

The Macrometer flow meter on the river pump may not provide an accurate reading of flow rate and totalized volume so you may indicate the number of nozzles used for each day of the month, the number of hours pumped each day, and the beginning of the month kwh reading from the electric meter.

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JUN 23 1999

The beginning of the month power-meter and flow-meter readings cannot be completed for the weir diversion card but you must complete the flow rate and hours pumped for each day of the month. The flow rate is calculated by measuring the depth of the water spilling over the weir crest with a ruler and finding the corresponding flow rate on the weir table. Please indicate the depth of the water (in inches) flowing over the weir crest in the "flow rate" column of the pump card when the exchange pump is operating. The "hours pumped" should be the number of hours the weir maintained the recorded "flow rate" reading during exchange pump operation.

I have enclosed some examples of fully completed diversion cards. At the end of the month, please seal your completed card and put it in the mail. If you do not use the diversion for the entire month please indicate "no use" on the card and return it to the water district. If you have any questions, or wish to have the cards sent to a different address, please give me a call at (208)-525-7171.

Sincerely,



Tony Olenichak
Deputy Watermaster

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JUN 23 1999

Sheet1

Asa Drake Weir

Head (in)	Head (ft)	cfs	GPM	velocity	area
1.0	0.08	0.1	61	0.974162	
1.5	0.13	0.2	110	1.178675	
2.0	0.17	0.4	168	1.349321	
2.5	0.21	0.5	234	1.498521	
3.0	0.25	0.7	305	1.632594	
3.5	0.29	0.9	383	1.755267	
4.0	0.33	1.0	466	1.868957	
4.5	0.38	1.2	554	1.975336	
5.0	0.42	1.4	647	2.075616	
5.5	0.46	1.7	744	2.170709	
6.0	0.50	1.9	848	2.261321	
6.5	0.54	2.1	951	2.348013	
7.0	0.58	2.3	1012	2.3	0.059
7.5	0.63	2.4	1070	2.2	0.0585
8.0	0.67	2.5	1125	2.1	0.058
8.5	0.71	2.6	1176	2	0.057
9.0	0.75	2.7	1223	1.9	0.055
9.5	0.79	2.8	1265	1.8	0.052
10.0	0.83	2.9	1299	1.6	0.048
10.5	0.88	3.0	1329	1.5	0.0445

- PERMIT 22-07681
- 3.46 CFS GROUNDWATER TO IRR 173 ACES
- APPROVED JAN 25, '91
- AMMEND AIP REC'd MAY 9 '91 FOR
RECHARGE WELL ^{NEW SEC 17} THAT PUMPS INTO
DRY CHANNEL, FLOWS ABOUT 1/2 MILE
INTO POND, AND THEN INTO TERN
RIVER, REDIRECTED BY PUMP
IN NEW SEC 20
- AMMEND APPROVED JULY 28, 1992
WITH CONDITIONS OF METER AT
WELL, AT RESERVOIR OUTLET, AND
AT REDIRECTION PUMP
- EXTENSION OF TIME APPL FEB 4, '94
WHILE WAITING ON ADJUSTMENT*
- EXT APPROVED TO JAN 25, '97
- EXTENSION OF TIME APPL JAN 21, '97
- EXT APPROVED FEB 1, 1999

TR 2704

PA2-00066B 1916 TERN RIVER 14 CFS NEW SEC 17 40 AC
ADD-00231 JAN 1990 PATERN CR SEC 17 47 AC SEC 20 43 AC

DRAKE WELL

38400 KWH

8/13/97

RIVER PUMP

1368 KWH

10.36

9/13/97

- EXCHANGE WELL

11081 KWH

0003573 GALS/1000

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JUN 23 1999

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 22-07681 Reviewed by [Signature] Date 2-16-99

BASIC INFORMATION

2-1-99 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

no 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 denial since the dept. is not authorized to grant an additional extension request based on information provided.
3/3 - sent Prelim. Order lapsing permit + denying extension.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X _____
Change Proof Due Date _____
Change Priority Date X _____



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 3, 1999

RE: In the matter of Request for Extension of Time to submit Proof of Beneficial Use for Permit No. 22-07681 in the name of Drake Brothers

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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JUN 23 1999

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 Rules of Procedure 302 and 303.

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

RECEIVED
FEB 01 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

Department of Water Resources
Eastern Region

REQUEST FOR EXTENSION OF TIME

FEB 04 1999

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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 22-07681

Name(s) of Permit Holder: Drake Brothers

Mailing Address: 641 S. 450 W. Victor ID 83455

Date Proof is Due: Feb 1, 1999 Telephone No. (208) 354-2585

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".)

Drilled 240' well, installed pump and pipeline.

Costing \$ 27,000.+

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Because of low commodity prices that are 40-50% below the normal average,
we have not had the funds to complete the project. Beef and cull cow
prices have been down almost 40%.

Permit holder(s) request an extension to July 1, 192000.

FEE: \$50.00

Gail R Drake Feb. 1, 1999
(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 **DENIED** since the department is not authorized to grant an additional extension request pursuant to Section 42-204, Idaho Code.

MICROFILMED

Signed this day of February, 1999 2-3 1999

KARL J. DREHER, Director

November 30, 1998

DRAKE BROTHERS
641 S 450 W
VICTOR ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07681

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, 1999. (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.

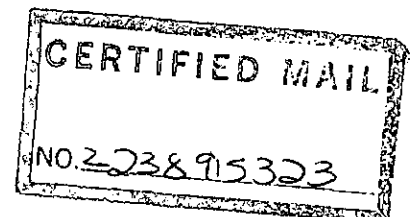
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUN 23 1999





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 16, 1997

Drake Brothers
641 S 450 W
Victor ID 83455

Re: Permit No. 22-07681

Dear Permit Holder(s):

I am enclosing a copy of an Order Changing Measuring Device Requirement as it pertains to the subject permit.

