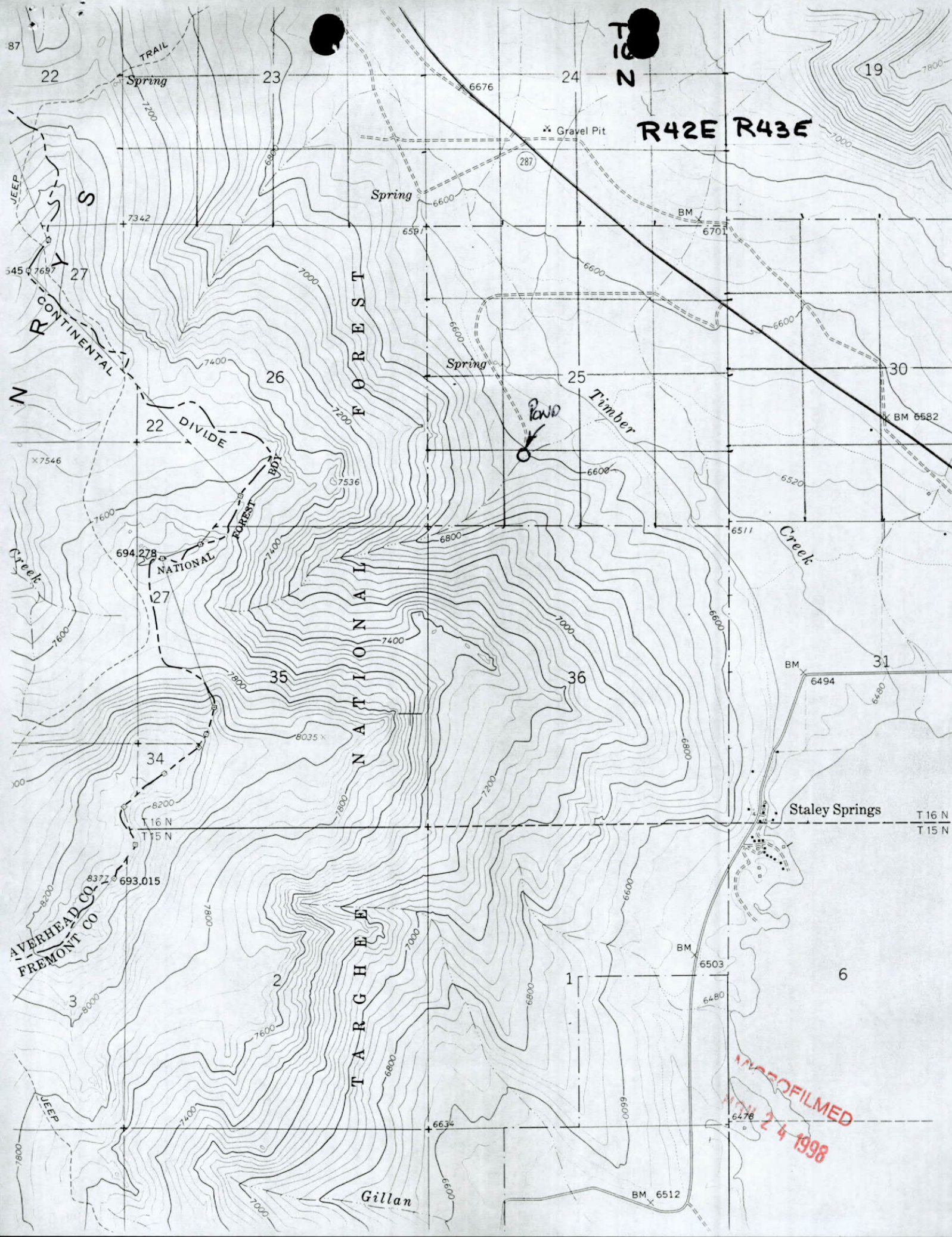
