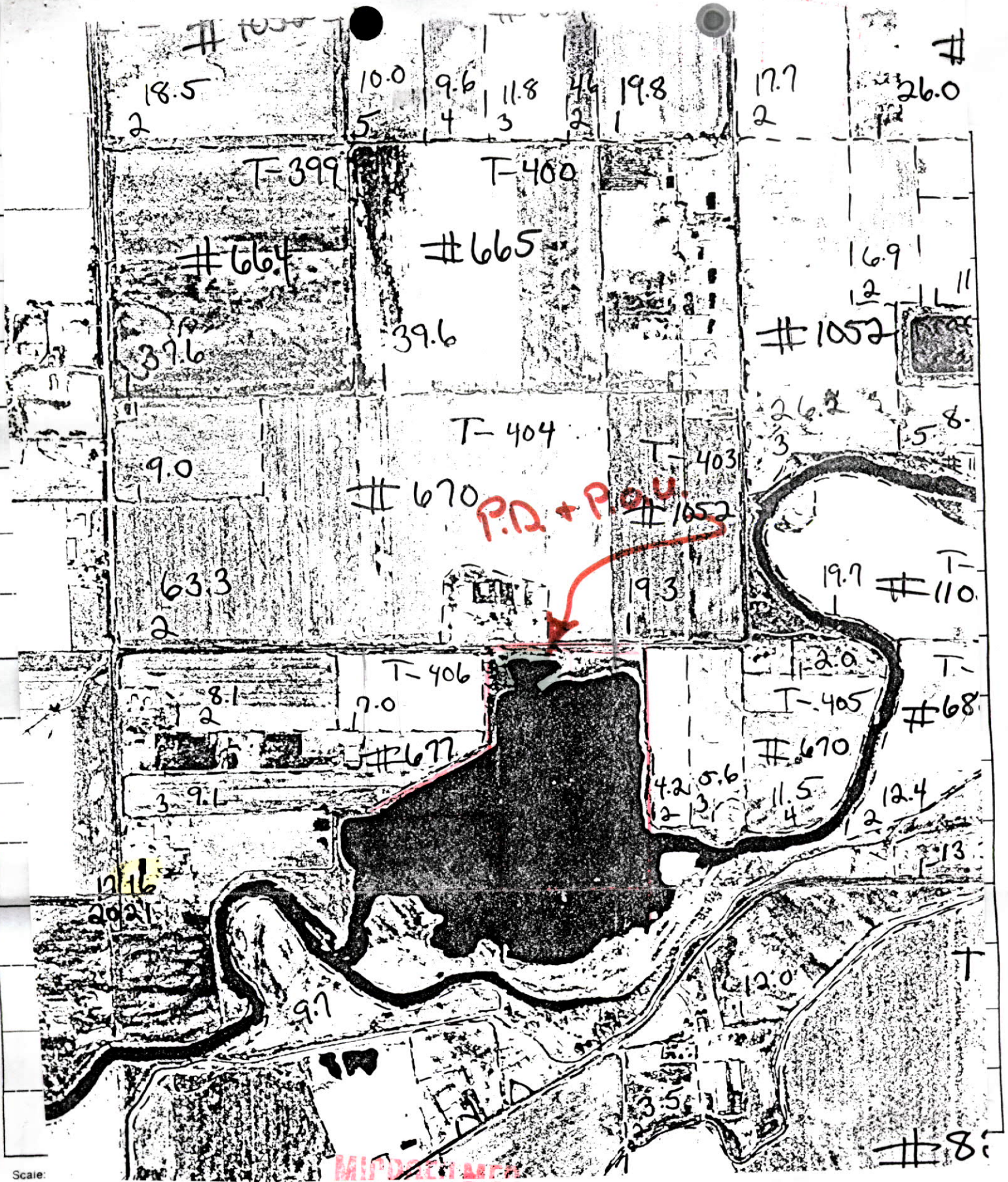




BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JUL 19 1990

Earl Siddaway

(Applicant)

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 1 - 1990

Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Madison

I, Terry Weatherston being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Application a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for

Two consecutive issues, the first publication having been made on February 15, 1990 and the last publication having been made on February 22, 1990.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 23rd day of February in the year of 1990, before me, a Notary Public, personally appeared Terry Weatherston, 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.

[Signature]
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07659

SIDDOWAY, EARL
P.O. BOX 297
TETON CITY, ID 83401
Source: TETON RIVER Tributary:
SNAKE RIVER
Diversion Pt: NESESW Sec 16 T 06N R 40E

Use: FISH PROPAGATION (.400 CFS)
FISH PROP. STORAGE (8.00 AF) Total
Diversion: (.400 CFS) (8.00 AF)
Dated Filed: 9/29/1989
In: T06N R40E S16 SESW
22-07661

STEVENSON CANYON FARMS INC.
HC 60 BOX 1099
NEWDAL, ID 83436
Source: GROUNDWATER
Diversion Pt: NENENW Sec 14 T 06N R 42E

Use: IRRIGATION (6.000 CFS) Total
Diversion: (6.000 CFS)
Date Filed: 1/26/1990
In: T06N. R42E S11 NWSW SWSW
SESW, S14 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW NESW
NWSW SWSW* SESW NESE NWSE
SWSE SESE, S15 NENE NWNE SWNE
SENE NENW NWNW SENW NESW
SESW NESE NWSE SWSE SESE, S23
NENE NWNE SWNE SENE NENW
SESW NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

1820.0 ACRES TOTAL.

22-07662
CITY OF SUGAR CITY
10 EAST CENTER ST.
BOX 56
SUGAR CITY, ID 83448
Source: GROUNDWATER
Diversion Pt: SWSW Sec 4 T 06N R 40E

Use: MUNICIPAL (4.500 CFS) Total
Diversion (4.500 CFS)
Date filed: 12/26/1989
In: T06N R40E S04 NESW NWSW
SWSW SESW NESE NWSE SWSE
SESE

The permit(s) will be subject to all prior water rights. Protests may be submitted

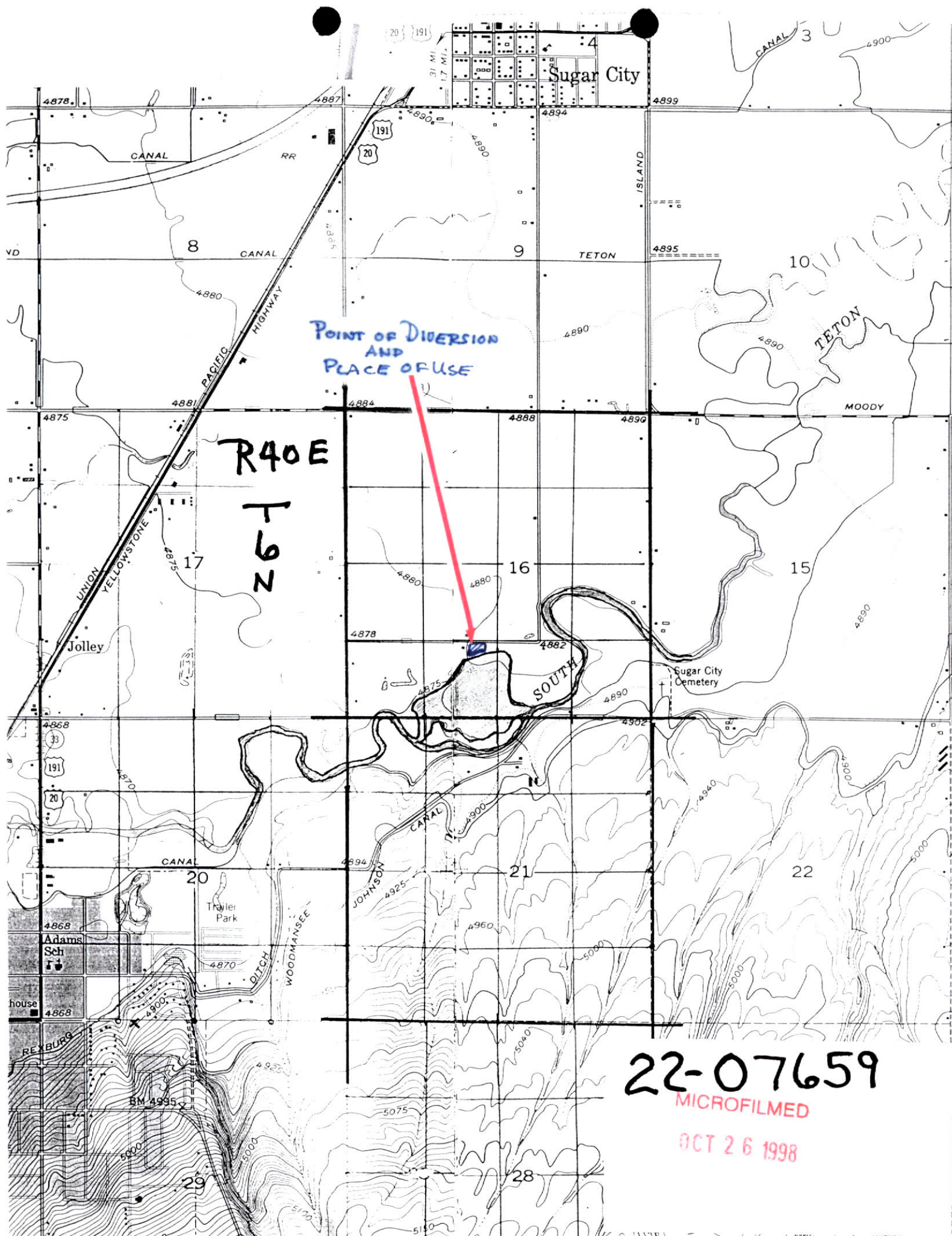
based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 5, 1990.

