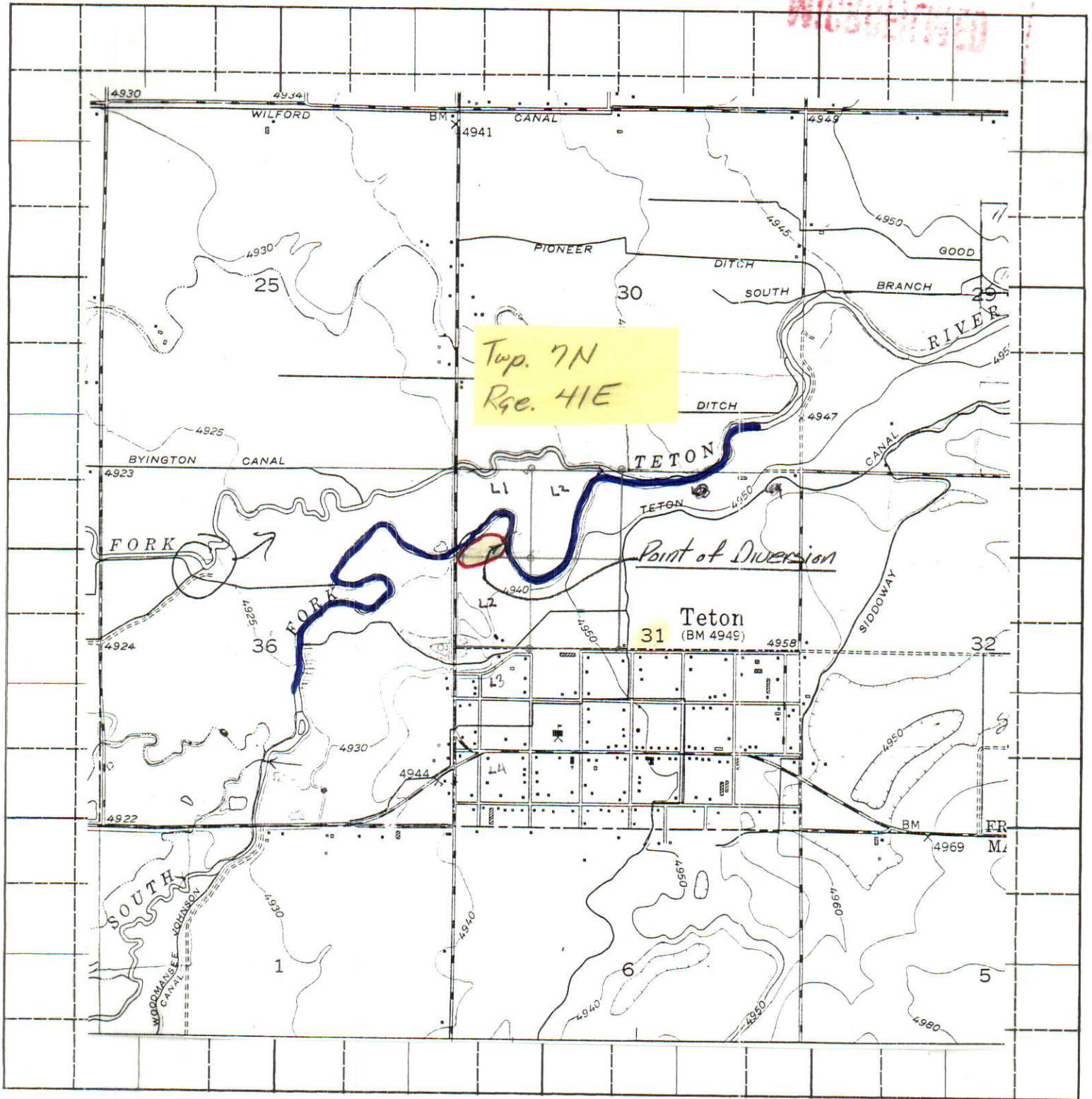


22-7535

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



Scale: 2 inches equal 1 mile.

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

JUL 29 1992

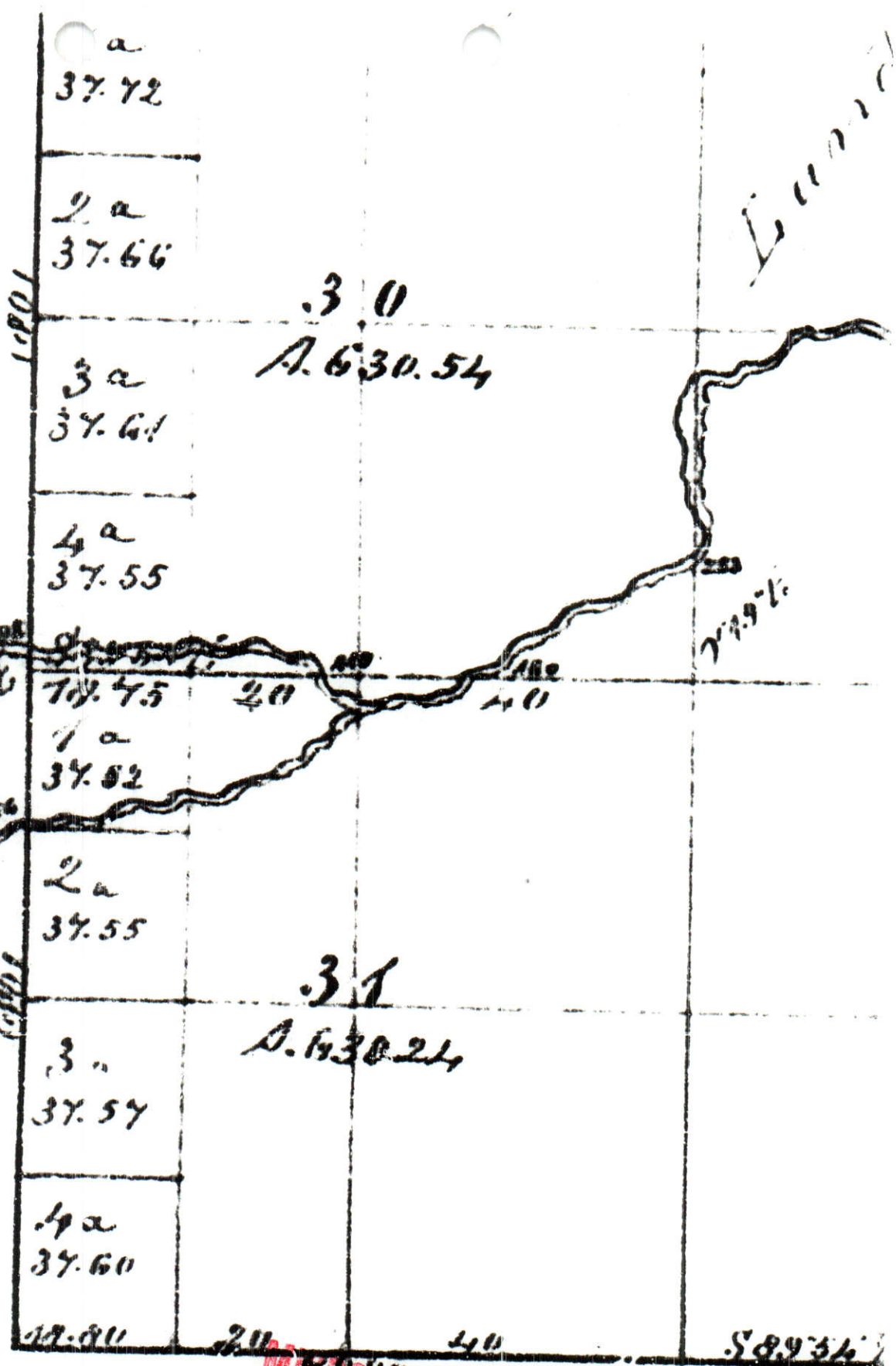
[Signature]

(Applicant)

Arden Stewart

74-306

Luna



74-306

MICROFILMED
JUL 29 1992

74-306

THE FREMONT COUNTY HERALD-CHRONICLE

St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

RECEIVED

JUN 14 1988

Department of Water Resources
Eastern District Office

I, Terry Weatherston
being first duly sworn, depose and say,
that I am the printer of THE FREMONT
COUNTY HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in
Fremont 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 June 2, 1988
and the last publication having

been made on June 9, 1988

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under 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

Subscribed to and sworn to before

me this June 10, 1988

Stephen H. Laid

Notary Public.

