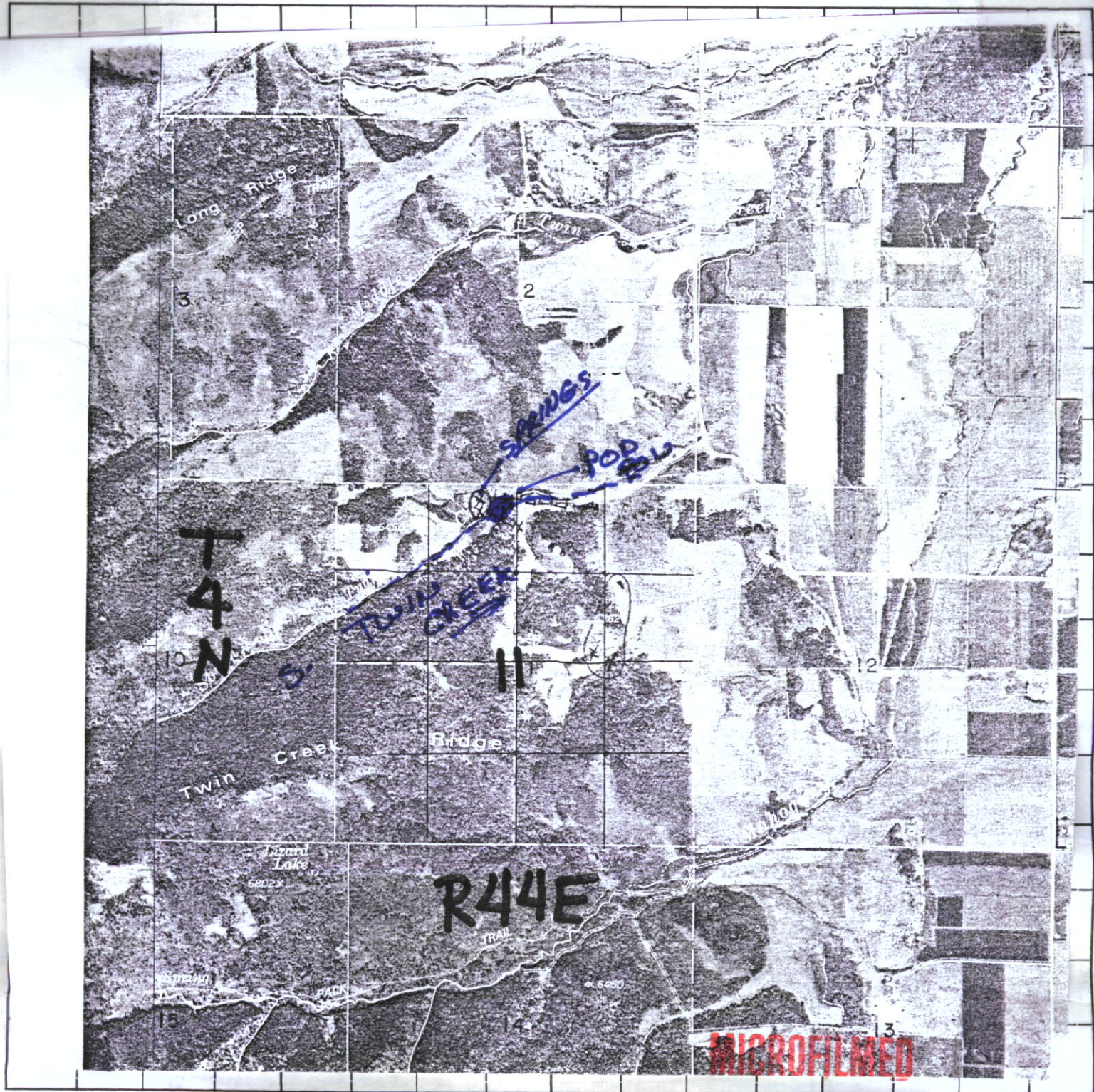


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

FEB 08 1989

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.

(Applicant)

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

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

Notice of application for water right

And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 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.

Nadine Doose

Subscribed in my presence and sworn to before me this 2nd day of Dec., 1988
(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

My Commission expires

8-1-1992

RECEIVED

DEC 5 1988

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
Diversions Pt: NENENW Sec 11
T 04N R 44E
Use: RECREATION (8.00 AF)
Date Filed: 9/07/1988
In: T04N R44E S11 NENW

22-07586

CHYNOWETH, CRAIG
CHYNOWETH, SUSAN RHODES
1416 IRIS

Source: SPRING
Tributary: TETON RIVER
Diversions Pt: SWSNW Sec 29
T 05N R 45E
Use: AESTHETIC STORAGE (2.00 AF)
Date Filed: 9/26/1988
In: T05N R45E S29 SENW

22-07595

JOHNSON, B.C.
P.O. BOX 175
TETONIA, ID 83452

Source: GROUNDWATER
Diversions 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

22-07596

HARRISON, RONALD H.
4932 QUAIL LANE
OGDEN, UT 84403

Source: LITTLE PINE CREEK
Tributary: DRAKE CREEK
Diversions Pt: SENW Sec 17 T
03N R 45E
Use: RECREATION (4.00 AF)
Date Filed: 10/06/1988
In: T03N R45E S17 SENW

22-07597

PARSONS, CHARLES
PARSONS, DIANE
RT. 1 BOX 671
VICTOR, ID 83455

Source: SPRING
Tributary: WARM CREEK
Diversions 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

22-07600

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

Source: GROUNDWATER
Diversions Pt: SESESW Sec 25
T 05N R 45E
Use: COMMERCIAL (.060 CFS)
Date Filed: 10/21/1988
In: T05N R45E S25 SESW

22-07601

BURNSIDE, RANDY A.
116 E. 100 S.
DRIGGS, ID 83422

Source: UNNAMED SPRING
Tributary: TETON CREEK
Diversions Pt: NENWNE Sec 10
T 04N R 45E
Use: DIVERSION TO STORAGE (.020 CFS)
AESTHETIC STORAGE (1.000 CFS)
Date Filed: 9/06/1988
In: T04N R45E S10 NWNE

