

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

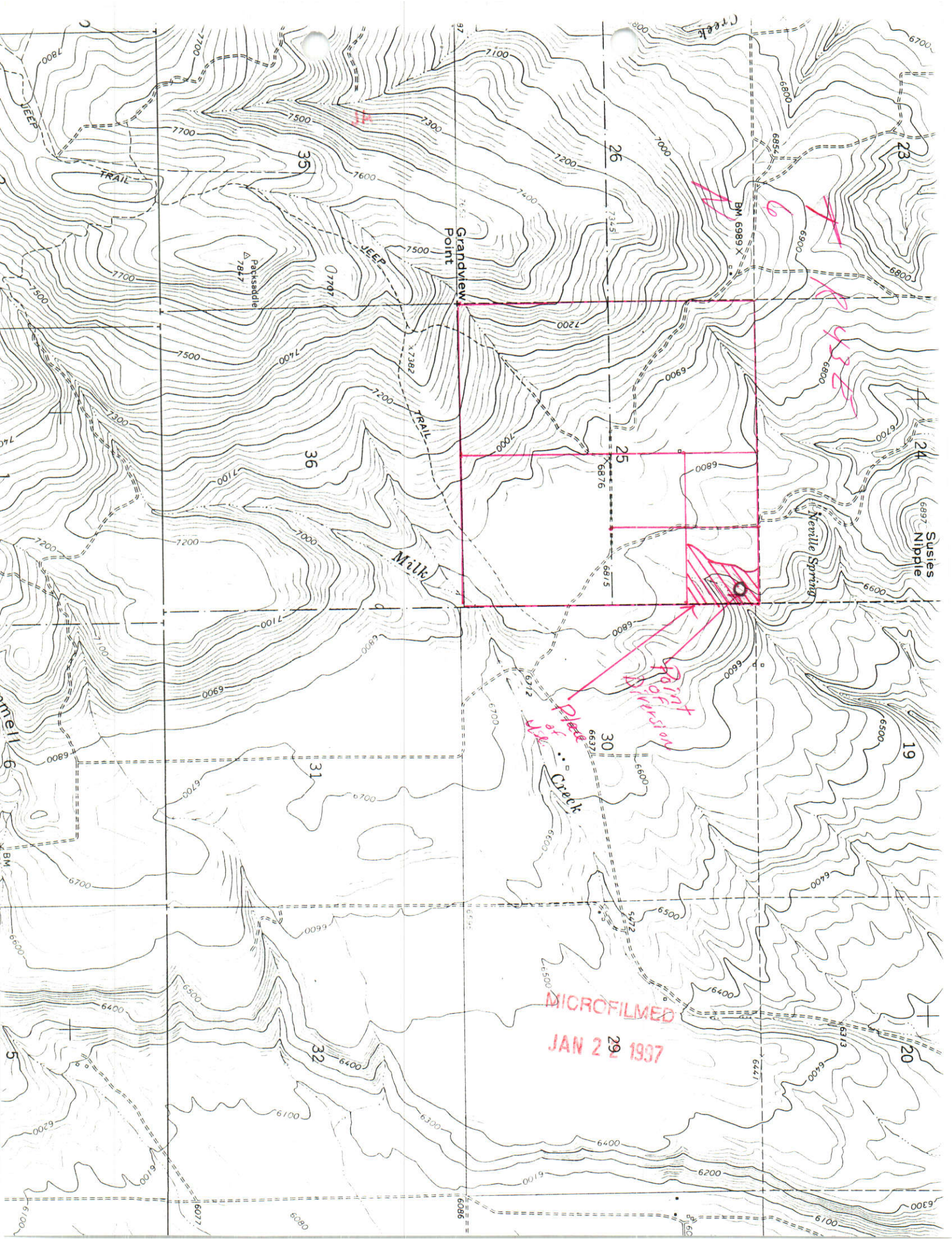
R44E

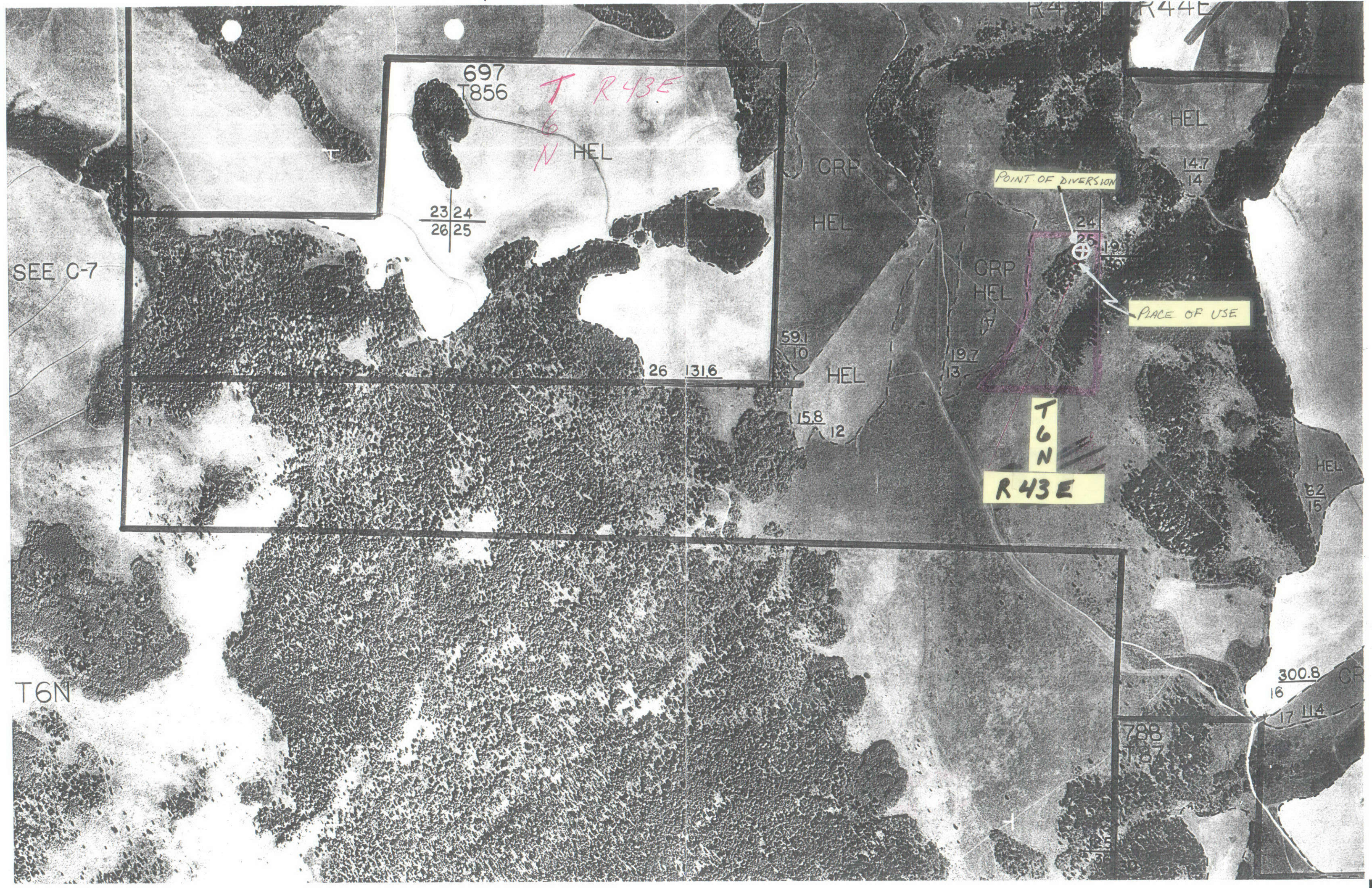
25

BUSTER	SPRING
--------	--------

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.

David L. Nissen (pres.)
(Applicant)





697
T856
T R 43 E
6 N HEL

23 24
26 25

26 131.6

59.1
10

15.8
12

19.7
13

T 6 N
R 43 E

POINT OF DIVERSION

PLACE OF USE

14.7
14

62
15

300.8
16

17 11.4

788
T87

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CRP

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CRP
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CR

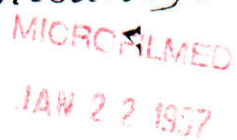
SEE C-7

T6N

N. 0° 2' W.

N. 0° 2' W.

RD PA



60 43 22-7410

Reservelyad

*Public
Indian
Mining
Water
To*



MICROFILMED 22-7410
JAN 22 1967

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07410

Priority: July 6, 1982

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.7 AF

This is to certify, that POTTER ENTERPRISES INC
C/O L L NISSEN
122 N 400 E
REXBURG ID 83440

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 6, 1982; and
has submitted Proof of Beneficial Use on July 27, 1987. An examination indicates
that the works have a diversion capacity of 0.020 cfs of water from:

BUSTER SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 11/01	0.02 CFS	0.7 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENENE), Sec. 25, Township 06N, Range 43E
TETON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

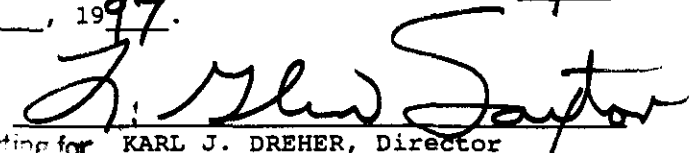
06N 43E 25 Lot 1(NENE)

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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 9th
day of January, 1997.

