

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



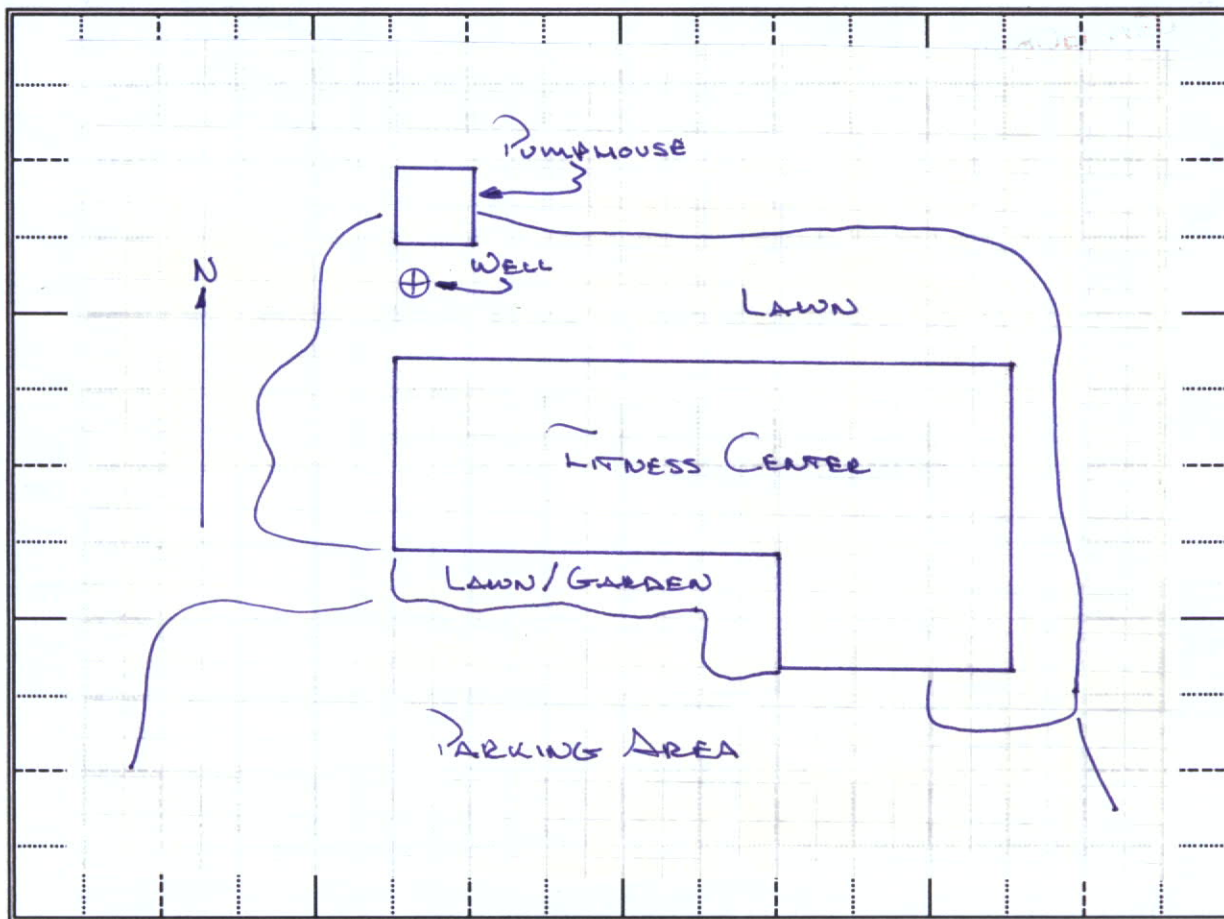
Scale: 2 inches equal 1 mile.

MICROFILMED

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.

Ronald J. Bastian
(Applicant)
Dorothy C. Bastian

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
	FRANKLIN	2	282 8018 203	—	—

*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
NA —						

2. Measurements:

EST. STATIC H₂O AT 100-120'