If you have any questions in this matter please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script, reading 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

/k

Enclosure

MICROFILMED

OCT 22 1997

RECEIVED

SEP 11 1997

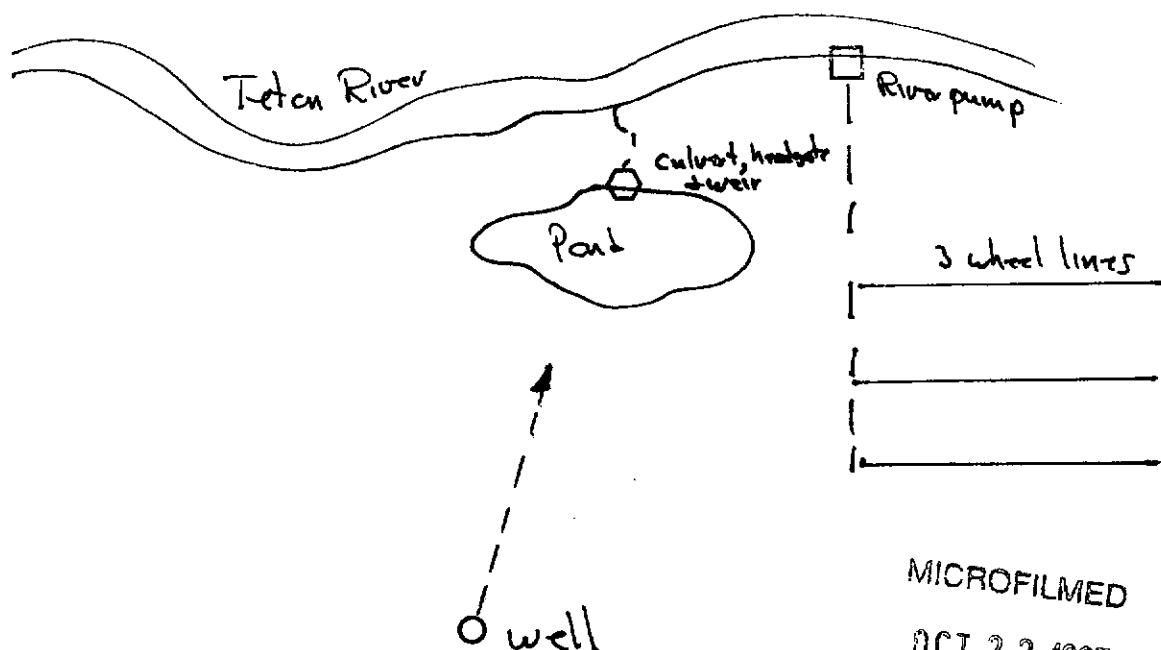
Department of Water Resources

MEMO

FROM: H.W. JONES
TO: SHELLEY KEEN
RE: MEASURING DEVICE REQUIREMENT ON PERMIT 22-07681

TONY OLENICHAK AND I HAVE INSPECTED THIS SYSTEM. CURRENTLY THERE IS A METER ON THE WELL WHICH PUMPS WATER DOWN TO A POND AND OVERFLOWS TO THE TETON RIVER. THERE IS A CULVERT WITH A HEADGATE ON THE OUTFLOW. THE APPLICANTS ARE CURRENTLY CONSTRUCTING A RECTANGULAR WEIR ON THIS POND OVERFLOW TO THE RIVER. THE EXCHANGE PUMP IN THE RIVER HAS A METER IN-LINE BUT ALSO HAS AN ELECTRIC METER ADJACENT WHICH CAN EASILY BE USED TO COMPUTE FLOW.

WE FEEL THAT A CONTINUOUS RECORDING DEVICE ON THE POND OUTFLOW IS NOT NECESSARY AND OUTFLOW DATA CAN BE GATHERED PRIODICALLY BY THE WD 01 DEPUTY. WHEN DATA STARTS TO BE ACCUMULATED THERE WILL DEVELOPE A STANDARD FLOW FROM THE WELL AND RIVER PUMP. IF THE WELL AMOUNT IS DEFICIENT THE WD 01 DEPUTY CAN REQUIRE THAT FEWER LINES ARE USED ON THE IRRIGATION FIELDS TO ACHIEVE THE REQUIRES BALANCE.



MICROFILMED

OCT 22 1997

[Handwritten signature]

22 August 1997

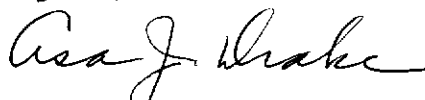
Harold Jones
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Dear Mr. Jones,

This letter is in reference to the August 18, 1997 letter from Tony Olenichak pertaining to Pumping Permit 22-07681 and Adjudication Claim A22-00231.

I hereby request that the condition of a continuous recorder on the pond outlet weir be removed.

Signed,



Asa J. Drake, partner
Drake Brothers

RECEIVED

SEP 11 1997

Department of Water Resources

MICROFILMED

OCT 22 1997

RECEIVED

AUG 25 1997

Department of Water Resources
Eastern Region



RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

August 18, 1997

RECEIVED

SEP 10 1997

Department of Water Resources

IDWR DIRECTOR
KARL J. DREHER

COMMITTEE OF NINE

CHAIRMAN
Don Kramer

VICE CHAIRMAN
Dell Raybould

James Siddoway
Teton

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

DeWitt Moss
Jerome

Leonard Beck
Burley

Claude Storer
Idaho Falls

Don Hale
Blackfoot

Asa Drake
c/o Lynn Moses
P.O. Box 426
Driggs, ID 83422

RE: Permit 22-07681

Dear Mr. Drake:

Harold Jones and I telephoned you and Mr. Lynn Moses on August 15, 1997 concerning the irrigation of lands covered by Permit 22-07681 and Adjudication Claim A22-00231. The adjudication claim indicates the lands in Sections 17 & 20 were first irrigated in 1964 from the pump in the Teton River. Permit 22-07681 is for pumping water from a groundwater well, into a pond to the Teton River, where the exchanged water is then rediverted from the river to the irrigated acreage.

Water District #1 is projecting 1964 water-right priorities to be cut later this week. If you plan to continue irrigating Sections 17 & 20, you have the option of using your exchange well as described in Permit 22-07681 or you must rent storage water from Fremont-Madison Irrigation District or the Water District #1 rental pool.

If you decide to use your exchange well, you must satisfy the Conditions of Approval for Permit 22-07681 which include installation of measuring devices at the groundwater well, the outlet of the pond, and the irrigation pump on the Teton River. Additionally, you must also submit daily flow and volume records to the watermaster of Water District #1. You indicated there are flowmeters on both the well and river pump that may or may not be in proper working condition. A measuring device still needs to be installed at the outlet of the pond to record the amount of water discharging into the Teton River.

I've discussed the irrigation system with Ronald Carlson, Watermaster, and he agreed with me that both the well and pump volumes can be monitored by using the electric power meter if each diversion has its own dedicated meter. A weir must be installed at the outlet below the pond to insure that the proper amount of water is being discharged into the Teton River. Daily reporting of weir readings, along with flow rates from both the well and river pump, would be sufficient for water delivery at the present time. However, you must petition the Department of Water Resources to remove, from the conditions of approval, the requirement for a continuously accruing volume measuring device at the outlet of the pond. Otherwise, you'll also be required to install a continuous stage-recorder and stilling well alongside the weir.