(SEAL)

My commission expires June 8, 1993

NOTICE OF APPLICATION
FOR WATER RIGHT

The following applications have been fil-
ed to appropriate the public waters of the
State of Idaho:

22-07535

CARTER, KYLE
STEWART, ARDEN
P.O. BOX 127

TETON, ID 83451

Source: TETON RIVER, SOUTH FORK

Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (SENWNW) Sec 31 T
07N R 41E

Use: RECREATION STORAGE (42.00
AF), DIVERSION TO STORAGE (2.000
CFS)

Date Filed: 5/13/1988

In: T07N R41E S31 Lot 1 (NWNW) Lot 2
(SWNW)

The permits 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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho 83402 on or before
June 20, 1988.

R. KEITH HIGGINSON
Director

Publ. June 2 and 9, 1988HC.

MICROFILMED

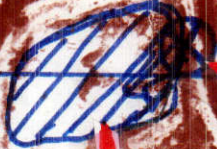
JUL 29 1992

R40E R41E

25 30
36 31

Lot 1

T 7 N



POINT OF DIVERSION

PLACE OF USE

Lot 2

31

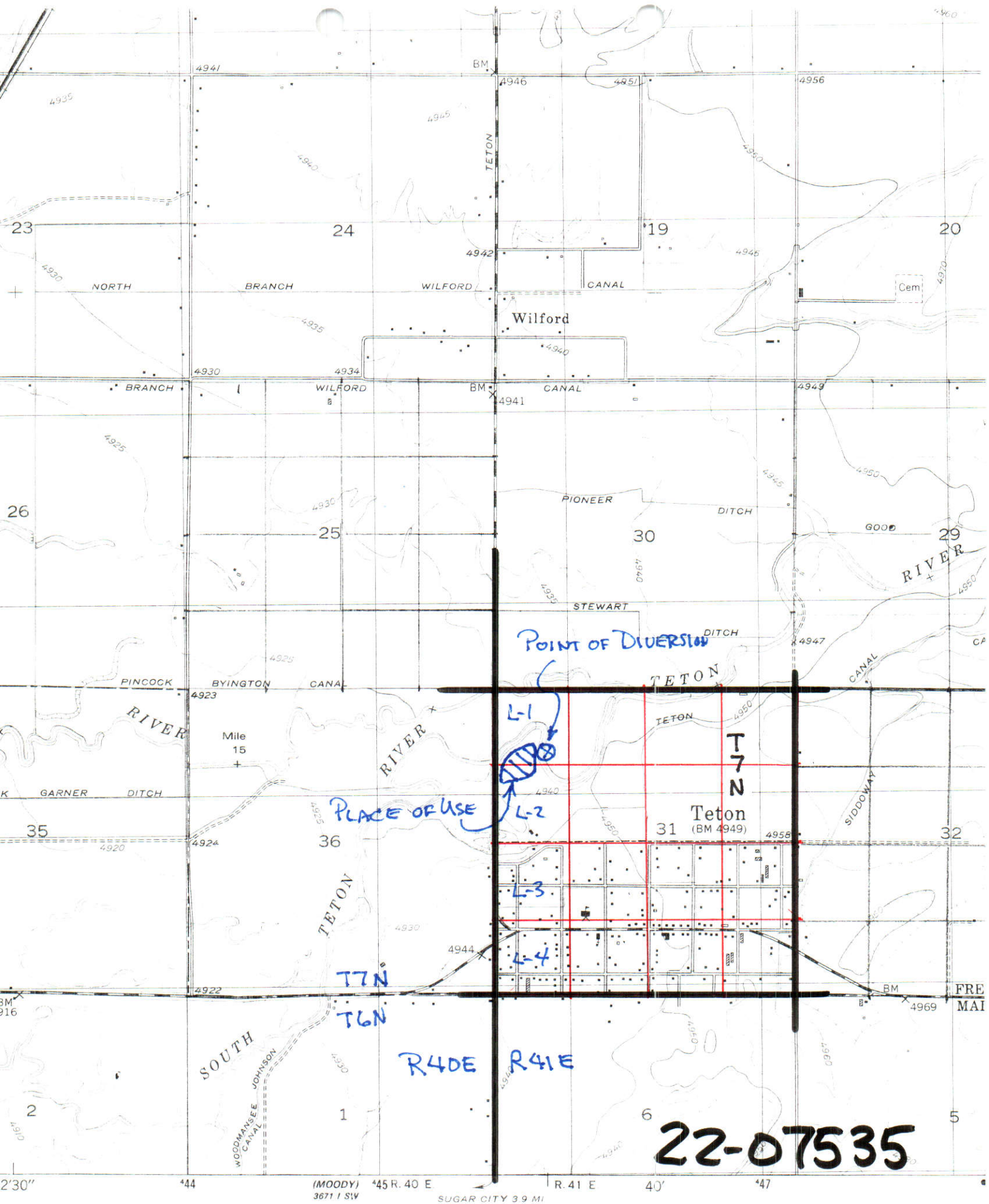
Lot 3

10.8
NHSL

Lot 4

36 31
1 6

R41E



SCALE 1:24 000

HARD SURF



TETON
RIVER,
SOUTH FORK

DIVERSION

MEASUREMENT SITE



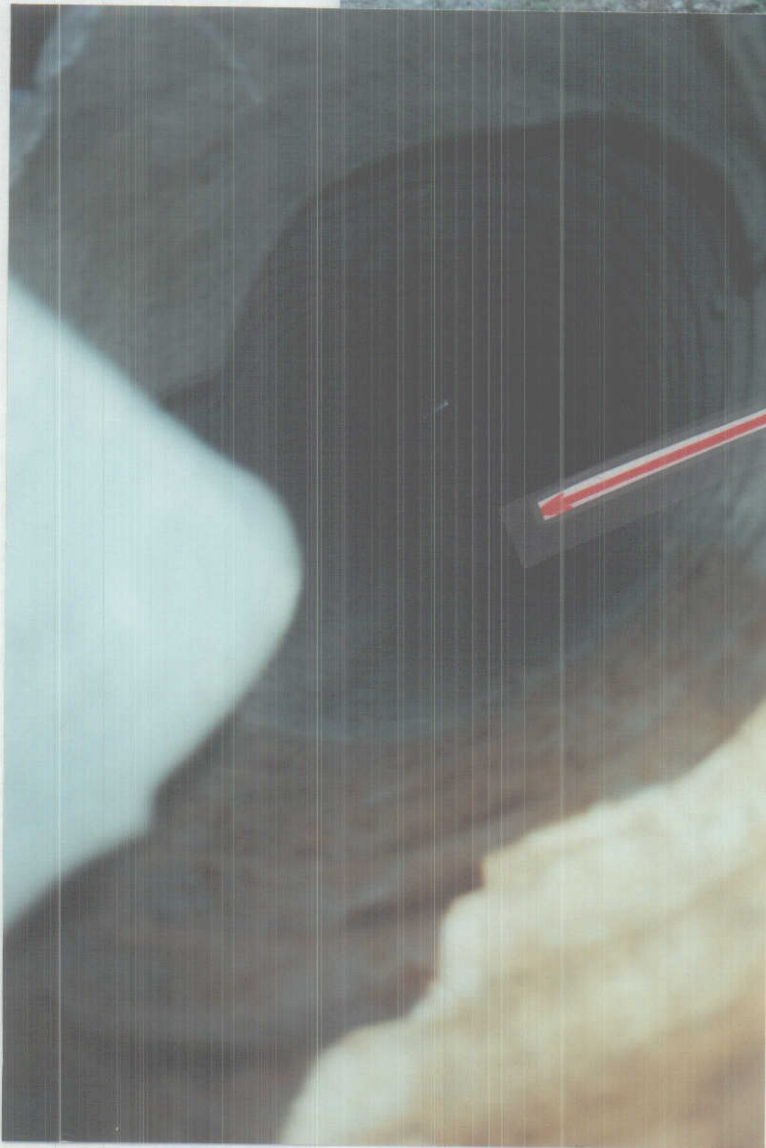
DISCHARGE
INTO POND

22-07535

POND →



CONTROL VALVE
FOR DIVERSION



22-07535



POND

22- 07535

RECEIVED

JUL 28 1993

OFFICE USE ONLY

Amt. of Fee \$ 125
Date 7-26-93
Receipt No. 6018941
Receipt by RB

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

JUL 26 1993

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. 22-7535 Telephone No. (208) 458-4310
2. Name(s) of Permit Holder(s): Kyle Carter; Arden Stewart
3. Mailing Address: P.O. Box 127 Teton, ID 83451
4. Source of Water: Teton River, South Fork

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

OPTIONAL:

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

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

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

Irrigation _____ (No. of acres) Other Recreation Storage

6. Total rate and/or volume for which proof is submitted 2.00 cfs OR 42.0 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: \$ 125.00 (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.

ARDEN STEWART (208) 458-4310
Name Telephone No.