EST. 35 PSI OPERATING PRESSURE

MICROFILMED

SEP 24 1998

	X-5

Richard Olsen

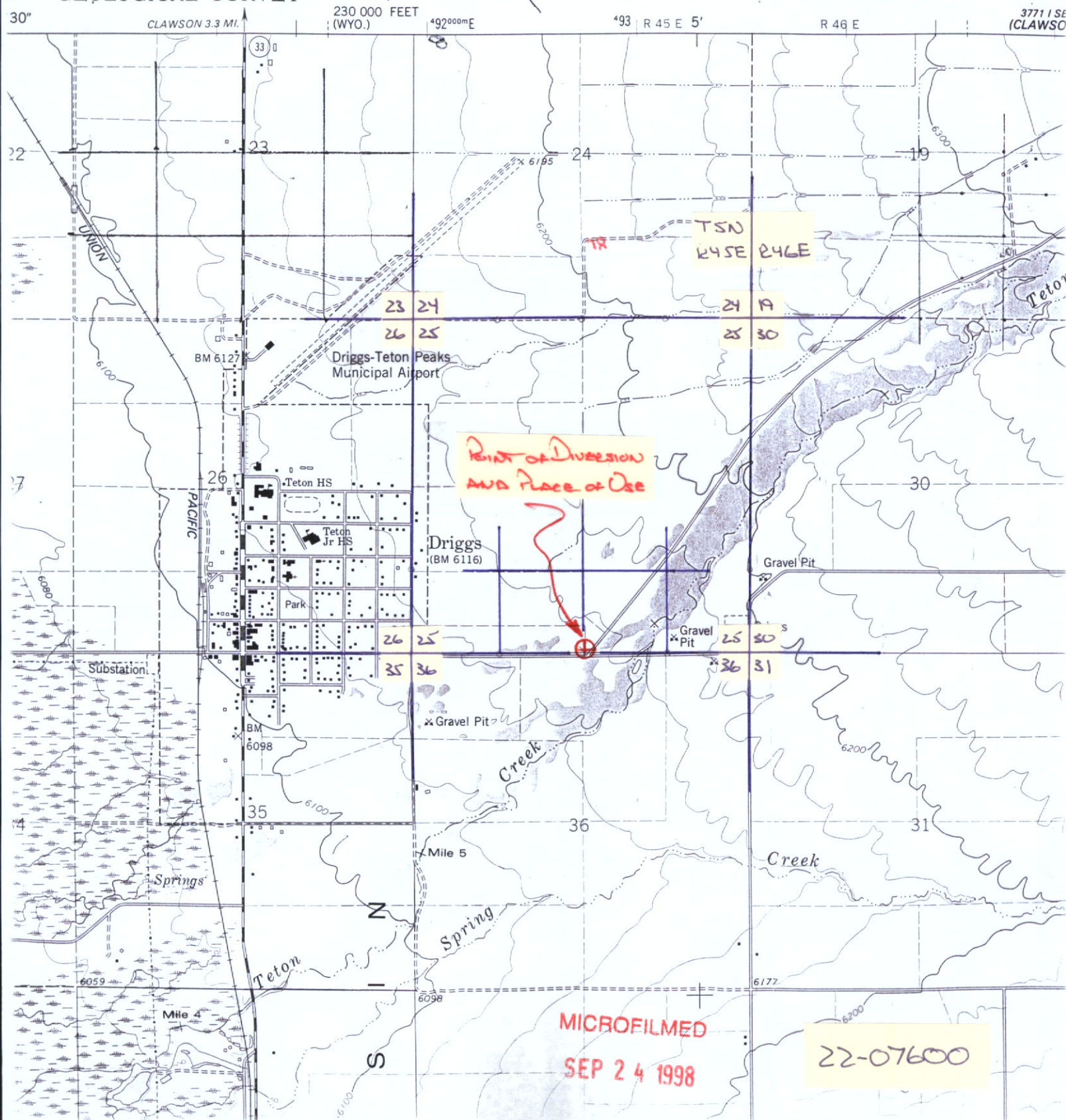




Plate 1. Place of use: Cottonwood Corner Fitness Center.

MICROFILMED
SEP 24 1998

22-07600

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07600

Priority: December 1, 1988

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

2.4 AF

This is to certify, that ROB MELLION

PO BOX 55

DRIGGS ID 83422-0055

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 21, 1988; and has submitted Proof of Beneficial Use on March 14, 1990. An examination indicates that the works have a diversion capacity of 0.060 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>
COMMERCIAL	01/01 to 12/31	0.06 CFS	2.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 25, Township 05N, Range 45E
TETON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

05N 45E 25

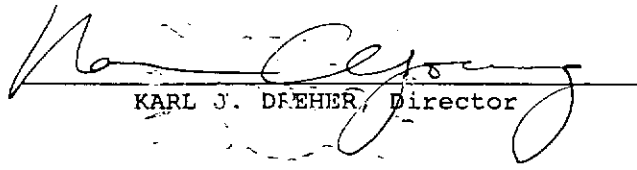
SESW

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. Commercial use is for a physical fitness facility.

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 8TH day of SEPTEMBER, 1998.


KARL J. DREHER, Director

MICROFILMED

SEP 24 1998

For Office Use Only

\$25.00 Filing Fee

Receipt # E024324Date 8-5-1998

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 12 1998

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, Dorothy Bastian, hereby assign to Rob Mellion
(Permit Holder)
 of 50 Ski Hill Rd (P.O. Box 55) 208-354-3128
(Full Address and Phone Number)
DRIGGS, ID 83422

All my right, title, and interest in and to Permit No. 22-07600
 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. 22-07600 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 28 day of July, 19 98

Dorothy Bastian
 Permit Holder(s)

State of Idaho)

County of Teton)
 ss

On this 28th day of July, 199 8, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Michelle McNelly
 Notary Public

SEAL

Michelle McNelly
 Signature

My commission expires: 10-5-2001

AUG 20 1998

RECEIVED

AUG 05 1998

Department of Water Resources
 Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-7600 IN THE)
NAME OF DONALD J. AND DOROTHY C. BASTAIN, ET AL) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before February 1, 1990; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department has notified the permit holders that the permit lapsed for failure of the permit holders to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on March 14, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 22-7600 be REINSTATED and the priority advanced to December 1, 1988.