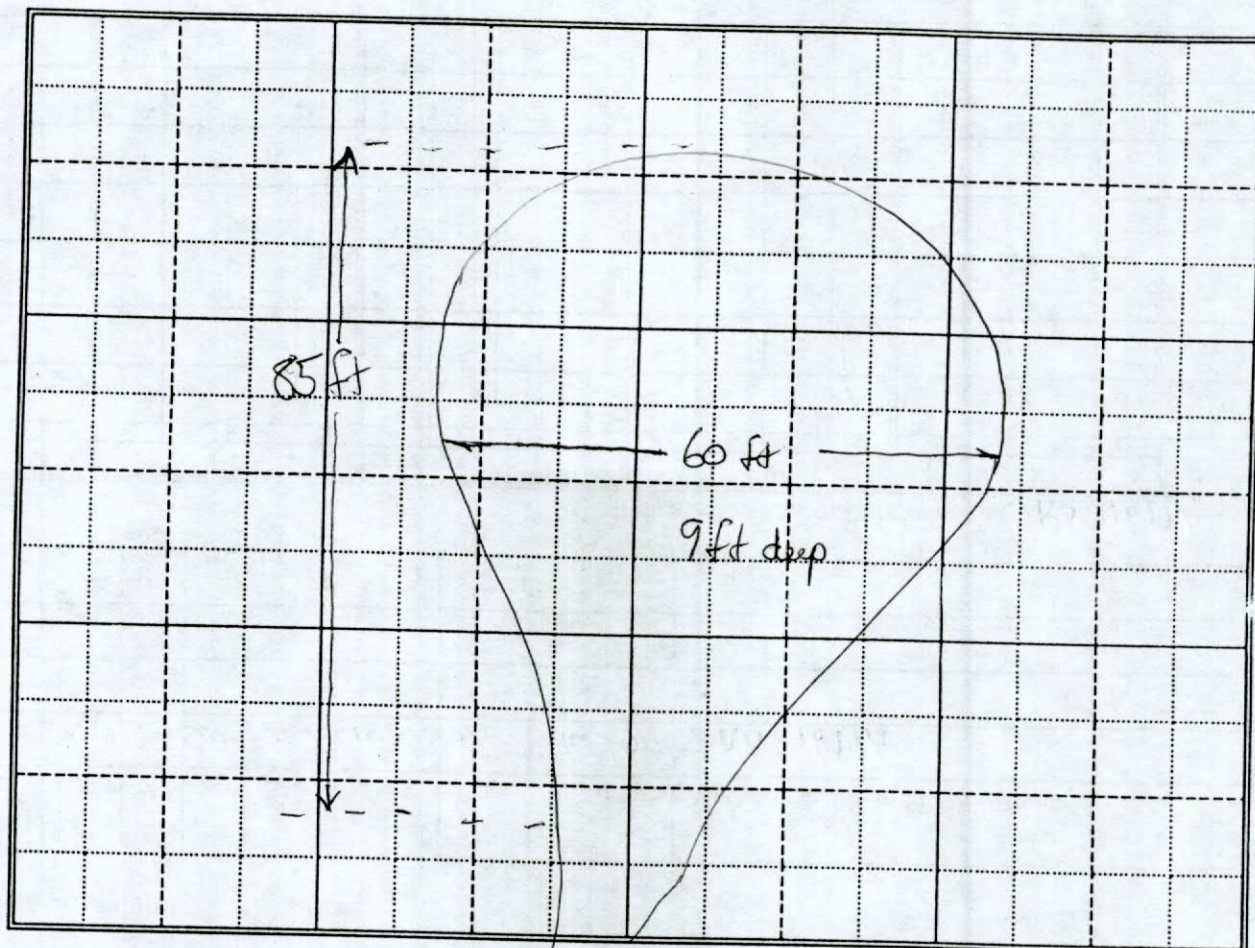