If you have any questions concerning the measuring devices, permit conditions, storage-water rental, or daily reporting requirements, please contact me or Harold Jones.

Sincerely,

Tony Olenichak
Deputy Watermaster

MICROFILMED
OCT 22 1997



RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

September 5, 1997

IDWR DIRECTOR
KARL J. DREHER

COMMITTEE OF NINE

CHAIRMAN
Don Kramer

VICE CHAIRMAN
Dell Raybould

James Siddoway
Teton

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

DeWitt Moss
Jerome

Leonard Beck
Burley

Claude Storer
Idaho Falls

Don Hale
Blackfoot

Asa Drake
c/o Lynn Moses
P.O. Box 426
Driggs, ID 83422

RE: Permit 22-07681

Dear Mr. Drake:

I was able to field inspect the diversions and measuring devices used to irrigate the land described in Permit 22-07681 on September 3, 1997. It appears the measuring devices should be adequate for documenting your water diversions. The exchange well and river pump were not operating at the time so I was not able to obtain a measurement. Dee O'Brien, who also accompanied me on the field inspection, will periodically check the diversions and make the necessary measurements when the system is in operation.

My only concern is that the weir measuring capacity at the outlet of the pond is approximately three cubic feet per second (cfs). The three-cfs capacity is achieved when the level of the water coming through the weir plate reaches 10.5 inches in depth (see attached weir table). The culvert opening will pass more water than three cfs once the depth exceeds 10.5 inches due to additional head pressure, however, the weir ceases to become an accurate measuring device once this occurs. If you plan to keep the outflow from the pond below three cfs (1330 gpm), there shouldn't be any problem. If you decide to divert higher discharges in the future, you may have to install a new weir to measure the higher discharges into the river. I have some weir designs available if you should become interested in constructing another weir in the future.

Permit 22-07681 also requires you to submit daily records of the diversion from the exchange well, the weir at the pond outlet, and the pump from the river. I have enclosed a diversion card for each diversion which you must complete and return to Water District #1 at the end of the month. You will be sent new cards which you must complete and return to the water district each month of the irrigation season so we may keep an accurate record of your diversion.

The following items must be completed on the pump cards for both the exchange well and river pump diversions: the flow rate and hours pumped each day of the month, and the beginning of the month power-meter reading (kwh) and flow-meter volume totalizer reading (gallons or acre-feet). The volume total at the beginning of the month and the daily flow rate for the exchange well can be read directly from the digital flow meter attached to the well diversion. The kwh total at the beginning of the month is read from the digital electric meter supplying power to the well.

The Macrometer flow meter on the river pump may not provide an accurate reading of flow rate and totalized volume so you may indicate the number of nozzles used for each day of the month, the number of hours pumped each day, and the beginning of the month kwh reading from the electric meter.

MICROFILMED

OCT 22 1997

The beginning of the month power-meter and flow-meter readings cannot be completed for the weir diversion card but you must complete the flow rate and hours pumped for each day of the month. The flow rate is calculated by measuring the depth of the water spilling over the weir crest with a ruler and finding the corresponding flow rate on the weir table. Please indicate the depth of the water (in inches) flowing over the weir crest in the "flow rate" column of the pump card when the exchange pump is operating. The "hours pumped" should be the number of hours the weir maintained the recorded "flow rate" reading during exchange pump operation.

I have enclosed some examples of fully completed diversion cards. At the end of the month, please seal your completed card and put it in the mail. If you do not use the diversion for the entire month please indicate "no use" on the card and return it to the water district. If you have any questions, or wish to have the cards sent to a different address, please give me a call at (208)-525-7171.

Sincerely,



Tony Olenichak
Deputy Watermaster

MICROFILMED

OCT 22 1997

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 22-07681 Reviewed by [Signature] Date 1-23-97

BASIC INFORMATION

1-21-97 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?

yes Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? yes 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, 1999,
on basis of litigation.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X _____

Change Proof Due Date 2-1-99 _____

Change Priority Date X _____



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

January 23, 1997

Drake Brothers
641 S 450 W
Victor, ID 83455

RE: Permit No. 22-07681

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, 1999**. Please note that the department has granted this extension based on litigation. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional extension requests.

Be advised that the previous extension requested granted in 1994 in connection with this permit, was granted on the basis of due diligence and not litigation as was stated in the letter from your attorney.

Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions concerning this matter..

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office
Blair Grover, Esq.

MICROFILMED
FEB 02 1997

RECEIVED

JAN 21 1997

Department of Water Resources

R. JAMES ARCHIBALD

LAW OFFICES

GROVER & ARCHIBALD

CHARTERED

215 FARNSWORTH WAY

P.O. BOX 36

RIGBY, IDAHO 83442-0036

PHONE (208) 745-6653

FAX (208) 745-6655

January 16, 1997

BLAIR GROVER

ATTN: Julie L. Yarbrough
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Drake Brothers

Dear Ms. Yarbrough:

Enclosed please find a second Request for Extension of Time filed by Drake Brothers. They have developed part of the water under their permit. The balance of the current need is being filled by a surface water right. It appeared the surface water right would be approved in the adjudication under the "presumption statutes." If that happened, the development thus far would be adequate. However, to preserve the permit in the event that did not occur, a Request for Extension of Time was made in February, 1994. That request was granted because of the litigation over the "presumption statutes." No.

As you know, Judge Hurlbutt held the presumption statutes unconstitutional and they were subsequently repealed by the legislature. They were replaced by the "amnesty statutes", and those have been in litigation. Although they have been held constitutional, it is highly unlikely the litigation over them is complete. Moreover, the department has not yet decided how they will be applied. Consequently, the applicant still does not know whether the balance of the water right on the permit will be required. For that reason, a second Request for Extension of Time is hereby enclosed. It would be nice to have the extension until one year after the surface right is adjudicated so the applicant will know one way or the other and have time to drill or enlarge his well. In lieu of that, an extension is requested for the maximum time permitted under the statute.

MICROFILMED

FEB 07 1997

Julie L. Yarbrough
January 16, 1997
Page 2

Also enclosed is the \$50.00 filing fee.

Yours very truly,

GROVER & ARCHIBALD

A handwritten signature in cursive script, appearing to read "Blair Grover", with a long horizontal flourish extending to the right.