Dated this 1 day of May, 1990.

MICROFILMED
MAY 16 1990


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED
MAR 14 1990For Office Use Only
Amt. of Fee \$ 50.00
Date 3/14/90
Receipt No. 0015555
Received by C. Wong

STATE OF IDAHO

Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 22-07600 Telephone No. ³⁰⁷ 353 5430Name(s) of Permit Holder(s): Donald J. Bastian + Dorothy C. BastianPost Office Address: P.O. Box 364 Driggs Id. 83422Source of Water: Ground WaterIf ground water, well driller's name: Independent Drilling (Blackfoot Id.) Date drilled: Sept 1983Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Commercial Offices (3 sinks 3 Toilets)Total rate and/or volume for which proof is submitted .06 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: Oct 1983 (Permit Jan 1989)

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ NoFee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Name

Telephone No.

Address

RECEIVED

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.

March 10, 1990
DateDorothy C. Bastian Donald J. Bastian
Signature (and title if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald & Dorothy (Bachman) and Daniel & Patricia Daigh Phone 714-7728756
Post office address 714 Vale Ave Anaheim City 92806
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is SE 1/4 of SE 1/4 of SW 1/4, Govt. Lot _____
Sec. 25 Township 5N Range 45E B.M. Ston County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .06 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .06 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well - SPORT CENTER

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 8" inches; proposed depth of well is 195 feet.
d. Is ground water with a temperature of greater than 90°F being sought? No
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).

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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. Commercial Office & Retail Space

3 toilet & 3 sinks

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	
5N	45E	25												C					

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? DONALD & DOROTHY BASTIAN

b. Who owns the land to be irrigated or place of use? DONALD & DOROTHY BASTIAN

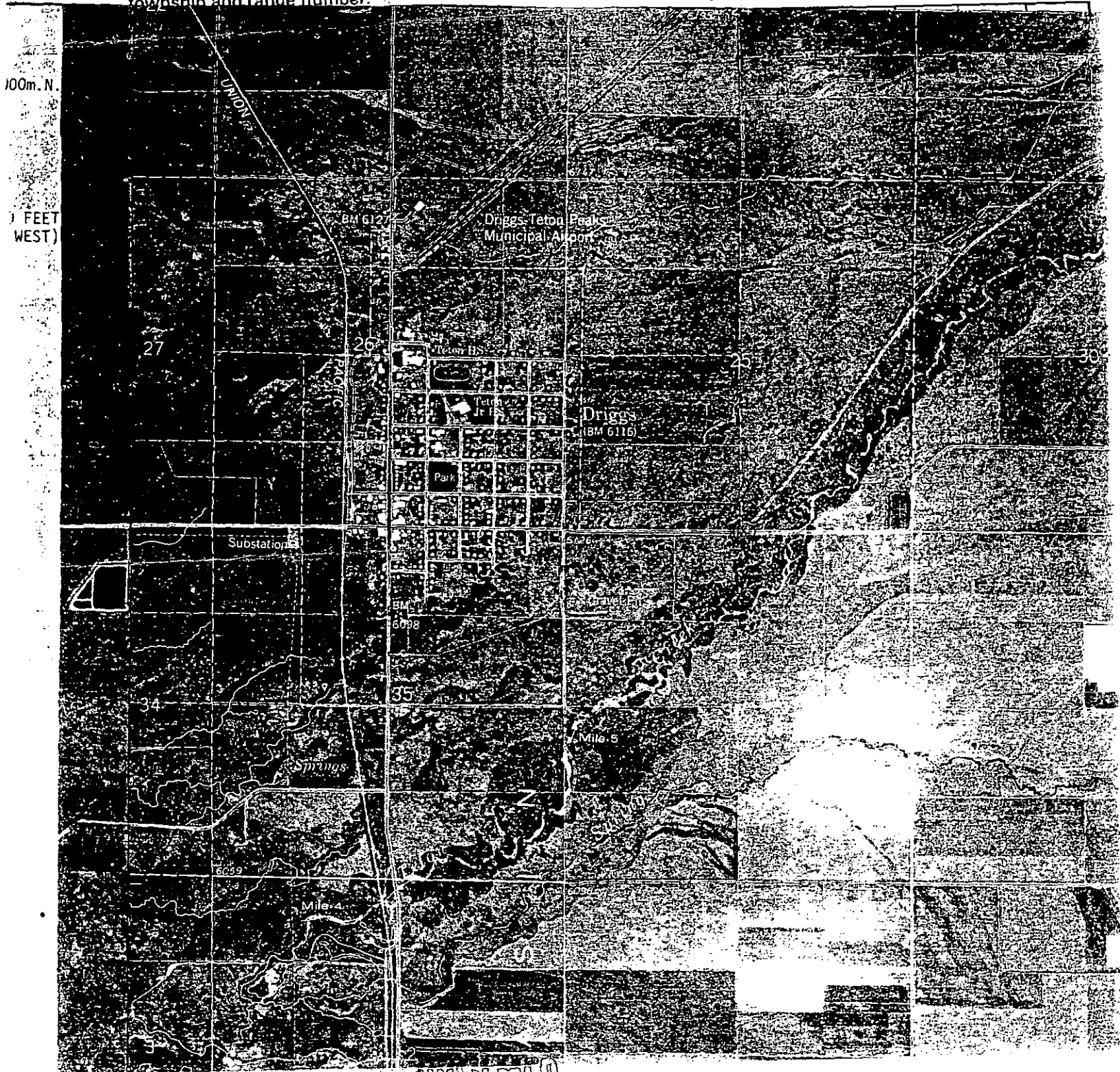
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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FEB 14 1989

