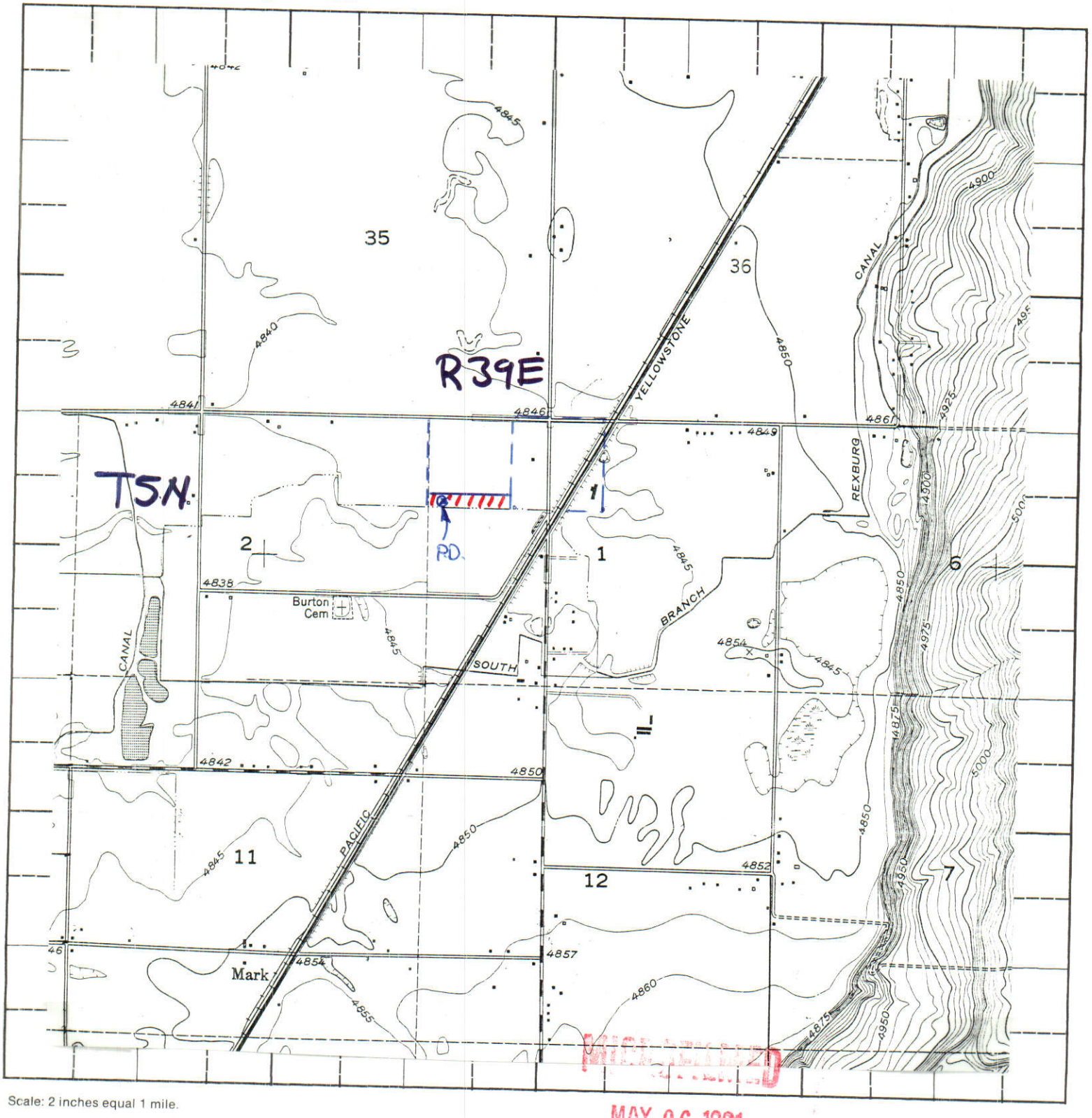
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

RECEIVED
MAY 06 1991

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.

X _____
(Applicant)

THE STANDARD-JOURNAL

Rexburg, Idaho

AFFIDAVIT OF PUBLICATION

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

MARCH 7, 1991 and the last publication having been made on

MARCH 14, 1991

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 15TH day of MARCH in the year of1991, 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.

Notary Public for Idaho

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

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APR 0 4 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

22-07552
TANNER, NYLE
2245 S. 2000 W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: LOT 4 (SWSWNW) Sec 1 T 05N R 39E
Use: IRRIGATION (.110 CFS); COMMERCIAL (.110 CFS); DOMESTIC (.040) CFS) Total Diversion: (.110 CFS)
Date Filed: 9/13/1988
In: T05N R39E S01 SWNW 5.5 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before March 25, 1991.

R. KEITH HIGGINSON
Director

Publ. March 7 and 14, 1991J.

OR TJ2
4-5-91

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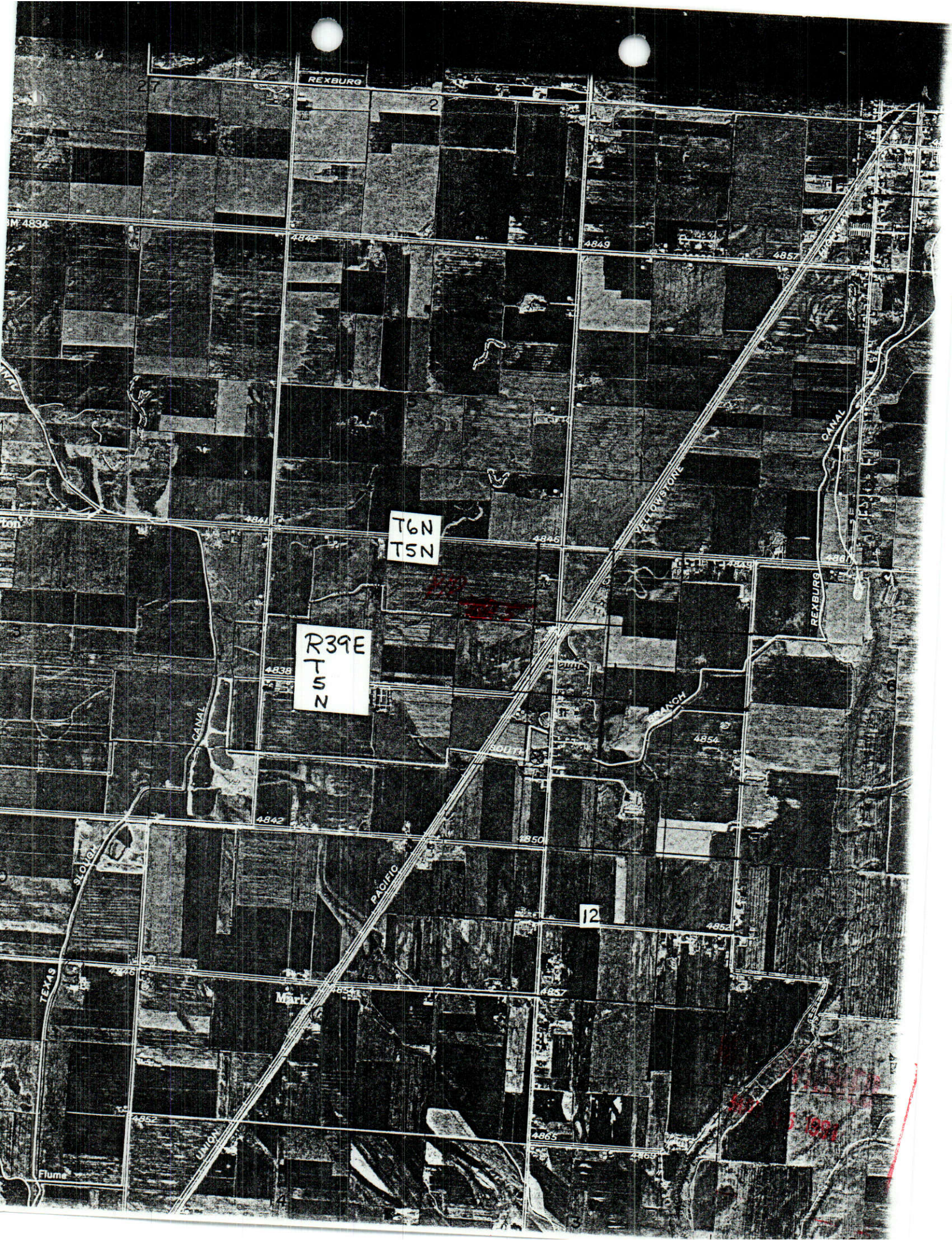
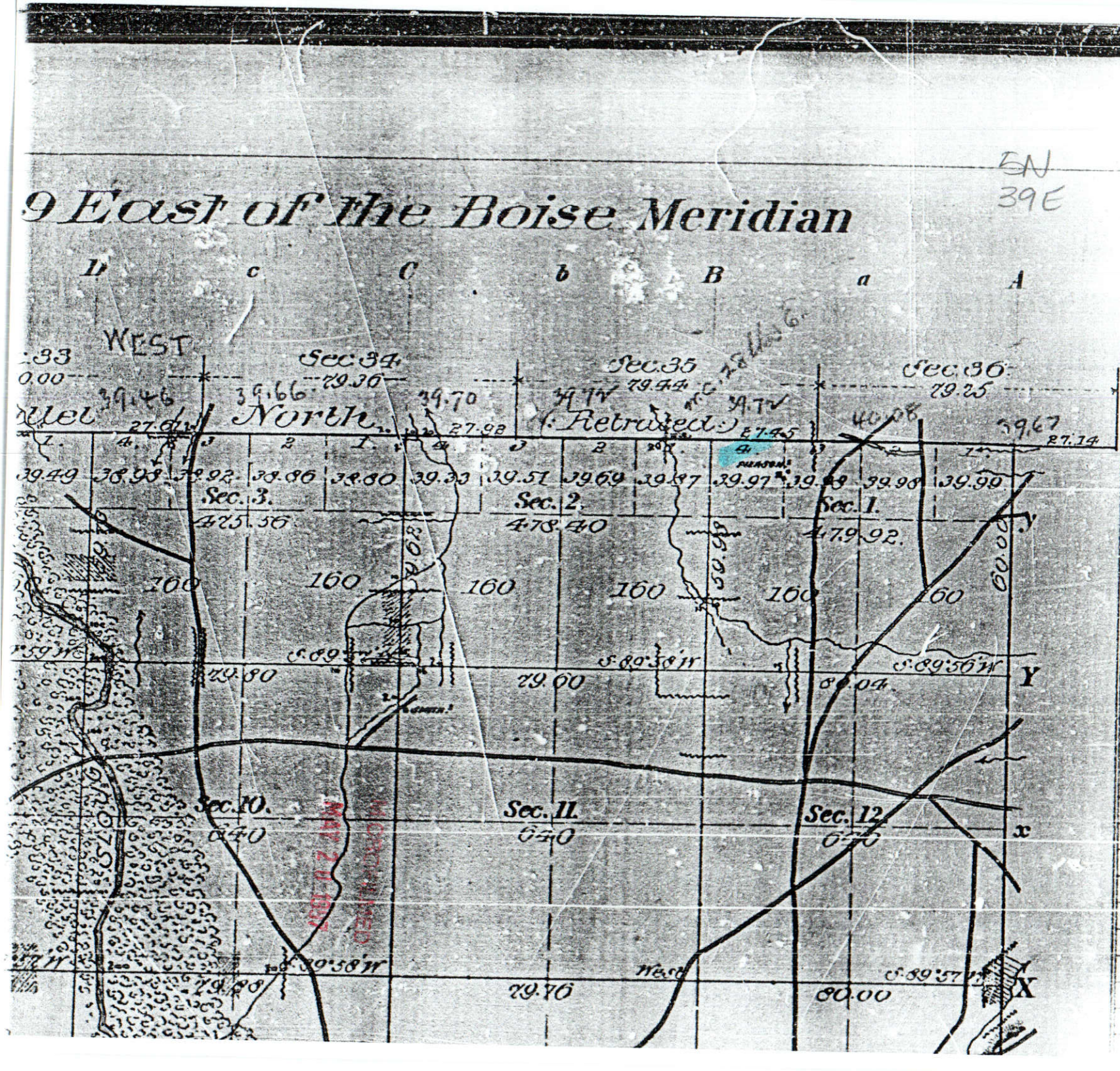
MAY 06 1991