107 WEST MAIN TETON, IDAHO 83451
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

7/26/93
Date

Arden Stewart
Signature (and title, if on behalf of a company or organization)

AUG 25 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07535

Proposed Priority: May 13, 1988 Maximum Diversion Rate: 2.00 CFS

This is to certify, that **KYLE CARTER**
ARDEN STEWART
PO BOX 127
TETON ID 83451

has applied for a permit to appropriate water from:

TETON RIVER, SOUTH FORK tributary of **SNAKE RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		42.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	2.00 CFS	
	Totals	2.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 1(SENNW), Sec. 31, Township 07N, Range 41E
FREMONT County

PLACE OF USE: RECREATION STORAGE
TWN RGE SEC

07N 41E 31 Lot 1(NWNW) Lot 2(SWNW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 2, 1993**.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
5. Whenever water rights with a date of priority earlier than this right, including storage rights, are not satisfied, water may not be diverted pursuant to this water right. Each year, prior to diverting water to the place of use, the owners of this right must receive the consent from the watermaster of Water District No. 01, Snake River.

MICROFILMED

JUL 29 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07535

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

23 day of July, 1992

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

JUL 29 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
TO APPROPRIATE WATER NO. 22-7535 IN THE) ORDER
NAME OF KYLE CARTER AND ARDEN STEWART)
_____)

At a hearing scheduled on November 26, 1991, the protestant, Fremont-Madison Irrigation District (Fremont-Madison) agreed to withdraw its protest if the applicants, Kyle Carter and Arden Stewart, would agree to be regulated according to the priorities of the Teton River, and would not expect storage water delivered from Fremont-Madison.

Based on the stipulation reached by the parties;

IT IS HEREBY ORDERED that the approved application shall be conditioned as follows:

Whenever water rights with a date of priority earlier than this right, including storage rights, are not satisfied, water may not be diverted pursuant to this water right. Each year, prior to diverting water to the place of use, the owners of this right must receive the consent from the watermaster of Water District #01, Snake River.

IT IS FURTHER ORDERED that the protest of Fremont-Madison is withdrawn.

Dated this 3rd day of MARCH, 1992.

[Handwritten signature]
JUL 29 1992

[Handwritten signature: Gary Spackman]
GARY SPACKMAN, Hearing Officer
Department of Water Resources

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of March, 1992, I mailed a true and correct copy of the Order, postage prepaid, to the following individuals:

Mark Rammel
133 E. Main
P.O. Box 358
Rexburg, ID 83340

Arden Stewart
107 W. Main
P.O. Box 127
Teton, ID 83451

Kyle Carter
P.O. Box 127
Teton, ID 83451

IDWR - Eastern Region


JENNIFER SEIFERT, Secretary
Department of Water Resources

MAILED
JUL 20 1992

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 Carter & Arden Stewart Phone 458-4310
Post office address P.O. Box 127, Teton Idaho 83451

2. Source of water supply Teton River, South Fork which is a tributary of Snake River

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 1
Sec. 31 Township 7N Range 41E B.M. Fremont County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:
Diversion to

Amount 2.00 cfs for Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) Recreation

Amount 42 AF for Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated is (a) 2.00 cubic feet per second and/or (b) 42 acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 10" diameter pipe with a metal
screw gate. Pipe is 50' long. Water conveyed through pipe is discharged into pond.

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:
Nov. 1 to May 1 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 for the proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

JUL 29 1992

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Divert water from Teton River to fill a gravel pit and
create a pond used for recreation by local people

- 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.

[illegible]

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? Kyle Carter, Arden Stewart
b. Who owns the land to be irrigated or place of use? same as above
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

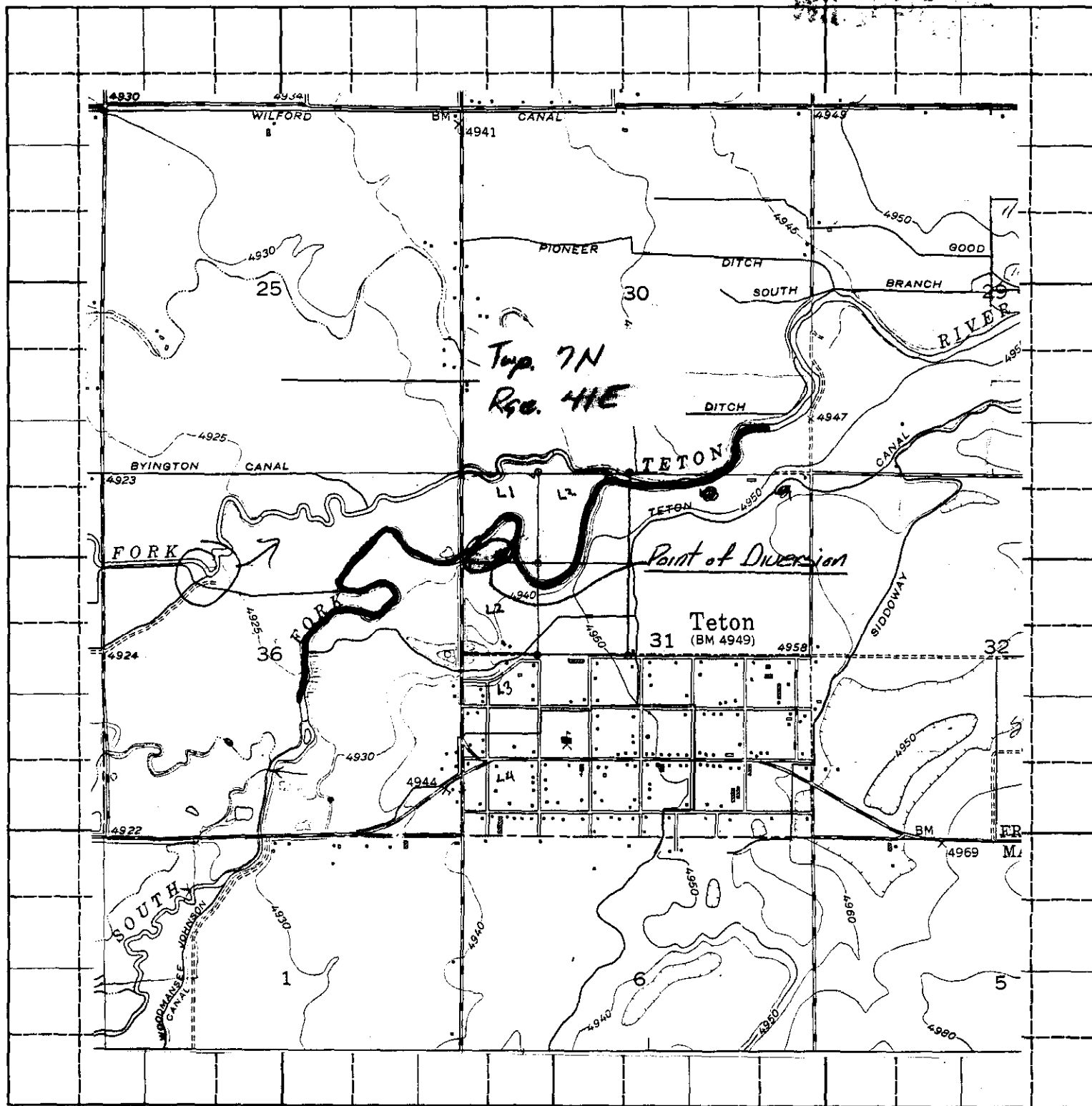
12. Remarks: Pond dimensions - aerial size 6 ac. maximum average depth 7 ft.

MICROFILMED

JUL 29 1992

22-7535

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



Scale: 2 inches equal 1 mile.

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

JUL 29 1992

[Signature]

(Applicant)

Arden Stewart

ASST BY EMC

Received by aw Date 5-13-88 Time 11:13 Preliminary check by EB
Fee \$ 65⁰⁰ Receipted by aw # E000209 Date 5-13-88
Publication prepared by dg Date 5-25-88 Published in Herald Chronicle
Publication approved dg Date 6-16-88

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. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

JUL 29 1992

714-306

Luna

1 a
37.72

2 a
37.66

3 a
37.61

4 a
37.55

1 a
37.82

2 a
37.55

3 a
37.57

4 a
37.60

17.80

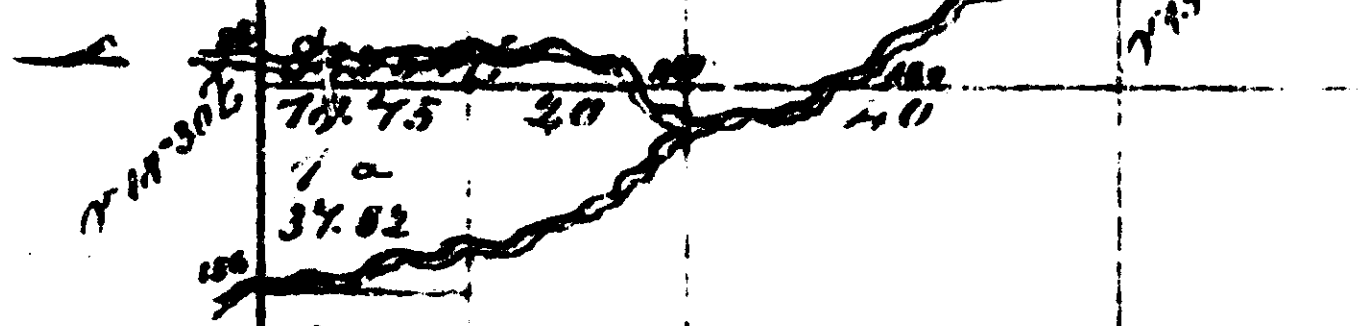
.3 0
A. 630.54

.3 1
A. 630.24

20

40

58.934



714-306

REPRODUCED

JUL 29 1992

714-306

THE FREMONT COUNTY HERALD-CHRONICLE

St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, Terry Weatherston
being first duly sworn, depose and say,
that I am the printer of THE FREMONT
COUNTY HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in
Fremont 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 June 2, 1988
and the last publication having

been made on June 9, 1988

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under 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

Subscribed to and sworn to before

me this June 10, 1988

Luigi L. Laid

Notary Public.