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



Scale: 2 inches equal 1 mile.

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.

Ronald J. Bastian
(Applicant)
Dorothy C. Bastian

Proposed Priority 10/21/88

Received by CW Date 10-21-88 Time 3:00p Preliminary check by HWT
Fee \$ 35⁰⁰ Receipted by CW # E003608 Date 10-28-88 Refund of \$5⁰⁰
Publication prepared by AB Date 11-9-88 Published in Teton Valley News
Publication approved _____ Date _____

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. 22-7600, and said application is hereby APPROVED.

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 February 1, 19 90.
- 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: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Witness my hand this 17th day of January, 1989.

A. Glen Saylor

MICROFILMED

FEB 14 1989

AFFIDAVIT OF PUBLICATION

State of Idaho

199

County of Teton

I, Madeline 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 Annotated, Section 53-106,
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, adver-
tisement, or publication, as per
clipping attached, was published in
said newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2
consecutive issues thereof; first
publication having been made on
the 17 day of Nov, 1988

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 type matter, of
at least sixteen inches deep.

Madeline Soose

Subscribed in my presence and
sworn to before me this 20th day of
Dec, 1988

(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Don R. Amate
My Commission expires

..... 1992

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

22-07585 CUSHMAN, LOUIS B. CUSHMAN, JOHN C. LOS ANGELES, CA 90017 Source: SPRINGS & SOUTH TWIN CREEK Tributary: SOUTH TWIN CREEK Diversion Pt: NENENW, Sec. 11 T 04N R 44E Use: RECREATION (8.00 AF) Date Filed: 9/07/1988 In: T04N R44E S11, NENW	Source: SPRING Tributary: WARM CREEK Diversion Pt: NESENE Sec 21 T 03N R 45E Use: DOMESTIC (.040 CFS) STOCKWATER (.090 CFS) Date Filed: 9/23/1988 In: T03N R45E S21 SENE
22-07586 CHYNOWETH, CRAIG CHYNOWETH, SUSAN RHODES 1416 IRIS POCATELLO, ID 83201 Source: SPRING Tributary: TETON RIVER Diversion Pt: SWSENW Sec 29 T 05N R 45E Use: AESTHETIC STORAGE (2.00 AF) Date Filed: 9/26/1988 In: T05N R45E S29 SENW	22-07600 BASTION, DONALD BASTION, DOROTHY DAISH, DANIEL C. DAISH, PATRICIA 714 VALE AVE ANAHEIM, CA 92806 Source: GROUNDWATER Diversion Pt: SESESW Sec 25 T 05N R 45E Use: COMMERCIAL (.060 CFS) Date Filed: 10/21/1988 In: T05N R45E S25 SESW
22-07595 JOHNSON, B.C. P.O. BOX 175 TETONIA, ID 83452 Source: GROUNDWATER Diversion Pt: NWSWSE Sec 35 T 06N R 45E Use: DOMESTIC (.040 CFS) IRRIGATION (.090 CFS) STOCKWATER (.020 CFS) INDUSTRIAL (.150 CFS) Date Filed: 9/28/1988 In: T06N R45E S35 SWSE 3.0 ACRES TOTAL	22-07601 BURNSIDE, RANDY A. 116 E. 100 S. DRIGGS, ID 83422 Source: UNNAMED SPRING Tributary: TETON CREEK Diversion Pt: NENWNE Sec 10 T 04N R 45 E Use: DIVERSION TO STORAGE (.020 CFS) AESTHETIC STORAGE (1.000 CFS) Date Filed: 9/06/1988 In: T04N R45E S10 NWNE
22-07596 HARRISON, RONALD H. 4932 QUAIL LANE OGDEN, UT 84403 Source: LITTLE PINE CREEK Tributary: DRAKE CREEK Diversion Pt: SENW Sec 17, T 03N R 45E Use: RECREATION (4.00 AF) Date Filed: 10/06/1988 In: T03N R45E S17 SENW	22-07602 TETON COUNTY FAIR BOARD P.O. BOX 146, COURTHOUSE DRIGGS, ID 83422 Source: GROUNDWATER Diversion Pt: NWNESE Sec 23 T 05N R 45E Use: DOMESTIC (.040 CFS) STOCKWATER (.030 CFS) Date Filed: 9/22/1988 In: T05N R45E S23
22-07597 PARSONS, CHARLES PARSONS, DIANE RT. 1 BOX 671 VICTOR, ID 83455	NESE NESE NWSE NWSE 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 DECEMBER 5, 1988. R. Keith Higginson Director Published in the Teton Valley News on Nov. 17 and 24, 1988.