22-07602

TETON COUNTY FAIR BOARD
P.O. BOX 146, COURTHOUSE
DRIGGS, ID 83422

Source: GROUNDWATER
Diversions Pt: NWNESE Sec 23
T 05N R 45E
Use: DOMESTIC (.040 CFS)
STOCKWATER (.030 CFS)
Date Filed: 9/22/1988
In: T05N R45E S23 NESE NESE NWSE NWSE

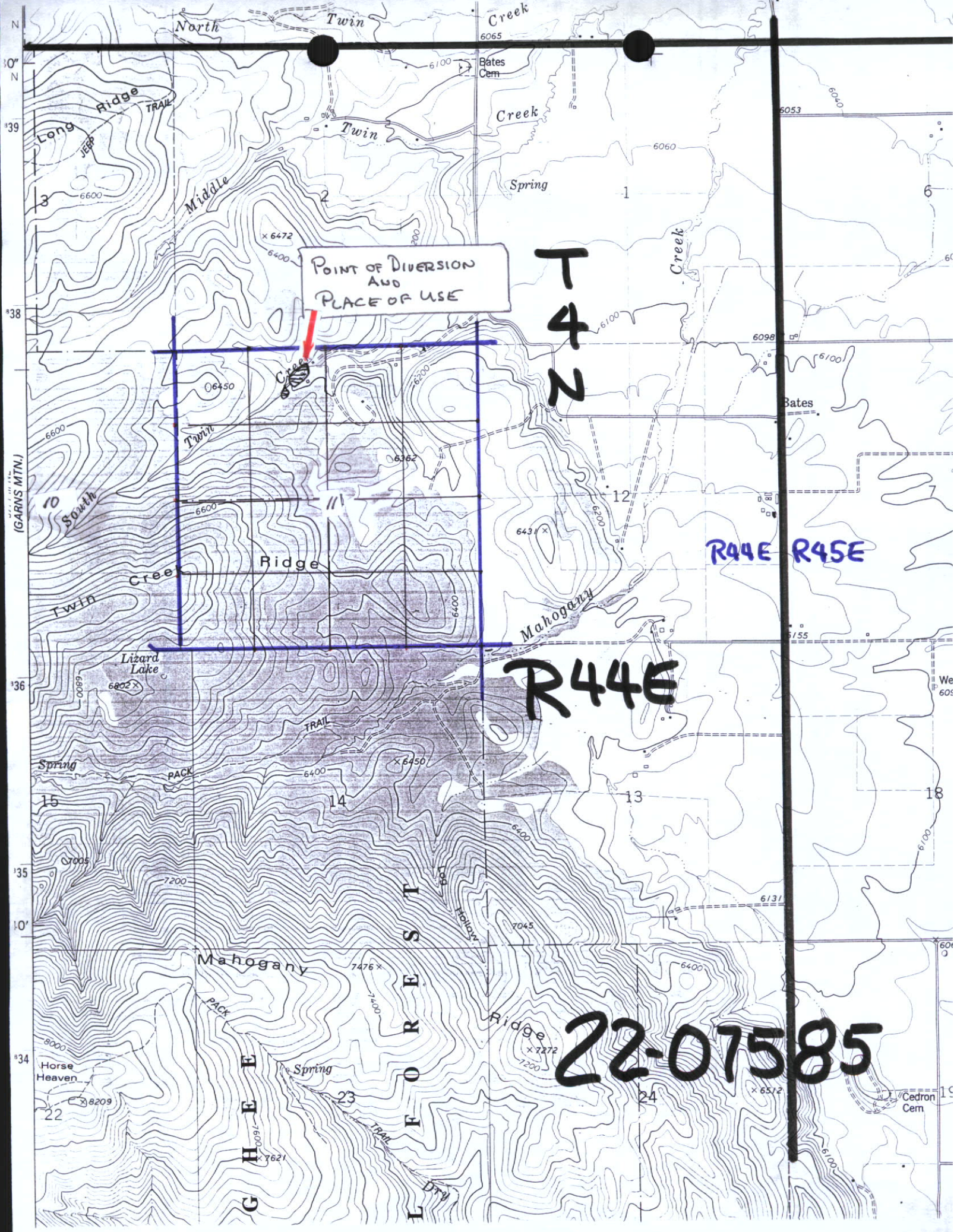
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite, 15, Idaho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

MICROFILM

FEB 08 1989



POINT OF DIVERSION
AND
PLACE OF USE

T
4
N

R44E R45E

R44E

22-07585

HEL

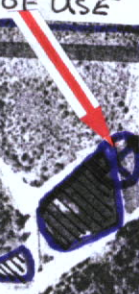
21

22

27.8

3 2
10 11

POINT OF DIVERSION
AND
PLACE OF USE



718
T623

HEL

82

HEL

95

T
4
N

R44E

11



flow →

South Twin Creek
View Downstream

(Photo taken 10/4/99)