3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

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

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

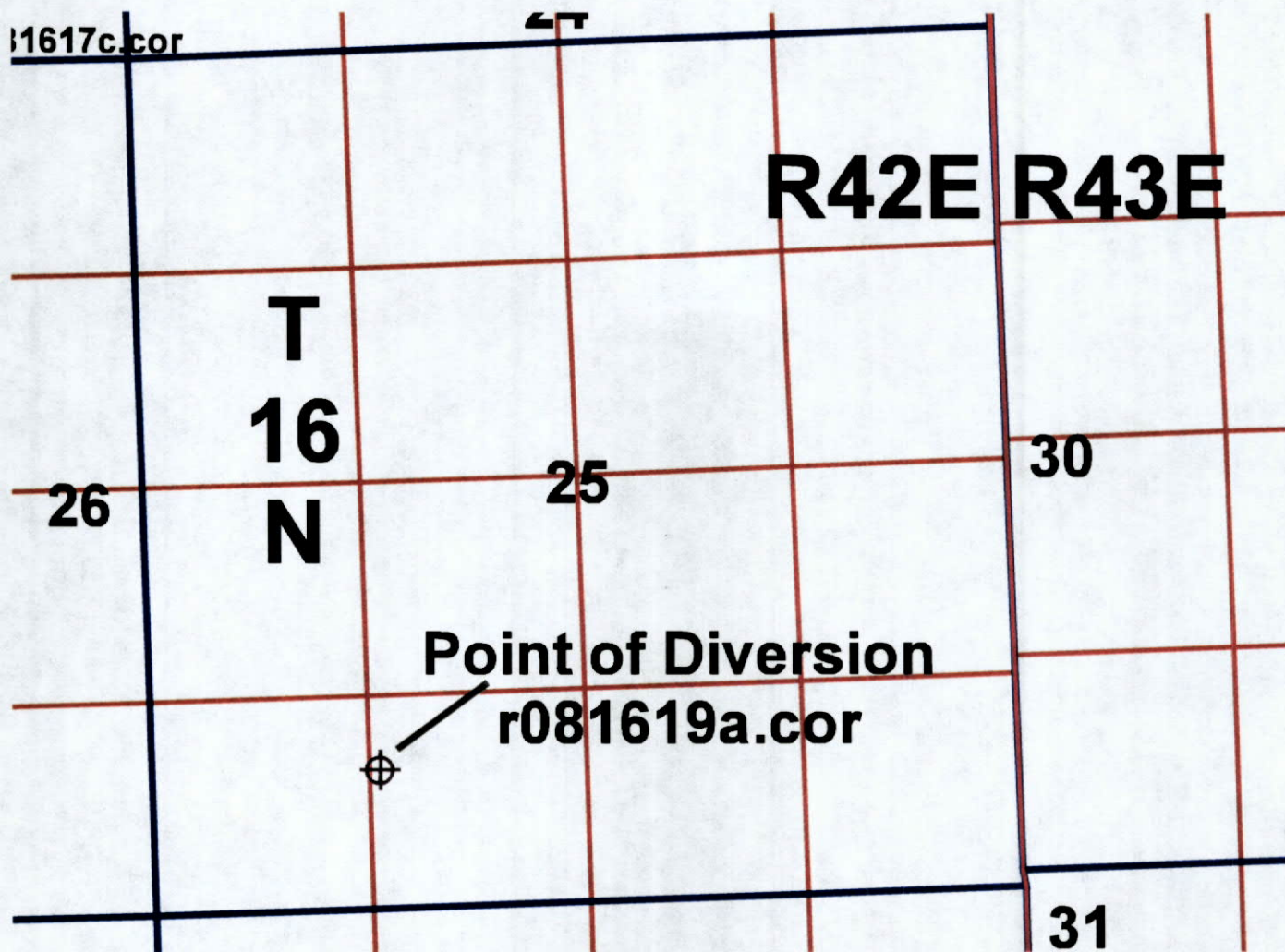
D. FLOW MEASUREMENTS

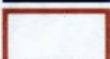
1.