FEB 14 1989



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 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROB MELLION
PO BOX 55
DRIGGS ID 83422-0055

RE: WATER RIGHT NO. 22-07600

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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SEP 24 1998

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,
- 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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SEP 24 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.

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

MICROFILMED
SEP 24 1998

CERTIFICATE OF MAILING

I hereby certify that on the 8th 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. 22-07600

ROB MELLION
PO BOX 55
DRIGGS ID 83422-0055


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 24 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07600 DATE 8/28/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40
 W32 (multiple in ¼¼)
 W36 (overlap)
 W59 (subd. desc)

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

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

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

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .06 cfs
 Fee limit .20 cfs \$5000
 Measured ✓ cfs
 Theoretical .06 cfs
 Recommended Total Div Rate .06 cfs

WATER USES		Change (P46)			
<u>Comm</u>	<u>.06</u> cfs	<u>2.4</u> af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)	
_____	_____ cfs	_____ 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)	
TOTALS	<u>.06</u> cfs	<u>2.4</u> af	Power	(W42 or W43/025/027/R22 or R23)	
			Fish (042)	Fire (077)	Wtr Quality (081/R07)

Flow rate .06 cfs X 365 days X 1.98 = 43.4 af

REMARKS _____

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

Advance Priority ☐ yes ☒ no SRBA Claim N/A Adjust Memo _____
 Amend letters _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 12 1998
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-07600

1. Owner: ROBERT A. MELLON Phone No. (208) 354-3128

Current Address: Post Office Box 55, Driggs ID 83422

2. Accompanied by: — EXAM DATE: 8-13-1992

Address: — Phone No. —

Relationship to Permit Holder: NEW OWNER (ASSIGNMENT IS PENDING)

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:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SW	25	5N	45E	TESTON	ONLINE BETWEEN SESESW & SWSW SE

2. Place(s) of Use:

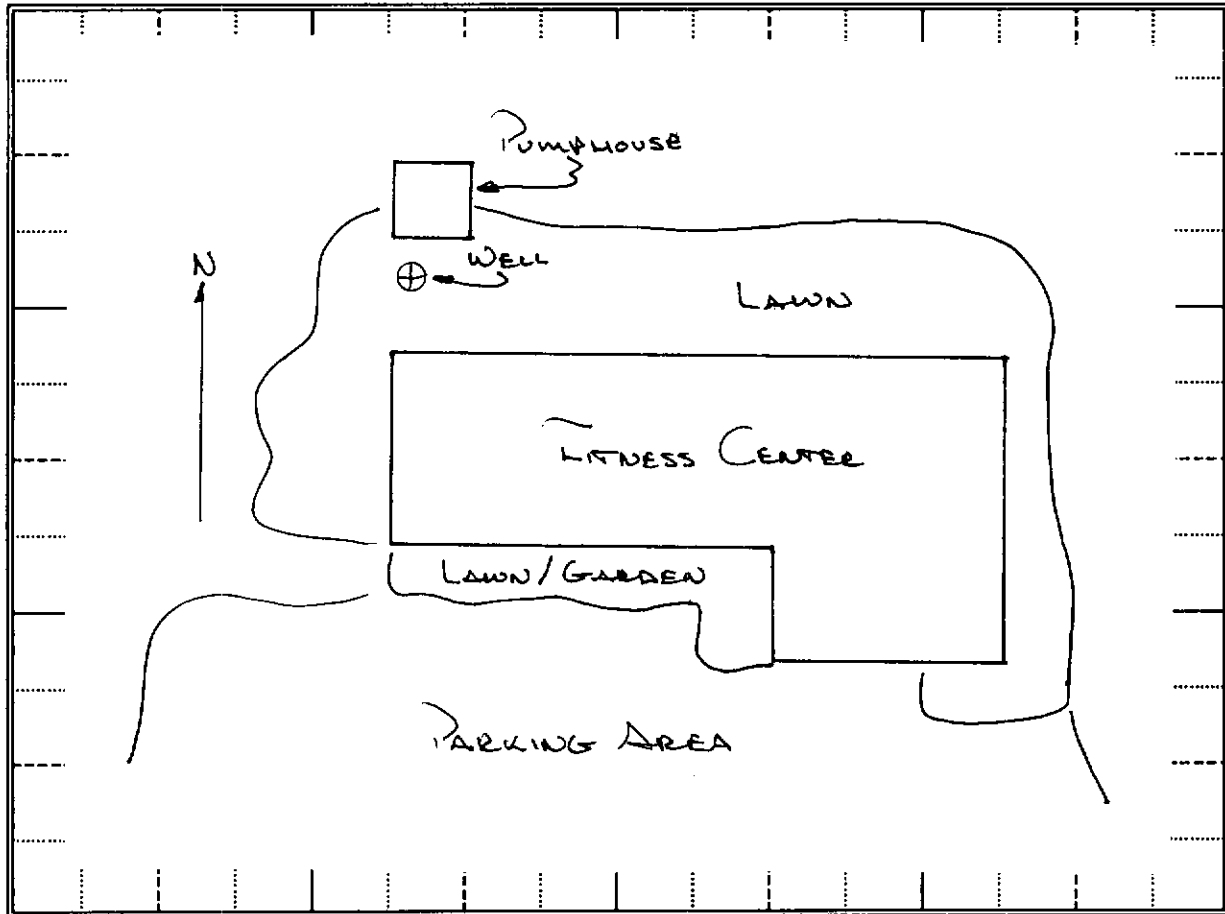
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	25												C					