Photo # 1

22-07585

UPPER END OF RESERVOIR



Photo # 2

South
Twin Creek



Photo # 3

22-07585

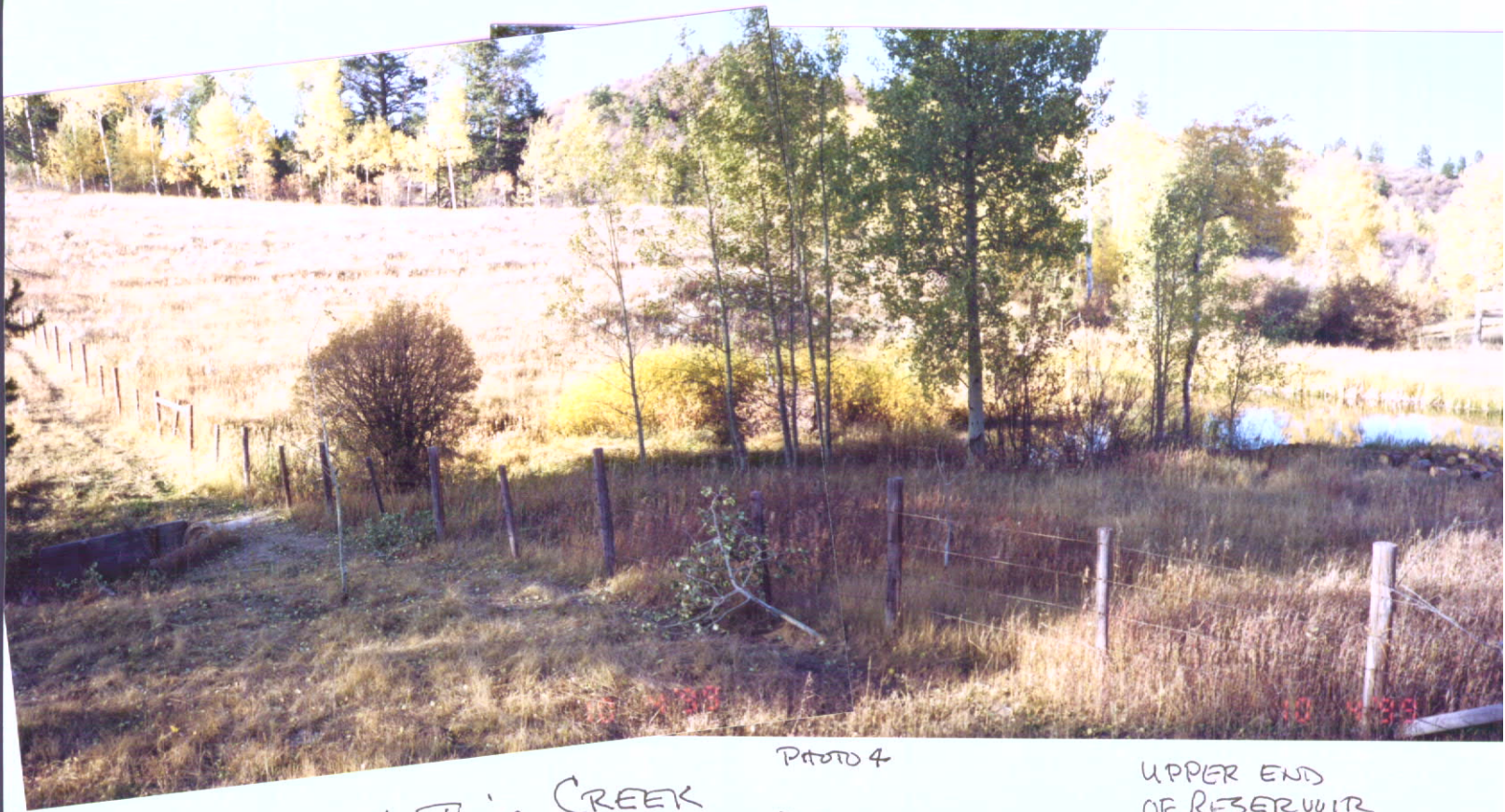


PHOTO 4

UPPER END
OF RESERVOIR

South Twin CREEK

FLOW →

VIEW North
(photo 10/4/1999)

22-07585



RESERVOIR (Photo #5) Point of Diversion →
Photo #5 (DAY)
(10-4-1998) (VIEW North Westerly)

22-07585

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No.

22-7585

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant John C. ^{III} or Louis B. Cushman Phone 713-877-1700
Post office address 333 So. Grand Avenue #400, Los Angeles, CA 90017
Springs &
2. Source of water supply South Twin Creek which is a tributary of South Twin Creek,
Twin Creek
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 11 Township 4N Range 4E B.M. Teton County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 8 AF for Recreation 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 8.0 AF
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. pond
 - b. Height of storage dam 10' feet; active reservoir capacity 8 acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
10/16 to 4/14 inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

RECORDED

FEB 08 1989

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Recreation pond for homes at summer cabin. May stock with fish. Stock will water from pond

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	44E	11					R												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

Stock water right claimed for springs

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicants are joint owners of property