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

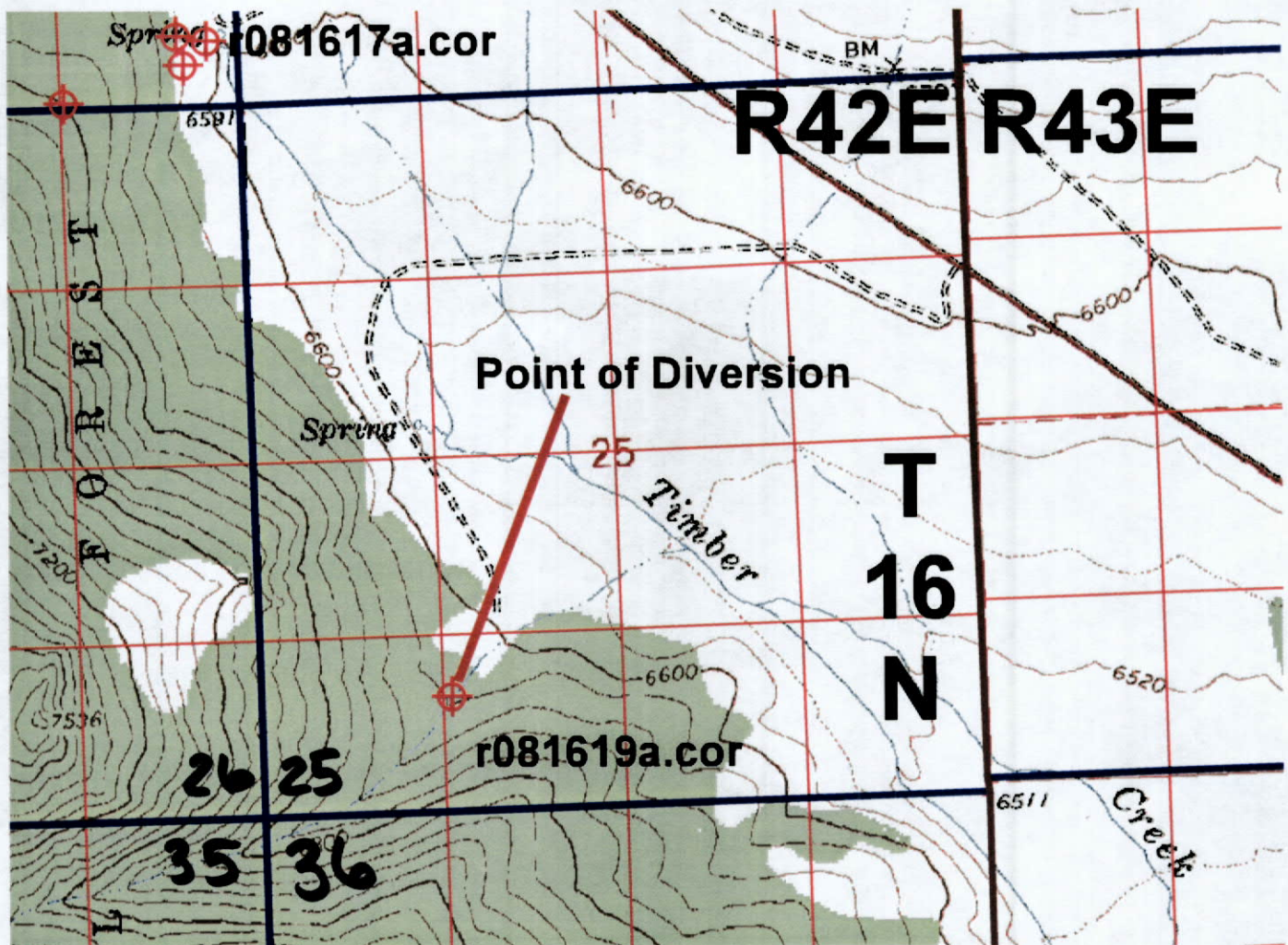
2. Measurements: _____

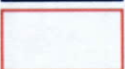
21-07585



-  Posnpnt.shp
-  Townships
-  Sections
-  QQ

21-07585



-  Posnpnt.shp
-  Townships
-  Sections
-  QQ

21-07585



OUTLET



POND

21-7585

THE FREMONT COUNTY HERALD-CHRONICLE
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. 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 semi-weekly in Fremont County, Idaho; and I do solemnly swear that the NOTICE APPLICATION WATER RIGHT- 21-07585 -GUIVER 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 OCTOBER 14, 1998 and the last publication having been made on OCTOBER 21, 1998.

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

Terry T. Weatherston

STATE OF IDAHO)

COUNTY OF MADISON)

On this 22TH day of NOVEMBER in the year of 1998 before me, a Notary

Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

John O. Porter
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07585

GUIVER, DOUGLAS
JACOBS, JON
5242 CREED DR
SUMMER FIELD, NC 27358

Source: Unnamed stream. Tributary: Timber Creek.

Diversion Pt.: NWSESW Sec 25 T 16N R 42E in Fremont County.

Use: Recreation Storage (1.000 CFS) *should be A1*

Total Diversion: (1.00 AF).

Date Filed: 10/2/1998.

In: Fremont County T16N R42E S25 SESW.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before November 2, 1998, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Publ. Oct. 14 and 21, 1998HC.