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SEP 24 1998

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
	LEARNING	2	282 3018 203	—	—

*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
N/A —						

2. Measurements: EST. STATIC H₂O AT 100-120'
EST. 35 PSI OPERATING PRESSURE

MICROFILMED

SEP 24 1998

E. NARRATIVE/REMARKS/COMMENTS

* WELL WITH SUBMERSIBLE PUMP TO FITNESS CENTER WITH CLASSROOMS, SHOWERS, BATHROOMS, BREAKROOM. LAWN AREA IS WATERED AS WELL AS GARDENS, POTTED PLANTS, ETC. FACILITY IS OPEN ALL YEAR AND IS ACCESSIBLE ~ 300 DAYS / YEAR. ESTIMATE MAXIMUM OF 100 PERSONS / DAY.

* ESTIMATED DEPTH TO WATER $\approx$ 100-120 FEET FROM LOCAL LOGS.

* WELL IS LOCATED ON LINE BETWEEN SESESW & SWSOSE 25-SN-45E.

* ASSIGNMENT FEE HAS BEEN MAILED TO NEW ORLEANS.

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

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SEP 24 1998

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$Q_{THEORE} = \frac{240(8.814) \cdot 70 \text{ ERF}}{(35 \text{ PSI} \cdot 2.308) + 120' \text{ LIFT}} = 0.06 \text{ CFS}$$

RECOMMEND AS PERMITTED AT 0.06 CFS

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:

$$\begin{aligned} \text{Estimate } 100 \text{ GUESTS/DAY @ } 20 \text{ GPD/GUEST FOR } 300 \text{ DAYS/YR} &= \\ = 600,000 \text{ GPDY} / 325982 &= 1.8 \text{ AFA} \end{aligned}$$

ADD 0.6 AFA FOR GENERAL "DOMESTIC" USE, LAWN ETC.
TOTAL = 2.4 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1-1	12-31	0.06 cfs	2.4
Totals:			0.06	2.4