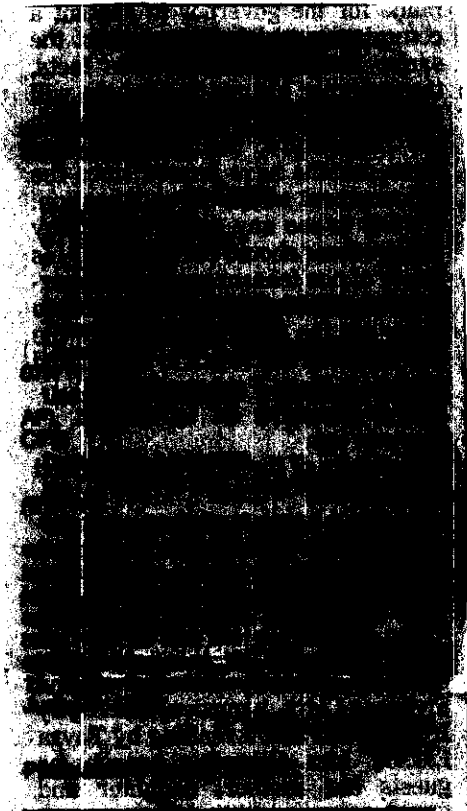
(SEAL)

My commission expires June 8, 1993

RECEIVED

JUN 14 1988

Department of Water Resources
Eastern District Office



MICROFILMED

JUL 29 1992

MAR 22 1999

Department of Water Resources

Permit No. 22-07535

Phone No. (208) 458-4310

2. Accompanied by: *SEE REMARKS*

EXAM DATE : 5-27-1998

Address: _____

Phone No.

Relationship to Permit Holder:

3. Source: Teton River, South fork tributary to Snake River

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

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

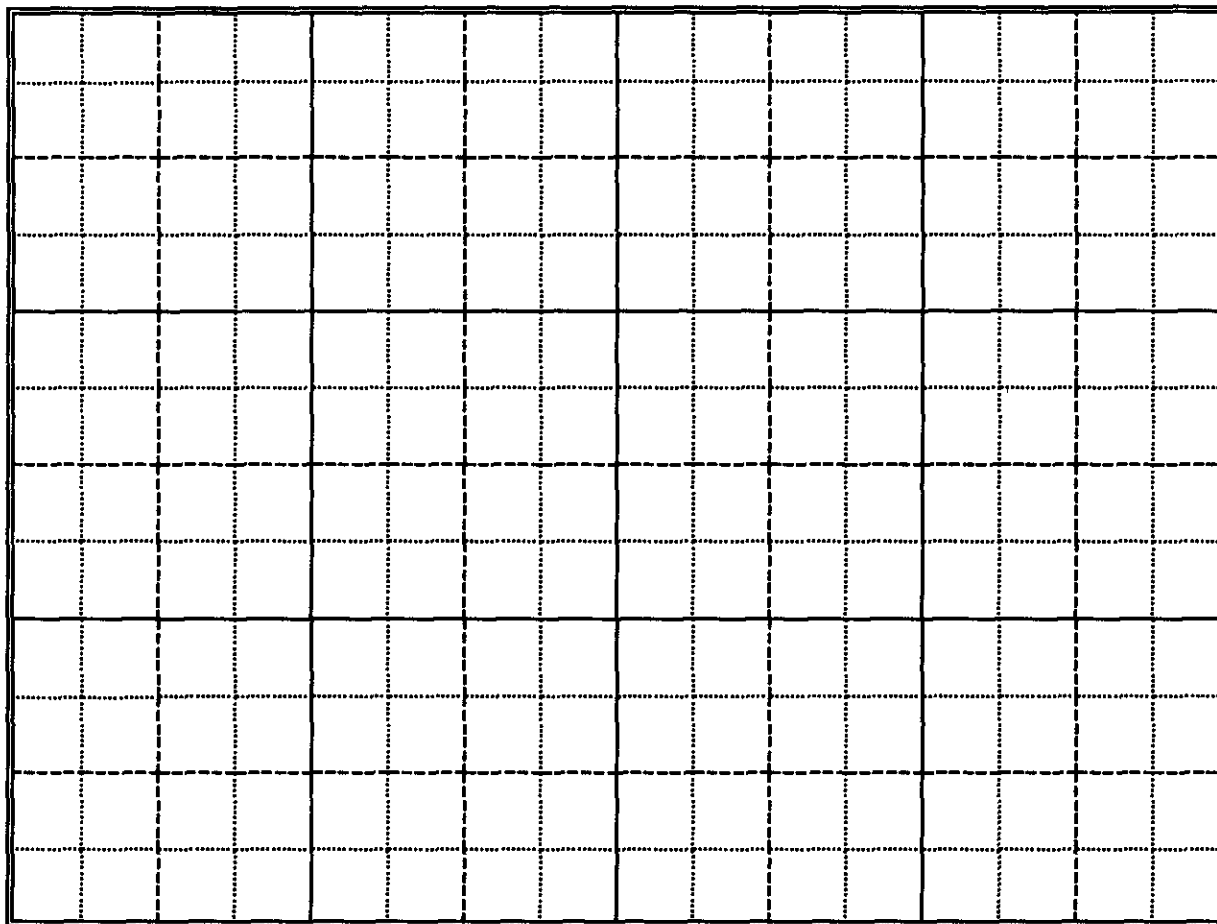
1. Point(s) of Diversion:

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
CURRENT METER	PYQMG	-	-		-	-