12. Remarks: This will be operated as inflow=outflow during summer. This will be an on-stream development.

Person to contact: Tom Hill 354-2450

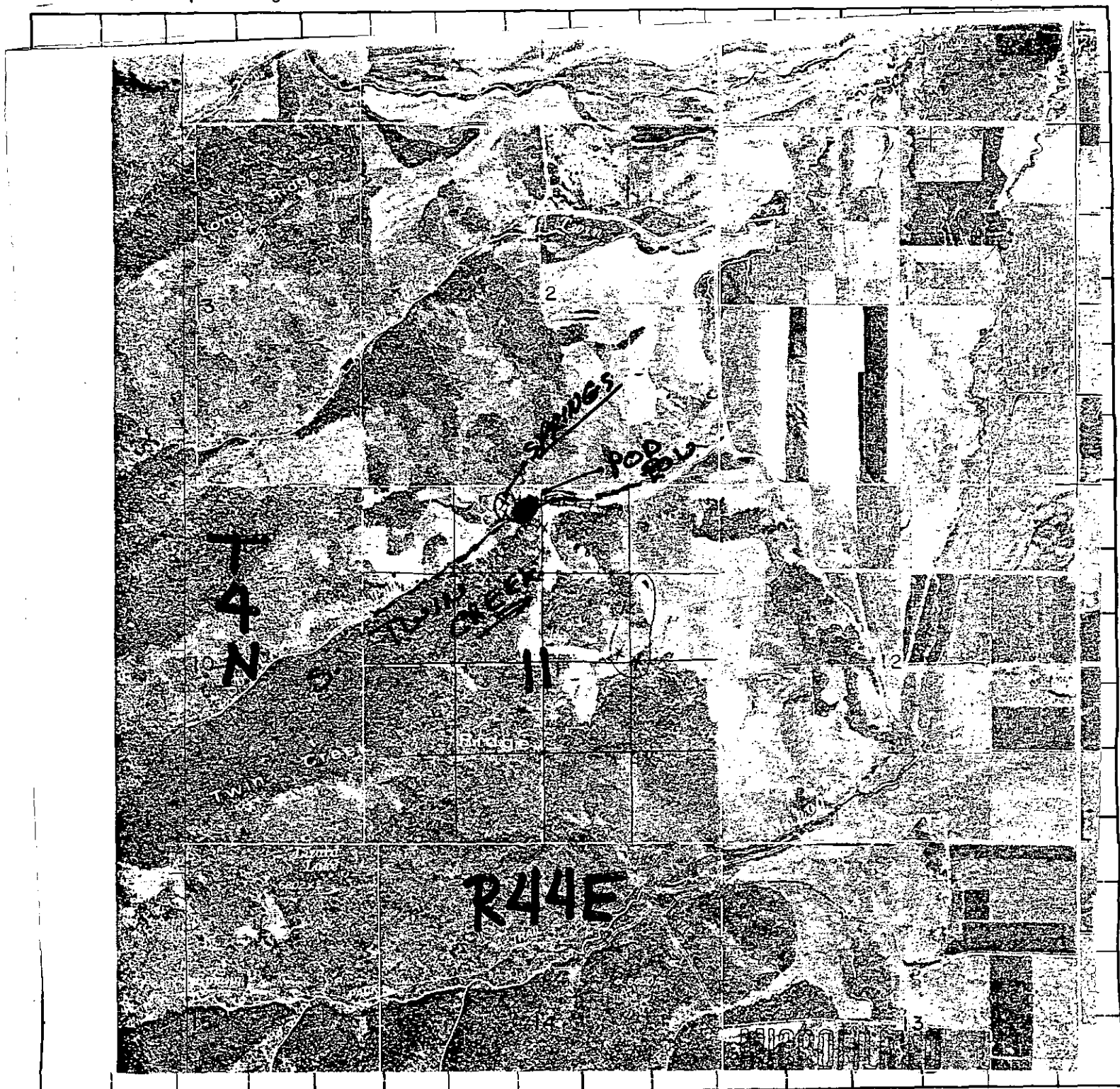
Rt. 2, Box 1215

Driggs, ID 83422

MICROFILMED

FEB 08 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.

FEB 08 1989

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.

[Signature]
(Applicant)

Assist by SSU

Proposed Priority 9/7/88

Received by Jo Date 9-7-88 Time 4:35 P Preliminary check by KCW

Fee \$ 30. Receipted by Jo # E002122 Date 9-7-88
11-17, 11-24-88

Publication prepared by RB Date 11-9-88 Published in Teton Valley News

Publication approved AW Date 12-7-88

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. 22-7585, 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 91.

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 commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 13th day of January, 1989.

J. Glen Saxton

MICROFILMED

FEB 08 1989

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

I, Nadine Soose,
being first duly sworn depose and
say that I am the secretary
of the Teton Valley News, a
newspaper as defined by Idaho
Codes 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.

Nadine Soose

Subscribed in my presence and
sworn to before me this 24 day of
Dec, 1988

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

My Commission expires

8-1-1992

MICROFILM

FEB 08 1989

RECEIVED

DEC 5 1988

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

Tributary: SOUTH TWIN CREEK