MICROFILMED

Acting for  KARL J. DREHER, Director

RECEIVED
JUL 27 1987

For Office Use Only
Fee Received NA
Date _____
Receipt # _____
Receipt by _____
Reviewed by Hub
Sent to region _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 22 7410

Name(s) of Permit Holder: Potter Enterprises, Inc. ✓

Post Office Address: c/o L.L. Nissen, President 122 N. 400 East ✓

Rexburg, Idaho 83440

Telephone No. 356-4768

Source of Water: Buster Spring ✓

Extent of Use:

Domestic _____ (number of households)

Stockwater .02 cfs ✓ 150 head (number and type of stock)

Irrigation _____ (acres)

Other/Remark _____

Total rate and/or volume for which proof is submitted .02 ✓ cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: X Dec. 26, 1958

Measuring Device: Required? Yes No
Installed? Yes No

Fee enclosed \$ NA stockwater
(See License Examination Fee Schedule)

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

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

L.L. Nissen - address above

(Name)

(Telephone Number)

(Address)

RECEIVED
AUG 24 1987

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.

July 22, 1987
Date

Potter Enterprises, Inc.
R. D. Jensen pres.
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Potter Enterprises Inc. Phone 456-2650

Post office address c/o David Nissen Star Rt. Tetonia, ID 83452

2. Source of water supply Buster Spring which is a tributary of Sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 Township 6N

Range 43E B.M. Teton County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for Stockwater purposes from 5-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.02 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete catch basin, cattle
will drink from box

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 Township 6N

Range 43E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 150 head beef cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

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

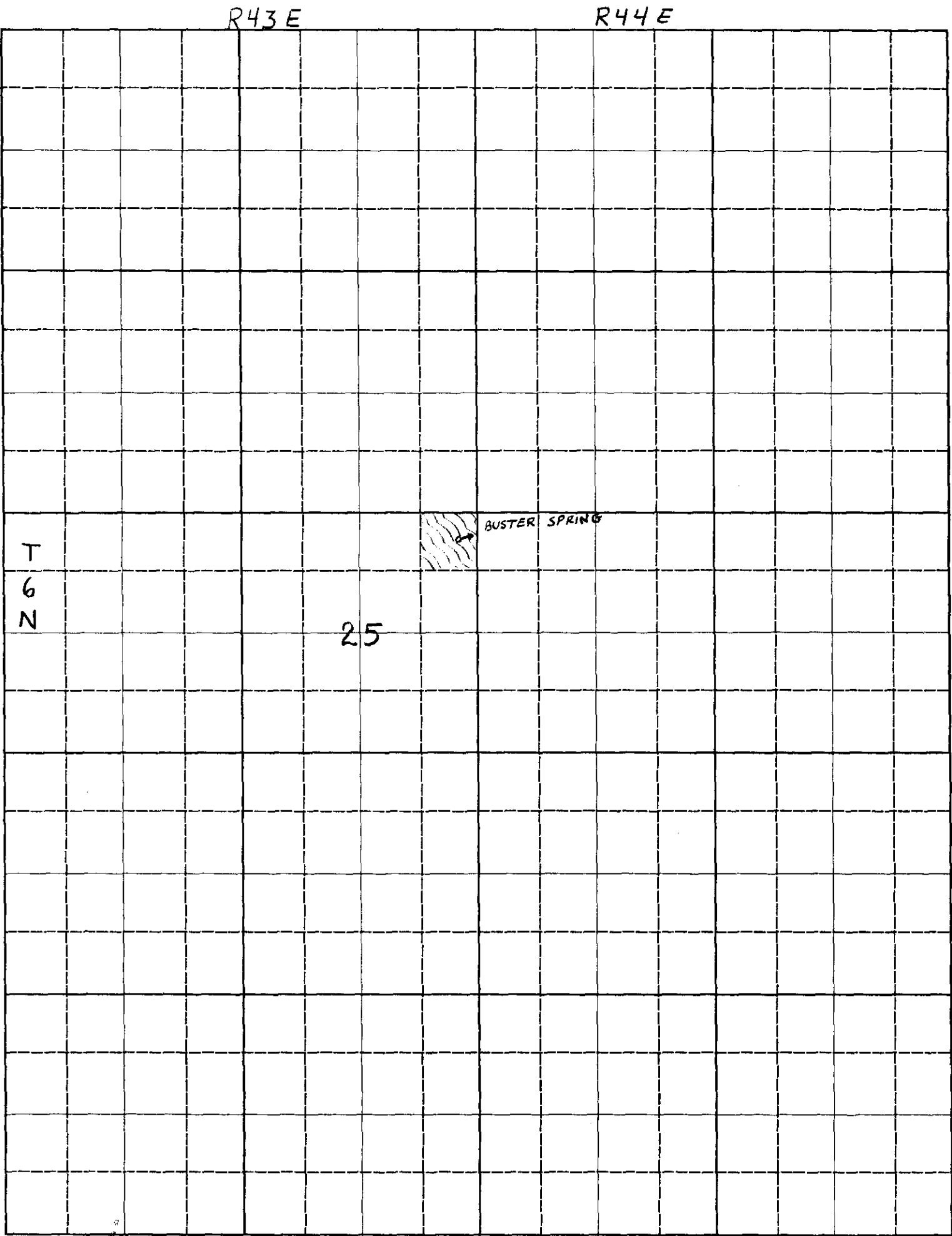
9. a. Who owns the property at the point of diversion Applicant

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

10. Remarks David Nissen is the presidnet of Potter Enterprises

11. 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.