2. Measurements: Q = 3.51 cfs see attached Measurement Notes

25-07535

R40E R41E

31

Lot 1

272

POINT OF DIVERSION

PLACE OF USE

Lot 2

31

Lot 3

10.8
MUEL

Lot 4

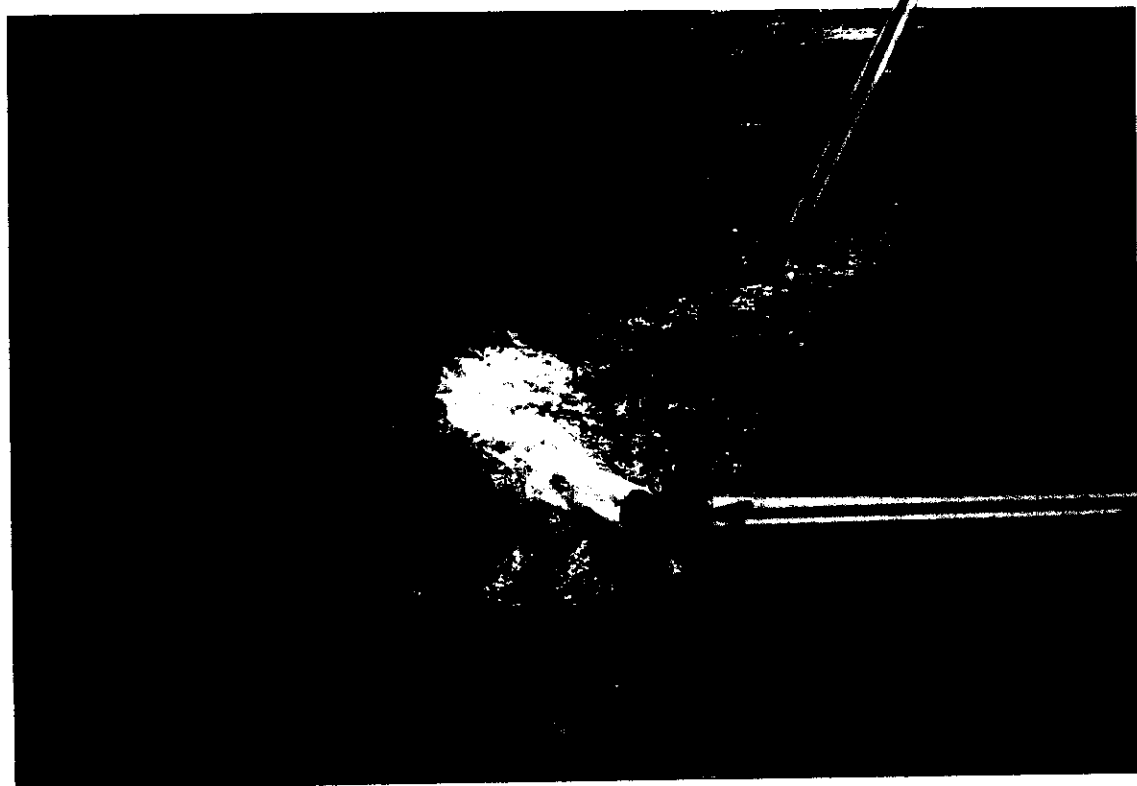
R41E



TETON
RIVER,
SOUTH FORK

DIVERSION

MEASUREMENT SITE



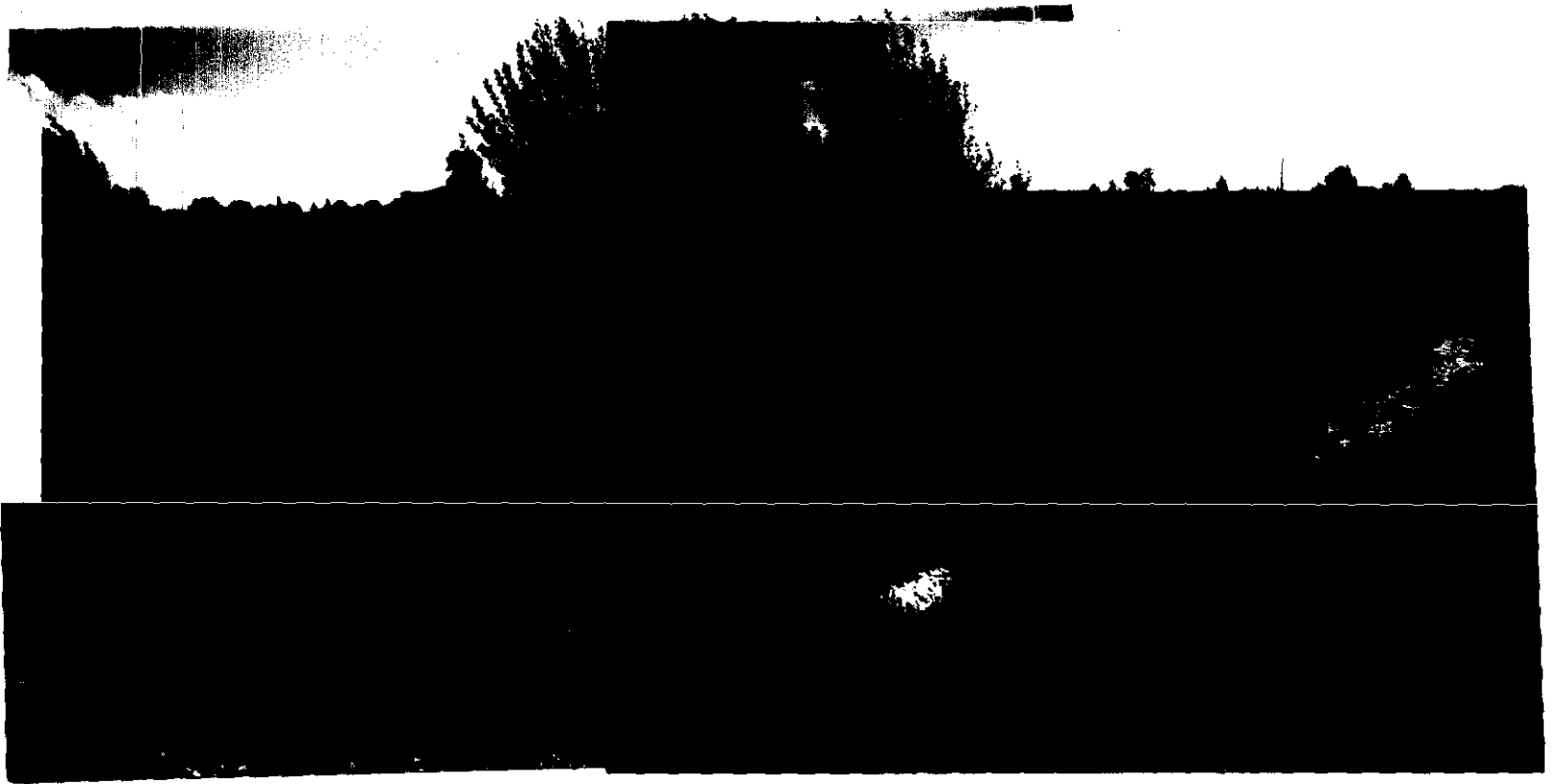
DISCHARGE
INTO POND

22-07535

POND →

CONTROL VALVE
FOR DIVERSION

22-07535



POND

22-07535

E. NARRATIVE/REMARKS/COMMENTS

Diversion from South fork Teton River By diversion pipe with gate valve
open discharge into (≈6 ac) pond Pond not full @ time of exam
total depth ≈ 17½"

Talked w/ ARDEN STEWART ON SITE AFTER TAKING MEASUREMENT.

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

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$$Q = 3.51 \text{ cfs}$$

$$Q = \text{Limited By Permit} = 2.0 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

$$(17\frac{1}{2})' (6 \text{ ac}) (0.4) = 42 \text{ af Pond for Recreation}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DIVERSION TO STORAGE	1/1	12/31	2.00 cfs	
Recreational Storage	1/1	12/31		42 af
Totals:				

2. Recommended Amendments

☐ Change P.D. as reflected above☐ Add P.D. as reflected above☒ None☐ Change P.U. as reflected above☐ Add P.U. as reflected above☐ Other**I. AUTHENTICATION**Field Examiner's Name KETH C WILSON Date 5-27-1998

Reviewer _____ Date _____

SEAL

August 6, 1993

KYLE CARTER
ARDEN STEWART
PO BOX 127
TETON ID 83451

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07535

Dear Permit Holder:

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

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

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

FILED

AUG 25 1993

May 31, 1993

KYLE CARTER
ARDEN STEWART
PO BOX 127
TETON ID 83451

PROOF DUE NOTICE

RE: PERMIT NO. 22-07535

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1993. (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.

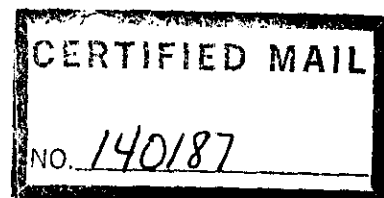
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

AUG 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 24, 1992

KYLE CARTER
ARDEN STEWART
PO BOX 127
TETON ID 83451

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07535

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

MICROFILMED

JUL 29 1992

APPLICATION FOR PERMIT REVIEW

Application #: 22-7535 Reviewer: Brenda Miller
Date: 7-20-92

SYSTEM COMPLETED:

No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - N/A

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- NMR <fl ch>, A of C
LT. 0.2 cfs - No measurement required <flow chart>
Drilling Permit:
Approved w/permit - P99
Not included - 046-46A-46B-P23 (after 7/1/87), N/A
SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. 01
Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2), NMR <flow chart>
Groundwater - P05
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 058 (Groundwater)
Swan Falls Flag - X9 (1, Blank or Other)
Trust - 051-052-053-P74 (Consumptive Uses)
Non Trust <1> - 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, 010, or 09E-P10 & 054(req.)
Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)
~~Res/Wildlf/Aes~~ - ~~027(Non-Consumptive)~~ REMOVE per Gray
Domestic - 021(restricted areas) +JIN

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: - 08-02-1993

Other Conditions Recommended SEE ORDER

Nov. 26
1991

Hearing on Appl. 22-7535

#35 (Tape) to #169 stipulation by all parties
to allow Dept to regulate this appl. as a
high water right (1988 priority) without benefit of storage.