BLAIR GROVER

BG:jn
enclosures
cc:Drake Brothers

MICROFILMED

FEB 07 1937

November 30, 1996

DRAKE BROTHERS
641 S 450 W
VICTOR ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07681

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, 1997. (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.

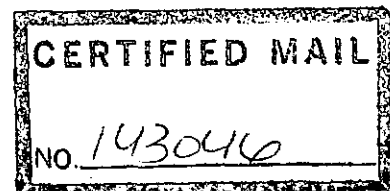
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
FEB 07 1997



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.USE TYPEWRITER OR
BALLPOINT PEN

RECEIVED

AUG 16 1993

Department of Water Resources

1. WELL OWNER

Name DRAKE BROS. (GARL)
Address 6475 450W DRIGGS, IDAHO
Drilling Permit No. 22-92-E-075-000
Water Right Permit No. 22-07681

7. WATER LEVEL

Static water level 34 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ OF. Quality _____
Describe artesian or temperature zones below.

2. NATURE OF WORK

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Well diameter increase
-
- ☐
- Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>400</u>		

3. PROPOSED USE

- ☐
- Domestic
- ☒
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water Yes No
	From	To		
<u>12</u>	<u>0</u>	<u>31</u>	<u>BROWN CLAY</u>	
	<u>31</u>	<u>63</u>	<u>BROWN CLAY + GRAVEL (42)</u>	☒
	<u>63</u>	<u>97</u>	<u>REDDISH BROWN CLAY</u>	
	<u>97</u>	<u>111</u>	<u>BROWN + RED GRAVEL</u>	☒
	<u>111</u>	<u>143</u>	<u>RED + BROWN CLAY</u>	
	<u>143</u>	<u>152</u>	<u>STICKY GRAY CLAY (GRAVELY WATER)</u>	☒
	<u>152</u>	<u>163</u>	<u>BLACK CLAY - COAL DUST ?</u>	
	<u>163</u>	<u>176</u>	<u>BLUE CLAY - STICKY</u>	
	<u>176</u>	<u>180</u>	<u>BROWN CLAY - SOFT</u>	
	<u>180</u>	<u>192</u>	<u>HARD BROWN CLAY</u>	
	<u>192</u>	<u>201</u>	<u>HARD BROWN CLAY + GRAVEL</u>	☒
	<u>201</u>	<u>218</u>	<u>HARD GRAY GRAVEL CONGLOMERATE</u>	☒
	<u>218</u>	<u>227</u>	<u>BROWN CLAY</u>	
	<u>227</u>	<u>240</u>	<u>HARD BROWN CLAY (SHALE)</u>	

4. METHOD DRILLED

- ☐
- Rotary
- ☐
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
-
- ☒
- Cable
- ☐
- Dug
- ☐
- Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>12"</u> inches	<u>1</u> feet	<u>235</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☐ Factory ☒ Knife ☒ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

Number	From	To
<u>KNIFE 310</u> perforations	<u>50</u> feet	<u>160</u> feet
<u>TORCH 40</u> perforations	<u>210</u> feet	<u>235</u> feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 18' Material used in seal: ☐ Cement grout☐ Bentonite ☒ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port _____

10.

Work started 6-14-92 finished 7-13-92

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

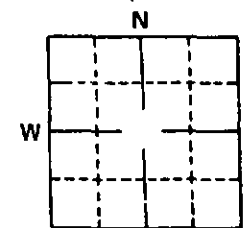
Firm Name INDEPENDENT DRILLING Firm No. 343Address 664 W 300N BLAKE ID Date 7-31-92Signed by (Firm Official) Brent Hendrick

and

(Operator) Andy Webb

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County TetonSW 1/4 Sec. 17 T. 4 N. 45 E. 45

FEB 07 1997

February 16, 1994

Drake Brothers
641 S. 450 W.
Victor, ID 83455

RE: Permit No. 22-07681

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, 1997. 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 since the department will not be able to grant additional extensions based on due diligence.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECORDED
FEB 07 1997

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 22-07686 Reviewed by [Signature] Date 2-15-94

BASIC INFORMATION

2-4-94 Date stamp received
no Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no 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, 1997
for due diligence

PRIORITY CALCULATION

Date extension received	<u>2-4-94</u>	=	_____
Proof due date	<u>2-1-94</u>	=	_____
Number of days late	<u>3</u>	=	_____
Priority date	<u>8-27-90</u>	=	_____
New Priority Date	<u>8-30-90</u>	=	_____

DATA ENTRY

New Address _____
Change Proof Due Date 2-1-97
Change Priority Date was 8-30-90

November 30, 1993

DRAKE BROTHERS
641 S 450 W
VICTOR ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07681

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.

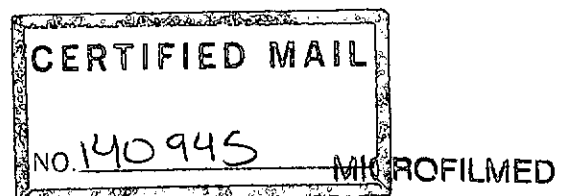
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



FEB 07 1997



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

July 30, 1992

DRAKE BROTHERS
% GARL DRAKE
647 S 450 W
VICTOR ID 83455

RE: Permit No. 22-07681

Dear Water Right Holder:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact us.

Sincerely,

A handwritten signature of Jim Johnson, consisting of a large, stylized 'J' and 'J' followed by a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

MICROFILMED

AUG 12 1992

MEMORANDUM

TO: File 22-07681

FROM: Brenda

DATE: July 6, 1992

RE: Amendment Conditions

=====

The Application for Amendment of the above referenced permit is to be approved with the following conditions:

Approved provided the conditions as set for in Permit No. 22-07681 are met.

See Gary's June 23rd memo for additional conditions. List only numbers 3, 4, 5, and 8. The rest are already on the original permit.

MICROFILMED

AUG 12 1992

MEMORANDUM

TO: File No. 22-07681
FROM: Gary Spackman *Gary*
DATE: June 23, 1992

RE: Conditions of Approval

Despite my reservations regarding exchange wells, the difficulty of monitoring and administering, as well as the detrimental affect they have on streamflows, Ron Carlson has been persuaded by the applicants that their proposal can be adequately monitored. At least this exchange proposal discharges water into the Teton River upstream from where the water is withdrawn, and does not result in dewatering a portion of the river.