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

22-07586

CHYNOWETH, CRAIG
CHYNOWETH, SUSAN RHODES
1416 IRIS

POCATELLO, ID 83201

Source: SPRING
Tributary: TETON RIVER

Diversion Pt: SWSNW Sec 29
T 05N R 45E

Use: AESTHETIC STORAGE
(2.00 AF)

Date Filed: 9/26/1988
In: T05N R45E S29 SENW

22-07595

JOHNSON, B.C.
P.O. BOX 175
TETONIA, ID 83452

Source: GROUNDWATER

Diversion Pt: NWSWSE Sec 35
T 06 N 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

22-07596

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

22-07597

PARSONS, CHARLES
PARSONS, DIANE
RT: 1 BOX 671
VICTOR, ID 83455

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

22-07600

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

22-07601

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

22-07602

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 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.

RECEIVED

FEB 18 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-07585

1. Owner: John C. Cushman III or Louis B. Cushman Phone No. (213) 613-1505

Current Address: 333 S. Grand Ave #400, Los Angeles CA 90017

2. Accompanied by: — EXAM DATE: 10-4-1999

Address: _____ Phone No. _____

Relationship to Permit Holder:

3. Source: Springe & South Twin Creek tributary to South Twin Creek & Twin Creek

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:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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

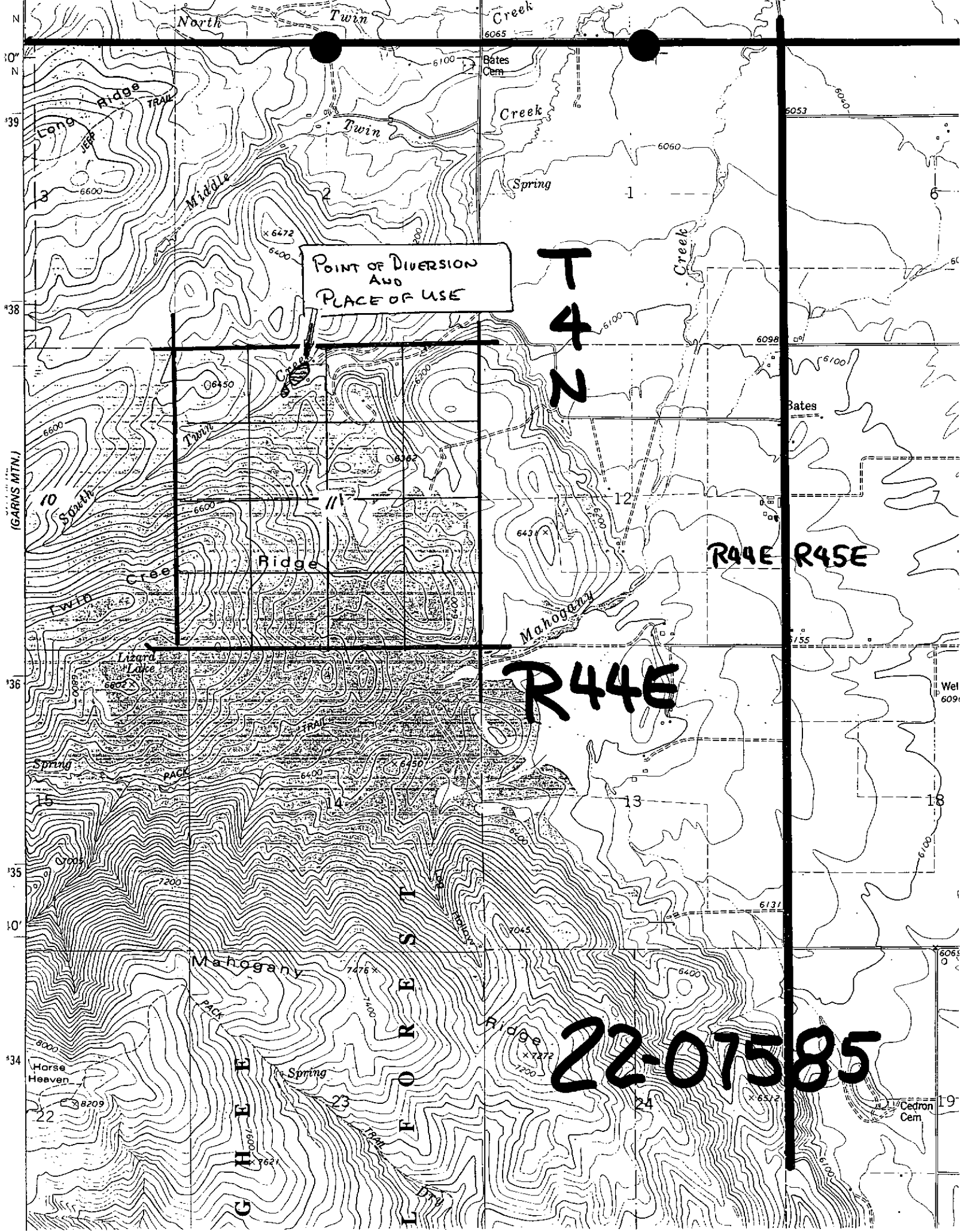
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Surface area = 2ac