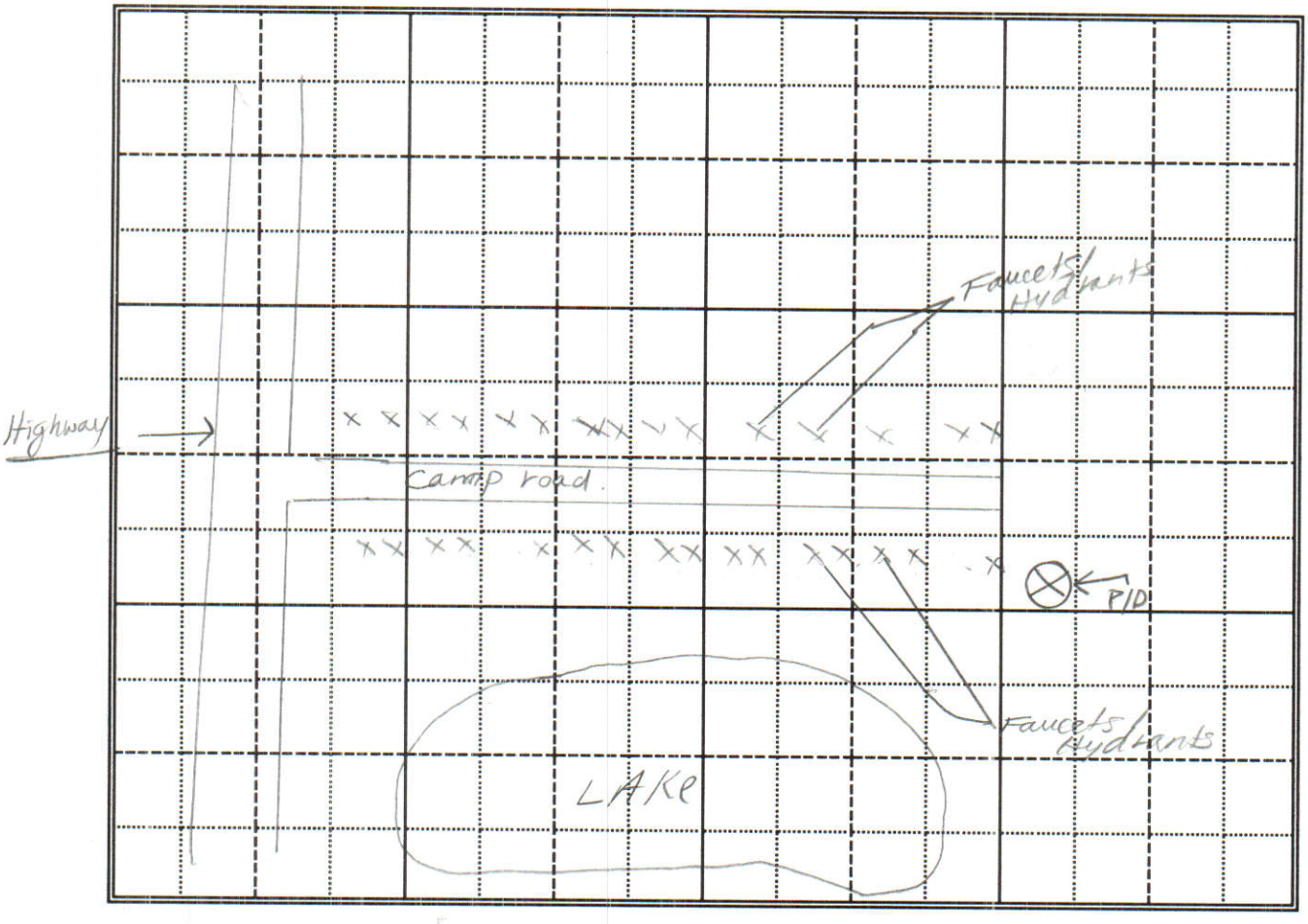

REXBURG
T6N
T5N
R39E
T
5
N
YELLOWSTONE
CANAL
REXBURG
CANAL
BRANCH
SOUTH
CANAL
PACIFIC
SLOUGH
TEXAS
UNION
Flume
Mark
12
4834
4842
4849
4857
4841
4846
4838
4854
4842
4850
4846
4854
4857
4852
4865

EN
39E

9 East of the Boise Meridian



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 Quadrange 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~~ model No.	Pump Make	~~Pump Serial No.~~ or Discharge Size
—	Grundfos	1.5	82456905	Grundfos	~~8923~~ 8621

*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
Pressure gauge					0-60	
Theoretical						