R. KEITH HIGGINSON
Director

Publ. Feb. 15 and 22, 1990SJ.

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JUL 19 1990



OCT 26 1998



SOUTH TETON RIVER

INLET WITH WIRE
SCREEN

CONTROL VALVE FOR
CONTROLLING
DIVERSION

MICROFILMED
OCT 26 1998

22-07659

SOUTH TETON RIVER

INLET TO POND

POND



22-7659

OCT 26 1998



#2



#1



#3

Microfilm

JUL 19 1990

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07659

Priority: September 29, 1989 Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume: 6.0 AF

This is to certify, that GARY SUMMERS
27 N 3000 E

SUGAR CITY ID 83448 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 29, 1989; and
has submitted Proof of Beneficial Use on July 29, 1992. An examination indicates
that the works have a diversion capacity of 0.440 cfs of water from:

TETON RIVER, SOUTH FORK tributary to HENRYS FORK

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>
RECREATION STORAGE	01/01 to 12/31		6.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.40 CFS	
	Totals	0.40 CFS	6.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 16, Township 06N, Range 40E
MADISON County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

06N 40E 16 SESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner provide the watermaster suitable control of the diversion.

MICROFILMED
OCT 26 1998

State of Idaho
Department of Water Resources

Water Right License

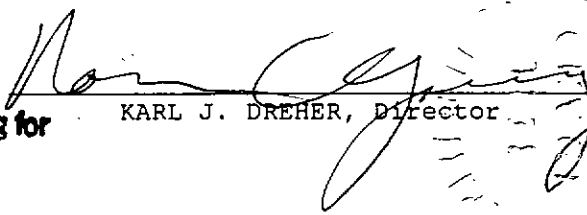
WATER RIGHT NO. 22-07659

CONDITIONS OF APPROVAL AND REMARKS

6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
9. Recreation storage is for a private fishing pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 1st
day of October, 1998.

Acting for


KARL J. DREHER, Director

MICROFILMED

OCT 26 1998

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 22-07659

Priority: September 29, 1989

Maximum Diversion Rate:

0.40 CFS

Maximum Diversion Volume:

6.0 AF

This is to certify, that EARL SIDDOWNAY
PO BOX 297

TETON CITY ID 83401 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 29, 1989; and
has submitted Proof of Beneficial Use on July 29, 1992. An examination indicates
that the works have a diversion capacity of 0.440 cfs of water from:

TETON RIVER, SOUTH FORK tributary to HENRYS FORK

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>
RECREATION STORAGE	01/01 to 12/31		6.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.40 CFS	
	Totals	0.40 CFS	6.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 16, Township 06N, Range 40E
MADISON County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

06N 40E 16

SESW

SUPERSEDED

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

OCT 26 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 22-07659

CONDITIONS OF APPROVAL AND REMARKS

6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
9. Recreation storage is for a private fishing pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 25TH
day of SEPTEMBER, 1990.

SUPERSEDED

APPROVED BY: J. DREHER, Director

MICROFILMED

OCT 26 1998

RECEIVED

AUG 13 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07659**Date of Priority:** September 29, 1989**Maximum Diversion Rate:**

0.40 CFS

Maximum Diversion Volume:

6.0 AF

Comes now

EARL SIDDOWAY

PO BOX 297

TETON CITY ID 83401

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. 22-07659, and requests that the permit be changed as follows:

Source: TETON RIVER, SOUTH FORKtributary to **HENRYS FORK**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		6.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.40 CFS	
	Totals	0.40 CFS	6.0 AF

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 16, Township 06N, Range 40E
MADISON County**PLACE OF USE:** RECREATION STORAGE**TWN RGE SEC**

06N 40E 16

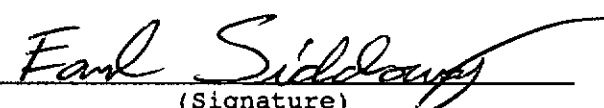
SESW

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

Signed at _____, this _____ day of _____, 19____.

MICROFILMED

OCT 26 1998


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07659

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50.00 Receipted by LS # CA13115 Date 8/13/98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07659 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
9. Recreation storage is for a private fishing pond.

Witness my hand this 25TH day of SEPTEMBER, 1998.

MICROFILMED

OCT 26 1998

Acting for KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 22-07659 IN THE NAME	)	ORDER RESCINDING
	)	CONDITION OF APPROVAL
OF EARL SIDDOWAY	)	
_____	)	

WHEREAS, on September 29, 1989, Earl Siddoway filed an application for permit to appropriate water from the Teton River for fish propagation and fish propagation storage purposes; and,

WHEREAS, on July 9, 1990, the department approved Permit No. 22-07659 with the following condition:

Use of water under this right shall be non-consumptive.

and,

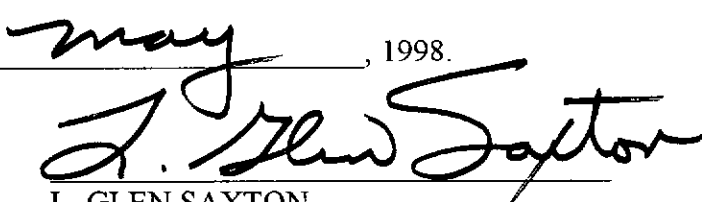
WHEREAS, requiring the water use to be non-consumptive is not possible due to evaporation of water from the surface of a pond; and,

WHEREAS, diversion and water use, including the pond, was developed for recreational storage in a private fishing pond; and,

WHEREAS, there appears to be reasonable cause to rescind the condition,

IT IS, THEREFORE, HEREBY ORDERED That the condition of approval limiting the permit to non-consumptive use is RESCINDED.

Dated this 5th day of may, 1998.


L. GLEN SAXTON

Chief, Water Allocation Bureau

MICROFILMED
OCT 26 1998

RECEIVED

JUL 29 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07659 Telephone No. 458-4388
2. Name(s) of Permit Holder(s): EARL SIDDOWAY
3. Mailing Address: Box 297 TETON IDAHO 83451
4. Source of Water: TETON RIVER

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

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

Irrigation _____ (No. of acres) Other FISH PROPAGATION NON CONSUMPTIVE

6. Total rate and/or volume for which proof is submitted 0.40 cfs OR 8.0 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Lockable
Measuring device: Required? ☒ Yes _____ No Installed? _____ Yes _____ No

OR
Flow Measurement Port: Required? _____ Yes ☒ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 100.00 (See License Fee Schedule on back of Instruction Sheet)

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

EARL SIDDOWAY 458-4388
Name Telephone No.