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 [Signature] Date 9-29-98

Reviewer _____ Date _____

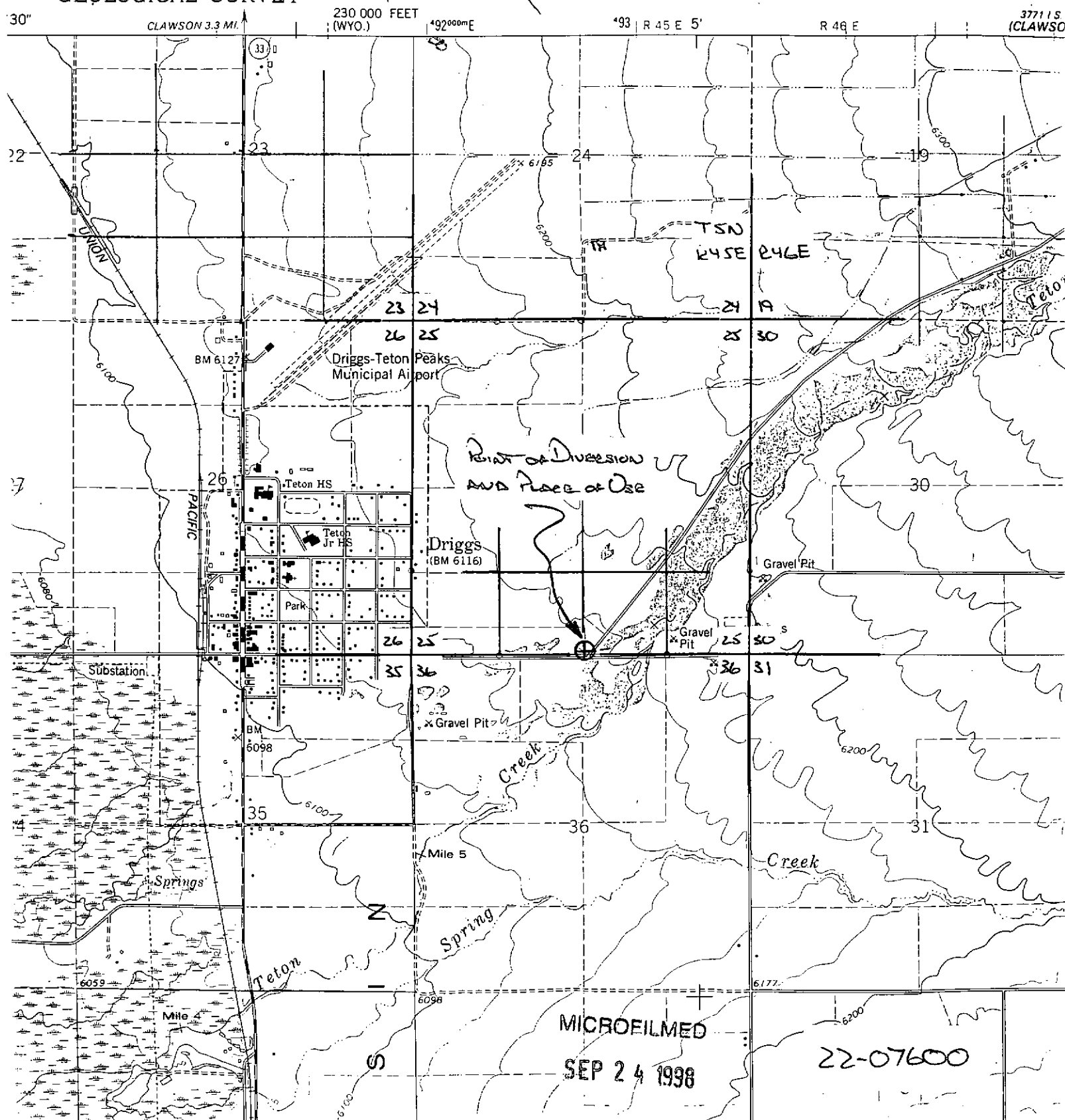
SEAL

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SEP 24 1998

	X-3

0/100



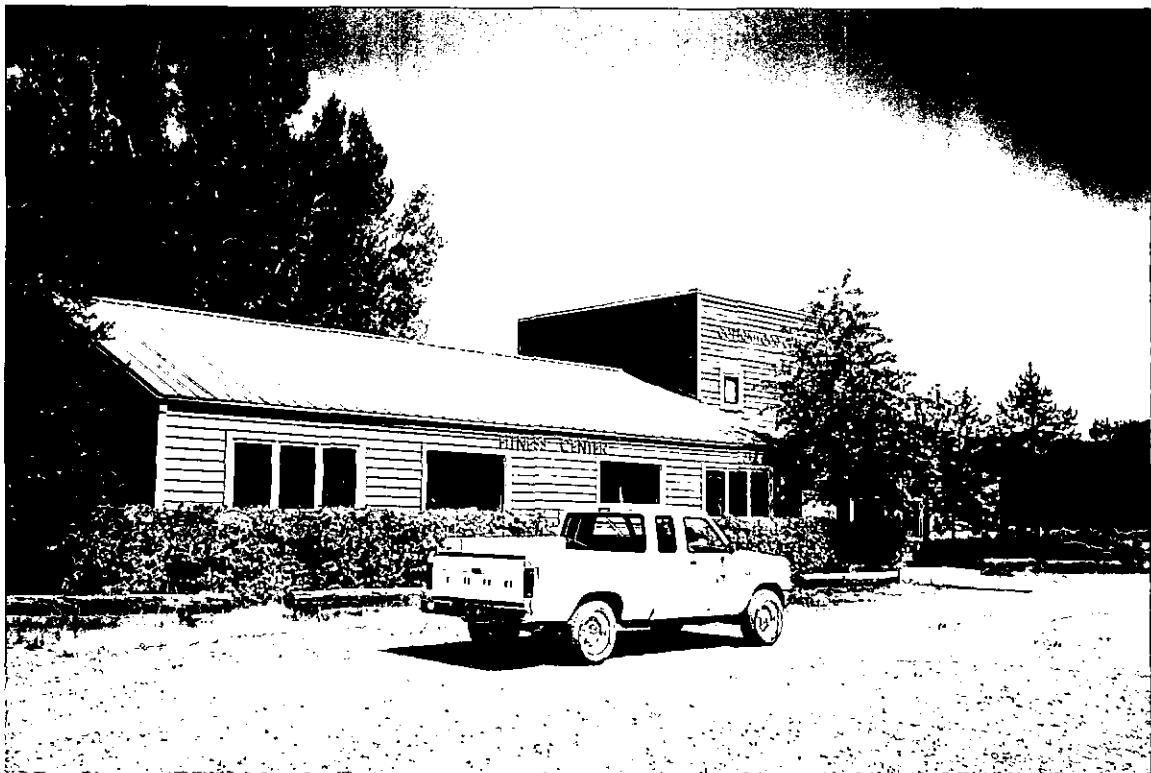


Plate 1. Place of use: Cottonwood Corner Fitness Center.