I propose the following conditions of approval:

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. Prior to diversion of water under this permit, a measuring device which continuously reads flow rate and which continuously accrues volume must be installed at the following locations: (a) at the well prior to its discharge; (b) at the outlet of the reservoir and prior to discharge into the Teton River; and (c) on the pump which diverts from the Teton River.

4. The water right holder must submit daily flow and volume records to the watermaster of water district 01, Snake River.

5. This right shall be administered by the watermaster of water district 01, Snake River.

6. The right to the use of water under this permit shall not give rise to any claim or right against the holder of a senior right based upon a series of forfeiture, abandonment, adverse possession, ~~waiver~~, equitable estoppel, estoppel by latches or customary preference.

AUG 12 1992

7. The Director retains jurisdiction of the permit and any license subsequently issued to require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

8. Diversion from the Teton River in excess of the flow from the pond, or in excess of the rate of diversion from the groundwater pump is an illegal diversion of water. Upon finding an illegal diversion of water, the watermaster of district 01 shall immediately prevent diversion of Teton River water by the river pumps until a civil penalty of \$100 per day per diversion is paid.

MICROFILMED

'AUG 12 1992

Continental Real Estate Co.

Exchanged

RECEIVED
JAN 17 1992

Department of Water Resources

Asst. Sec.
Drake Brothers
647S. 450 W.
Victor, ID 83455

AJD:lm

MICROFILMED

AUG 12 1992



Highest Standards of Professional Service



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

December 19, 1991

Asa Drake
Drake Brothers
647 S. 450 W.
Victor, ID 83455

RE: Application of Amendment of Permit No. 22-7681

Dear Mr. Drake:

After my letter of August 27, 1991, you spoke to Ron Carlson regarding concerns raised by the letter. You then wrote me a letter implying that all of the concerns had been resolved. I spoke to Ron Carlson personally, and he indicated to me that all of the issues had not been resolved. I also spoke to Mr. Lynn Moses, a realtor, about the project.

Finally, I received a well log from Ron Carlson the week of Thanksgiving. I have reviewed the well log, and it appears to me, without further review, that the well is cased sufficiently deep to avoid diversion of the ground water which would immediately affect flows of the Teton River.

The question of monitoring is more difficult. In my discussion with Mr. Moses, he suggested that the three measuring devices, one at the river pump, a weir located at the outlet of the pond and one at the ground water pump could be easily read by the watermaster. I have been informed subsequent to my conversation with Mr. Moses that homeowners in the area are entitled to tap into the well water. This will cause fluctuations in the discharge from the well depending on the use from each of the homeowners.

The proposal for exchange requested by your application for amendment will be processed, but will require the installation of electronic, continuous recording devices, which will record at all times the diversion from the Teton River, the water passing the weir at the outlet from the pond, and the discharge from the ground water pump. The amendment will also be conditioned that any time the diversion from the Teton River exceeds the water flowing from the pond, or exceeds the rate of diversion from the ground water pump, the Department of Water Resources will impose a civil penalty of \$100 per day for illegal diversion of water. Finally, the Department will retain jurisdiction over the permit to also require an automatic shut-off, if necessary, to protect

MICROFILMED

AUG 12 1992

Asa Drake
December 19, 1991
Page - 2

against diversion from the Teton River while the ground water pump is not operating.

If the alternatives I have suggested above are not acceptable, I invite you to wait until after a hearing regarding some exchange wells in mid-January is completed. Some lesser requirement may be imposed after completion of the hearings. Please let me know your decision within thirty (30) days. If you do not respond within that time period, the Department will process the application for amendment as proposed.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Eastern Region - Ron Carlson

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AUG 12 1992

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Teton Valley Lodge Co JOHN PEARSON
Address RT 2 BOX 1247 DRiggs IDAHO
Owner's Permit No. 22-90-7-002

7. WATER LEVEL

Static water level 28' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature Cold °F. Quality _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.

Pumping Level

Hours Pumped

None

3. PROPOSED USE

Multiple Homes
☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
<u>250</u> inches	<u>16</u> inches	<u>1</u> feet	<u>129</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☒ Yes ☐ NoPerforated? ☒ Yes ☐ NoHow perforated? ☐ Factory ☒ Knife ☒ TorchSize of perforation 16 inches by 12 inches TEACH

Number	From	To
<u>20</u> perforations	<u>225</u> feet	<u>210</u> feet
<u>3x 3/8"</u> perforations	<u>195</u> feet	<u>202</u> feet
<u>TOTAL 12 1/2"</u> perforations	<u>165</u> feet	<u>178</u> feet

Well screen installed? ☐ Yes ☒ No 295 to 116

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

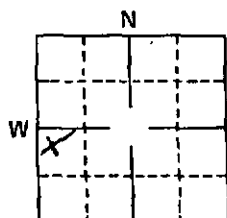
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 18 Material used in seal: ☐ Cement grout☒ Puddling clay ☐ Well cuttingsSealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld☐ Cemented between strataDescribe access port PUMP BASE TOP

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name AUG 12 1992

Lot No. _____ Block No. _____

County TetonNW 1/4 Sec. 17, T. 4, N/S, R. 45 E/W.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Chub Mt Drill Firm No. 106Address Lava Lake Date 5-21-90Signed by (Firm Official) Charles Funderand
(Operator) Charles Funder

MEMORANDUM

TO: Ron Carlson
FROM: Gary Spackman *Gary*
DATE: October 14, 1991

RE: Application for Amendment of Permit No. 22-7681

Attached is a copy of a letter I received from Asa J. Drake and a copy of a letter which I sent to him. Mr. Drake describes arrangements with you which he implies satisfy all of the concerns of my letter. I do not believe, however, that he has addressed the issues, and am still inclined to deny the application for amendment.

Several protested applications are pending which propose additional exchange wells, to compensate for pumping from the Teton River. Regulation of the exchange wells and river pumps has been raised as an issue. I do not believe that Mr. Drake's proposal is acceptable, particularly when a more strict monitoring scheme may be imposed as a result of the protest hearing.

I invite your thoughts and comments regarding this application for amendment.

RECEIVED

AUG 12 1992

RECEIVED
SEP 26 1991

25 September 1991

Department of Water Resources

State of Idaho Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

RE: Application of Amendment of Permit No. 22-7681

Attn: Gary Spackman

Dear Mr. Spackman:

We met with Ron Carlson regarding the issues in your letter of August 27, 1991. He felt that from a standpoint of administration we need to install a volume and a flow meter on each pump and a weir on the discharge of the pond where it runs into Teton River. We agreed to do this.

There will be a pipeline that runs from the underground well to the pond.