RECEIVED

JUL 29 1992

HEARING SCHEDULE

Civil Defense Conference Room, Bonneville County Courthouse
605 N Capital, Idaho Falls, ID

Tuesday, November 26, 1991

10:00 a.m.	21-07406	RUSSELL BAUM/H.J. ORME
2:00 p.m.	22-07535	KYLE CARTER/ARDEN STEWART

Ag Conference Room, Franklin County Courthouse
Preston, Idaho

Wednesday, November 27, 1991

10:00 a.m.	13-07459	TWIN LAKES CANAL CO.
------------	----------	----------------------

MICROFILMED
JUL 29 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

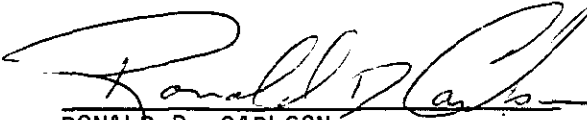
IN THE MATTER OF APPLICATION)
FOR PERMIT 21-07406 IN THE NAME)
OF RUSSELL O. BAUM OR H.J. ORME) NOTICE OF HEARING
_____)

On January 4, 1989, Russell O. Baum or H.J. Orme filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 2, 1990, the Department received a protest against approval of said application Mark S. Rammell, Attorney at Law, in behalf of Fremont-Madison Irrigation District.

A prehearing conference in this matter was held on August 27, 1990, at which time no agreement was reached.

The Department has scheduled the matter of protest for hearing to be conducted at 10:00 a.m., Tuesday, November 26, 1991, in the Civil Defense Conference Room, Bonneville County Courthouse, 605 N. Capital, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 21st day of October, 1991.


RONALD D. CARLSON
Eastern Regional Manager

RECEIVED
JUL 29 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT 22-07535 IN THE NAME	)	
OF KYLE CARTER & ARDEN STEWART	)	NOTICE OF HEARING

On May 13, 1988, Kyle Carter and Arden Stewart filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 15, 1988, the Department received protests against approval of said application from Mary Smith, Attorney at Law, in behalf of Fremont-Madison Irrigation District and Doyle Ottesen. The protest filed by Doyle Ottesen was later withdrawn.

A prehearing conference in this matter was held on June 16, 1989, at which time no agreement was reached.

The Department has scheduled the matter of protest for hearing to be conducted at 2:00 p.m., Tuesday, November 26, 1991, in the Civil Defense Conference Room, Bonneville County Courthouse, 605 N. Capital, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 21st day of October, 1991.


RONALD D. CARLSON
Eastern Regional Manager

JUL 29 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 22-7535 IN THE	)	STIPULATION FOR ENTRY
NAME OF KYLE CARTER AND	)	OF PROPOSED DECISION
<u>ARDEN STEWART</u>	)	WITHOUT A HEARING

The parties to this proceeding, having met at a prehearing conference for the purpose of defining the issues, informally presenting the facts, and discussing their respective positions before a hearing officer of the Idaho Department of Water Resources (department), hereby stipulate and agree as follows:

1. The hearing officer may consider information presented at the prehearing conference, information obtained through a field investigation by department personnel, and other facts available in the files and records of the department in preparing a proposed decision and order.

2. Each party shall have the opportunity, pursuant to Idaho Code, Sections 42-1701A and 67-5211, to file exceptions to the proposed decision and order by filing written exceptions thereto within 15 days after service of the proposed decision and order by the department. If a timely exception is not received, the department Director will enter an order adopting a final decision.

3. Each party shall have the opportunity, pursuant to Rule 11 of the Practice and Procedure Rules and Regulations of the department, to file a petition for rehearing within 20 days after service of the final decision. If the department determines that a formal hearing is required, notice will be sent to all parties.

RECEIVED
JUL 6 1992

4. Pursuant to Idaho Code, Sections 42-1701A and 67-5215, any party may initiate a proceeding for judicial review by filing a petition in the district court within 30 days after the service of the final decision or, if a timely rehearing is requested, within 30 days after the decision thereon.

5. If an action for judicial review is filed in the district court without an administrative hearing having been held before the department, the parties agree not to oppose a motion for remand of the proceeding to the department for the purpose of conducting a hearing for the presentation of additional evidence.

DATED this _____ day of _____, 1989.

APPLICANT(S)

PROTESTANT(S)

MICROFILMED
JUL 29 1992

22-07535 - KYLE CARTER/ARDEN STEWART

Tuesday, November 26, 1991 - 2:00 p.m.
Civil Defence Conference Room, Bonneville County Courthouse
605 N. Capital, Idaho Falls, ID

Hearing Officer: GARY SPACKMAN

<u>Name</u>	<u>Representing</u>	<u>Address</u>
ARDEN STEWART		107 WEST MAIN TETON, IDAHO 83451
MARK RUMMEL	Fire-Med	Parkland
Forrest B. Ramey	Fire-med	Bozeman
Kyle Carter		Teton, Idaho

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JUL 29 1992



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

October 23, 1991

ATTN: LISA
Bonneville County Civil Defense
605 N Capital
Idaho Falls ID 83402

Dear Lisa:

This is to confirm the use of the Conference Room of the Civil Defense Office for water right hearings to be held by this Department beginning at 10:00 a.m. on Tuesday, November 26, 1991.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Assistant

MICROFILMED

JUL 29 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT 22-07535 IN THE NAME)
OF KYLE CARTER & ARDEN STEWART)

NOTICE OF HEARING

On May 13, 1988, Kyle Carter and Arden Stewart filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 15, 1988, the Department received protests against approval of said application from Mary Smith, Attorney at Law, in behalf of Fremont-Madison Irrigation District and Doyle Ottesen. The protest filed by Doyle Ottesen was later withdrawn.

A prehearing conference in this matter was held on June 16, 1989, at which time no agreement was reached.

The Department has scheduled the matter of protest for hearing to be conducted at 2:00 p.m., Tuesday, November 26, 1991, in the Civil Defense Conference Room, Bonneville County Courthouse, 605 N. Capital, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 15th day of October, 1991.

JUL 29 1992


RONALD D. CARLSON
Eastern Regional Manager

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUR AVE. #15

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified
☐ Express Mail

Check appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

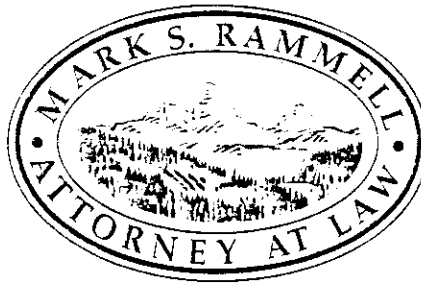
Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	0793	Quail O'Brien, N. Palmer PO Box 705110 Rd 83420	.29	1.00									21-7406
2	0794	Maile's Kammer PO Box 358 Ketchikan, AK 99901	.58	1.00									22-7535 21-7406
3	0795	Mount Madison Rd Box 15 Ketchikan Ryle Carter, Golden Street PO Box 127, Ketchikan, AK 99901	.52	1.00									22-7535 21-7406
4	0796	PO Box 127, Ketchikan, AK 99901	.29	1.00									22-7535
5	0797	Lucin Lake Canal Rd Box 187 Prudhoe PO Box 187 Prudhoe	.29	1.00									13-7459
6	0798	Paul (Klink) 545 S. 6th PO Box 150 Ketchikan PO Box 150 Ketchikan, AK 99901	.29	1.00									13-7459
7	0799	PO Box 150 Ketchikan, AK 99901	.29	1.00									13-7459
8													
9													
10													
11													
12													
13													
14													
15													
Total Number of Places Listed by Sender		Total Number of Places Received at Post Office	POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.								

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. G.P.O. 1985-478-804



RECEIVED

SEP 11 1990

Department of Water Resources
Eastern District Office

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

September 7, 1990

State of Idaho
Dept. of Water Resources
Attn: Harold Jones
150 Shoup Ave, Suite 15
Idaho Falls, ID 83402

Re: Carter/Stuart Application

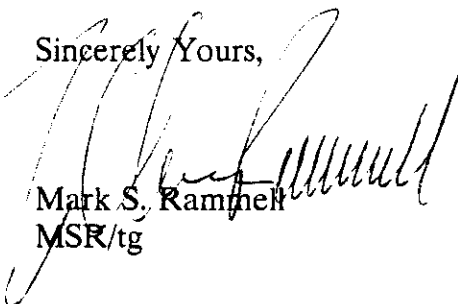
Dear Mr. Jones:

The Board of Directors of Fremont Madison have decided not to withdraw their protest on the Teton Bass ponds application in reference to your letter to Dale Swenson dated June 6, 1990. Please advise when the hearing in the matter is scheduled so that we may be in attendance.

Please note that the board of directors also voted not to remove their protest on the application of Russell O. Baum in reference to our administrative conference held on Monday August 27, 1990 in St. Anthony. Would you likewise advise of appropriate dates of hearing.

If you have any questions please feel free to give me a call. Thanks for your help.