2. **Measurements:** _____

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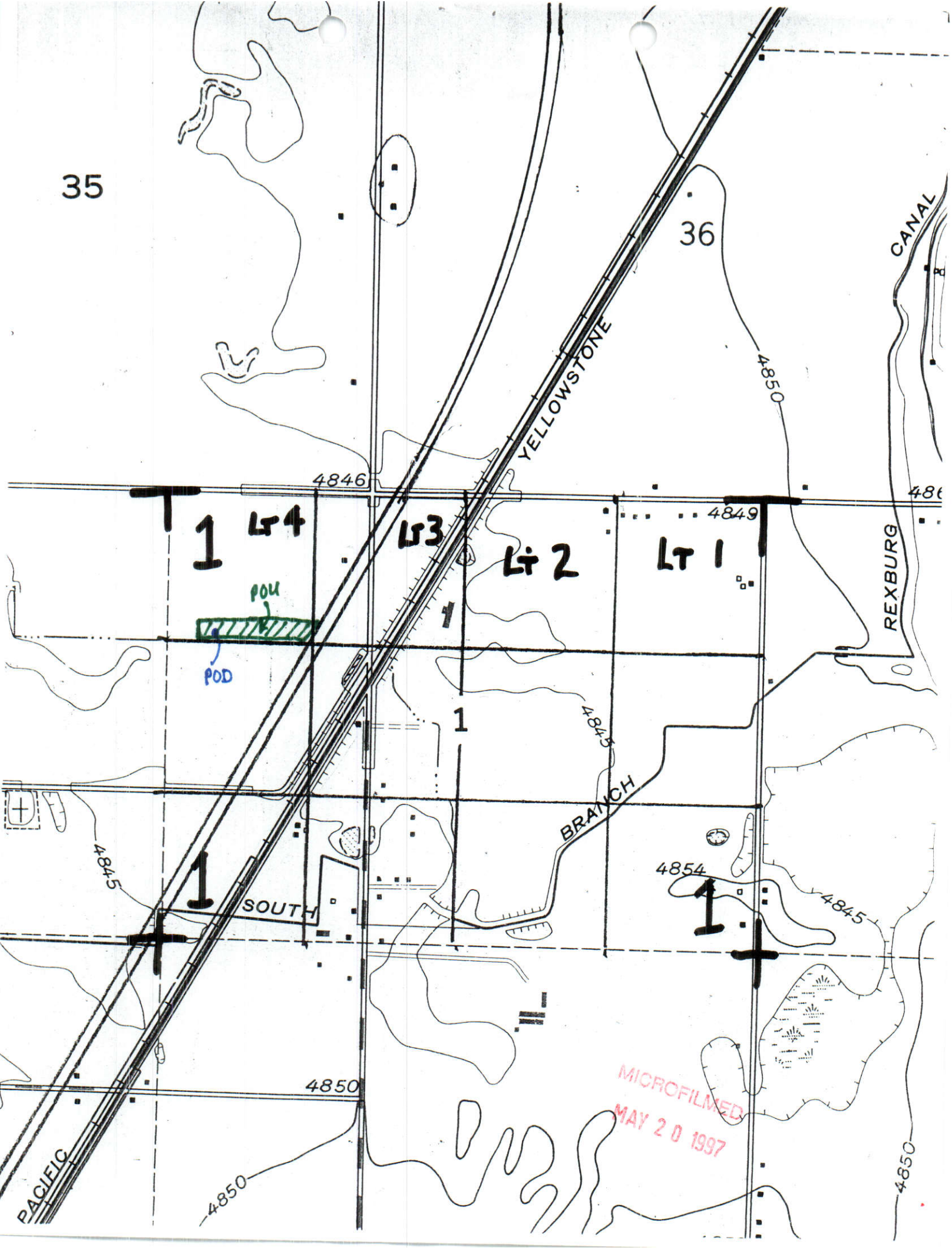
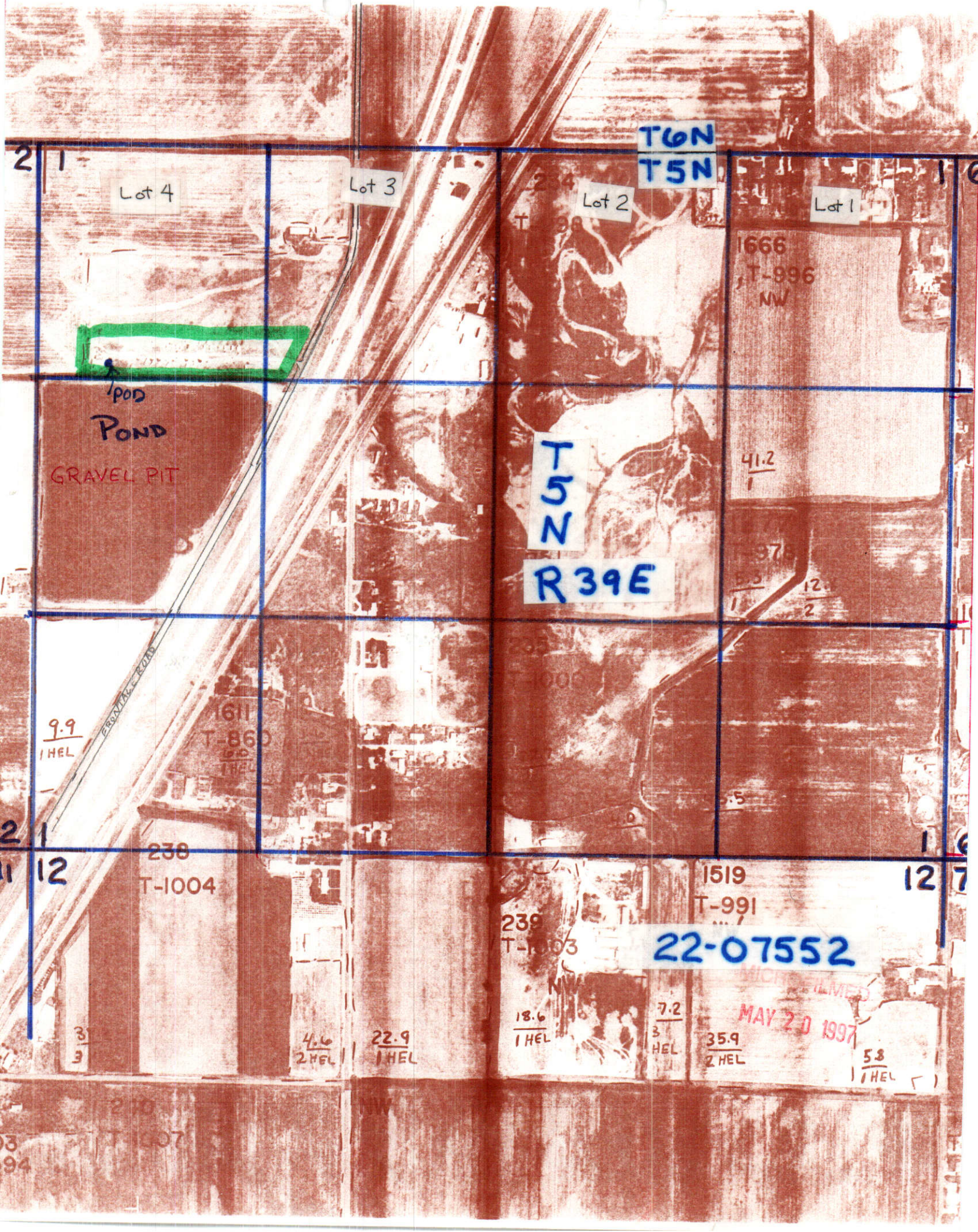
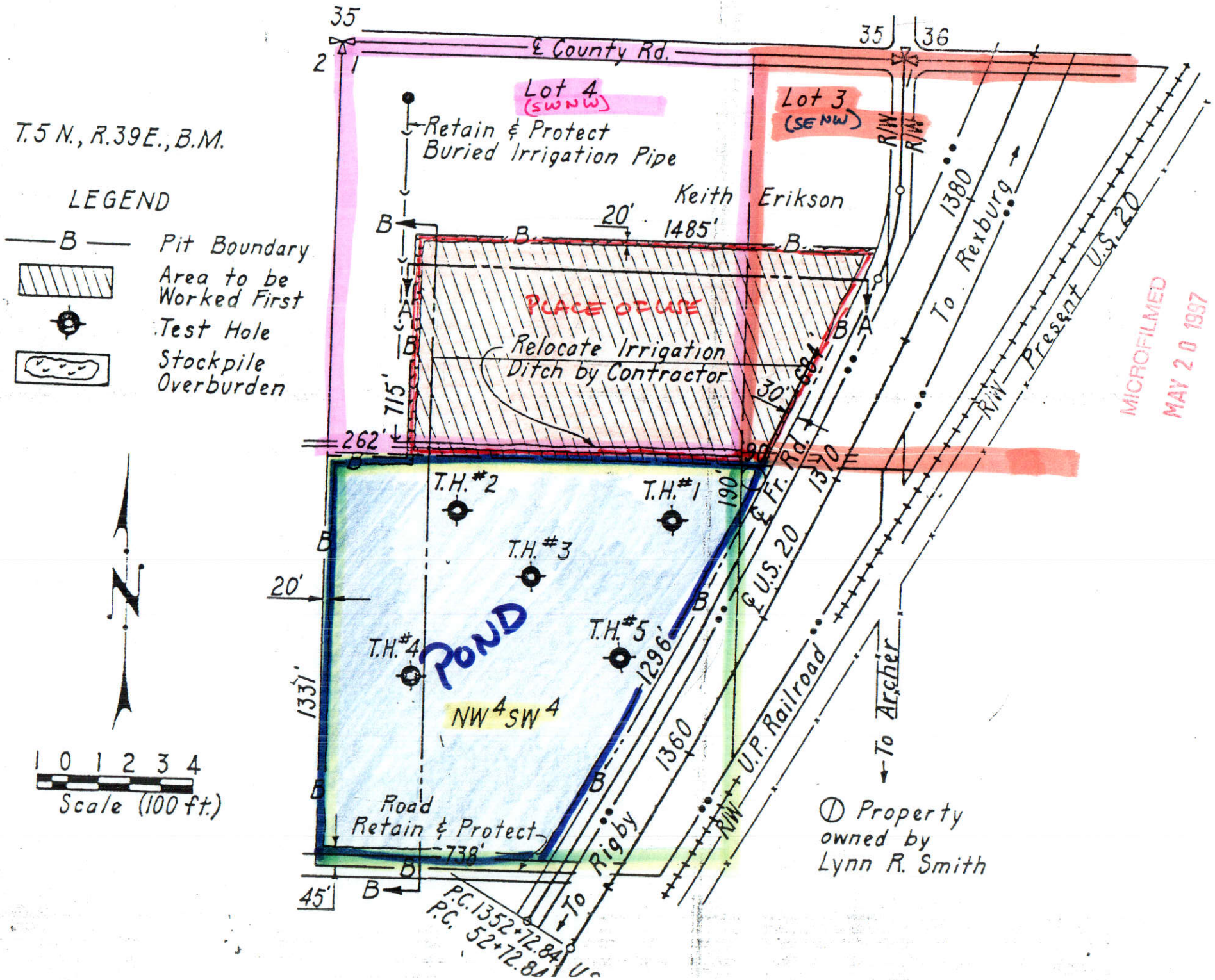

35
36
CANAL
YELLOWSTONE
4850
4846
4849
T 1 Lt 4
Lt 3
Lt 2
LT 1
POU
POD
REXBURG
1
4845
BRANCH
4854
SOUTH
4850
PACIFIC
MICROFILMED
MAY 20 1997


T6N
T5N
Lot 4
Lot 3
Lot 2
Lot 1
POD
POND
GRAVEL PIT
T5N
R39E
1666
T-996
NW
41.2
1
9.9
1 HEL
1611
T-860
238
T-1004
1519
T-991
239
22-07552
MICROFILMED
MAY 20 1997
18.6
1 HEL
7.2
3 HEL
35.9
2 HEL
5.8
1 HEL
4.6
2 HEL
22.9
1 HEL


T.5 N., R.39E., B.M.
LEGEND
B — Pit Boundary
Area to be Worked First
Test Hole
Stockpile Overburden
35
2
1
℄ County Rd.
35
36
Lot 4 (SWNW)
Lot 3 (SENW)
R/W
Retain & Protect Buried Irrigation Pipe
Keith Erikson
20'
1485'
PLACE OF USE
Relocate Irrigation Ditch by Contractor
715'
262'
30'
℄ Fr. Rd.
1370
To Rexburg
1380
R/W Present U.S. 20
MICROFILMED MAY 20 1987
T.H. #2
T.H. #1
T.H. #3
T.H. #4
T.H. #5
190'
POND
20'
1331'
1296'
℄ U.S. 20
U.P. Railroad R/W
1360
To Archer
NW 4 SW 4
Road Retain & Protect
738'
45'
P.C. 1352+72.84
P.C. 52+72.84
To Rigby
1 0 1 2 3 4
Scale (100 ft.)
① Property owned by Lynn R. Smith

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07552

Priority: September 13, 1988 Maximum Diversion Rate: 0.11 CFS

This is to certify, that NYLE TANNER
2245 S 2000 W
REXBURG ID 83440 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 13, 1988; and has submitted Proof of Beneficial Use on February 5, 1992. An examination indicates that the works have a diversion capacity of 0.110 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	0.11 CFS	
COMMERCIAL	04/01 to 11/30	0.11 CFS	
DOMESTIC	01/01 to 12/31	0.02 CFS	
	Totals	0.11 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWNW), Sec. 1, Township 05N, Range 39E
MADISON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
05N	39E	1	Lot 4(SWNW)	5	Lot 3(SENW)	0.5		5.5
					Total number of acres irrigated:			5.5

PLACE OF USE:
COMMERCIAL, same as IRRIGATION use

PLACE OF USE:
DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

MICROFILMED
MAY 2 0 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07552

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 19.3 af for irrigation purposes.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater for irrigation purposes under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
9. This right shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
10. Domestic use for 1 home is limited to a total annual diversion volume of 0.6 af and does not include lawn, garden, landscape or other types of irrigation.
11. Commercial use is for a 66 unit RV park/campground and is limited to a total annual diversion volume of 7.4 af.

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 30th day of April, 1992.

KARL J. DREHER, Director
Acting for

MICROFILMED
MAY 20 1997

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APR 15 1997
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07552

Date of Priority: September 13, 1988 Maximum Diversion Rate: 0.11 CFS

Comes now NYLE TANNER
2245 S 2000 W
REXBURG ID 83440 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. 22-07552, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	0.11 CFS	
COMMERCIAL	04/01 to 11/30	0.11 CFS	
DOMESTIC	01/01 to 12/31	0.02 CFS	
	Totals	0.11 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWNW), Sec. 1, Township 05N, Range 39E
MADISON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
05N	39E	1	Lot 4(SWNW)	5	Lot 3(SENW)	0.5		5.5

Total number of acres irrigated: 5.5

PLACE OF USE:
COMMERCIAL, same as IRRIGATION use

PLACE OF USE:
DOMESTIC, same as IRRIGATION use

MICROFILMED
MAY 20 1997

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 Nyle Tanner, this 9 day of April, 1997.

Nyle Tanner
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07552

****

FOR DEPARTMENT USE ONLY

Preliminary check by klt Fee = $50.00 Receipted by klt # C035622 Date 4/15/97

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. 22-07552 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 19.3 af for irrigation purposes.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater for irrigation purposes under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
9. This right shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
10. Domestic use for 1 home is limited to a total annual diversion volume of 0.6 af and does not include lawn, garden, landscape or other types of irrigation.
11. Commercial use is for a 66 unit RV park/campground and is limited to a total annual diversion volume of 7.4 af.

MICROFILMED
MAY 20 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07552

Witness my hand this 30th day of April, 1997.

Acting for KARL J. DREHER, Director

MICROFILMED
MAY 20 1997

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FEB 6 1992
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee $ 50.00
Date 2-5-92
Receipt No. CO 23142
Receipt by MB

STATE OF IDAHO
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. 22-0755 2 Telephone No. 208-356-3681
2. Name(s) of Permit Holder(s): Nyle Tanner
3. Mailing Address: 2245 so 2000 west RexBurg, ID 83440
4. Source of Water: Groundwater

   If **GROUNDWATER**, Well Driller's Name: Ducy Morris Date Drilled: 1985

   OPTIONAL:
   Pump horsepower: ~~1 1/2~~ 1 HP Pressure (psi): 50 Dynamic pumping level (ft.): 40 FT

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

   Domestic 1 (No. of households) Stockwater _____ (No. and type of stock)

   Irrigation 5.5 (No. of acres) Other Campground RV 2 ~~4~~ 4 ~~5~~

6. Total rate and/or volume for which proof is submitted 0.11 cfs **OR** _____ acre/feet

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

   Measuring device: Required? ___ Yes x No Installed? ___ Yes ___ No

   OR

   Flow Measurement Port: Required? ___ Yes X No Installed? ___ Yes ___ No

8. Fee Enclosed: $ 50.00 (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.

   Nyle Tanner 3563681
   Name Telephone No.