David L. Nisum (pro)
(Applicant)

Proposed Priority 7/6/1982

Received by RDC Date 7-6-82 Time 1:00

Preliminary check by EMC Fee \$ 30.00

Receipted by BP Date 7-6-82 # 92-72

Publication prepared by BP Date 7-8-82

Published in Feton Valley News

Publication dates 7-15 & 7-22-82

Publication approved OW Date 7-27-82

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7410, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 87.
- 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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 20 day of August, 1982.

David R. Tuttle
ACTING Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

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

Notice of Application
for Water Right

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2
consecutive issues thereof; first
publication having been made on
the 15 day of July, 1982
and last publication on the 22 day
of July, 1982
And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

Russell Jones
Subscribed in my presence and
sworn to before me this 19 day of
July, 1982
Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that
the following application(s)
have been submitted for per-
mit to appropriate the public
waters of the State of Idaho:

22-7407

Brown, Ray M. &/or John
Box 73, Teton, ID 83452
Source: Groundwater
Date Filed: 06-30-1982
Amount: 25.00 cfs
Diversion Point: Groun-
dwater will be diverted from a
well in the NE 1/4 SW 1/4, Sec. 16,
T. 6N, R. 40E and discharged
into Teton River in exchange
for a like amount rediverted in
the NE 1/4 SW 1/4, Sec. 11, T. 7N,
R. 43E, B.M., Teton County.

Use: Irrigation (25.00 cfs)
from 04-01 to 11-01

Place of Use: SWNE SENE
NWNW SWNW SENW
NESE NWSW SWSW SESW
NESE NWSE NWSE SESE
Sec 14 T 07N R 43E SWNW
NWSW SWSW SESW Sec 13
T 07N R 43E SWNE SENE
NENW NWNW SWNW
SENE NESE SESE Sec 24 T
07N R 43E NENE SENE
NESE NWSE SWSE SESE
Sec 25 T 07N R 43E T 07N 1/4 R
43E NENE SENE NESE
SESE Sec 22 T 07N R 43E
SWSW SESW Sec 11 T 07N R
43E SESE Sec 10 T 07N R 43E
NENE SENE NESE SESE Sec
15 T 07N R 43E SWSW SESW
NESE NWSE SWSE SESE
Sec 19 T 07N R 44E for 1907
acres.

Diversion Means: Well,
pump, and sprinkler system.

22-7410

Potter Enterprises, Inc.
Star Rt., Teton, ID 83452
Source: Buster Spring
tributary to Sinks
Date Filed: 07-06-1982
Amount: 0.02 cfs
Diversion Point: NENE Sec
25 T 06N R 43E, Teton Co.
Use: Stockwater (0.02 cfs)
from 05-01 to 11-01
Place of Use: NENE Sec 25 T
06N R 43E
Diversion Means: Catch
basin.

22-7411

Potter Enterprises, Inc.
Star Route, Teton, ID
83452
Source: Davis Spring
tributary to Sinks
Date Filed: 07-06-1982
Amount: 1.00 cfs
Diversion Point: SWSE Sec
31 T 06N R 44E, Teton Co.
Use: Irrigation (1.00 cfs) from
05-01 to 09-15
Stockwater (0.02 cfs) from 05-
01 to 11-01
Place of Use: NESE NWSE
SWSE SESE Sec 31 T 06N R
44E for 100 acres
Diversion Means: Reservoir

If issued, the permit(s) will
be subject to all prior water
rights. Protests against the
granting of any permit must be
filed with the Director of the
Idaho Department of Water
Resources, 150 Shoup Ave.,
Idaho Falls, Idaho 83402 on or
before August 2, 1982.

A. Kenneth Dunn
Director

Published in the Teton
Valley News July 15 and 22,
1982.

RECEIVED

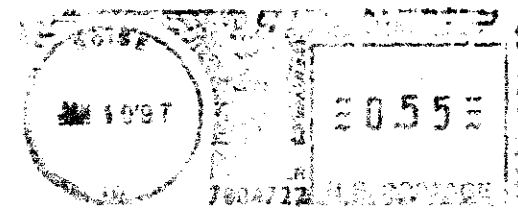
JUL 22 1982

Department of
Eastern Dist.

Glenn W. Dancer
My Commission expires

May 2, 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83706-2227



JAN 22 1997
MICROFILMED

RECEIVED
JAN 15 1997
Department of Water Resources

ATTEMPTED
NOT KNOWN

Link 481



L22-07411
POTTER ENTERPRISES INC
C/O L. L. NISSEN
122 N 400 E
REXBURG ID 83440



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 9, 1997

POTTER ENTERPRISES INC
C/O L L NISSEN
122 N 400 E
REXBURG ID 834400000

RE: WATER RIGHT NOS. 22-07410 AND 22-07411

Dear Water Right Holder(s):

Enclosed are copies of the Water Right Licenses issued on the above referenced permits. If you have any questions, please contact me within 10 days of receipt of these licenses.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