POINT OF DIVERSION
AND
PLACE OF USE

T
4
N

R44E R45E

R44E

22-07585

21

22 27.8

POINT OF DIVERSION
AND
PLACE OF USE

3 2

10 11
718

718
T623

HEL

82

HEL

T
4
N

R44E

11



flow ↗ South Twin Creek
View Downstream

(Photo taken 10/4/99)

Photo # 1

22-07585

UPPER END OF RESERVOIR

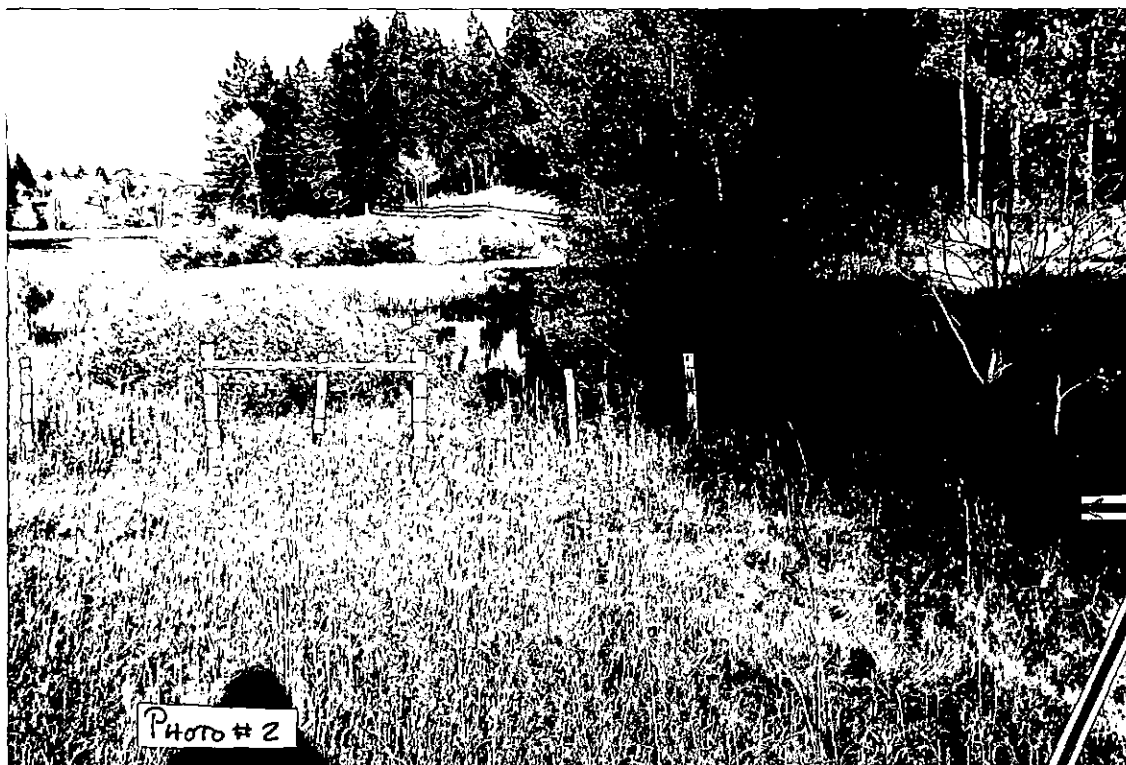


PHOTO # 2

South
Twin Creek

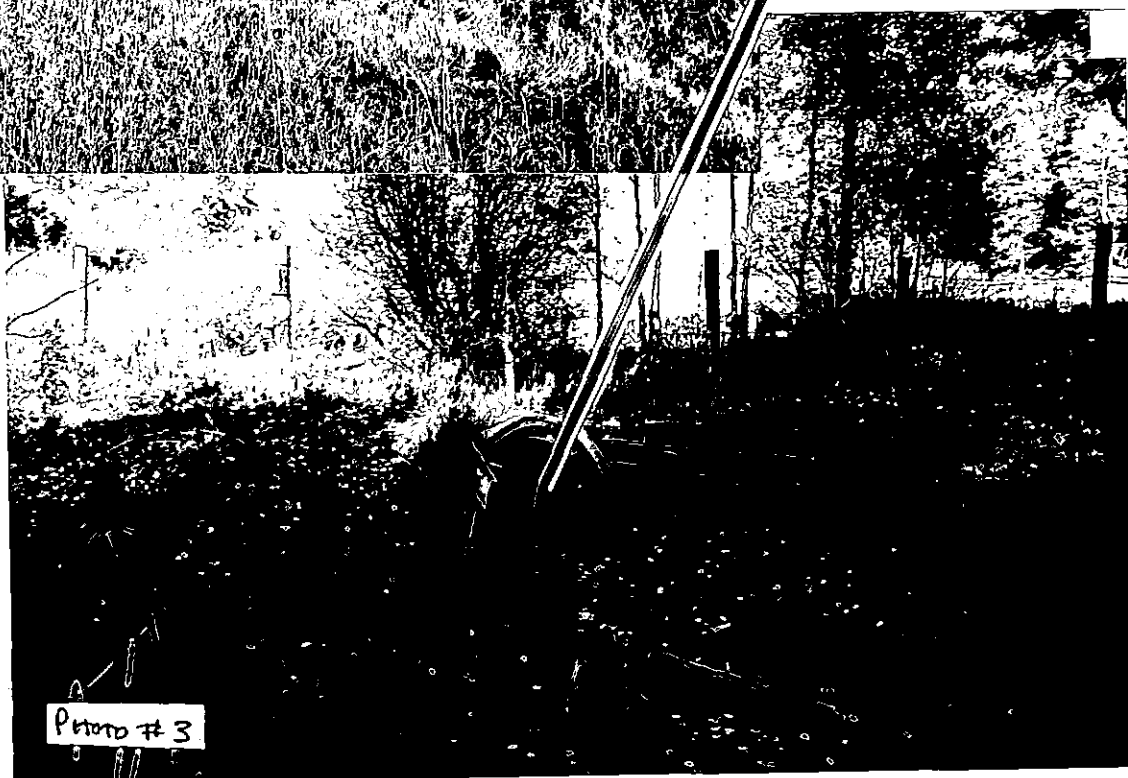
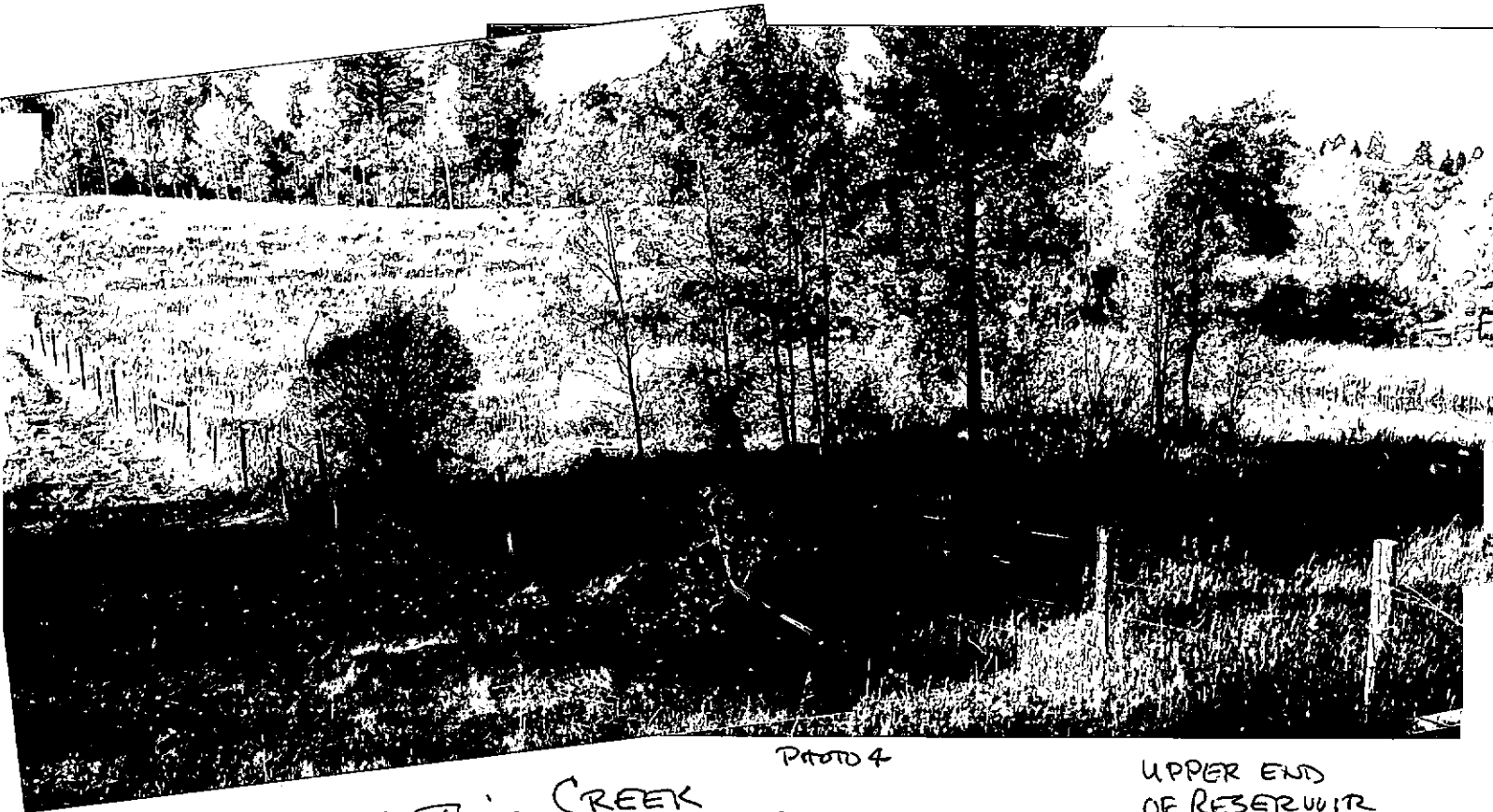