Box 297 TETON IDAHO 83451
Address

10. The above information 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.

MITT MED

28 July 92
Date

Earl Siddoway owner
Signature (and title, if on behalf of a company or organization)

AUG 12 1992

RECEIVED
JUL 16 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by MYH
Date 7.15.91
Receipt # CD21168

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 a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 22-07059

Name(s) of Permit Holder: EARL SIDDOWAY

Post Office Address: Box 297 TETON CITY, IDAHO 83451

Telephone No. _____

Date Proof is Due: _____

Describe what work has been completed toward the development of this water right: (208) 458 4388
(This must be filled out! If no work has been completed, show "none".)

NONE

Costing \$ _____

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

HIGH WATER & UNABLE TO GET BID YET
ALSO MUST SEE ~~ADAMS~~ MADISON COUNTY ABOUT
FLOOD PLAIN ORDINANCE

Permit holder(s) request an extension to

~~10/31/91~~ OCT-1
1992
(1 yr. minimum)

Earl Siddoway
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

JUL 31 1991

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 August 1, 1992.

Signed this 29th day of July, 19 91.

A. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07659

Proposed Priority: September 29, 1989 Maximum Diversion Rate: 0.40 CFS
This is to certify, that **EARL SIDDOWAY**
P.O. BOX 297
TETON CITY, ID 83401
has applied for a permit to appropriate water from:

TETON RIVER tributary of **SNAKE RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	0.40 CFS	
FISH PROP. STORAGE	01/01 to 12/31		8.0 AF
	Totals	0.40 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESESW Sec. 16, Township 06N, Range 40E
MADISON County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

06N 40E 16 SESW

PLACE OF USE: FISH PROP. STORAGE, same as FISH PROPAGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1991**.
2. Subject to all prior water rights.
3. Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.
4. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
5. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
6. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
7. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.

MICROFILMED

JUL 19 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 22-07659

CONDITIONS/REMARKS:

8. 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.
9. 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.
10. Use of water under this permit shall be non-consumptive.
11. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.

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

9th day of July, 1990.

R. Keith Higginson
R. Keith Higginson, Director

for

MICROFILMED

JUL 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Earl Siddoway Phone (208) 458-4388
Post office address Box 297, Teton City, Idaho 83401 83451
2. Source of water supply Teton River which is a tributary of Snake River
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 16 Township 6N Range 40E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.4 cfs for Fish Prop. purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 8.0 afa for Fish Prop. Storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.4 and/or (b) 8.0
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 12" culvert and 80' of dike for fish propagation, in old water filled gravel pit that river has broken into.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

MICROFILMED

JUL 19 1990

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Fish culture for rainbow trout

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	40E	16												H					

Total number of acres to be irrigated _____

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

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

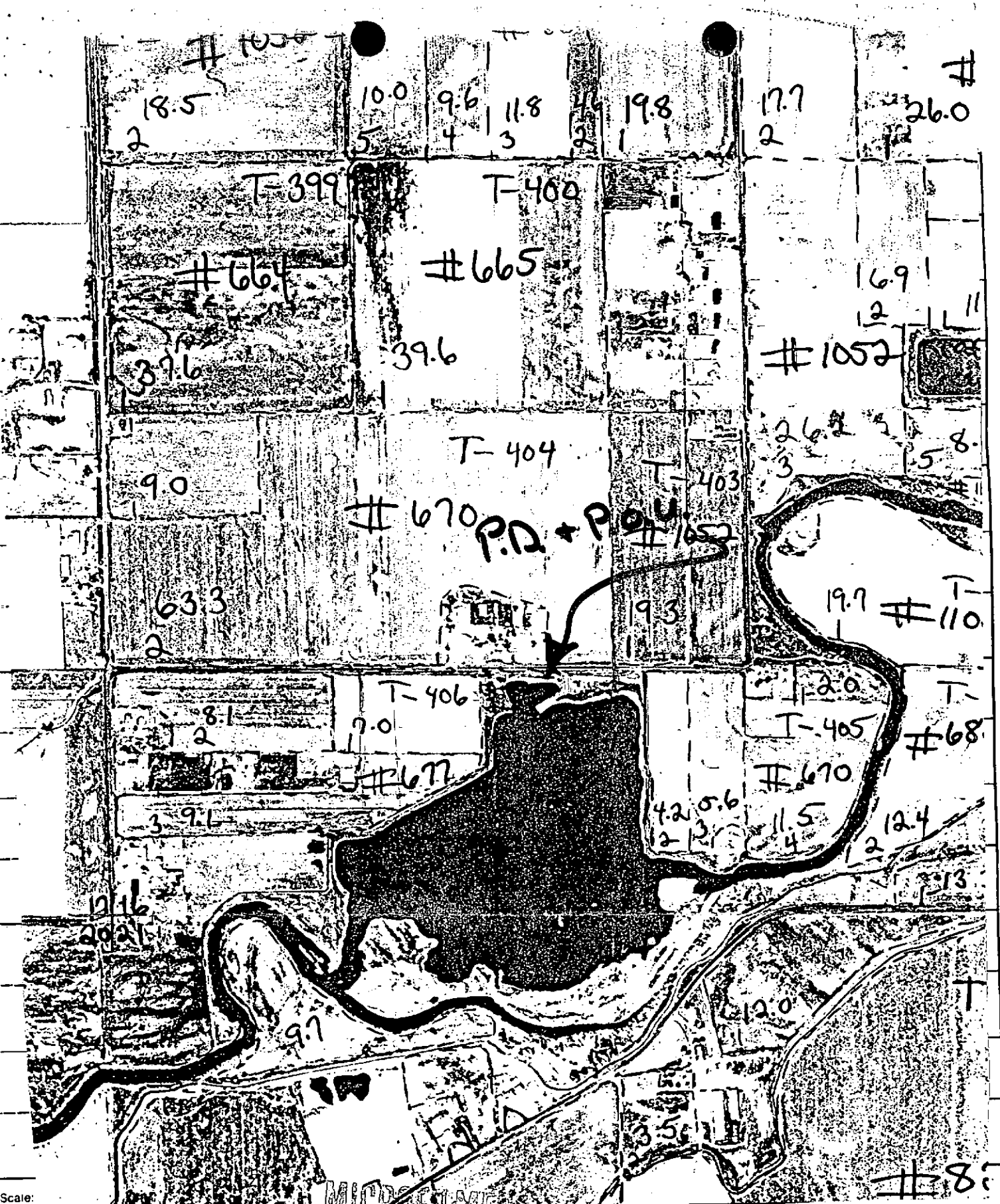
b. Who owns the land to be irrigated or place of use? Applicant

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

12. Remarks: Applicant has purchased gravel pit which Teton River has broken through

MICROFILMED

JUL 19 1990



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.

Earl Siddaway
(Applicant)

(Applicant)

Received by PW Date 9-29-89 Time 11:25A Preliminary check by _____
Fee \$ 45.00 Received by RB # E010903 Date 9-29-89
Publication prepared by RB Date 2-15-90 Published in Lexburg Standard-Jrnl
Publication approved PW Date 3-2-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

MICROFILMED
JUL 19 1990

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 1- 1990

Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Madison

I, Terry Weatherston being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Application a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for

Two consecutive issues, the first publication having been made on

February 15, 1990 and the last publication having been made on

February 22, 1990

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 23rd day of February in the year of 1990, before me, a Notary Public, personally appeared Terry Weatherston, 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.

[Signature]
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07659

SIDDOWAY, EARL

P.O. BOX 297

TETON CITY, ID 83401

Source: TETON RIVER Tributary:

SNAKE RIVER

Diversion Pt: NESESW Sec 16 T 06N R 40E

Use: FISH PROPAGATION (400 CFS)

FISH PROP. STORAGE (8.00 AF) Total

Diversion: (400 CFS) (8.00 AF)

Dated Filed: 9/29/1989

In: T06N R40E S16 SESW

22-07661

STEVCO CANYON FARMS INC.