Sincerely Yours,


Mark S. Rammell
MSR/tg

MICROFILMED

JUL 29 1992

June 28, 1990

RE: Application for Permit No. 22-07535 CARTER & STEWART

Mr. Doyle L. Ottesen
Rt. 1
Sugar City, ID 83448

Dear Mr. Ottesen:

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

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: Mary Smith, Attorney
P.O. Box 427
Rexburg, ID 83440

MICROFILMED

JUL 29 1992

MARY SMITH
J. D. HANCOCK

LAW OFFICES OF
SMITH & HANCOCK

30 SOUTH 2ND WEST
POST OFFICE BOX 427
REXBURG, IDAHO 83440
(208) 356-5493

W. LLOYD ADAMS
(1885-1969)

June 14, 1988

RECEIVED

JUN 15 1988

Department of Water Resources
Eastern District Office

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

Gentlemen:

I am enclosing herewith the Protest of
Doyle L. Ottesen in the matter of the application of
Kyle Carter and Arden Stewart, No. 22-07535.

Yours very truly,

Mary Smith
Mary Smith

slb

Enclosure

MICROFILMED

JUL 29 1992

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

JUN 15 1988

Department of Water Resources
Eastern District Office

IN THE MATTER OF THE APPLICATION)
OF KYLE CARTER and ARDEN STEWART,)
No. 22-07535, TO APPROPRIATE)
42.00 AF FOR RECREATION STORAGE)
AND 2.000 CFS FOR DIVERSION TO)
STORAGE FROM THE SOUTH FORK OF)
THE TETON RIVER TRIBUTARY TO)
SNAKE RIVER.)

PROTEST OF
DOYLE L. OTTESEN

Comes now Doyle L. Ottesen, of Route 1, Sugar City, Idaho 83448, and in response to a notice given that KYLE CARTER and ARDEN STEWART, of P. O. Box 127, Teton, Idaho 83451, made application No. 22-07535 for a permit to appropriate 42.00 AF of water for recreation storage and 2.000 CFS for diversion to storage from the South Fork of Teton River Tributary to Snake River, diversion point is Lot 1 (SENWNW), Section 31, Township 7 North, Range 41 East, Boise Meridian, Fremont County, Idaho, and makes the following protest against the approval of such application.

1. That the supply of water from the South Fork of the Teton River Tributary to Snake River is not sufficient to warrant such application for recreation storage and diversion to storage purposes.

2. That the proposed appropriation and use would reduce the quantity of water under existing water rights. That Kyle Carter and Arden Stewart are located about half a mile below protestant. That protestant has a July 1, 1887, water right and there is not sufficient water to fill the applications of Carter and Stewart and to fill the water rights of protestant. That protestant is entitled to have his water rights filled prior to water applied for by Carter and Stewart.

3. That the proposed water supply is insufficient for the purpose intended.

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JUL 29 1992

PROTEST

MARY SMITH
J. D. HANCOCK

LAW OFFICES OF
SMITH & HANCOCK

30 SOUTH 2ND WEST
POST OFFICE BOX 427
REXBURG, IDAHO 83440
(208) 356-5493

W. LLOYD ADAMS
(1885-1969)

June 13, 1988

RECEIVED

JUN 15 1988

Department of Water Resources
Eastern District Office

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

Gentlemen:

I am enclosing herewith the Protest of
Fremont-Madison Irrigation District in the matter of
the application of Kyle Carter and Arden Stewart, No.
22-07535.

Yours very truly,

Mary Smith
Mary Smith

slb

Enclosure

MICROFILMED
JUL 29 1992

RECEIVED

JUN 15 1988

Department of Water Resources
BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER ADMINISTRATION
South District Office

IN THE MATTER OF THE APPLICATION)
OF KYLE CARTER and ARDEN STEWART,)
No. 22-07535, TO APPROPRIATE)
42.00 AF FOR RECREATION STORAGE)
AND 2.000 CFS FOR DIVERSION TO)
STORAGE FROM THE SOUTH FORK OF)
THE TETON RIVER TRIBUTARY TO)
SNAKE RIVER.)

PROTEST OF THE FREMONT-
MADISON IRRIGATION
DISTRICT

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to a notice given that KYLE CARTER and ARDEN STEWART, of P. O. Box 127, Teton, Idaho 83451, made application No. 22-07535 for a permit to appropriate 42.00 AF of water for recreation storage and 2.000 CFS for diversion to storage from the South Fork of Teton River Tributary to Snake River, diversion point is Lot 1 (SENWNW), Section 31, Township 7 North, Range 41 East, Boise Meridian, Fremont County, Idaho, and makes the following protest against the approval of such application.

1. That the supply of water from the South Fork of the Teton River Tributary to Snake River is not sufficient to warrant such application for recreation storage and diversion to storage purposes.
2. That the proposed appropriation and use would reduce the quantity of water under existing water rights.
3. That the proposed water supply is insufficient for the purpose intended.
4. That such diversion will conflict with local public interest.

JUL 29 1992

Emery Davis
Emery Davis, Chairman of Board
of Directors, Fremont-Madison
Irrigation District

PROTEST

-1-

STATE OF IDAHO)
 : ss.
County of Madison)

On this 13th day of June, 1988, before me, the undersigned, a Notary Public in and for said state, personally appeared EMERY DAVIS, known or identified to me to be the Chairman of the Board of Directors of Fremont-Madison Irrigation District, that executed the said instrument, and acknowledged to me that such quasi-municipal corporation executed the same.

Sharon L. Brown
Notary Public
Residing at Rexburg, Idaho
My Commission Expires: 7/5/93

(Seal)

MICROFILMED

JUL 29 1992

8 June 1990

Re. Application 22-07535

I Doyle Ottesen do hereby withdraw my protest against
application for permit, number 22-07535.

Doyle L. Ottesen

6-8-90

Witnessed by Dennis M Dunn
8 June 1990

47-388 100 SHEET 200 SHEET 300 SHEET 400 SHEET 500 SHEET 600 SHEET 700 SHEET 800 SHEET 900 SHEET 1000 SHEET



MICROFILMED
JUL 29 1992

June 6, 1990

Dale Swensen
c/o Fremont-Madison Irrigation District
St. Anthony, ID 83445

Dear Dale:

Enclosed is a copy of Carter-Stewart application. A conference was held June 16, 1989 on this and similar applications. The others included Teton Bass Ponds. Fremont-Madison eventually sent in a withdrawal of protest on Teton Bass Ponds but never addressed the Carter-Stewart application. These are similar situations and I would request that you send a withdrawal referencing application 22-07535 to my attention.

If you have any questions on this please give me a call.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

Enclosure

MICROFILMED
JUL 29 1992

June 6, 1990

Doyle Ottesen
Rt. 1
Sugar City, ID 83448

Dear Mr. Ottesen:

Enclosed is a copy of Application 22-07535 that you protested last year. A conference was held June 16, 1989 on this and other similar applications. At this point I have nothing in the file to show that protests have been withdrawn. I am requesting that you consider withdrawing your protest on this application via letter to me. Since you were at the conference perhaps you feel that this application does not pose a threat to your existing rights.

If you have any questions please give me a call.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

Enclosure

MICROFILMED

JUL 29 1992

22-7535 - Kyle Carter & Arden Stewart

Courtroom, Teton County Courthouse
Driggs, Idaho

Friday, June 16, 1989 - 2:00 p.m.

Hearing Officer: NORM YOUNG

Name	Representing	Address
Arden Stewart		
Jed Foster	Teton Bank	
Dale Swensen	Fremont-Madison Brng. Dist.	St. Anthony
J. Leigh Chantrell	Arvada Idaho Water	Box 8-558, 83496
John B. Kauer	Fremont-Madison In. Dist.	St. Anthony
D. J. Ottum	RT 1 Sugar City Idaho	83448
High Arts	Bighorn Slough	

MICROFILMED

JUL 29 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 22-7535 IN THE NAME OF) NOTICE OF CONFERENCE
KYLE CARTER & ARDEN STEWART)
_____)

On May 13, 1988, Kyle Carter and Arden Stewart filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 15, 1988, the Department received protests against approval of said application from the Fremont-Madison Irrigation District and Doyle L. Ottesen.

The Department has set the matter of protest for an administrative conference to be conducted at 2:00 p.m., Friday, June 16, 1989, in the Courtroom, Teton County Courthouse, Driggs, Idaho.

Agenda items for this conference will include:

1. Identify spokesman and/or counsel representing the protestants.
2. Review of the applications.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the conference.

The conference will be held in accordance with

MICROFILMED

JUL 29 1992

provisions of the adopted Rules of Practice and Procedure of the
Department of Water Resources.

Dated this 6th day of June, 1989.

A handwritten signature in cursive script, appearing to read "Ronald D. Carlson".

RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

JUL 29 1992

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

Put your address in the "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 with the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult your postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Mrs Mary Smith
Atty at Law
P.O. Box 427
Rehburg, Id. 83440

JUL 29 1989

4. Article Number

Type of Service:

- ☐ Registered
☐ Certified
☐ Express Mail

- ☐ Insured
☐ COD

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature — Addressee

X

6. Signature — Agent

X

Sharon L. Brown

7. Date of Delivery

6-7-89

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



UNITED STATES POSTAL 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.