The final issue you mentioned in your letter concerning the relationship between the ground water and the Teton River, we feel should not be a problem because the well is over one-half mile from the river.

Please let us know if you have any other concerns.

Sincerely,

Asa J. Drake

Asa J. Drake

AJD: jcp

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AUG 12 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 27, 1991

Garl Drake
Drake Brothers
647 S. 450 W.
Victor, ID 83455

RE: Application of Amendment of Permit No. 22-7681

Dear Mr. Drake:

Your application for amendment of permit no. 22-7681 has been submitted to the state office from Idaho Falls. Our regional office has recommended that we reject your application. Prior to issuing an order rejecting the application, I want to inform you of the issues, and allow you to respond.

The regional office has shown that the well will not discharge directly to the Teton River, but will discharge into a channel which ultimately empties into a pond. There is no obvious direct connection between the pond and the Teton River. Furthermore, the pump is located some distance from the river. The Department staff has concluded that there is no guarantee of flow directly to the Teton River when water is being withdrawn.

The second issue is a question of administration. The pump which you propose to use may not always be pumping water at the time water is being diverted from the Teton River. Exchange wells have typically not discharged at the time and at flow rates which parallel surface water diversions from the river. The watermaster cannot easily verify that the ground water pump is always operating when water is being diverted from the Teton River. You must propose an easy method of administration for the watermaster, including any electrical monitoring equipment which you agree to install to facilitate this monitoring.

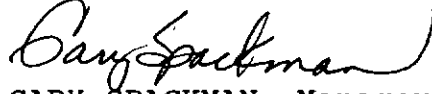
Finally, the relationship between the ground water which your pump is diverting and the Teton River should be evaluated. In the area where you are pumping water, flows from the Teton River may be directly and immediately tied to the ground water resource. These issues must be addressed prior to the Department

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AUG 12 1992

Garl Drake
August 27, 1991
Page - 2

considering your application. If the information is not submitted within thirty (30) days of the date of this letter, the Department will act to deny your application for amendment.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

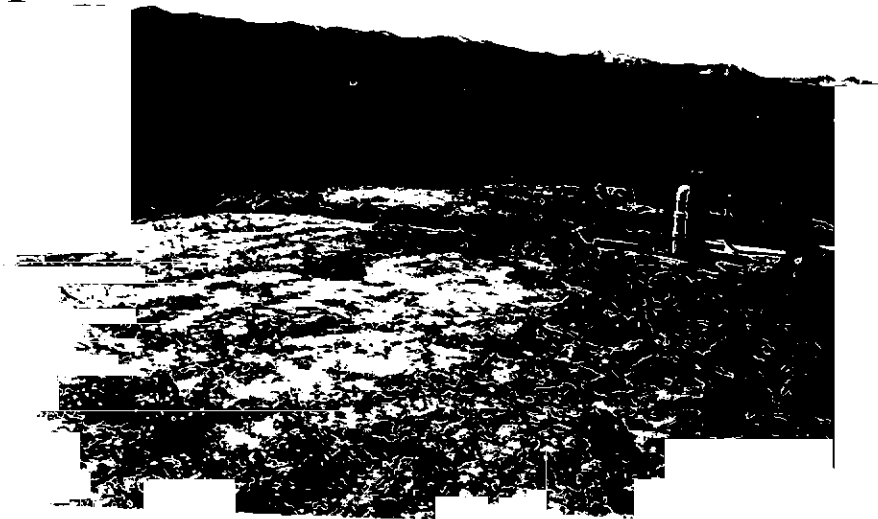
GS:js

cc: Eastern Region

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AUG 12 1992





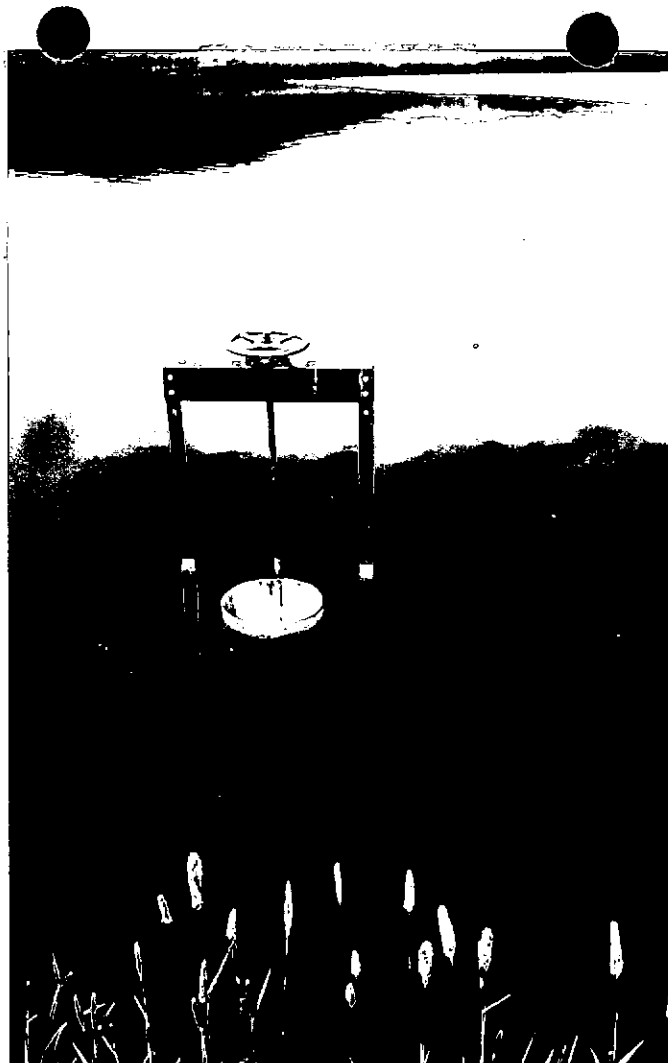




Ditch From Spring to Pond
(Ditch is 18"-20" wide with 1"-2"
of water in it)