PHOTO # 3

22-07585



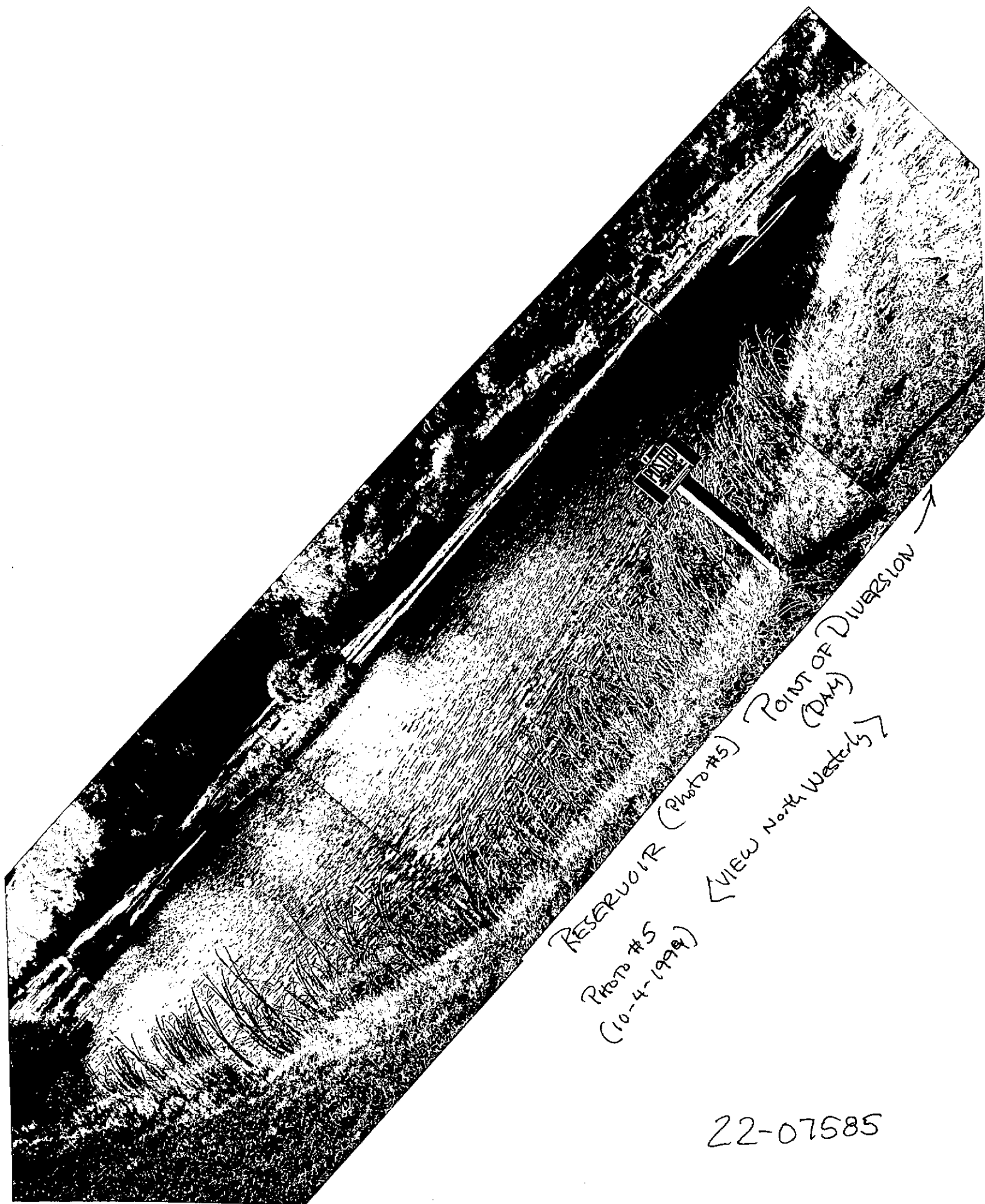
South Twin CREEK
→ FLOW

PHOTO 4

UPPER END
OF RESERVOIR

VIEW North
(Photo 10/4/1999)

22-07585



RESERVOIR (Photo #5) POINT OF DIVERSION →
Photo #5 (DAY)
(10-4-1998) (VIEW North Westerly)

22-07585

E. NARRATIVE/REMARKS/COMMENTS

DIVERSION Dam on South Twin Creek stores water from South Twin Creek and Springs.

at the time of the exam water from South Twin Creek supplied the reservoir very little water see photo #1. More water was being discharged from the reservoir than South Twin Creek was supplying. Therefore, it is this examiners opinion that springs have to be supplying water to the reservoir. Source of the reservoir would consist of Springs Tributary to South Twin Creek and South Twin Creek.

Surface area of the reservoir is 2ac

Maximum Depth of reservoir at least 10'

No One accompanied examiner

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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

$$Vol_{\text{Recreation}} = 2ac \times MAX \text{ DEPTH} \times 0.4 = 2ac(10'), 4 = 8af$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Recreation	1/1	12/31		8.0afa
Totals:				8.0afa

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

Reviewer _____ Date _____

SEAL

December 28, 1990

LOUIS B. CUSHMAN
JOHN C. CUSHMAN III
333 S. GRAND AVE. #400
LOS ANGELES, CA 90017

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07585

Dear Permit Holder:

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

If you have questions concerning 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

MICROFILMED

JAN 28 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 22-7585

Date 12-27-90

GENERAL CONSIDERATIONS

Y Name same as permit?
N Address same as permit? If no, prepare data entry form.
Y Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

V Surface water source
 Ground water source
 Drill permit req'd?
 Copy in file? Drill permit no.
 Well log in file?
 Amt paid for drilling permit? Correct?

LICENSE EXAMINATION FEE

Y Required?
30 Amount submitted?
Y Correct amount?

MEASURING DEVICE

N Measuring device or access port required?
 Installed?
 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

- address change
- proof acceptable

PRIORITY CALCULATION

Date proof received
Date proof due -
No. of days late =
Priority date +
NEW PRIORITY DATE =

RECEIVED
DEC 17 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

NOS
For Office Use Only
Amt. of Fee \$ 50.00
Date 12-17-90
Receipt No. 0019158
Received by guy

Department of Water Resources

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.

1. Permit No. 22-07585 Telephone No. (208) 354-2450
2. Name(s) of Permit Holder(s): John C. III or Louis B. Cushman
3. Post Office Address: 89 So. 500 W. Driggs, ID 83422
4. Source of Water: Spring & South Twin Creek
a. If ground water, well driller's name: _____ Date drilled: _____
b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____
5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Recreation

Pond

6. Total rate and/or volume for which proof is submitted _____ cfs 8 acre/feet

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

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

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

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Tom Hill (208) 354-2450
Name Telephone No.