HC 60 BOX 1099

NEWDALE, ID 83436

Source: GROUNDWATER

Diversion Pt: NENENW Sec 14 T 06N R 42E

Use: IRRIGATION (6,000 CFS) Total

Diversion: (6,000 CFS)

Date Filed: 1/26/1990

In: T06N R42E S11 NWSW SWSW
SESW, S14 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW NESW
NWSW SWSW SESW NESE NWSE
SWSE SESE, S15 NENE NWNE SWNE
SENE NENW NWNW SENW NESW
SESW NESE NWSE SWSE SESE, S23
NENE NWNE SWNE SENE NENW
SENW NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

1820.0 ACRES TOTAL

22-07662

CITY OF SUGAR CITY

10 EAST CENTER ST.

BOX 56

SUGAR CITY, ID 83448

Source: GROUNDWATER

Diversion Pt: SWSW Sec 4 T 06N R 40E

Use: MUNICIPAL (4,500 CFS) Total

Diversion (4,500 CFS)

Date filed: 12/26/1989

In: T06N R40E S04 NESW NWSW
SWSW SESW NESE NWSE SWSE
SESE

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 MARCH 5, 1990.

R. KEITH HIGGINSON
Director

Publ. Feb. 15 and 22, 1990SJ.

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JUL 19 1990



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

October 1, 1998

GARY SUMMERS
27 N 3000 E
SUGAR CITY ID 83448

RE: Water Right No. 22-07659

Dear Water Right Holder:

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, which supersedes the license issued as a preliminary order on September 25, 1998, is an amended preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. The purpose of the amended preliminary order is to recognize the assignment of water right 22-07659 from Earl Siddoway to Gary Summers on September 16, 1998. The amended preliminary order 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

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OCT 26 1998

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 Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department 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 Department 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 Department 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,

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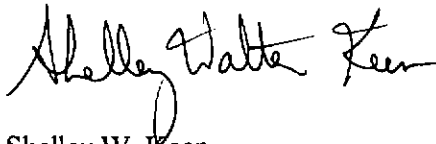
OCT 26 1998

- 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.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

Enclosure

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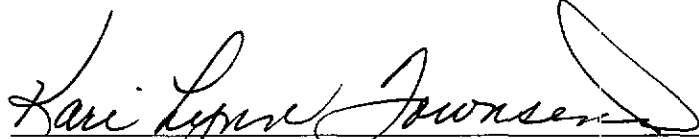
OCT 26 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of October, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right 22-07659

GARY SUMMERS
27 N 3000 E
SUGAR CITY ID 83448

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

Kari Lynn Townsend
Secretary

MICROFILMED

OCT 26 1998



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

September 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL SIDDOWAY
PO BOX 297
TETON CITY ID 83401

RE: WATER RIGHT NO. 22-07659

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 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 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. Otherwise, this preliminary order will become a final order of the Department.

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 Department. The Department retains the right to review the preliminary order on its own motion.

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ORAL ARGUMENT

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FINAL ORDER

The Department 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 Department 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.

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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.

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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.

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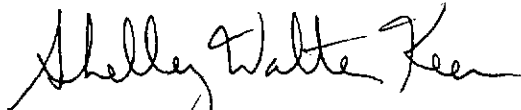
OCT 28 1998

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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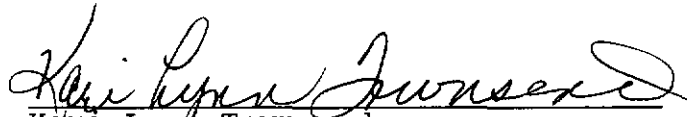
OCT 26 1998

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of **September, 1998**, 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. 22-07659

EARL SIDDOWAY
PO BOX 297
TETON CITY ID 83401


Karl Lynn Townsend
Secretary

MICROFILMED

OCT 26 1998



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 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY SUMMERS
27 N 3000 E
SUGAR CITY ID 83448

RE: WATER RIGHT NO. 22-07659

Dear Mr. Summers:

I am writing to you about Water Appropriation Permit No. 22-07659, which was issued to Earl Siddoway in 1990. The permit is being reviewed for licensing. Before a water right license can be issued, however, the permit must be amended to depict the water right as it has actually been developed. I sent an Application for Amendment form to Mr. Siddoway, and he replied that you are now the owner of the property where the water use was developed. Therefore, I am writing to give you the opportunity to complete the water appropriation process and obtain a water right license.

The enclosed Application for Amendment form contains information that will be included on the license when it is issued. The amendment reflects a change in nature of the water use from fish propagation to recreation storage. The last page of the Application for Amendment form contains a list of conditions and remarks proposed for the license when it is issued. These conditions and remarks may be modified upon further administrative review. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee within fourteen days.

In order for the department to issue the water right license in your name, Mr. Siddoway must assign the permit to you. I have enclosed an Assignment of Permit form to help you obtain the required information and signature. If you do not obtain an assignment from Mr. Siddoway, the department may still issue a license if you submit the necessary Application for Amendment and fee. Once the license is issued, the water right becomes appurtenant to the land regardless of the name listed on the document. At that time, you can submit a Notice of Change of Water Right Ownership along with documentation demonstrating that you are the new landowner.

If you have any questions about this information, please contact me at (208) 327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

MICROFILMED

OCT 26 1998

M E M O R A N D U M

DATE: June 2, 1998
TO: File 22-07659
FROM: Kari Lynn Townsend
RE: Telephone Conversation

=====

Earl Siddoway called to discuss the letter of May 26, 1998 from Shelley regarding the Application for Amendment.

During the conversation, Mr. Siddoway stated that the current owner of the property is now Gary Summers.

I told Mr. Siddoway that I would send him an Assignment of Permit form and that he could fill it out and send it on to Mr. Summers with the Application for Amendment form and letter from Shelley. He said that he will call Mr. Summers and tell him that the \$50.00 amendment filing fee and the \$25.00 assignment filing fee need to be paid by Mr. Summers.

I told Mr. Siddoway that I would move the call-up date up a couple of weeks in order to give both parties time to respond to the mailing of the necessary forms.

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OCT 26 1998



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

May 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL SIDDOWAY
PO BOX 297
TETON CITY ID 83401

RE: WATER RIGHT NO. 22-07659

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script, reading 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

OCT 26 1998



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

May 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL SIDDOWAY
PO BOX 297
TETON CITY ID 83401

RE: WATER RIGHT NO. 22-07659

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the nature of water use developed differs from what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the water use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (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 26 1998

WR0749NP
No. L22-07659

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/28/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY		USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
		DATE	WATER USE	FROM	TO		
C	EARL SIDDOWAY PO BOX 297 TETON CITY ID 83401 (208) 458-4388	09/29/1989	RECREATION STORAGE DIVERSION TO STORAGE	01/01	12/31	0.400 CFS	6.00 AFA
TOTAL DIVERSION:						0.400 CFS	6.00 AFA

Water Source: SOUTH TETON RIVER ✓

Tributary to: HENRYS FORK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.44 AFA -

Point(s) of Diversion: T06N R40E S16

SESW ✓

MADISON County

Place of use Legal Description for: RECREATION STORAGE

			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	:
06N	40E	16	:				:					:					:						:	

Pou County: MADISON

Conditions of Approval:

- ~~R01~~ - Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
- ✓ R02 - A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- ✓ 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.
- ✓ R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

Remarks: GEN ✓ Recreation storage is for a private fishing pond.

Dates: App. Received: 09/29/1989 Priority Date: 09/29/1989
Proof Due Date: 08/01/1992 Proof Made Date: 07/29/1992
Exam Made Date: 09/30/1997 Exam Sent to S.O.: 11/10/1997
Licensed Date:

Misc: Water District Number: 01 Field Exam Fee: R (Received)

MEMORANDUM

TO: File 22-07659

FROM: Sharla

DATE: April 28, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 22-07659 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T6N, R40E, S16 - SESW

H. RECOMMENDATIONS

Recreation Storage	1/1 - 12/31	6.0 afa
Diversion to Storage	1/1 - 12/31	0.40 cfs

Although the examiner did not complete all items on the field report form, sufficient information exists to construct a license.