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Pond (approx 2 surface
acres)
with overflow pipe



outlet from
overflow pipe

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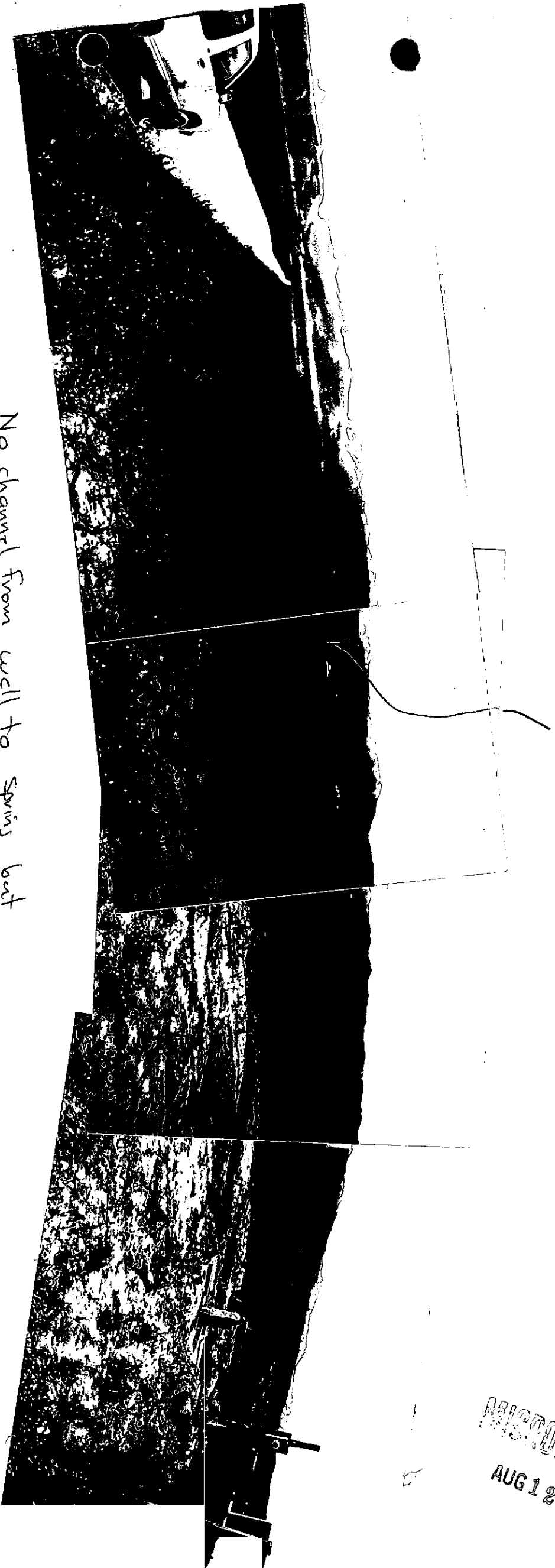


well with 30hp subm. pump,
(looking East)
18" casing

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Teton River (approx 1/2 mile east of well site)



No channel from well to spring but
there is a ditch from the spring to
the pond with overflow pipe.

Transmission loss from well to spring/ditch
could be very substantial.

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AUG 12 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
AMENDMENT OF PERMIT NO. 22-07681)
IN THE NAME OF DRAKE BROS.) ORDER
_____)

This matter having come before the Idaho Department of Water Resources (Department) as a result of the review of applications for permit pending before the Department, the Department Finds, Concludes, and Orders as follows:

FINDINGS OF FACT

1. On May 9, 1991, Drake Brothers filed an application for amendment to Permit 22-07681 to pump ground water from the SW1/4SW1/4, Sec. 17, and inject same into the Teton River. The applicant proposed to then redivert the Teton River water from the NE1/4NW1/4, Sec. 20, T. 4N, R. 45E. for irrigation purposes on 173 acres.

2. The application was advertised in the Teton Valley News on May 16 and 23, 1991 and no protests were received.

3. On June 21, 1991, the Department conducted an on-site inspection. The inspection revealed that there is an existing well in the NW1/4SW1/4SW1/4, Sec. 17, T. 4N, R. 45E, currently being used for sprinkler irrigation. There is currently no existing facility that would allow water to be transported from the well to the Teton River. There is an existing ditch from the spring to a pond.

4. A pond covering approximately two surface acres was located within the SE1/4SW1/4, Sec. 17, T. 4N, R. 45E. The over flow

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AUG 12 1992

from this pond discharges through a pipe into a wetland adjacent to the Teton River.

5. The applicant proposes to convey ground water from the existing well one-half mile east to the pond. He is requesting to get credit for the water that will over flow into the Teton River. In exchange the applicant would locate a pump downstream in the Teton River and pump back up onto the adjacent grounds for irrigation purposes.

6. The proposed system does not allow for differentiation between spring and ground water which enters the pond and for direct delivery of overflow to the Teton River due to wetlands between the outlet of the pond and the river.

7. The potential for an unknown and unregulated quantity of ground water reaching the Teton River in exchange for a continuous amount of river water to be used for irrigation exists under the proposed system.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code states in part: (5) . . . In all applications whether protested or not protested, where the proposed use is such . . . (a) that it will reduce the quantity of water under existing rights and (f) that it is contrary to conservation of water resources within the State of Idaho; the director of the department may reject such application . . .

2. The definition of "conservation" can be interpreted to relate to a standard of efficiency either in conveyance efficiency, application efficiency, energy production or energy consumption associated with a proposed use of water.

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AUG 12 1992

3. The change being proposed through the amendment of Permit 22-07681 is adverse to the principle of conservation of the water resources of the State of Idaho and could reduce the quantity of water available to existing rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Amendment of Permit 22-07681 is hereby DENIED.

Dated this _____ day of July, 1991.

WILSON
AUG 12 1992



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401-2198
(208) 525-7290

RECEIVED

JUN 27 1991

Department of Water Resources
Eastern District Office

June 25, 1991

Mr. Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

RE: 22-07681 Drake

Dear Skip:

We have no objection to granting the referenced water right. The small stream (rediversion) is in close proximity to the point of diversion and is intermittent.

Sincerely,

Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:SE:dnb

cc: U.S. Fish and Wildlife Service
Bureau of Program Coordination

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AUG 12 1992

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife - since 1938

Well in place with 30hp pump, 18" casing

Pix #1 & #2 well looking East

No channel now in field - loss would be substantial
bringing water thru fields

Pix 3, 4, 5, 6 Panavara from East to South

Field slopes from well downhill to river

~~No overflow out of pond~~ ~~No water in pond~~ Pond level
was below overflow pipe.

Pix 7, ~~Outlet~~ of overflow pipe
8 outlet under Rd of overflow pipe

Pix 9, 10 Spring channel entering Pond area

" Spring channel from opposite direction

(channel is 18"-20" wide with 1-2" of water
in it.)