MICROFILMED
JAN 22 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07410

DATE 1/6/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO no assignment to Mr. Judy

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void NO
Amendment required NO

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .02 cfs

Fee limit .04 cfs

Measured — cfs

Theoretical — cfs

NO FEE REQ'D AT TIME OF BILL PROCESSING UP TO .04 CFS

Recommended Total Div Rate .02 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use Stock

Volume Calculation

100 X 12 X 185 = af

.3 af af

— af

— af

SUBTOTAL .7 af

Flow rate .02 cfs X 185 days X 1.98 = 7.3 af

Total volume recommended .7 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

Overlap

Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed —

Adjustment Memo —

1st Amend Letter NA

2nd Amend Letter NA

up around
2/1/97
volume

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 11 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7410

1. Owner: Ron Judy Phone No. 456-2579

Current Address: 40 891 W. 400 N. Tetonia, ID 83452

2. Accompanied by: Gary Lerwill/operator EXAM DATE: 30 SEPT 96

Address: 891 W. 400 N. Tetonia, ID 83452 Phone No. 456-2579

Relationship to Permit Holder: operator of land owned by Ron Judy

3. Source: Buster Spring tributary to Sinks.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NE	NE	25	06N	43E	Teton	on site

2. Place(s) of Use:

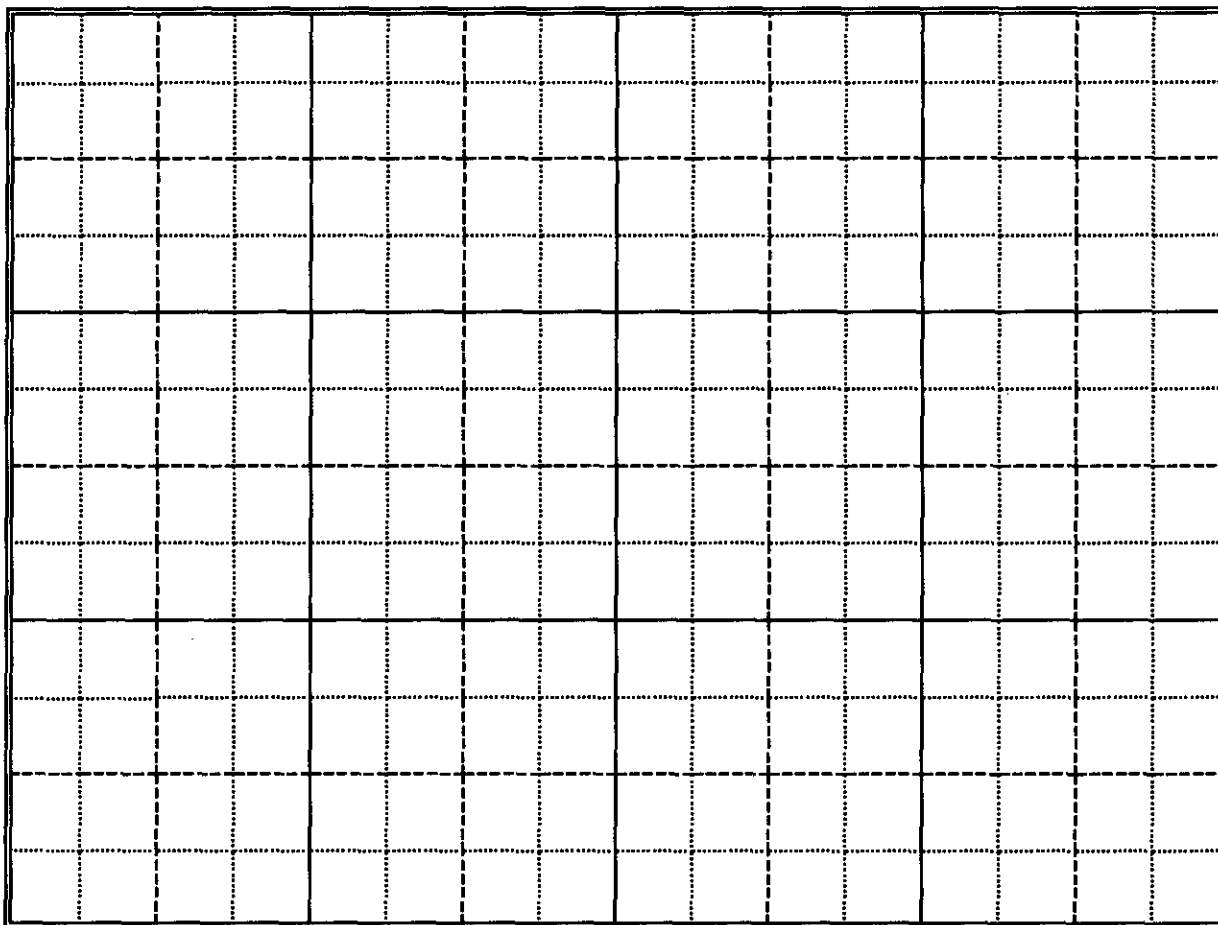
Indicate Method of Determination ON SITE

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	43E	25	5															5	

MICROFILMED

JAN 22 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 Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for Irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Not able to measure flow.