Examiner: Keith Wilson
Exam Date: September 30, 1997

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OCT 26 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07659

DATE 4/28/98

REVIEWER: SHARLA

NAME OK
Address OK

SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV OK ☐ Change (Para P39 - gov P40/P47) ☐ Add (P45/P42)

W32 (multiple in 1/4)
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): _____
File reviewed ☐ Profile reports printed ☐

PLACE OF USE OK ☐ Change (P41 - gov P43/P47) ☐ Add (P41/P42)

W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed ☐ Profile reports printed ☐

RATE OF DIV

Permitted Rate .40 cfs

Fee limit 1.00 cfs \$100.00

Measured .44 cfs

Theoretical ✓ cfs

Recommended Total Div Rate .40 cfs

Div. to Stor.	WATER USES	<u>chg 40</u>	<u>NA</u> af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)
	<u>40</u> cfs	<u>6.0</u> af			supp. gw (WB7/065/079)
	_____ cfs	_____ af			overlap spec. combined rts (W35)
	_____ cfs	_____ af			<1acre (W31)
	_____ cfs	_____ af		Domestic	(W01/WB5/070/071/075)
	_____ cfs	_____ af		Power	(W42 or W43/025/027/R22 or R23)
	TOTALS	<u>.40</u> cfs	<u>6.0</u> af	Fish (042)	Fire (077) Wtr Quality (081/R07)

Flow rate _____ cfs X _____ days X 1.98 = _____ af

REMARKS Repts are for a private fishing pond.

ADD'L CONDITIONS R04 Watermaster Control WD# 01
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no

SRBA Claim NA

Adjust Memo blank
Amend letters P40 P38
P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 14 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-07659

1. Owner: EARL SIDDOWAY

(208)
Phone No. 458-4388

Current Address: P.O. Box 297, TETON ID 83451

2. Accompanied by: NO ONE

EXAM DATE: 9-30-1997

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: SOUTH TETON RIVER

tributary to SNAKE RIVER

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:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SW	16	6N	40E	MADISON	USGS QUAD/PSA AERIAL/ON SITE

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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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

*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

2. **Measurements:** Average width 130' Average Length 250' Pond 1 down 8-10' from high water mark @ Exam time depth easily 8-10' (water depth)

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E. NARRATIVE/REMARKS/COMMENTS

DIVERSION FROM TETON RIVER THROUGH SCREEN MESH BY 12" CORRUGATED
PIPE WITH CONTROL GATE INTO POND

AT TIME OF EXAM THE POND WAS NOT BEING USED

PROPERTY SOLD TO: GARY SUMMERS

27 N 3000 E

SUGAR CITY, ID

NOTE: SOURCE NAME IS ACTUALLY "SOUTH TETON RIVER" (USGS Quad)
aka SOUTH FORK TETON RIVER

NOTE: NATURE OF USE IS FOR A PRIVATE FISHING POND NOT A COMMERCIAL
OPERATION

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

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OCT 26 1998

F. FLOW CALCULATIONS

Measured Method:

☒ Additional Computation Sheets Attached

$$Q - 0.437 = 0.44 \text{ cfs}$$

$Q_{\text{LIMITED BY PERMIT}} = 0.40$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

MIN DEPTH
 $V_{OL} = 250' \times 130' \times 16' \times .4 = 4.78 \text{ af} = 5 \text{ af}$
43500

MAX DEPTH
 $V_{OL} = 250' \times 130' \times 20' \times .4 = 5.97 \text{ af} = 6 \text{ af}$ Recommend 6 af STORAGE
43560

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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 Change Nature of Use to
Recreational