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JUN 8 1992

Department of Water Resources
Eastern District Office



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



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

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JUL 29 1992

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83402

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

Put your address in the "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 with 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. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Kyle Carter
Arden Stewart
P.O. Box 127
Siton, Id. 83451

4. Article Number

029

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X Arden Stewart

6. Addressee's Signature ONLY if requested and fee paid

6. Signature - Agent

X

7. Date of Delivery

6-7-89

JUL 29 1992

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

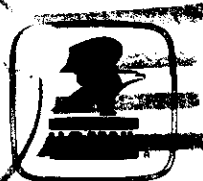
SENDER INSTRUCTIONS

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.

JUN 8 1989

7 1989
P M



Department of Water Resources
Eastern District Office

PENALTY FOR PRIVATE
USE, \$300

RETURN



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

JUL 29 1992

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE, #15
IDAHO FALLS, IDAHO 83402

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

Put your address in the "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 with 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 place of delivery. 2. ☐ Restricted Delivery.

3. Article Addressed to:

4. Article Number

Rayl Ottesen
Rt 1
Sugar City, Id.

JUL 29 1992

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee

X *R. L. Ottesen*

6. Signature - Agent

X *P. Garner*

7. Date of Delivery

6-7-89

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

UNITED STATES POSTAL 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.

RETURN

TO



JUL 29 1992

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

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE, #15

IDAHO FALLS, IDAHO 83402

RECEIVED

JUN 9 1989

Department of Water Resources
Eastern District Office



PENALTY FOR PRIVATE
USE, \$300

NAME AND
ADDRESS
OF SENDERDEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE, # 15Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified
☐ Express MailCheck appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	IDAHO FALLS Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender if C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Reg. Del. Fee Remarks
1	0264	Mariae Austin 726 S. 480th St. Victor, ID	.25	.85					.90			22-7644
2	0265	Robert Young, Victor, Id. 83455	.25	.85					.96			22-7644
3	0266	John Bradford, P.O. Box 127, Letona	.25	.85					.96			22-7537
4	0267	Mary Smith, P.O. Box 427, Redding	.25	.85					.96			22-7537
5	0268	Ernest Madison P.O. Box 15, Huntington	.25	.85					.96			22-7537
6	0269	The County, P.O. Box 127, Letona, Id.	.25	.85					.96			22-7535
7	0270	Angie Otterson, Rt 1 Sugar City, Id.	.25	.85					.96			22-7535
8												
9												
10												
11												
12												
13												
14												
15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

June 12, 1989

Teton County Courthouse
Teton County Clerk
ATTN: Nora
Driggs, ID 83422

Dear Nora:

This is to confirm the use of the Courtroom in the
Teton County Courthouse, Driggs, Idaho for water
right conferences to be held by this Department
beginning at 10:00 a.m., Friday, June 16, 1989.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Assistant

MICROFILMED
JUL 29 1992

Water Right Number - 22-07535

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

+ - - - -

*** C - CURRENT OWNER ***
CARTER

KYLE

1 - P.O. BOX 127

State- ID Zip- 83451

STEWART

ARDEN

City- TETON
Phone - 208-458-4310
1 - P.O. BOX 127

State- ID Zip- 83451

+ - Priority Date - - +
05/13/1988

+ - - Region - - - +

+ - - Stage - - - +
A - APPLICATION

+ - - Status - - - +

+ - - Source - - - - +
TETON RIVER, SOUTH FORK+ - - Tributary - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)

07N 41E 31 SE NW NW 1 (43) FREMONT

+ - Code Description Period From Period To Water Use Diversion Rate Diversion Volume

47 - RECREATION STORAGE 01/01 12/31 42.00
55 - DIVERSION TO STORAGE 01/01 12/31 2.000+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
2.000 42.00

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
07N	41E	31	NW NW	1			47 RECREATION STORAGE	(43) FREMONT
07N	41E	31	SW NW	2			47 RECREATION STORAGE	(43) FREMONT

Total Acres:

- - Diversion Means - WATER CONVEYED THROUGH 10" PIPE WITH METAL SCREW GATE TO POND

- - Non-Irrigation Use - RECREATIONAL POND

- - Other Rights for Same Use - NONE

OTHER RECEIPT #E000210

Remarks

Water right number - 22-07535

Adj. flag translation: Standard Water Right Number

Conditions of Approval - No Conditions of Approval found.

Decree Plaintiff - Decree Defendant - Decree Date - 00/00/0000

Microfilm Rolls -

Audit Fields - 06/02/88 GREEN 06/17/88 WRAY

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 06/15/1988	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DUE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- E000209	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 05/13/1988	Transfer/Amended	-
Decree Date	- 00/00/0000				

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7535 and have the following Comments objections to the approval of this application for permit:

This year there would not have been any water available for the purposes intended by this application. With out adequate supplemental storage supplies this application should not be approved

June 20, 1988

Date


RONALD D. CARLSON, WATERMASTER
Water District No. 01

MICROFILMED

JUL 28 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 20, 1988

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

Kyle Carter and Arden Stewart
P.O. Box 127
Teton, ID 83451

Dear Applicants:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your application No. 22-7535. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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

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

MICROFILMED

JUL 29 1992

Kyle Carter & Arden Stewart
June 20, 1988
Page 2

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

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

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

Enclosure

cc: IDWR - State Office

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JUL 29 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 20, 1988

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

RE: Application for Permit No. 22-7535 CARTER & STEWART

Mrs. Mary Smith
Attorney at Law
P.O. Box 427
Rexburg, ID 83440

Dear Mrs. Smith:

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

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

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

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

MICROFILMED
JUL 29 1992

Mrs. Mary Smith
June 20, 1988
Page 2

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

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

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

Enclosure

cc: IDWR - State Office
Fremont-Madison Irrigation
Doyle Otteson

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JUL 29 1992

Dist. for staffing dg 5-16-88

submitted for adv. EMC 16 May 88

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY EE

DATE 5/16/88

APPLICATION NUMBER 22-7535

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

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

☐ Idaho Dept. of Health & Welfare
☒ Idaho Dept. of Fish & Game *6-1*
☐ Idaho Dept. of Lands
☐ Adjudication Bureau Unit

☐ U.S. BLM
☒ U.S. Forest Service
☒ Water District *01*
☐ Other

☒ 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 6-20-88
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below.

Date of priority recommended _____
By _____ Date _____

☐ See below for additional information
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
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 1, 1988

State of Idaho
Dept. of Fish & Game
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

RE: Application for Permit No. 22-7535, Carter or Stewart

Dear Sir:

This office is currently in the process of publishing notices 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 no later than June 20, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the application.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

MICROFILMED
JUL 29 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 1, 1988

Kyle Carter &
Arden Stewart
P.O. Box 127
Teton, Idaho 83451

RE: Application for Permit No. 22-7535

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. 22-7535. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Herald Chronicle. 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,

Ernest Carlsen
Water Rights Supervisor

EC/dg

MICROFILMED

JUL 29 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

Idaho Falls, Idaho 834
(208) 525-7161

MAY 25, 1988

HERALD CHRONICLE
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 JUNE 20, 1988.

Yours truly,

Deena Green
Secretary

Encl.

MICROFILMED

JUL 29 1992

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following applications have been filed to appropriate the public waters of the State of Idaho:

22-07535
CARTER, KYLE
STEWART, ARDEN
P.O. BOX 127
TETON, ID 83451
Source: TETON RIVER, SOUTH FORK
Tributary: SNAKE RIVER
Diversion Pt: LOT 1 (SEWNW) Sec 31 T
07N R 41E
Use: RECREATION STORAGE (42.00
AF), DIVERSION TO STORAGE (2.000
CFS)
Date Filed: 5/13/1988
In: T07N R41E S31 Lot 1 (NWNW) Lot 2
(SWNW)

The permits 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 June 20, 1988.

R. KEITH HIGGINSON
Director

Publ. June 2 and 9, 1988HC.

MICROFILMED

JUL 29 1992

22-07535

CARTER, KYLE
STEWART, ARDEN
P.O. BOX 127
TETON, ID 83451

Source: TETON RIVER, SOUTH FORK Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (SENWNW) Sec 31 T 07N R 41E

Use: RECREATION STORAGE (42.00 AF)
DIVERSION TO STORAGE (2.000 CFS)

Date Filed: 5/13/1988

In: T07N R41E S31 Lot 1 (NWNW) Lot 2 (SWNW)

MICROFILMED

JUL 29 1992

NOTICE OF APPLICATION
FOR WATER RIGHT

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The permits 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 June 20, 1988.

R. Keith Higginson

Director

Published June 2 and 9, 1988.

MICROFILMED
JUL 29 1992