MICROFILMED

JAN 22 1987

E. NARRATIVE/REMARKS/COMMENTS

Note: Not able to measure flow due to nature of spring.

Concrete catch basin is present, however it is mostly submerged and destroyed by elements.

Evidence of cattle drinking at catch basin, which is basically a 6' by 6' depression/pole.

There are up to 100 cattle in area at one time. During exam 10 cattle present in place of use.

Request .02 CFS for stock.

Recommend .02 CFS.

Note: Owner is creator/CEO of Nintendo and basically uses land as tax writeoff. Mr. Lewell, the operator, indicates that Mr. Judy had land in land grant. He has now divided land into 400 acre parcels to sell for wealthy private homeowners.

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

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JAN 22 1957

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

2. Volume Calculations for Other Uses:

$$(100 \text{ HD CATTLE} \times 0.0134)(185 \text{ days} \div 365 \text{ days}) = 0.68 \text{ AF/yr}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>STOCKWATER</u>	<u>5-1</u>	<u>11-1</u>	<u>0.02</u>	<u>0.68</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.02</u>	<u>0.68</u>

2. Recommended Amendments

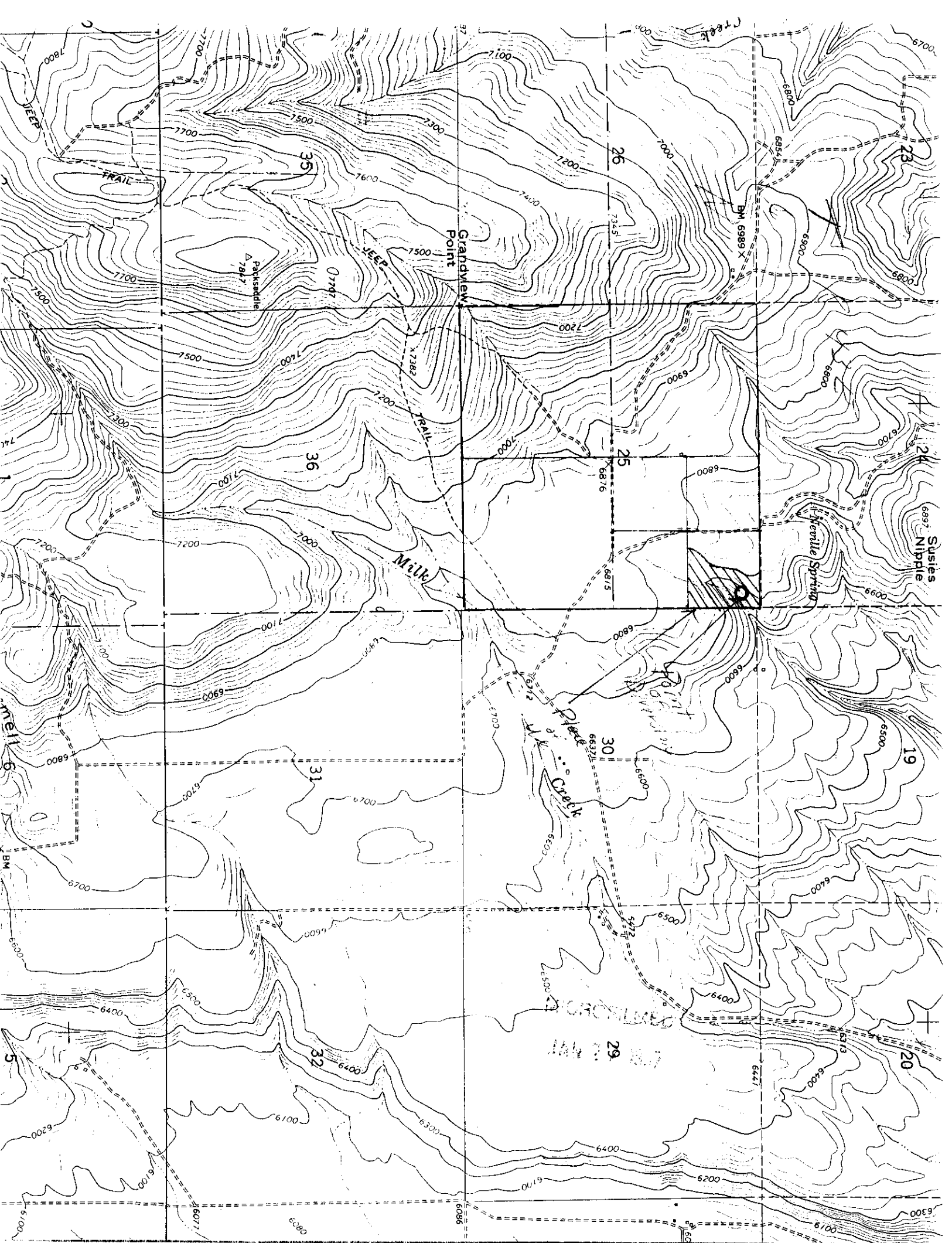
___ Change P.D. as reflected above ___ Add P.D. as reflected above ☒ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name Steven Garrison Date 30 SEPT 96Reviewer Elizabeth Taylor Date 12/6/96