I. AUTHENTICATION

Field Examiner's Name KEITH C WILSON Date 9-30-1997

Reviewer _____ Date _____

SEAL

MICROFILMED
OCT 26 1998

22-07659

Date 30 Sept, 1997

River at

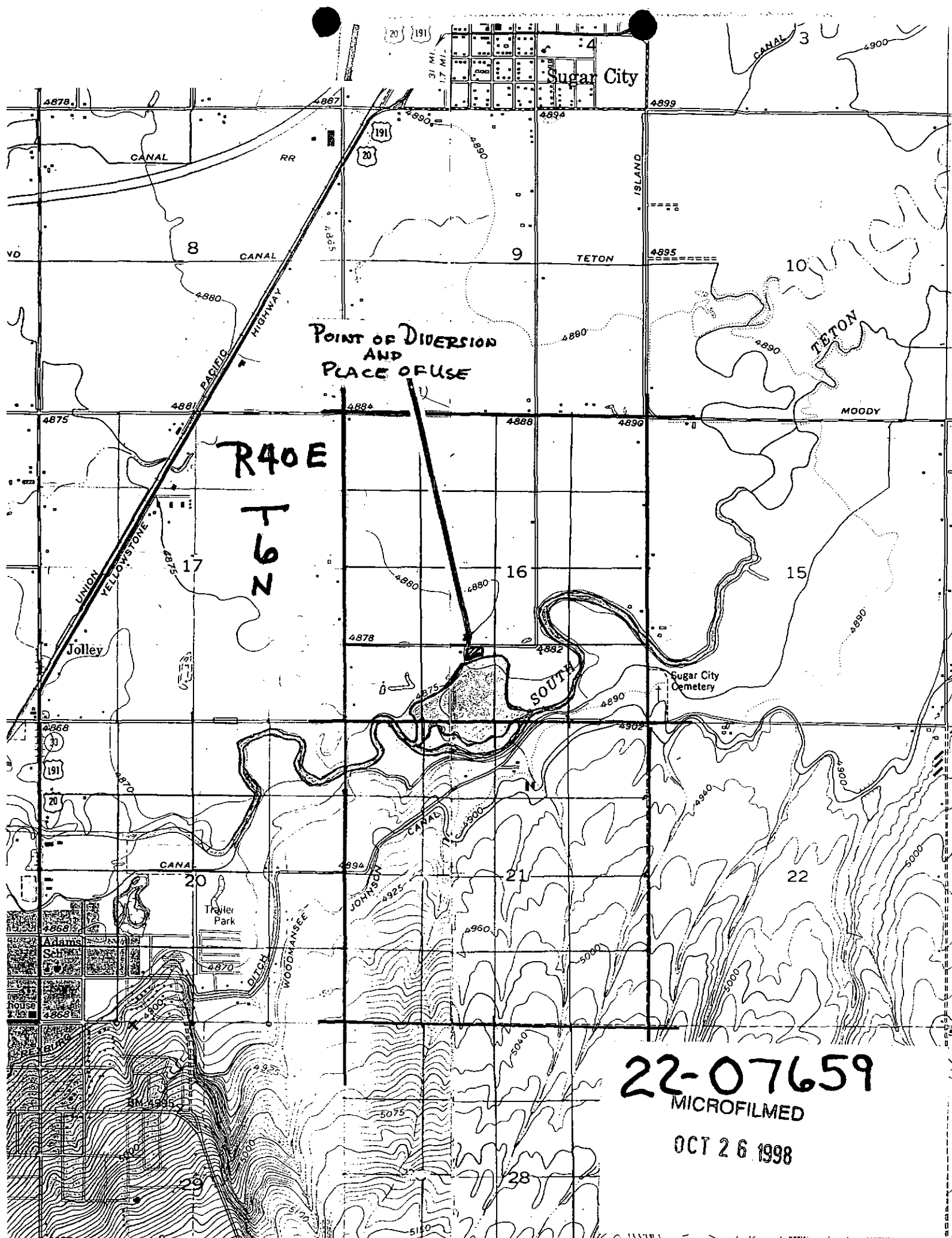
0.437 cfs

No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

MICROFILMED

OCT 26 1998

22-07659



22-07659

MICROFILMED

OCT 26 1998

22-7659

59.6
1 NHEL

6
T-373

4.5
1 NHEL

9

16
1854

2
398

NW

18.5
2

21
397

260
2 NHEL

1988
T-1989

17.7
2 NHEL

T
6
N
R40E

1854
T-401

32.6
1 NHEL

9.0
1 NHEL

670
T-404
NW

63.3
2 NHEL

PLACE OF USE

16
1790
T-403

NW

12.0
1

105
T-1502

19.7
1

677
T-406 7.0
1 NHEL

670
T-1933

POINT OF DIVERSION

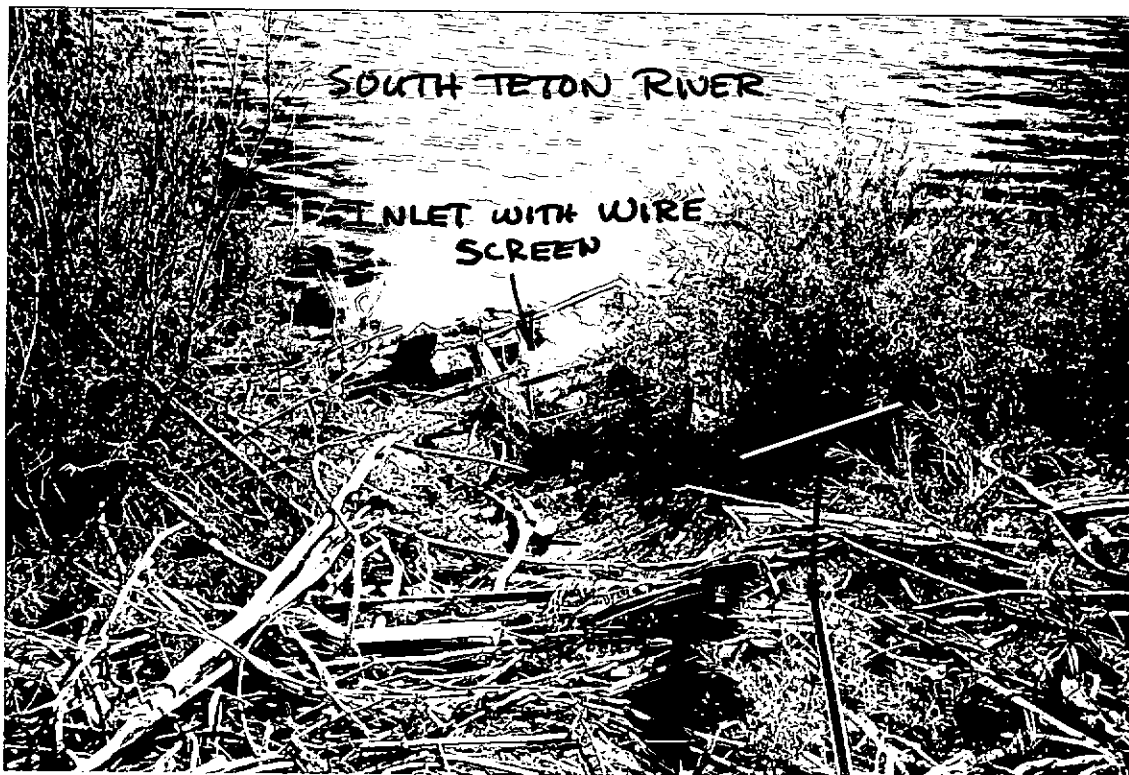
11.5
4 NHEL

9.1
3 NHEL

22-07659

OFILMED

ACT 26 1998



CONTROL VALVE FOR
CONTROLLING
DIVERSION

MICROFILMED
OCT 26 1998

22-07659

SOUTH TETON RIVER

INLET TO POND

POND

22-7659

OCT 26 1998

July 31, 1992

EARL SIDDOWAY
P.O. BOX 297
TETON CITY ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07659

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a lockable device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the lockable device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

AUG 12 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07659

Reviewed by Klg

Date 7/30/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

Fish Propagation
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
✓ Ground water source

NA Drilling permit required?

/ Copy in the file? Drilling Permit No. _____

/ Amount paid for permit _____ Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due / -
No. of days late / =
Priority Date / +
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

needs a lockable
Proof Made 7/29/92
7/31/92 Klg

May 31, 1992

EARL SIDDOWAY
P.O. BOX 297
TETON CITY ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 22-07659

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 August 1, 1992. (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.

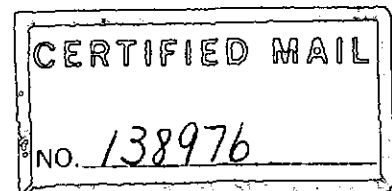
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MICROFILMED

AUG 12 1992

July 29, 1991

EARL SIDDOWAY
P O BOX 297
TETON CITY ID 83451

Dear Mr. Siddoway:

RE: Permit No. 22-7659

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 August 1, 1992.

If you have any questions concerning this matter, please feel
free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED
JUL 31 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 22-7659Reviewed by [Signature]Date 7-29-91

BASIC INFORMATION

y Date stamp received
y Extension received timely (not too early not too late)
y Fee received and receipted
y Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

y Has adequate work been completed to demonstrate due diligence?
y Has the cost incurred been adequate to demonstrate an intent to complete the project?
_____ Has the permit been involved in litigation?
a. Swan Falls _____ Dismissed from Swan Falls _____
Other _____ Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

_____ Is delay by a government agency?

Is supporting documentation needed to complete the file? _____

Requested? _____

ACTION TAKEN

- Recommend approval for one year

_____ Reinstatement Date extension received _____ = _____

Proof due date _____ = _____

No. of days late _____ = _____

Priority date _____ = + _____

ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

_____ Change proof due date

_____ Priority date change

_____ Address change

138599

May 31, 1991

EARL SIDDOWNAY
P.O. BOX 297
TETON CITY, ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 22-07659

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 August 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

JUL 31 1991

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
July 11, 1990

EARL SIDDOWAY
P.O. BOX 297
TETON CITY, ID 83401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07659

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.

Please be advised that your plans for fish propagation may be subject to regulations of the Idaho Department of Fish and Game. We suggest that you check with them before starting construction.

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

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

MICROFILMED

JUL 19 1990

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUL 19 1990

Form No. 202a
/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Non-Trust
HOLD

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DM DATE 10-12-89 APPLICATION NUMBER 22-7659
Earl S. Idoway

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
JUN 25 1990

Department of Water Resources

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game 2-12-90 ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 01
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☒ No Protests received *Protests withdrawn*
Final date for protest *3-5-90*
☐ 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. *01*
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended *9-29-89*
By *HWS* Date *6-22-90* *07A 09D 42 44*

STATE OFFICE REVIEW

See below for additional information
By *KW* Date *6-26-90* *01H 05(01) 48 49 27*

ADDITIONAL INFORMATION

Condition *201H7 207A7 2057 WDO1 SNA/CR River*
App. in NON-TRUST area-

file copy discarded

DATE: 6/14/90 ACCOMPANIED BY: _____ TOTAL MEASURED: _____
(of exam)

METHOD OF MEASUREMENT: VISUAL S/N _____

APPLICANT CONTACTED YES: DATE 6/12/90
NO: DATE _____ REASON: _____

REASON FOR EXAM: TO VERIFY APPLICANT'S CLAIM THAT WATER
FROM THE TETON RIVER DOES FILL THE POND IN QUESTION,
AND THAT THE RIVER'S FLOW WOULD NOT HAVE TO BE
DIVERTED FOR HIS PROPOSED FISH PROPAGATION POND.

ACCESS (location direction): TRAVEL EAST ON AMERICAN POTATO RD APPROX.
1.6 MILES FROM HWY 191. POND IS SOUTH OF THE RD.

LOCATION: Point of Diversion Confirmed ☒ Yes ☐ No (See sketch)
Place of Use Confirmed ☒ Yes ☐ No (See sketch)

GENERAL OBSERVATIONS: DATA FOR ADMINISTRATIVE DECISIONS

A: Source (Describe in detail i.e., flow, apparent confluence, etc)

THE SECTION OF THE POND IN QUESTION IS PART OF AN OLD
GRAVEL PIT WHICH HAS BEEN FLOODED BY THE TETON RIVER.
MR. SIDDOWAY WANTS TO ISOLATE A SMALL PORTION OF THE
POND WITH A DIKE AND CULVERT, WHICH WHEN COMPLETED WOULD NOT
DIVERT ANY FLOW FROM THE RIVER.