   2245 so 2000 west Rexburg Idaho 83440
   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.

FILED
MAR 04 1992

2-4-92 Nyle Tanner
Date Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07552

Proposed Priority: September 13, 1988 Maximum Diversion Rate: 0.11 CFS
This is to certify, that **NYLE TANNER**
2245 S. 2000 W.
REXBURG, ID 83440
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 11/01	0.11 CFS
COMMERCIAL	04/01 to 11/30	0.11 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.11 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 4(SWSWNW), Sec. 1, Township 05N, Range 39E
MADISON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
05N	39E	1	SWNW	5.5			5.5
					Total number of acres irrigated:		5.5

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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MAY 06 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07552

CONDITIONS/REMARKS:

8. Domestic use is for one home.
9. Commercial use is for a 66 unit recreational vehicle park and rest rooms.

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

23rd day of April, 1991.

for R. Keith Higginson, Director

RECEIVED

MAY 06 1991

22 7552

Form 202
6/85

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Nyle TAnner Phone 356-6036

   Post office address 2245 S 2000 W, Rexburg, ID 83440

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SW ¼ of SW ¼ of NW ¼, Govt. Lot 4

   Sec. 1 Township 5N Range 39E B.M. Madison County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount .04 (cfs or acre-feet per annum) for Domestic purposes from 1/1 to 12/31 (both dates inclusive)

   Amount .11 (cfs or acre-feet per annum) for Commercial purposes from 4/1 to 11/30 (both dates inclusive)

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

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

5. Total quantity to be appropriated is (a) .11 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Well (8") with 3HP pump at 66'

   to one home, RV Park and irrigation of lawn

   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 _____ 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*).

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MAY 06 1991

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. One

e. Other; describe fully. RV Park with 66 units and rest rooms

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	39E	1							C/O										
									5.5										5.5
									L-4										

Total number of acres to be irrigated 5.5

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: _____

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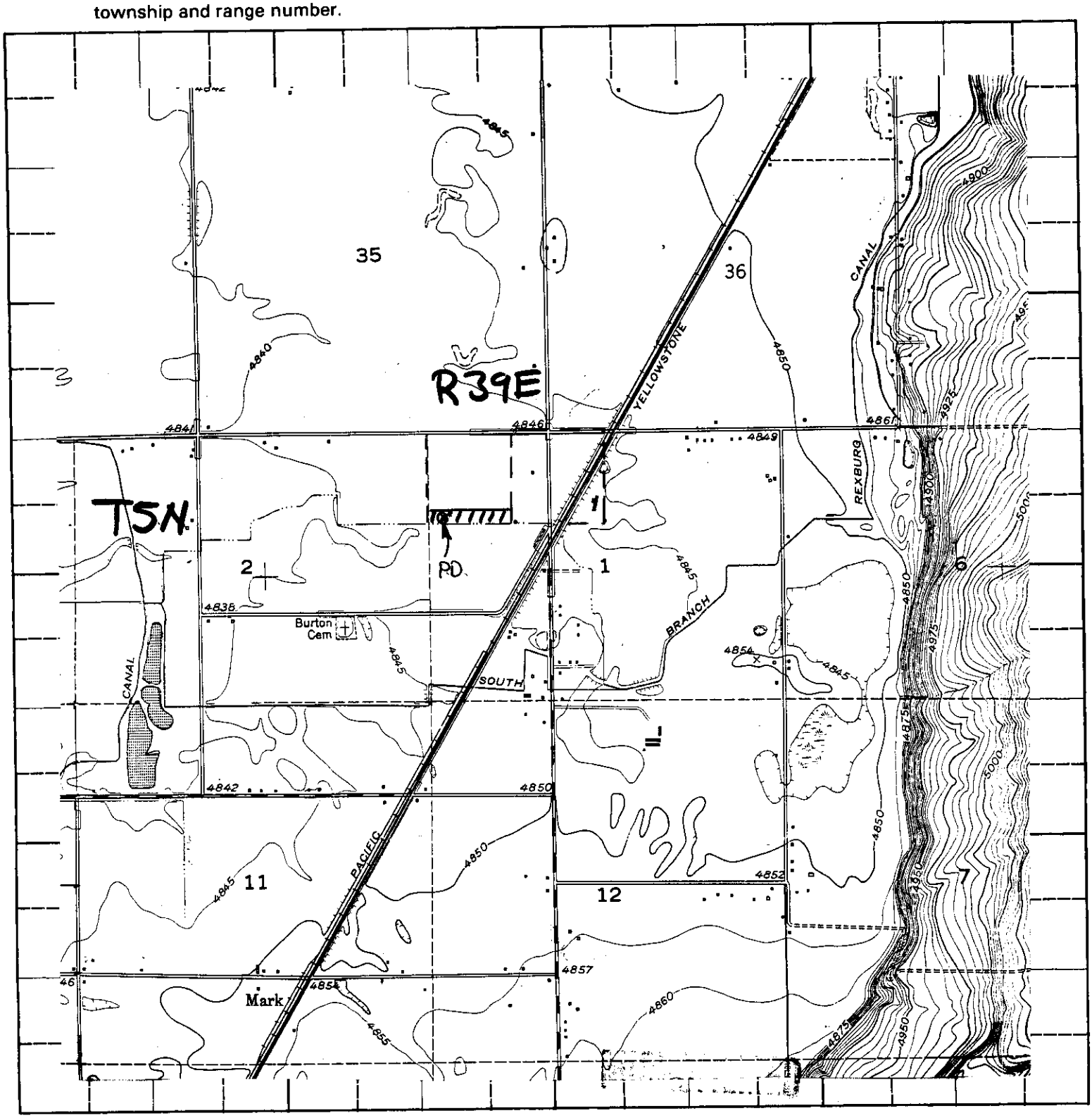
MAY 06 1991

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.

MAY 06 1991

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.

x _____
(Applicant)

Received by CW Date 9-13-88 Time 2:45 Preliminary check by HWJ

Fee $ 45 Receipted by dg # E002418 Date 9-19-88

Publication prepared by RB/BLM Date 9-30/10-6 Published in Lewiston Morning Tribune

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. _____, 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:

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED
APR 0 4 1991

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 MARCH 7, 1991 and the last publication having been made on MARCH 14, 1991.

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.

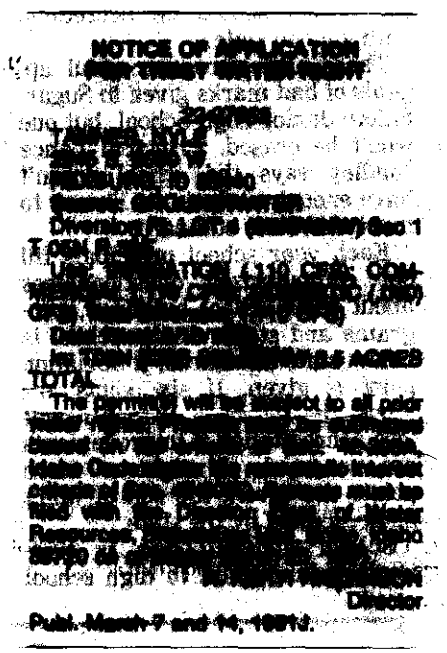
Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 15TH day of MARCH in the year of1991, 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.

Notary Public for Idaho

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


NOTICE OF APPLICATION

Director

Publ. March 7 and 14, 1991.

OR tyl
4-5-91

VOID

Form 202
6/85

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Kyle TANNER Phone 356-6036
   Post office address 2245 S 2000 W Rexburg Idaho 83440
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is SW ¼ of NW ¼ of NW ¼, Govt. Lot _____
   Sec. 1 Township 5N Range 39E B.M. Madison County; additional
   points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount .04 (cfs or acre-feet per annum) for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
   Amount 4 (cfs or acre-feet per annum) for Commercial purposes from April 1 to NOV 30 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) .4 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. well 8' case 3HP Pump 66 FT.
   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 year years (*minimum 1 year*).

MAY 06 1991

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. 1 House

e. Other; describe fully. RV Park 66 units Rest Rooms 5½ Acres of lawn

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	39E	1							O/O										

Total number of acres to be irrigated _____

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

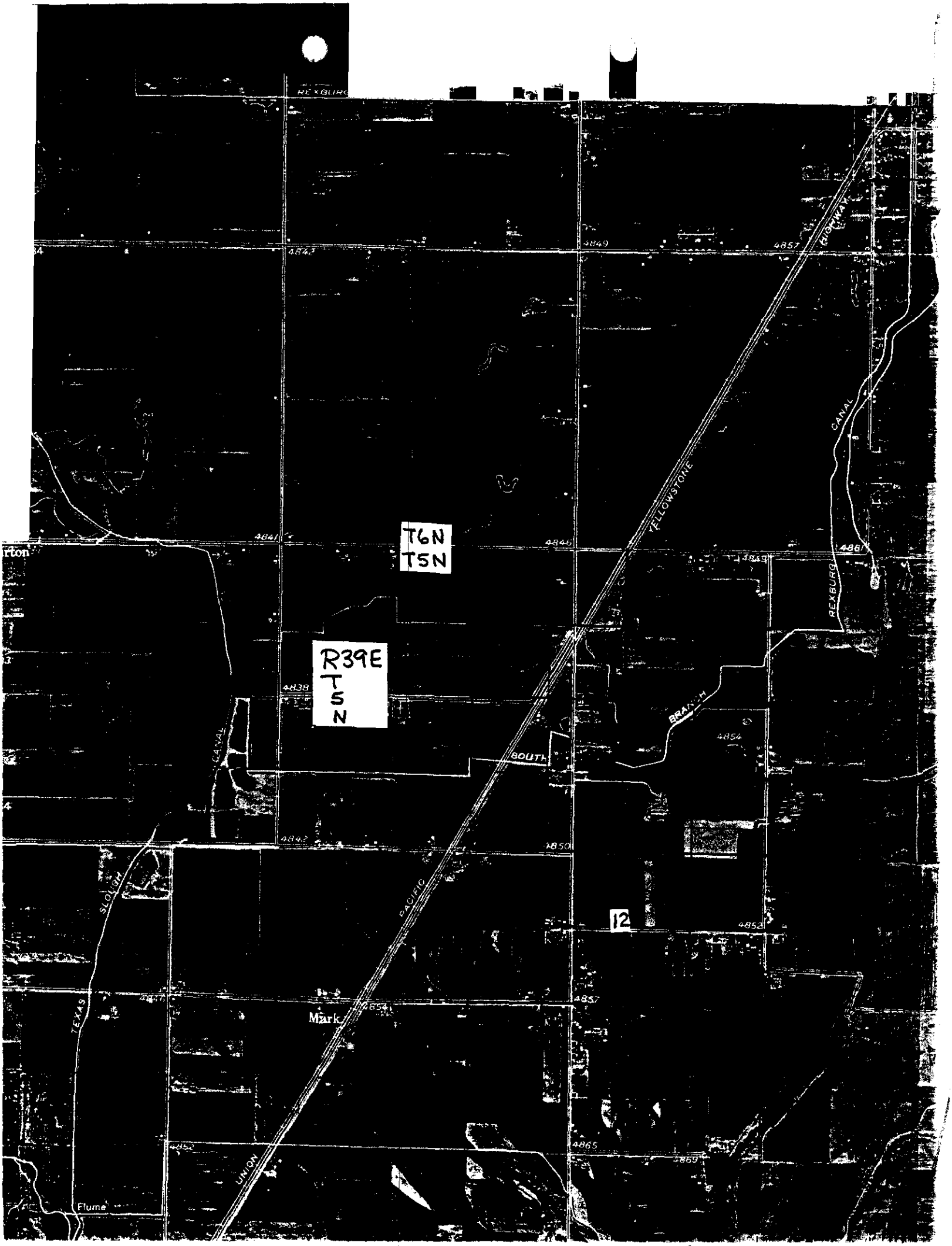
11. a. Who owns the property at the point of diversion? Nyle TANNER