SEAL

MICROFILMED

JUN 27 1997



K44D

EL

452

POINT OF DIVERSION



PLACE OF USE

T 6 N

R 43 E

158

A 12

26 1316

300.8

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697
856

HEL

23 24
26 25

SEE C-7

T6N

Sec. 21

Sec. 28

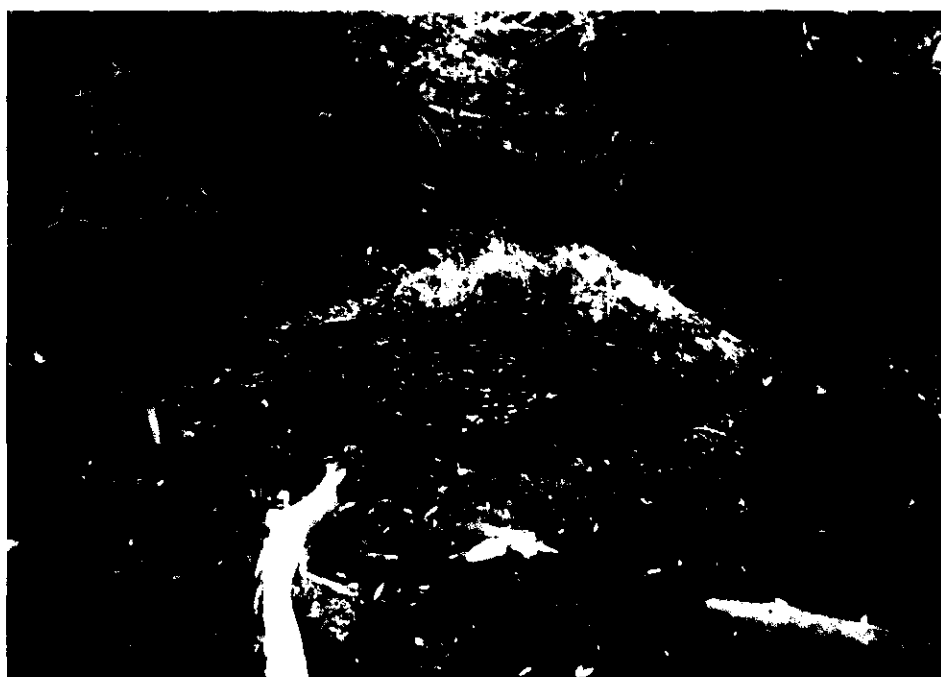
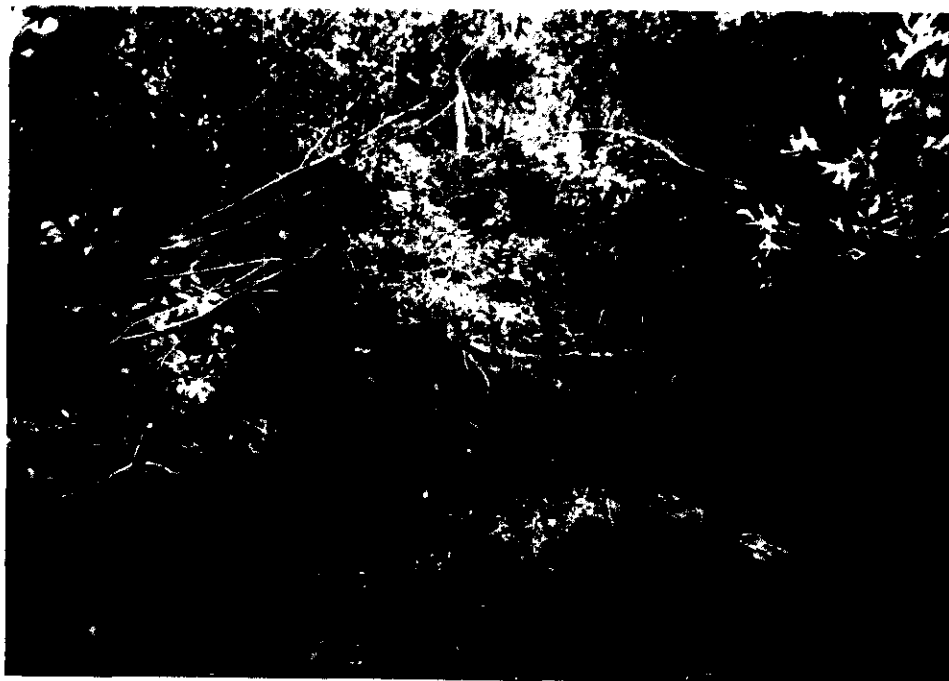
See 33

20 PARALL

60-4344-22-7410

Public
Indian
Indian
Mine
Water
To

Accept:



MICROFILM 22-7410
JUN 7 1967

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 14, 1987

POTTER ENTERPRISES, INC.
C/O L.L. NISSEN, PRES.
122 N. 400 E.
REXBURG ID 83440

RE: Permit No. 22-7410

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

MICROFILMED

JAN 22 1987

PETERSEN, MOSS, OLSEN, MEACHAM & CARR

GEORGE C. PETERSEN, JR.
REED L. MOSS
GREGORY P. MEACHAM
WM. CHARLES CARR
EARL BLOWER
SCOTT P. ESKELSON
STEPHEN D. HALL
KARL R. DECKER

ATTORNEYS AT LAW
485 "E" STREET
IDAHO FALLS, IDAHO 83402
(208) 523-4650

DENNIS M. OLSEN
(1930-1985)

RECEIVED

JUL 27 1987

July 23, 1987

Certified Mail

Department of Water Resources

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

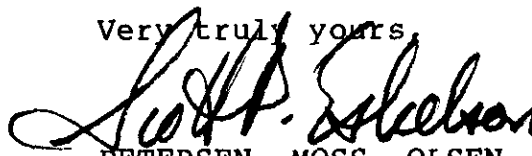
Re: Permit Nos. 22-7410 and 22-7411

Gentlemen:

With respect to the above permits enclosed please find two Proof of Beneficial Use forms. Please place these of record in your files and make arrangements for the field inspections. Also enclosed will be our check in the amount of \$100.00 to cover the necessary fee.

We have used a first beneficial use date of December 26, 1958. This is the incorporation date of Potter Enterprises, Inc. and the date that corporation first used the water. However, the water has been used since 1916 when a patent was first issued to Potter Enterprises' predecessor for the land. In the event this earlier priority date is available the applicant would make claim to that date.

Very truly yours,



PETERSEN, MOSS, OLSEN,
MEACHAM & CARR
Scott P. Eskelson

cc. L.L. Nissen
122 N. 400 East
Rexburg, Idaho 83440
with enclosures

8756d

MICROFILMED

JAN 22 1987

INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck

DATE 7-15-1987

TO Files 22-7410 & 22-7411

SUBJECT Returned B/h Notices

The Seton County Assessor's Office
has an address of:

c/o L.L. Nussion

P.O. Box 433

Replurg, ID 83440

I'm forwarding the notices to this
address.

MICROFILMED

AUG 24 1987

SIGNATURE

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RETURN TO SENDER
AUTHORIZED FORWARDING TIME
HAS EXPIRED.

RECEIVED

JUN 4 1987

Potter Enterprises Inc.
c/o David Nissen
Star Rt.
Tetonia, ID 83452

JUN 25 1987
Department of Water Resources

Warehouse
P.O. Box 100
Pocatello, Idaho 83720

RETURNED TO SENDER

Wm. A. Brown
 Authorized
 Secretary
 June 1898
 Special

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JUN 08 1987

Department of Water Resources

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AUG 24 1987

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S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

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STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MAY 31, 1987

1 38520

POTTER ENTERPRISES INC.
STAR RT.
TETONIA, ID 83452

P R O O F D U E N O T I C E

RE: PERMIT NO. 22-7410

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, 1987. (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 COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

AUG 24 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

AUG 24 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

POTTER ENTERPRISES INC.
STAR RT.
TETONIA, ID 83452

AUGUST 31, 1982

RE: PERMIT NO. 22-7410

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Ernest APPLICATION NUMBER: 22 7410

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

☒ Fee.

☒ Yes ☒ No

☒ Yes ☒ No

☒ Yes ☒ No

☒ Yes ☒ No*

Field check required.

Critical groundwater area.

Request dam safety information. Sent by: _____ Date: _____

In form to receipt.

Field check by: _____

Date: _____

Comments: U.S.G.S. Quad indicates

source is located on an

intermittent drainage.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

☐ Yes ☐ No

☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

☒ Yes ☐ No*

☐ Yes ☒ No

In form for advertising.

Final date for protests: Aug 2, 1982

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 7-22-82

☒ Application published correctly. If not, record action taken: _____

☒ Fee amount, receipt date & number, recorded on application.

☒ Publication dates and paper, recorded on application.

☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☒ Will water be delivered by watermaster? If yes, what district? _____

7-6-82 Date of priority recommended.

Special conditions of approval or cover letter. _____

By: Ernest Carlson Date: Aug 6, 1982

STATE OFFICE REVIEW:

SLW/LR 26

☐ See attached sheet for more information.

By: [Signature] Date: 8/17/82

RECEIVED

AUG 12 1982

Department of Water Resources

22-7410.

POTTER ENTERPRISES INC.

STAR RT., TETONIA, ID 83452

Source: BUSTER SPRING tributary to SINKS

Date Filed: 07/06/1982

Amount: 0.02 CFS

Diversion Point: NENE Sec 25 T 06N R 43E, TETON Co.

Use: STOCKWATER (0.02 CFS) from 05/01 to 11/01

Place of Use: NENE Sec 25 T 06N R 43E

Diversion Means: CATCH BASIN