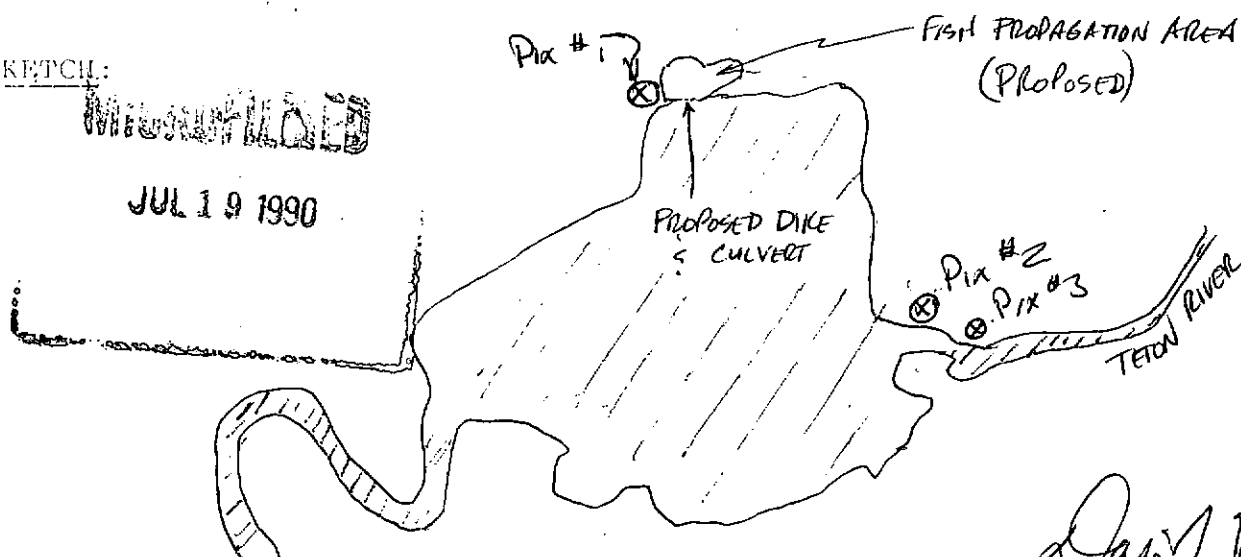
B: OTHER USES OF SOURCE: _____

THE POND WOULD BE USED TO PROPAGATE FISH.

C: WORK IN AREA RELATED TO APPLICATION: CONSTRUCTION OF A DIKE

AND CULVERT

SKETCH:



David Nabrath
SIGNATURE

REMARKS & OPINIONS





#2



#3



#1

REPRODUCED

JUL 19 1990

June 4, 1990

RE: Application for Permit No. 22-7659

Earl Siddoway
Box 297
Teton City, ID 83451

Dear Mr. Siddoway:

This letter is to advise you that the protest filed by Fremont-Madison Irrigation District against approval of the above referenced application has been withdrawn. The Department has resumed the processing of the application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

MICROFILMED

JUL 19 1990

June 4, 1990

RE: Application for Permit No. 22-07659 EARL SIDDOWAY

Mr. Mark S. Rammell, Attorney
Fremont-Madison Irrigation District
P.O. Box 358
Rexburg, ID 83440

Dear Mr. Rammell:

This letter is to acknowledge receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

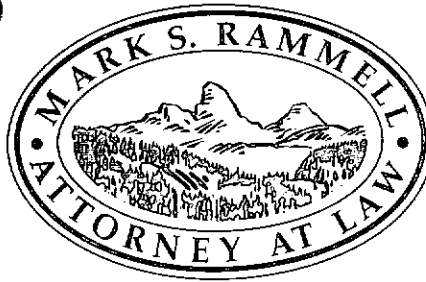
Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MICROFILMED

JUL 19 1990



RECEIVED

MAY 23 1990

Department of Water Resources
Eastern District Office

133 EAST MAIN / P.O. BOX 358 / REXBURG, IDAHO 83440 / (208) 356-7768

May 18, 1990

Mr. Keith Higginson
Dir, Dept Water Resources
150 Shoup Ave, Ste 15
Idaho Falls, ID 83402

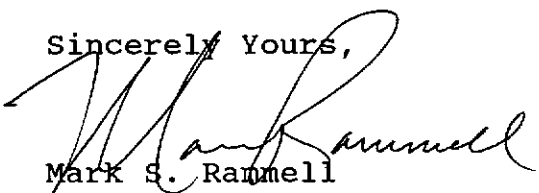
Re: Removal of Protest # 22-07659 Earl Siddoway

Dear Mr. Higginson,

The Board Members of Fremont-Madison have met and have instructed me to write you this letter removing the protest which was filed by Fremont Madison for an application made by Mr. Earl Siddoway. Would you please remove our protest.

Thank you for your help and assistance.

Sincerely Yours,


Mark S. Rammell
MR/tg

MICROFILMED

JUL 19 1990

May 21, 1990

RE: Application for Permit No. 22-07659 EARL SIDDOWAY

Mr. Herbert A. Pollard III
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83402

Dear Mr. Pollard:

This letter is to acknowledge receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MICROFILMED

JUL 19 1990



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401
(208) 522-7783

RECEIVED

APR 19 1990

Department of Water Resources
Eastern District Office

April 17, 1990

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

Re: Application for Permit 22-7659 - Earl Siddoway

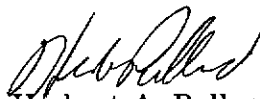
Dear Harold:

Mr. Siddoway met with my staff on April 13 to discuss his water right application and the concerns we expressed in our March 1 letter to your office.

After Mr. Siddoway explained his plans, it was apparent that we had misinterpreted the boundaries and size of his proposed project. As Mr. Siddoway explained his proposal, the dike would not be constructed near the river channel and would not require control of river flow. Also, the area of the gravel pit to be controlled is a small neck on the north side and should not present the bed loss problem we anticipated in our previous letter.

Providing that Mr. Siddoway places the dike and culverts at the location indicated on the enclosed aerial photocopy, the Department of Fish and Game does not object to the referenced water right application.

Sincerely,


Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:MG:ab

cc: U.S. Fish and Wildlife Service (Lobdell)
Bureau of Program Coordination
Bureau of Fisheries

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

MICROFILMED

JUL 19 1990



Working for wildlife - since 1938

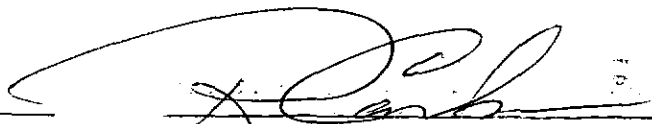
WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7659 and have the following comments objections to the approval of this application for permit:

The major concern associated with this application relates to the water losses associated with this proposal. If appropriate measures can be taken to mitigate for the lost water those concerns will go away

5/4/90

Date



RONALD D. CARLSON, WATERMASTER
Water District No. 01

MICROFILMED

JUL 19 1990

March 14, 1990

Earl Siddoway
Box 297
Teton City, ID 83451

Dear Mr. Siddoway:

Enclosed is a copy of the protest filed against the issuance of a permit pursuant to application No. 22-07659. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the five items. Although representation by legal

MICROFILMED

JUL 19 1990

Earl Siddoway
March 14, 1990
Page 2

counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

MICROFILMED

JUL 19 1990

March 14, 1990

RE: Application for Permit No. 22-07659 EARL SIDDOWAY

Mr. Herbert A. Pollard II
Regional Supervisor
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Pollard:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

MICROFILMED

JUL 19 1990

Mr. Herbert Pollard
March 14, 1990
Page 2

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

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

MICROFILMED

JUL 19 1990

March 14, 1990

RE: Application for Permit No. 22-07659 EARL SIDDOWAY

Mr. Mark S. Rammell
Attorney at Law
P.O. Box 358
Rexburg, ID 83440

Dear Mr. Pollard:

Your protest, in behalf of Fremont-Madison Irrigation District, against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

MICROFILMED

JUL 19 1990

Mr. Mark S. Rammell
March 14, 1990
Page 2

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

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

MICROFILMED

JUL 19 1990



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401
(208) 522-7783

RECEIVED

MAR 5 - 1990

Department of Water Resources
Eastern District Office

March 1, 1990

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

Re: Application for Permit 22-7659 -- Earl Siddoway

Dear Harold:

With reference to Mr. Earl Siddoway's application for appropriate public waters (No. 22-7659), the Department of Fish and Game offers the following comments.