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

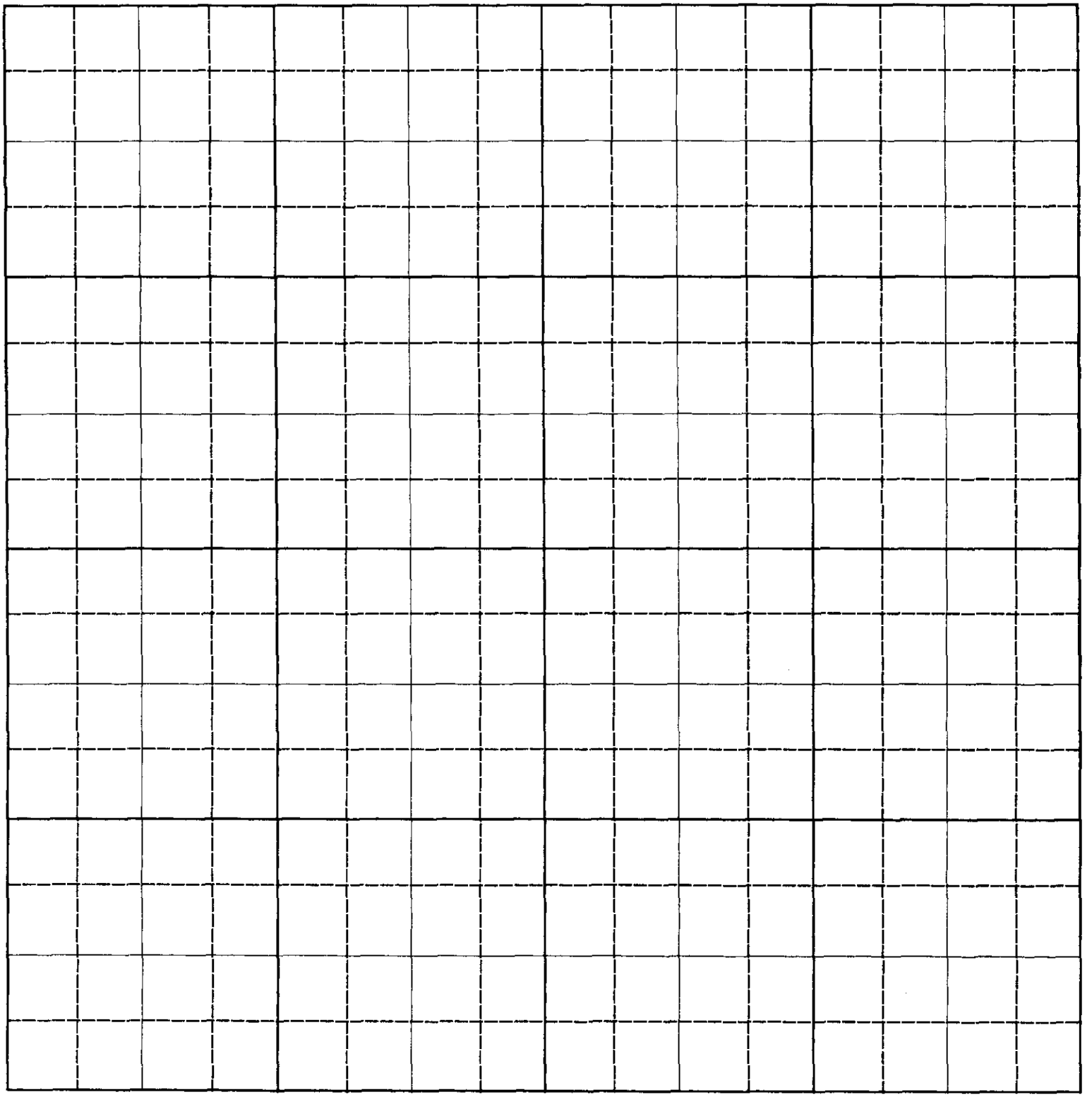
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MAY 06 1991


T6N
T5N
R39E
T5N
REXBURG
CANAL
YELLOWSTONE
HIGHWAY
CANAL
BRANCH
SOUTH
SLOUGH
TEXAS
PACIFIC
UNION
Mark
Flume
12
4838
4842
4850
4854
4857
4865
4869

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.

FILED
MAY 06 1991

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)

Asst By T.O.

Received by Dal Date 8-23-88 Time 10:17A. Preliminary check by EMC

Fee $ 45.00 Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

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. _____, 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:

RECEIVED
SEP 06 1991

RECEIVED
NOV 4 1988
Department of Water Resources
Eastern District Office

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

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 ounty, 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 iaaue thereof for Two consecutive issues, the first publication having been made on October 6, 1988 and the last publication having been made on October 13, 1988 .

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

Terry Weatherston

Subscribed to and sworn to before me

This October 14, 1988

(SEAL) Notary Public.

My commission expires June 8, 1993

NOTICE OF APPLICATION FOR WATER RIGHT

The Follo application(s) have been filed to app ate the public waters of the State of Idaho:

22-07551
T.R. WEBSTER & SONS, INC.
309 YALE AVE.
REXBURG, ID 83440
Souce: GROUNDWATER
Diversion Pt: NENW Sec. 26 T 05N R 40E
Use: COMMERCIAL (.040 CFS), DOMESTIC (.040 CFS)
Date Filed: 8/25/1988
In: T05N R40E S26 NENW

22-07552
TANNER, NYLE
2245 S. 2000 W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: LOT 4 (SWSWNW) Sec 1 T 05N R 39E
Use: IRRIGATION (.110 CFS), COMMERCIAL (.110 CFS), DOMESTIC (.040 CFS)
Date Filed: 9/13/1988
In: T05N R39E S01 SWNW, 5.5 ACRES TOTAL

22-07553
HUSKINSON, ROBERT D.
HUSKINSON, SUE R.
1082 N. HILL ROAD
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SESW Sec 13 T 06N R 40E
Use: IRRIGATION (3.000 CFS)
Date Filed: 8/25/1988
In: T06N R40E S13 NESW NWSW SWSW SESW NESE NWSE SWSE SESE 253.0 ACRES TOTAL

22-07554
SMITH, BLAINE
SMITH, GARRY
2062 W. 5200 S.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: NENW Sec 24 T 05N R 39E
Use: COMMERCIAL (.040 CFS)
Date Filed: 8/08/1988
In: T05N R39E S24 NENW

22-07555
WHITE, ROBERT L.
WHITE, LINDA
Rt. 1
SUGAR CITY, ID 83448
Source: GROUNDWATER
Diversion Pt: SENE Sec 8 T 06N R 40E
Use: COMMERCIAL (.020 CFS), DOMESTIC (.020 CFS)
Date Filed: 8/24/1988
In: T06N R40E S08 SENE

22-07556
WEBSTER, KEVIN
P.O. BOX 321
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: NWNWSE Sec 16 T 05N R 40E
Use: COMMERCIAL (.040 CFS)
Date Filed: 8/24/1988
In: T05N R40E S16 NWSE

22-07557
RICKS BROS
3248 S. 1400 W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SWNWSW Sec 5T 05N R40E
Use: COMMERCIAL (.020 CFS)
Date Filed: 8/24/1988
In: T05N R40E S05 NWSW

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

May 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NYLE TANNER
2245 S 2000 W
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07552

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.

MICROFILMED
MAY 2 8 '97

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.

RECEIVED
MAY 20 2017

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.

Sincerely,

Shelley Walter Keen

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MAY 20 [illegible]

CERTIFICATE OF MAILING

I hereby certify that on the **2nd** day of **May, 1997**, 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. 22-07552

NYLE TANNER
2245 S 2000 W
REXBURG ID 83440

Kari Lynn Townsend
Secretary

MAY 20

State of Idano
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 4, 1997

NYLE TANNER
2245 S 2000 W
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07552

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the $50 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These 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,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED
MAY 20 1997

MEMORANDUM

TO: File 22-07552

FROM: Sharla

DATE: January 30, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 22-07552 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.11 cfs	19.3 afa*
Commercial	1/1 - 12/31	0.11 cfs	7.4 afa*
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa*
	TOTALS	0.10 cfs	27.3 afa

The domestic component is for in-house use only; the volume has been adjusted accordingly.
* The volume components are listed in separate remarks for each use, due to the fact that there are overlapping irrigation rights.