MICROFILMED
SEP 24 1998

22-07600



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

August 13, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROB MELLION
PO BOX 55
DRIGGS ID 83422-0055

RE: ASSIGNMENT OF PERMIT 22-07600

Dear Mr. Mellion:

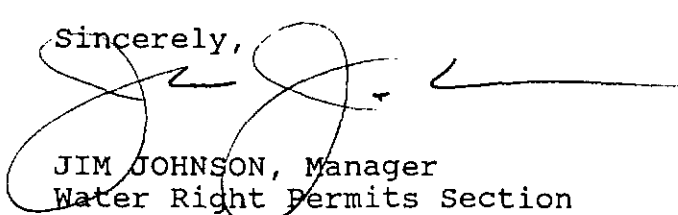
We acknowledge receipt of the correspondence changing ownership of the above referenced permit to you. Our computer records have been modified to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, 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 to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify 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 to obtain the proper reporting form.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

AUG 20 1998

May 2, 1990

DOROTHY C. BASTION
DONALD J. BASTION
DANIEL C. DAISH
PATRICIA DAISH
P.O. BOX 364
DRIGGS, ID 83422

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07600

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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 this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

Microfilm

MAY 16 1990

1/00

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-7600

Date: 4-11-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
☒ 1. well log in file Spt 1983
☒ 2. drilling permit
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Order

Proof acceptable

Priority Calculation:

Date proof received Mar 14, 1990 73

Date proof due Feb 1, 1990 - 32

No. of days late = 41

Priority date Oct 21, 1988 + 294

NEW PRIORITY DATE Dec 1, 1988 = 335

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Address Change !!



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Sorry for the delay - we have been out of state for a while

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 30, 1989

DOROTHY C. BASTION
DONALD J. BASTION
DANIEL C. DAISH
PATRICIA DAISH
714 VALE AVE.
ANAHEIM, CA 92806

*New Address P.O. Box 364
Driggs Id. 83422*

RECEIVED
MAR 14 1990

PROOF DUE NOTICE

RE: PERMIT NO. 22-07600

Department of Water Resources

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, 1990. (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
Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAY 16 1990

Donald Bastian
P.O. Box 364
Driggs Id.
83422



Dept. of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho
83720

(Beneficial Use)
License Dept.

February 15, 1990

DOROTHY C. BASTION
DONALD J. BASTION
DANIEL C. DAISH
PATRICIA DAISH
714 VALE AVE.
ANAHEIM, CA 92806

LAPSE NOTICE

RE: PERMIT NO. 22-07600

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated November 30, 1989.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

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

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L. GLEN SAXTON
Chief, Water Allocation Bureau
MAY 16 1990

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 2-16-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138897
November 30, 1989

DOROTHY C. BASTION
DONALD J. BASTION
DANIEL C. DAISH
PATRICIA DAISH
714 VALE AVE.
ANAHEIM, CA 92806

PROOF DUE NOTICE

RE: PERMIT NO. 22-07600

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, 1990. (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

MAILED 12 1 1989

MAY 16 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

Statehouse
Boise, Idaho 83720
(208) 334-7900
February 6, 1989

DOROTHY C. BASTION
DONALD J. BASTION
DANIEL C. DAISH
PATRICIA DAISH
714 VALE AVE.
ANAHEIM, CA 92806

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 22-07600

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

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

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FEB 14 1989

enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

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FEB 14 1989

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

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 10-28-88 APPLICATION NUMBER 22-7600
Bastian & DaughREQUIRED 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 need to return \$5.00
- ☒ 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 DEC 12 1988

Department of Water Resources

PROCESSING

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

END 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 12-5-88
☐ 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-P05
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 10-21-88
By HWS Date 12-9-88

STATE OFFICE REVIEW P23, P05, P16 46

☐ See below for additional information

By KW Date 1/16/89

ADDITIONAL INFORMATION

PCMI - OK to process.

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

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 8, 1988

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 DECEMBER 5, 1988.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

FEB 14 1989

NOTICE OF APPLICATION FOR WATER RIGHTS

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

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FEB 14 1989

22-07600

BASTION, DONALD
BASTION, DOROTHY
DAISH, DANIEL C.
DAISH, PATRICIA
714 VALE AVE
ANAHEIM, CA 92806

Source: GROUNDWATER

Diversion Pt: SESESW Sec 25 T 05N R 45E

Use: COMMERCIAL (.060 CFS)

Date Filed: 10/21/1988

In: T05N R45E S25 SESW

*Name corrected on
computer
1/2/89*

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FEB 14 1989

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 DECEMBER 5, 1988.

R. Keith Higginson, Director

Published 11/17/1988 & 11/24/1988

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FEB 14 1989

FROM Colleen

DATE October 28, 1988

TO Ranae

SUBJECT Refund of Fees

Please see that \$5.00 gets returned as per attached. Thanks in advance.

SIGNATURE

MICROFILMED
FEB 14 1989

October 14, 1988

Donald J. Bastion and/or Daniel C. Daish
714 Vale Ave.
Anaheim, CA 92806

RE: Application for Permit No. 22-07600

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 22-07600. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the TETON VALLEY NEWS. 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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FEB 14 1989



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

WATER RIGHT
DATA ENTRY LOG

[illegible]