1. The South Fork of the Teton River is currently over appropriated. Additional withdrawal of water will increase dewatering problems in the South Fork during periods of heavy irrigation demand. Despite the water shortage problems and other habitat problems, the South Fork does support a trout fishery and serves as a spawning and rearing tributary to the Henrys Fork Snake River. We do not want to see further degradation of this fishery by dewatering.
2. Water loss in gravel pits in this area is significant. Madison County recently took steps to isolate a much smaller gravel pit, approximately one-fourth mile from the distributary of the North and South forks, from the South Fork Teton River. That pit had been breached by the South Fork, as Mr. Siddoway's gravel pit was. The County estimated that percolation loss of water through the bed of the gravel pit approached 4-6 cfs. Given those observations and the fact that Mr. Siddoway's gravel pit is several times larger than the upstream gravel pit, we question whether 0.4 cfs would maintain any water level in Mr. Siddoway's gravel pit.

This would not only defeat the purpose of the project (fish propagation) but also suggests that the storage estimate of 8.0 acre feet per annum may be in error. Far more than 8.0 acre feet would be lost to percolation. A continuous diversion and loss of 0.4 cfs equals a potential loss of 290 acre feet per annum of deliverable water from the South Fork.

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

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Working for wildlife - since 1938

Mr. Harold W. Jones
March 1, 1990
Page 2

3. Mr. Siddoway's permit application specifies a 12" culvert for diversion of water into the gravel pit. A 12" culvert will deliver much more than 0.4 cfs in water. How would Mr. Siddoway restrict his diversion of water to 0.4 cfs, and why is a 12" culvert necessary?
4. Construction of the proposed dike to close the gravel pit from the river has the potential for serious water quality degradation. Eighty feet of dike will require a substantial amount of fill material and control of the river flow to construct the dike. We would oppose both the use of loose fill material which would contribute fine sediment to the South Fork, or a substantial reduction in river flow to accommodate such construction.

If Mr. Siddoway can demonstrate that his proposed water right would not result in a net reduction in river flow below his gravel pit, and if he can show that the dike can be constructed without a substantial reduction in river flow or introduction of fine sediments to the South Fork, the Department of Fish and Game will not oppose his water right application. In the absence of those assurances, we will have to oppose the application.

Sincerely,



Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:MG:ab

cc: U.S. Fish and Wildlife Service (Lobdell)
U.S. Army Corps of Engineers (Boise and Walla Walla)
Bureau of Program Coordination
Bureau of Wildlife
Bureau of Fisheries

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MARK S. RAMMELL
Attorney-at-Law

MAR 5 - 1990

Department of Water Resources
Eastern District Office

30 South 2nd West
P.O. Box 358
Rexburg, Idaho 83440
(208) 356-5493

March 2, 1990

Idaho Department of
Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83402

Gentlemen:

I am enclosing herewith a Protest of the Fremont-Madison
Irrigation District in the matter of the application of Earl
Siddoway, No. 22-07659.

Sincerely yours,

Mark S. Rammell
Attorney for
Fremont-Madison
Irrigation District

MSR/jb

Enclosure

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MAR 5 - 1990

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF Water Resources
WATER ADMINISTRATION Eastern District Office

IN THE MATTER OF THE APPLICATION)
OF EARL SIDDOWNAY, TETON CITY,)
IDAHO, No. 22-007659, FOR A)
CHANGE IN THE POINT OF DIVERSION,)
NATURE OF USE, AND PLACE OF USE)
OF THE WATERS OF THE TETON RIVER)
TRIBUTARY TO SNAKE RIVER.)

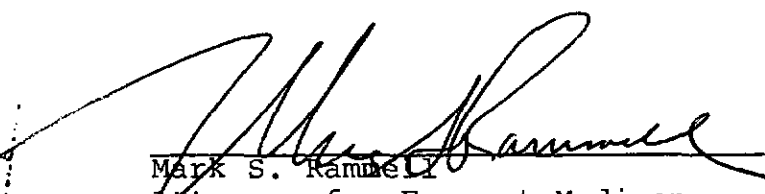
PROTEST OF THE FREMONT-
MADISON IRRIGATION
DISTRICT

COMES NOW the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to a notice given that Earl Siddoway, of Teton City, Idaho 83451, made application No. 22-07659 to the Department of Water Resources for a change in point of diversion, nature of use, and place of use of the waters of Teton River Tributary to the Snake River. The applicant seeks to divert 400 cfs of water for fish propagation as well as seeks the use of 8 acre feet of storage water. Fremont-Madison makes the following protest against the approval of such application as follows:

1. That the waters of the Teton River are fully appropriated and are not available for such application.
2. That the proposed appropriation and use would reduce the quantity of water already allocated under existing water rights.
3. That the proposed water supply is insufficient for the purpose intended.
4. That such diversion will conflict with local public interest.

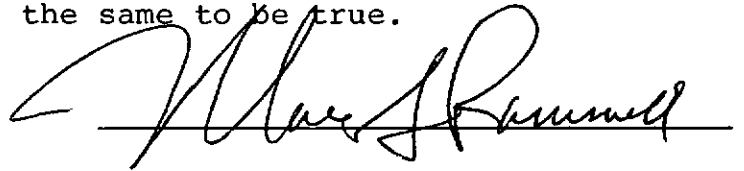
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JUL 19 1990

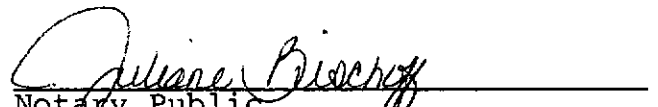

Mark S. Ramsey
Attorney for Fremont-Madison
Irrigation district

STATE OF IDAHO)
 : ss.
County of Madison)

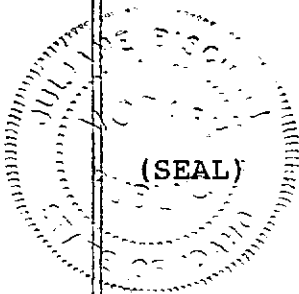
MARK S. RAMMELL, being first duly sworn, says that he is the attorney for the Fremont-Madison Irrigation District, and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.



Subscribed and sworn to before me this 2nd day of March, 1990.



Notary Public
Residing at Rexburg, Idaho
My Commission Expires: 9/22/95



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JUL 19 1990

12-Feb-1990

Department of Fish & Game
1515 Lincoln Rd.
Idaho Falls, ID 83401

RE: Application for Permit No. 22-7659

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received as soon as possible. Action will be taken by this office shortly, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

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JUL 19 1990

08-Feb-1990

Earl Siddoway
Box 297
Teton, ID 83401

RE: Application for Permit No. 22-7659

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 the Rexburg Standard Journal on. 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

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JUL 19 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 7, 1990

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

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 MARCH 5, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

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JUL 19 1990

22-07659

SIDDOWAY, EARL
P.O. BOX 297
TETON CITY, ID 83401

Source: TETON RIVER

Tributary: SNAKE RIVER

Diversion Pt: NESESW Sec 16 T 06N R 40E

Use: FISH PROPAGATION	(.400 CFS)	
FISH PROP. STORAGE		(8.00 AF)
Total Diversion:	(.400 CFS)	(8.00 AF)

Date Filed: 9/29/1989

In: T06N R40E S16 SESW

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JUL 19 1990

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 MARCH 5, 1990.

R. Keith Higginson, Director

Published 2/15/1990 & 2/22/1990

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FROM H.W. Jones

DATE 9-21-89

TO Earl Siddoway

SUBJECT Applic. For Permit

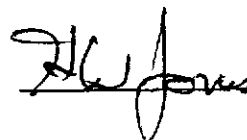
Attached is your applic. for permit. Please review it & sign it & return the applic. with the \$45 fee.

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JUL 19 1990

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SEP 20 1989

Department of Water Resources
Eastern District Office

SIGNATURE