Examiner: Steven Garrison
Exam Date: July 1, 1996

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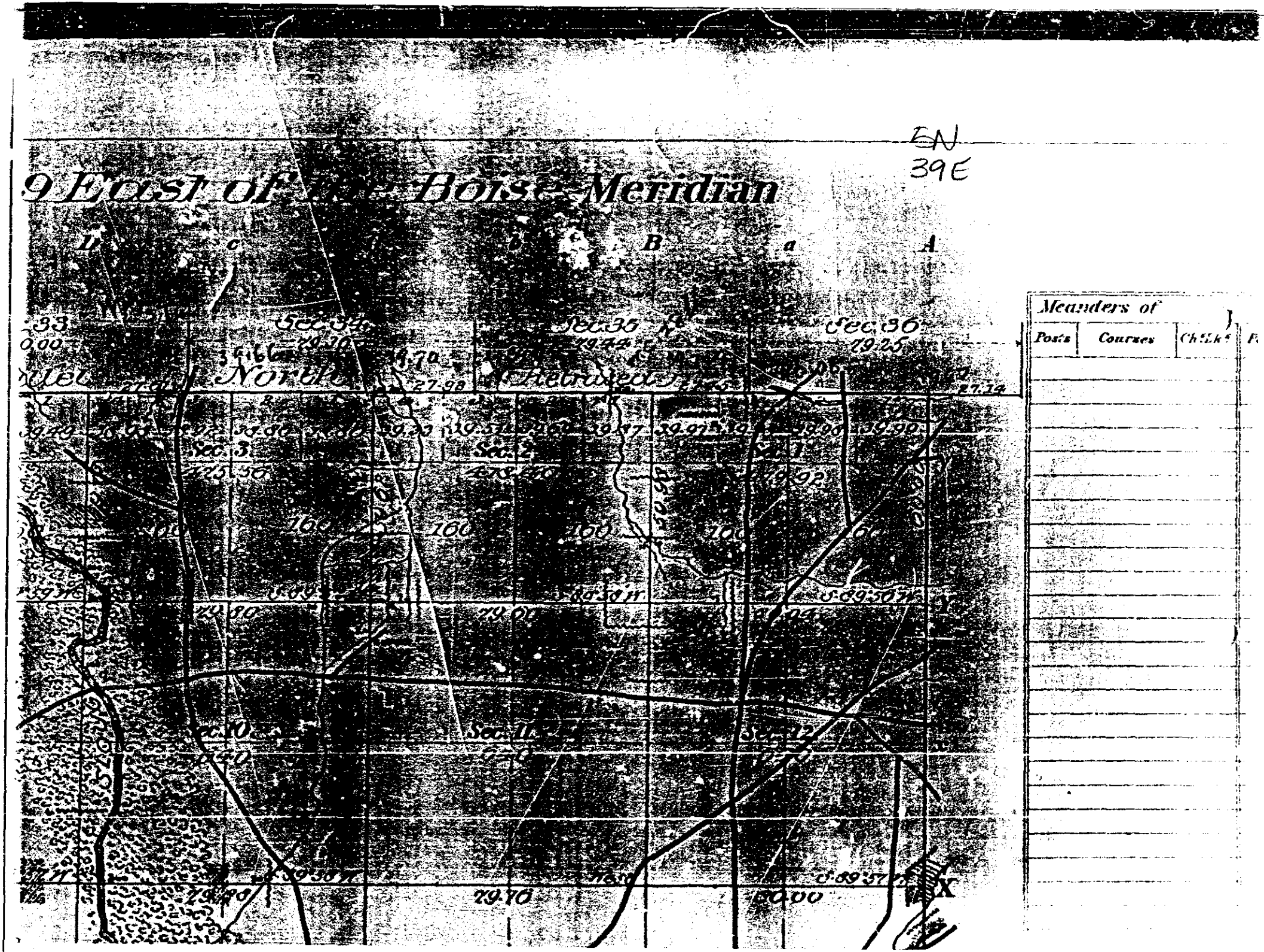
MAY 20 1997


EN
39E
9 East of the Boise Meridian
Meanders of
Posts
Courses
Ch. Lks
Sec. 35
Sec. 36
Sec. 3
Sec. 2
Sec. 10
Sec. 11
Sec. 12
N. 89 30 W.
S. 89 30 W.
S. 89 57 W.
29.70
80.00

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07552 DATE 1/28/97 REVIEWER: *SHARLA*

	Change	OK	
NAME	__	✓	Address Change NO
SOURCE	__	✓	Is change clarification of originally intended source? __ If not, prepare Notice of Intent to Void __
POINT OF DIV	__	✓	Amendment required NO
PLACE OF USE	✓ add SENW	__	Amendment required __

Does map agree with written description? ✓ yes __ no

OVERLAPS __ P/D __ P/U

RATE OF DIV

Permitted Rate	.11	cfs
Fee limit	.20	cfs $50.00
Measured	~	cfs
Theoretical	.11	cfs

Recommended Total Div Rate .11 cfs

ANNUAL VOLUME/ NATURE OF USES __ ✓

Use	Volume Calculation	
Dr. .11	5.5 x 3.5 = 19.3	af
Comm. .11	7.4	af
Dom. .02	.6 (in house)	af
		af
SUBTOTAL	27.3	af

Flow rate .11 cfs X 365 days X 1.98 = 79.5 af

Total volume recommended 27.3 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS 1) 1 home - irrig not incl.
2) 166 unit RV park & campground.
WB7

CONDITIONS __ Watermaster Control WD# ____
__ GW Measurement/Measuring Device
R25 Overlap
__ Use-specific conditions R55, R56, 065, 079

Advancement of Priority Date Required __ yes ✓ no

SRBA Claim Filed N/A
Adjustment Memo domvol.

1st Amend Letter P41, P38
2nd Amend Letter P42

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 10 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7552

1. Owner: Rainbow Lake and Campground % Myk Tanner Phone No. 356-6036 (home)

Current Address: 2245 S. 2000 W Rexburg, ID 83440

2. Accompanied by: Myk Tanner. EXAM DATE: 1 JUL 96

Address: — Phone No. —

Relationship to Permit Holder: —

3. Source: groundwater tributary to —

B. OVERLAP REVIEW

1. Other water rights with the same place of use: CANAL TETON RIVER → 22-0470, 204 Rexburg Irr.

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
WELL	4		SW	NW	1	05N	39E	Madison	on site / USGS map

2. **Place(s) of Use:** Indicate Method of Determination on site

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	39E	1							5.0	.5									5.5
									C/D	LT3									
									LT4										

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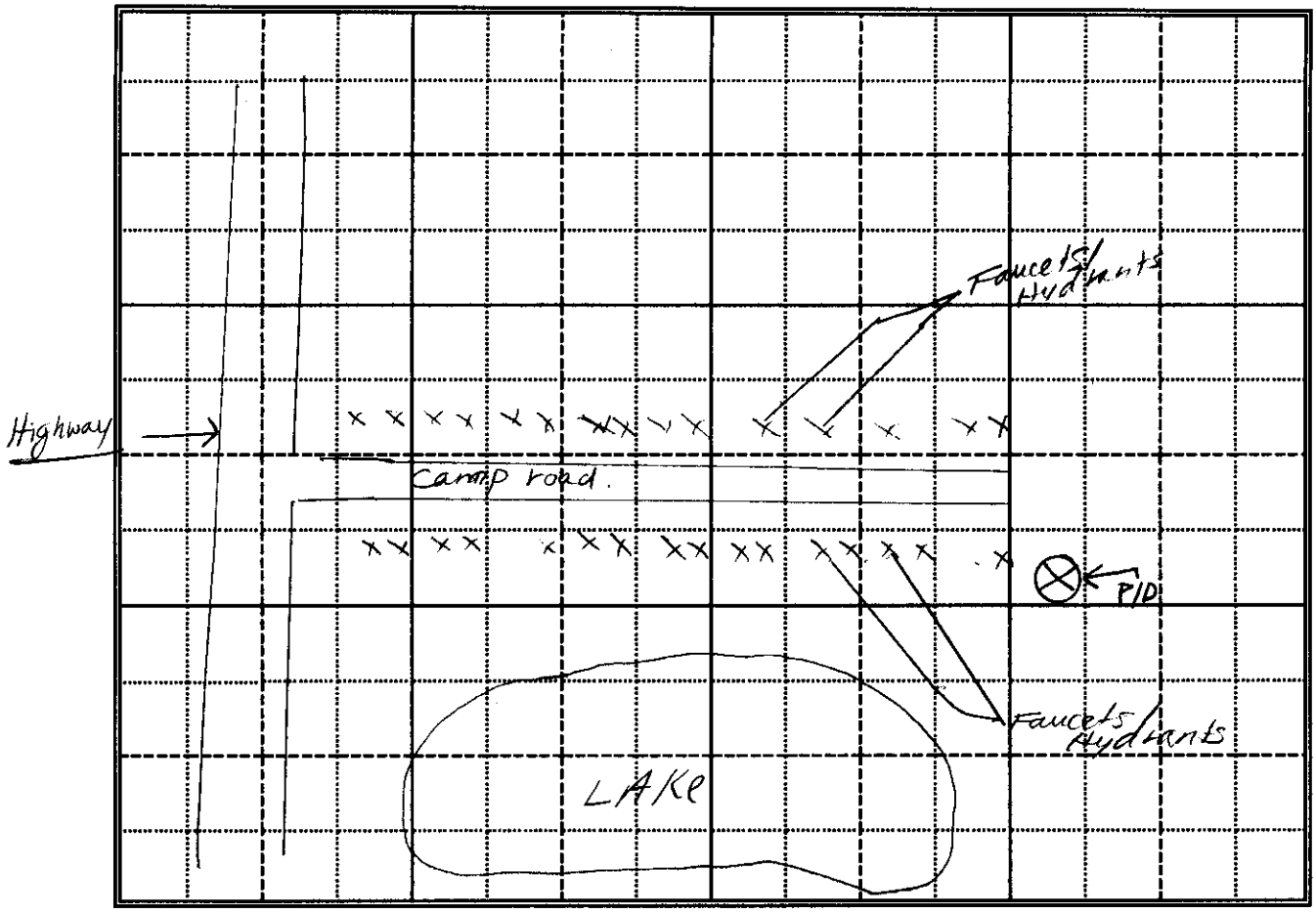
MAY 20 1997

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 Quadrange 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~~ model No.	Pump Make	~~Pump Serial No.~~ or Discharge Size
—	Grundfos	1.5	82456905	Grundfos	~~8235~~ 8621

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
Pressure gauge					0-60	
Theoretical						

2. **Measurements:** _____

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MAY 20 1997

E. NARRATIVE/REMARKS/COMMENTS

Mr. Tanner has 2 Grundfos pumps in place — 1 H.P. and 1.5 H.P. - with only one being used at a time. He has 66 faucets/hydrants in place. Operating pressure 37 PSI — low 30 PSI; high 53 PSI

* Theoretical indicates .07 CFS at best, not .11 CFS.
* Request is for .11 CFS for irrigation and commercial. Also .04 CFS for domestic. Pressure is same throughout the development.
* Actual acreage is 5.5 after taking out the house on the property.
* Actual point of diversion SWNW. Change from SWSWNW. [redacted]

Have conditions of permit approval been met? X yes ___ no

MICROFILMED

MAY 20 1997

F. FLOW CALCULATIONS ____ Additional Computation Sheets Attached

Measured Method: Theoretical

$$CFS = \frac{1.5\ hp\ (6.16)}{18' + (30 + 2.31)} = \frac{9.24}{87.3} = 0.106 \text{ or } 0.11 \text{ CFS}$$

30 psi 18' to water (well logs in area)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 5.5 x 3.5 = 19.25

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = .11(184)1.9835 = 40

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 19.25

2. Volume Calculations for Other Uses:

Domestic one home = 1.2 AF/A

Commercial use 66 place campground (3.0 persons/site) x 50 gallons/day (244 days)

$$\frac{66 \times 3 \times 50 \times 244}{325,850} = 7.4$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRR	4/15	10/15	0.11 CFS	19.25
commercial	4/01	11/30	0.11 CFS	7.4 AF/A
DOMESTIC	01/01	12/31	0.04 CFS	1.2 AF/A
		Totals:	0.11 CFS	27.85 AF/A