89 So, 500 W. Driggs, ID 83422
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.

John C. Cushman III, by Tom Hill, Manager
Louis B. Cushman, by Tom Hill, Manager
Date 12/12/90 Signature (and title if on behalf of a company or organization)
JAN 28 1991

/38767

November 30, 1990

JOHN C. III OR LOUIS B. CUSHMAN
89 SOUTH 500 WEST
DRIGGS, ID 83422

PROOF DUE NOTICE

RE: PERMIT NO. 22-07585

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, 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

MICROFILMED

JAN 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 22-07585
Name(s) of Permit Holder(s): John C. III or Louis B. Cushman
Post Office Address: 89 So. 500 W. Driggs ID
83422 Tel. No. (208) 354-2450

☒ I hereby certify that construction of diversion works for the above referenced permit began on 8/14/89 (date) I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

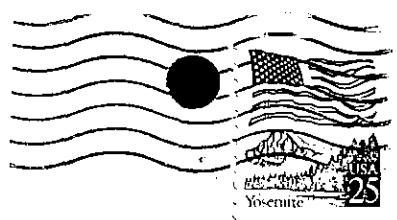
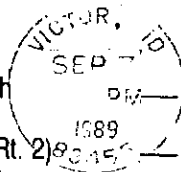
*Note: A financing difficulty is
not an acceptable reason.

Date

Signature of Permit Holder

John C. Cushman III &
Louis B. Cushman
9/6/89 by John C. Cushman III

Twineek Ranch
C/O Tom Hill
89 South 500 West (Rt. 2)
Driggs, ID 83422



RECEIVED

JAN 28 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
January 19, 1989

LOUIS B. CUSHMAN
JOHN C. CUSHMAN, III
333 S. GRAND AVE. #400
LOS ANGELES, CA 90017

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07585

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.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

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FEB 08 1989

Form No. 202a
1/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY KC Wilson DATE 9/26/88 APPLICATION NUMBER 22-7585REQUIRED 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

Will probably require stream channel alteration permit

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

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare
☒ Idaho Dept. of Fish & Game
☐ Idaho Dept. of Lands
☐ Adjudication Bureau Unit
☐ U.S. BLM
☐ U.S. Forest Service
☒ Water District- 01
☐ 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 or 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 9-7-1988
By _____ Date _____

STATE OFFICE REVIEW

P09, P17 26 05 (01, Snake River)

By kw ☐ See below for additional information
Date 1/13/89

ADDITIONAL INFORMATION

would like to see proposed plan of construction & require
that structure have an overflow device to prevent
washouts. HWT

OK to allow 2 yrs. for B/U development

Dam safety section has no comments
in regard to this app... - Dave Hollingshead
has reviewed - see P09 in approval letter.



IDAHO FISH & GAME

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

RECEIVED

DEC 5 1988

Department of Water Resources
Eastern District Office

December 2, 1988

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

Re: Application for Permit Nos. 22-07586, 22-07596, 22-07585, 22-07601

Dear Harold:

Idaho Department of Fish and Game (IDFG) has reviewed the referenced applications for water rights. We have the following comments specific to each application.

22-07586 - Chynoweth

IDFG has no opposition to granting this water right. This project is being developed in cooperation with our Department to improve wetland habitat. No fish are present.

22-07596 - Harrison

IDFG recommends denial of this water right. Idaho Code 36-706 prohibits private ponds on significant water courses, and 36-906 requires fishways be constructed on waterways where a dam would block fish migration. Little Pine Creek provides spawning and rearing habitat for resident and migratory cutthroat trout. Any onstream water storage which will block fish passage would require fishways. This water right calls for a nine foot high dam which would block upstream fish migration and require a stream alteration permit. Please inform Mr. Harrison of our position and advise him of restrictions on work within stream riparian areas which require a stream alteration permit.

22-07585 - Cushman

IDFG has no opposition to granting this water right. South Twin Creek is intermittent in this area and no fishery would be impacted. There is a need to advise the applicant about the hazards of construction of a 10 foot high dam. The dam needs an adequate spillway to pass spring runoff without washing out. Also I believe your Department would have to permit any dam 10 feet or higher.

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

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FEB 08 1989



Mr. Harold Jones
December 2, 1988
Page 2

RECEIVED

DEC 5 1988

Department of Water Resources
Eastern District Office

22-07601 - Burnside

IDFG has no opposition to granting this water right. The proposed ponds will be created near the head springs of this unnamed stream. We request the water right be conditioned with the provision the streams below the storage structure will not be dewatered during any period of filling the ponds.

Please advise all applicants they will need to pick up a private fish pond permit from our Department if they plan to stock these waters with fish. They can contact Jeff Copeland in Driggs (354-8553).

Sincerely,

Don Wright
For Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:SE:ai

cc: U.S. Fish and Wildlife Service
Fisheries Bureau
Program Coordination
Jeff Copeland

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FEB 08 1989

November 16, 1988

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

RE: Application for Permit No. 22-07585

Dear Sir:

This office is currently in the process of publishing notice that the above application 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 by DECEMBER 5, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

ORIGINAL FILED

FEB 08 1989

November 16, 1988

Water District #1
150 Shoup Ave.
Idaho Falls, ID 83402

RE: Application for Permit No. 22-07585

Dear Sir:

This office is currently in the process of publishing notice that the above application 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 by DECEMBER 5, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

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FEB 08 1989

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.

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FEB 08 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED
FILMED

FEB 08 1989

22-07585

CUSHMAN, LOUIS B.
CUSHMAN, JOHN C.
LOS ANGELES, CA 90017

Source: SPRINGS & SOUTH TWIN CREEK Tributary: SOUTH TWIN CREEK, TWIN CRE

Diversion Pt: NENENW Sec 11 T 04N R 44E

Use: RECREATION (8.00 AF)

Date Filed: 9/07/1988

In: T04N R44E S11 NENW

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FEB 08 1989

Connected address, source
+ name on
computer
Done

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

MICROFILMED

FEB 08 1989

October 14, 1988

John C. or Louis B. Cushman
333 S. Grand Ave. #400
Los Angeles, CA 90017

RE: Application for Permit No. 22-07585

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. 22-07585. 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

MICROFILMED

FEB 08 1989