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WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7681 and
have the following comments objections to the approval of this
application for permit:

This appears to be nothing
short of an attempt to
get a pump in the Teta
River and avoid regulator

5/20/91
Date

Ronald D. Carlson
RONALD D. CARLSON, WATERMASTER
Water District No. 01

APPROVED

AUG 12 1992

Send Copies to WD 01
+ ID Fish Game (IE)

State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 22-07481 Applicant Drake Bros.

Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☒ Other Add rediversion pt.

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) NA
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
 - ☒ Amendment published correctly.
 - ☐ Protests processed.
 - ☐ Approve.
 - ☒ Deny.
- Conditions _____

By RDC Date 8/5/91

STATE OFFICE PROCESSING:

- ☒ Amendment correct and complete. By BLM Date 7-6-92
- ☐ Approved copy sent to applicant and to Region. By Cindy Zimmerman Date 8/3/92

DOP
6-3-91

17-May-1991

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

RE: Application NO. 22-07681

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is June 3, 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
Water Rights Supervisor

HWJ/rb
enc.

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AUG 12 1992

NOTICE OF PROPOSED AMENDING OF WATER RIGHT

Notice is hereby given that Permit No. 22-07681 in the name of Drake Brothers was issued for the diversion of 3.46 cfs of water from a groundwater source with the point of diversion being within the NWSW, Sec 17, T 04N, R 45E, B.M., Teton County; to be used for the irrigation of 173 acres from April 15 to October 15 within the S1/2SW, Sec 17; NENE, Sec 19; N1/2NW, Sec 10, T 4N, R 45E, B.M.

The permit holder now proposes to amend said permit, changing the point of diversion to the SWSW, Sec 17, T 04N, R 45E, and add a rediversion point from the Teton River to the place of use.

Rediversion point is NENW, Sec 20, T 04N, R 45E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before June 3, 1991.

R. Keith Higginson

Director

Published in the Teton Valley News on May 16 & 23, 1991.

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AUG 12 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 29, 1991

DRAKE BROTHERS
641 S. 450 W.
VICTOR, ID 83455

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07681

Dear Permit Holder:

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

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

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

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

RECEIVED
FEB 16 1991

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

FEB 06 1991

APPLICATION FOR PERMIT REVIEW

Application #: 22-7681
Date: 1-18-91

Reviewer: Pam Skaggs ²⁸

Existing:

✓ No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

✓ GT. 0.7 cfs - 01G-P03 01C-P03(existing well)
LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99
Not included *already approved* 046-P23(All GW, even existing wells)

Location:

✓ Water Districts - WD No. 01
Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)
✓ Groundwater - P05
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 058 (Groundwater)
✓ Swan Falls Flag - 1 (1 or Blank)
Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr
or Irr & Dom)
✓ Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....
Boise (63) - 11D-P72
Payette (65) - 047-P04, 059-P71
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
Power - (less than 25cfs P18), 01F-P19, 08A(Req.),
17K, 17G-17M(Choose One), 025
Mining - 06A, 006, 09E-P10, 010, 54
Storage - 18A-P09(In W.D.), 18B-P09(Size)
Domestic - 021(restricted areas)

Ownership:

✓ Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

✓ Beneficial Use Due Date: - 02-01-1994

Other Conditions Recommended _____

FILED

FEB 16 1991

[Signature]

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 9-21-90 APPLICATION NUMBER 22-7681Drake BrosREQUIRED 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

NOV 19 1990

Department of Water Resources

RECEIVED

PROCESSING ☒ Yes ☐ No ☐ 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 11-5-90
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 8-27-90
By HWS Date 11-15-90

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Carl A. Long 10167

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

15-Oct-1990

DRAKE BROTHERS
641 S. 450 W.
VICTOR, ID 83455

RE: Application for Permit No. 22-7681

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 OCTOBER 18 & 25, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

FEB 06 1991

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

Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 10, 1990

TETON VALLEY NEWS
P.O. BOX 509
DRIGGS, ID 83422

Gentlemen:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 5, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

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FEB 06 1991

9/89

Drilling Permit No. 22-90-E-022Water Right Permit No. 22-7636

Injection Permit No. _____

State of Idaho
Department of Water Resources

D R I L L I N G P E R M I T

1. Applicant Teton Valley Lodge Sites Water Association, Inc.
2. Mailing Address Rt. 2, Box 1247
Driggs, ID 83442 Telephone 354-8264
- ☒ Well Owner ☐ Well Operator ☐ Other, specify _____
 3. Proposed well location NW SW 1/4 SE 1/4, or Gov't lot No. _____,
 Sec. 17, Twp. 4N, Rge. 45E, County Teton,
 Street Address of Well Site 379 S. Adams Rd.,
 Lot, block and subdivision _____
4. Proposed use of well:
 - ☐ Single family or stockwater use (less than 13,000 gallons per day)
 - ☒ Irrigation (more than 1/2 acre) 16.9 acres
 - ☐ Monitoring - A well bore schematic and map is required for each well.
 No. of proposed wells: _____
 - ☐ Other (describe fully) Domestic 17 households
5. Well construction information:
 - A. ☒ New well ☒ Deepen ☐ Replace - See Condition 9.
 - B. Proposed surface diameter 8" 16" Maximum depth 100' 230'
 - C. Anticipated bottom hole temperature:
 - ☒ 85°F or less (Cold water well)
 - ☐ 85°F to 212°F (Low temp. geothermal well)
 - ☐ 212°F or more (Geothermal well)
6. Construction Start Date 3-21-90
7. Anticipated Well Driller Denning Well Drilling
 NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature John K. Johnson Date 3-21-90
 Title _____
 (Owner, Firm Representative, Other)

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FEB 06 1991

ACTING CHIEF OF DEPARTMENT OF WATER RESOURCES

This Permit is approved Date 3-20-90

If approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

as per addendum

Dennis M. Dunn
Signature of Authorized Department Representative

20 March 1990
Title

Receipt No. *E012452* Received by RB Fee \$100.00 Date *3-20-90*

EXTENSION OF DRILLING PERMIT

FEB 06 1991

Extension approved by _____ Approval Date _____
This extension is good for 60 days beyond the above extension approval date.

NOTICE OF APPLICATION FOR WATER RIGHT

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

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FEB 06 1951

22-07681

DRAKE BROTHERS
641 S. 450 W.
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: NWSW Sec 17 T 04N R 45E

Use: IRRIGATION (3.460 CFS)
Total Diversion: (3.460 CFS)

Date Filed: 8/27/ 1990

In: T04N R45E S17	SWSW	SESW
S19	NENE	
S20	NENW	NWNW

173.0 ACRES TOTAL

RECORDED

FEB 06 1991