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

_X_ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

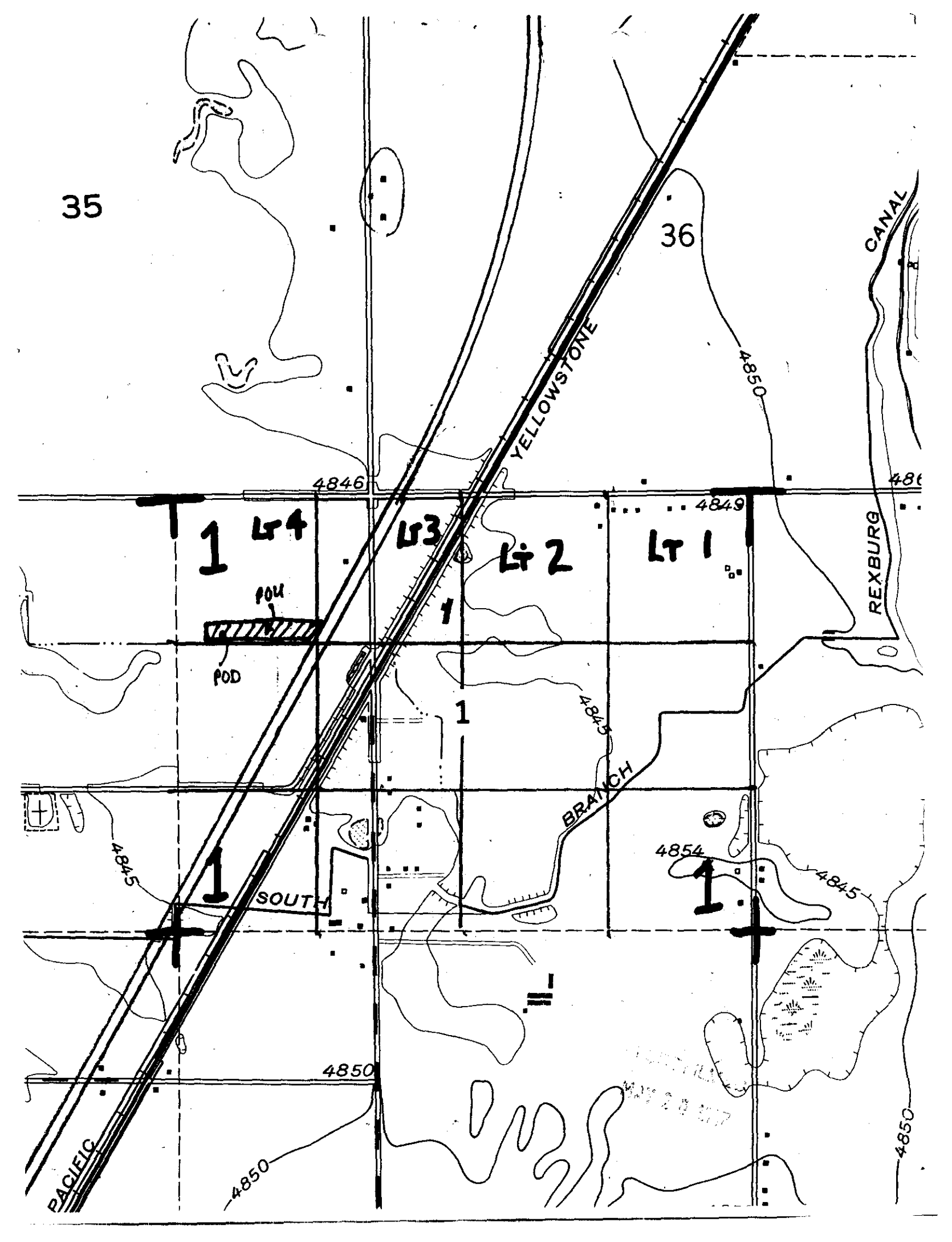
Field Examiner's Name Steven Garrison Date 1 JUL 96

Reviewer Dave Cady Date 12/19/96

SEAL

MICROFILMED

MAY 20 1997


35
36
CANAL
YELLOWSTONE
4850
4846
4849
LT 4
LT 3
LT 2
LT 1
REXBURG
POU
POD
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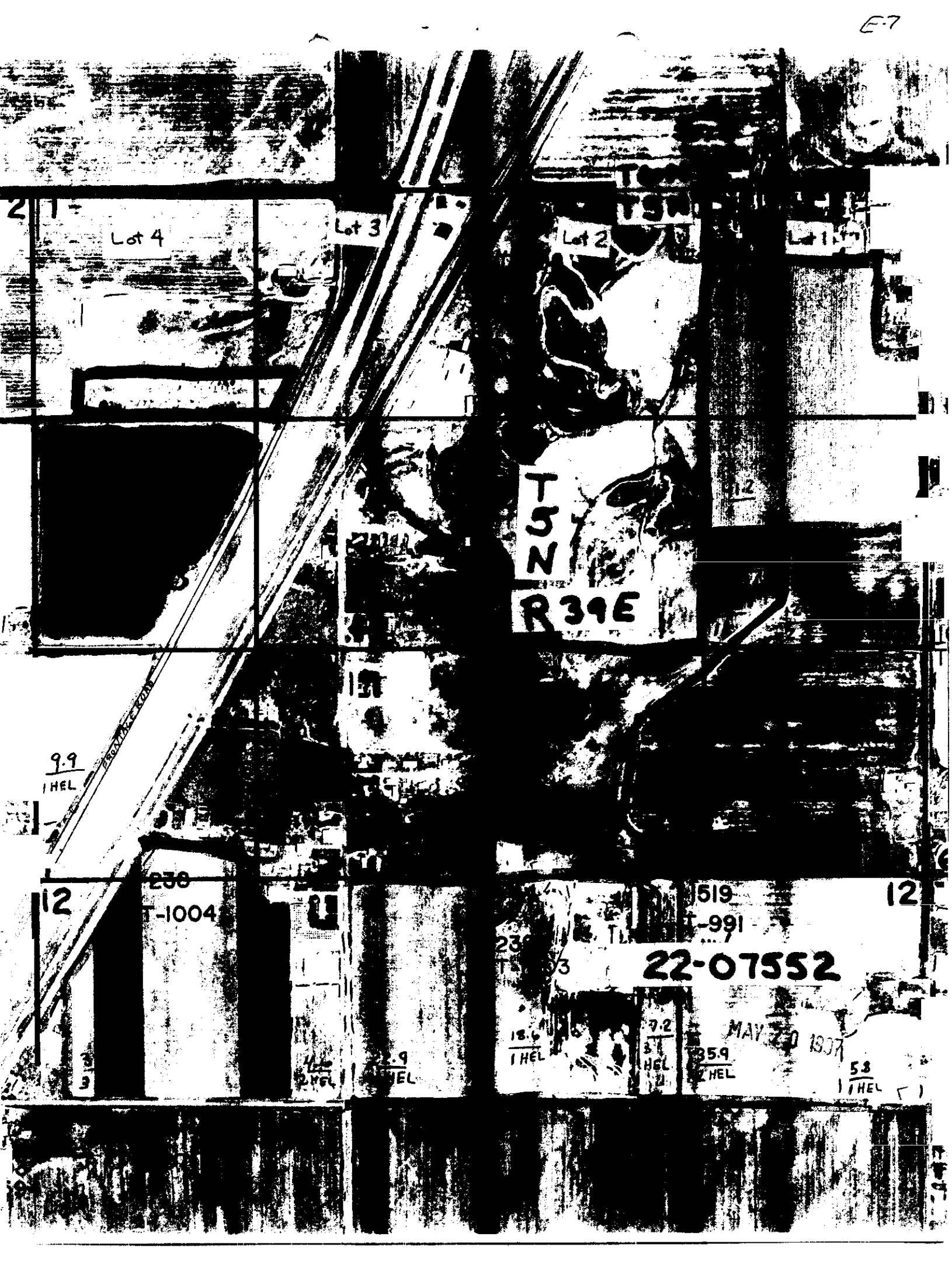
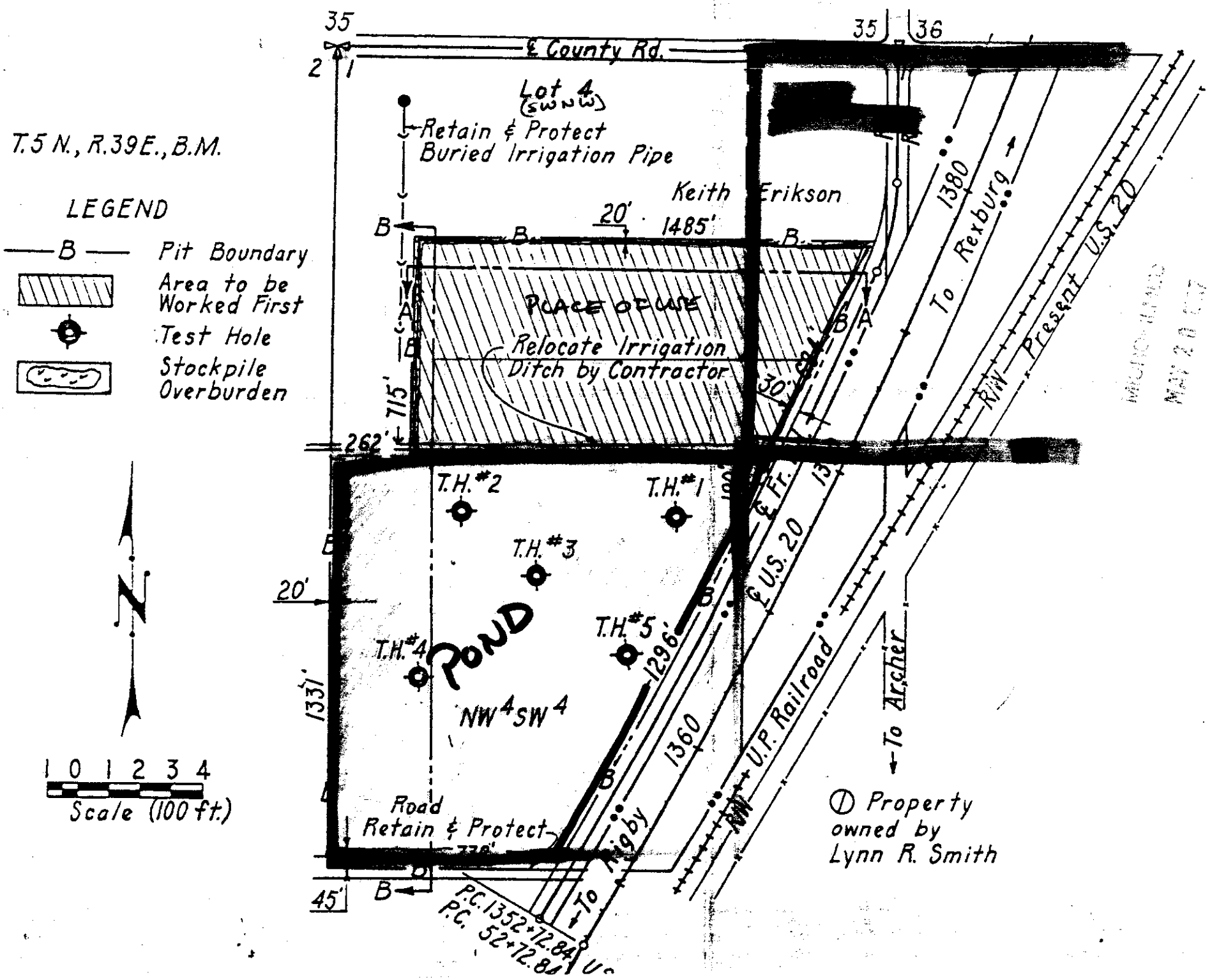
BRANCH
4854
SOUTH
PACIFIC


Lot 4
Lot 3
Lot 2
Lot 1
T5N
R3E
12
9.9
1 HEL
12
T-1004
519
T-991
22-07552
MAY 20 1971
18.6
1 HEL
7.2
HEL
35.9
HEL
5.8
1 HEL


T.5 N., R.39E., B.M.
LEGEND
B — Pit Boundary
Area to be Worked First
Test Hole
Stockpile Overburden
35
2
1
35
36
℄ County Rd.
Lot 4 (SWNW)
Retain & Protect Buried Irrigation Pipe
Keith Erikson
20'
1485'
B
A
PLACE OF USE
Relocate Irrigation Ditch by Contractor
715'
262'
30'
To Rexburg
R/W Present U.S. 20
1380
T.H. #2
T.H. #1
T.H. #3
T.H. #4
T.H. #5
POND
NW4SW4
℄ U.S. 20
℄ Fr.
1296'
1360
U.P. Railroad
R/W
To Archer
133'
20'
Road Retain & Protect
776'
45'
P.C. 1352+72.84
P.C. 52+72.84
To Rigby
N
1 0 1 2 3 4
Scale (100 ft.)
① Property owned by Lynn R. Smith

February 14, 1992

NYLE TANNER
2245 S. 2000 W.
REXBURG ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07552

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAR 0 4 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07552 Reviewed by KLG Date 2/7/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

domestic - 1 irrigate 5.5
commercial - 66 unit campground
Correct Uses? yes

SOURCE OF WATER

___ Surface water source
✓ Ground water source
NA Drilling permit required?
1985 / Copy in the file? Drilling Permit No. ___
/ Amount paid for permit ___ Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

NA Required?
/ Installed?
/ 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 ___ Proof Made 2/6/92
2/14/92 KLG

January 31, 1992

NYLE TANNER
2245 S. 2000 W.
REXBURG ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07552

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 April 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

RECEIVED
MAR 04 1992

CERTIFIED MAIL
NO. 13424

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 26, 1991

NYLE TANNER
2245 S. 2000 W.
REXBURG, ID 83440

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07552

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.

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.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

MAY 06 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 18, 1991

NYLE TANNER
2245 S. 2000 W.
Rexburg, ID 83440

RE: Water Right #22-7552

Dear Applicant:

The above referenced application for permit has reached the State Office for final review and processing. Review of the application revealed an overpayment of the filing fee.

The filing fee is determined by the rate of diversion requested on the application. The original fee paid was $45.00, and the filing fee for 0.11 cubic feet per second is $30.00. The difference of $15.00 is the amount that will be refunded to you from the State Auditor's office under separate cover.

Please feel free to contact this office or our Eastern Regional Office in Idaho Falls if you have any question in regard to this matter.

Sincerely,

Pamela Skaggs

Pamela Skaggs
Technical Records Specialist

MICROFILMED
MAY 06 1991

MEMORANDUM

TO: FISCAL

FROM: PAM SKAGGS

RE: PARTIAL REFUND OF APPLICATION FEE

DATE: 15-APR-1991

==========

Please prepare and mail a partial refund of $15.00 to the person listed below. The refund is due to overpayment of the application fee. The required amount is $30.00 and the applicant paid $45.00 fee for application #22-7552, receipt #E002418, Eastern Region.

Nyle Tanner
2245 S. 2000 W.
Rexburg, ID 83440

RECEIVED

MAY 06 1991

E002418

9/19/1988

TANNER, NYLE

AIR 4 PERMIT	630199 1238 6390	45.00
		$45.00
CHECK 2251		

Region: EASTERN Signature: _____

RECEIVED
MAY 06 1991

APPLICATION FOR PERMIT REVIEW

Application #: 22-7552 Reviewer: Pam Skaggs
Date: 4-10-91

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

✓ Yes
- ✓ Proof not submitted - P16
- Proof submitted - N/A

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

✓ Drilling Permit:
- Approved w/permit - P99
- ✓ Not included - 046-P23 (All GW, even existing wells)

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

River Basins:
- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:
- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042(req.), 002-P06(MD), 07A(Spec.), 044(Policy 5G)
- Power - _____ Use Power Review
- Mining - 06A or 010, 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
- Rec. & Aesthetic - 027(Non-Consumptive)
- Domestic - 021(restricted areas)

Ownership:
- Non land owner - 004

Protested:
- Agreement - 020

Minimum Stream Flow:
- Overlapping uses - 029-P20

✓ Beneficial Use Due Date: - 04-01-1992
Other Conditions Recommended Needs #15 refund

RECLAIMED
MAY 06 1991

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

FEBRUARY 26, 1991

The Rexburg Standard-Journal
Box 10
Rexburg, ID 83440

Dear Legal Dept.:

Enclosed you will find legal notices 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 25, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MICROFILMED

MAY 06 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

22-07552

TANNER, NYLE
2245 S. 2000 W.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: LOT 4 (SWSWNW) Sec 1 T 05N R 39E

Use:	IRRIGATION	(.110 CFS)
	COMMERCIAL	(.110 CFS)
	DOMESTIC	(.040 CFS)
	Total Diversion:	(.110 CFS)

Date Filed: 9/13/ 1988

In: T05N R39E S01 SWNW

5.5 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MARCH 25, 1991.

R. Keith Higginson, Director

Published 3/ 7/1991 & 3/14/1991

FILED

MAY 06 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
FEB 21 1991
Department of Water Resources

Application No. 22-7552

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No_____
b. If you are not the propoerty owner, please descibe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes_____ No X
b. If yes, please describe the extent of development and number of acres irrigated.(Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

---

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 55

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. App 10 Acres

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Myle Tanner Date 2-15-91

MICROFILMED
MAY 08 1991

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

NYLE TANNER
2245 S 2000
REXBURG ID 83440

MICROFILMED
MAY 06 1991

4. Article Number
33591

Type of Service:
- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ COD
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery FEB 14 1991

8. Addressee's Address *(ONLY if requested and fee paid)*

22-7552
Allocation

PS Form **3811**, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

UNITED STATES PC SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

FEB 19 1991

Department of Water Resources

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

RECEIVED

MAY 06 1991

Print Sender's name, address, and ZIP Code in the space below.

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83705

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 13, 1991

Nyle Tanner
2245 S. 2000 W.
Rexburg, ID 83440

RE: Application for Permit No. 22-7552

Dear Applicant(s):

NOTICE OF PENDING ORDER VOIDING APPLICATION

On September 13, 1988 you filed with the Department of Water Resources (Department) Application for Permit No. 22-7552 which proposed the diversion of 0.11 cubic feet per second of groundwater for the irrigation of 5.5 acres and domestic and commercial purposes.

The Department mailed a letter and questionnaire to you on January 7, 1991. The letter requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaire within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this notice is to provide a second and final opportunity for you to submit the requested information. Pursuant to Section 42-204, Idaho Code, the Department may void applications for which requested information is not submitted. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Section 42-204, Idaho Code.

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

MICROFILMED
MAY 06 1991

Please feel free to contact me if you have questions concerning this matter.

Sincerely,

Tim Luke

TIM LUKE
Sr. Water Resource Spec.

Enclosure

MAY 06 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 7, 1991

RE: APPLICATION FOR PERMIT NO. 22-2552

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

RECEIVED
MAY 06 1991

SMC

Dist. for staffing ~~8-24-88~~ 8-24-88

submitted for adv. _____ _____

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SWAN FALLS HOLD

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWJ DATE 9-16-88 APPLICATION NUMBER 22-7552

REQUIRED INFORMATION

- [x] Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- [x] Address
- [x] Source (See USGS Quad for names of water sources)
- [x] Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- [x] County
- [x] Quantity (flow and/or volume)
- [x] Period of Use
- [x] Nature of proposed use (Include description of use.)
- [x] Description of diverting works
- [x] Time required for beneficial use of water
- [x] Place of use or acres irrigated
- [x] Map
- [x] Signature (If applicant is corp. partnership, or minicipality, title of signator is required)
- [x] Fee Need to refund $15 - Colleen needs copy of receipt
  [x] 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 [x] No Field check required
  Field check by _____
- [ ] Yes [x] No Field report attached
- [ ] Yes [x] No Critical groundwater area
- [ ] Yes [x] No Groundwater management area
- [ ] Yes [x] No Send dam safety information
- [ ] Yes [x] No Send power requirement letter
- [ ] Yes [x] No Send fish farm requirement letter
- [ ] Yes [x] No Power residency affidavit
- [ ] Yes [x] No Power efficiency form
- [x] Yes [ ] No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- [ ] Yes [x] No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- [ ] See reverse side for additional information

RECEIVED
DEC 24 1990
Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____ Date Requested _____

PROCESSING

☑Yes ☐No form for advertising
☐Yes ☑No Statewide advertising
☐Yes ☑No Fee amount, **receipt date & No. recorded on application**

SEND COPIES TO

☐Idaho Dept. of Health & Welfare
☐Idaho Dept. of Fish & Game
☐Idaho Dept. of Lands
☐Adjudication Bureau Unit
☐U.S. BLM
☐U.S. Forest Service
☐Water District
☐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 _____
☐Yes ☐No Protests, dates, resolution of protest, recorded on application
☐Yes ☐No Recommendations attached
☐Yes ☐No Measuring device required
☐Yes ☐No Access port required
☐Yes ☐No Will water be delivered by watermaster? If yes, what Dist._____
☐Yes ☐No Special conditions of approval or cover letter below._____

_____

_____ ☐See below for additional information

Date of priority recommended _____

By _____ Date _____

STATE OFFICE REVIEW _____

_____

_____ ☐See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

☐ City	☐ Idaho Fish & Game	☐ Irrigation District
☐ County	☐ Idaho Health & Welfare	☐ Canal Company
☐ Reservations	Division of Environment	☐ Other_____

Project impacts/implications report

COMMENTS

_____

_____

_____

_____

_____

_____

_____

_____

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 30, 1988

Nyle Tanner
2245 S 2000 W
Rexburg, ID 83440

RE: Application for Permit No. 22-07552

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. 22-07552. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the REXBURG STANDARD-JOURNAL. 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,

RECEIVED
MAY 06 1991

Ernest Carlsen
Water Rights Supervisor

EC/rb

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

Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 28, 1988

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 OCTOBER 24, 1988.

Yours truly,

Deena Green
Secretary

Encl.

MAY 06 1991

NOTIC. OF APPLICATION FOR WATER R. T

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

MAY 06 1991

22-07552

TANNER, NYLE
2245 S. 2000 W.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: LOT 4 (SWSWNW) Sec 1 T 05N R 39E

Use:		
	IRRIGATION	(.110 CFS)
	COMMERCIAL	(.110 CFS)
	DOMESTIC	(.040 CFS)

Date Filed: 9/13/1988

In: T05N R39E S01 SWNW

5.5 ACRES TOTAL

MAY 06 1991

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 OCTOBER 24, 1988.

R. Keith Higginson, Director

Published 10/06/1988 & 10/13/1988

RECEIVED
MAY 06 1991