*Not filed. c
11/13/98*

RECEIVED

NOV 04 1998

Department of Water Resources
Eastern Region

MICROFILMED

NOV 24 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
MEASURING DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 21-07585)
IN THE NAME OF JON JACOBS AND/OR)
DOUGLAS GUIVER)
_____)

ORDER

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install/maintain measuring devices to measure the amount of water entering and released from the reservoir; and

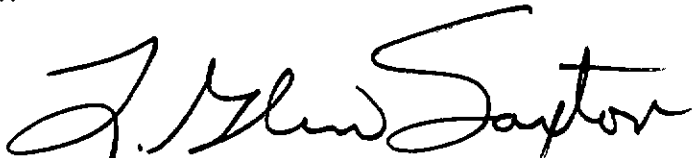
WHEREAS, the department has determined that the measuring devices are not presently needed to measure the water in question.

ORDER

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of measuring devices for the above captioned permit is **WAIVED**.

IT IS FURTHER ORDERED that the department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 16th of March, 2001.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
OCT 02 2001

RECEIVED

OCT 27 2000

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 2026270
Receipt By: Kaw
Date Received: 10/23/01

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

OCT 18 2000

Department of Water Resources
Eastern Region

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 be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 21-07585 Telephone No. (336) 643-0439

2. Name of Permit Holder(s): JON JACOBS

3. Mailing Address: 5242 CREED DR.

City SUMMERFIELD State NC Zip 27358

4. Source of Water: UNNAMED STREAM;
TRIBUTARY OF TEMPER CREEK GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): _____ Other: RECREATION - STORAGE - WILDLIFE POND

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 1.0 acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No _____

Has the measuring device been installed?

Yes _____ or No _____

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: DOUGLAS GUDER Telephone Number: (208) 558-9125

Address: HCL66 Box 275, Island Park, Idaho 83429

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____

(include your title, if on behalf of company or organization)

Date: 9/20/00

NOV 07 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 21-07585

Proposed Priority: October 2, 1998

Maximum Storage Volume:

1.0 AF

This is to certify, that JON JACOBS

DOUGLAS GUIVER

5242 CREED DR

SUMMER FIELD NC 27358

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of TIMBER CREEK

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		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 25, Township 16N, Range 42E
FREMONT County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

16N 42E 25

SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 2000.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. Recreation storage use is for a wildlife and fishing pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Witness the signature of the Director, affixed at Boise, this

17th day of November, 1998.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

NOV 24 1998

Ident. No. 21-07585

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

NOV 12 1998

Department of Water Resources

1. Name of Applicant JOHN JACOBS AND/OR DOUGLAS GUIVER Phone 1-336-643-0439
Mailing address 5242 CREED DRIVE SUMMERFIELD #1/C 27358
2. Source of water supply UNNAMED ^{STREAM} ~~SPRING~~ which is a tributary of TIMBER CREEK
3. Location of point of diversion is Township 16N Range 42E Sec. 25, in the NE 1/4, SE 1/4, SW 1/4, Govt. Lot _____, B.M., FREMONT County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 1.00 for STORE FOR RECREATION purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 1.00
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source EXCAVATE A 100' x 100' POND
IN CHANNEL OF INTERMITTENT STREAM. USE EXCAVATED MATERIAL TO CONSTRUCT LOW DKE.
 - b. Height of storage dam 4' feet; active reservoir capacity 1.0 acre-feet; total reservoir capacity 1.0 acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? N/A; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. RECREATIONAL STORAGE FOR WATERING LOCAL WILDLIFE.
Surface area is only 1/4 acre fishing

MICROFILMED

NOV 24 1998

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

use below. See instructions for standard symbols.

Total number of acres to be irrigated

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

ARTICULATE

12. Remarks: LOW SURFACE AREA WILL BE LESS THAN 1/2 ACRE IN SIZE

ស្រុក ឆ្នាំ

Top surface area will be less than 1/2 acre in size

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters

of the State of Idaho as herein set forth.

NOV 24 1998
MICROFILMED

Signature of Applicant (and title, if applicable)

Received by Eric Weems

Date 10-2-1948 Time.

Preliminary check by

Date 10-2-1998

Received by Kuo

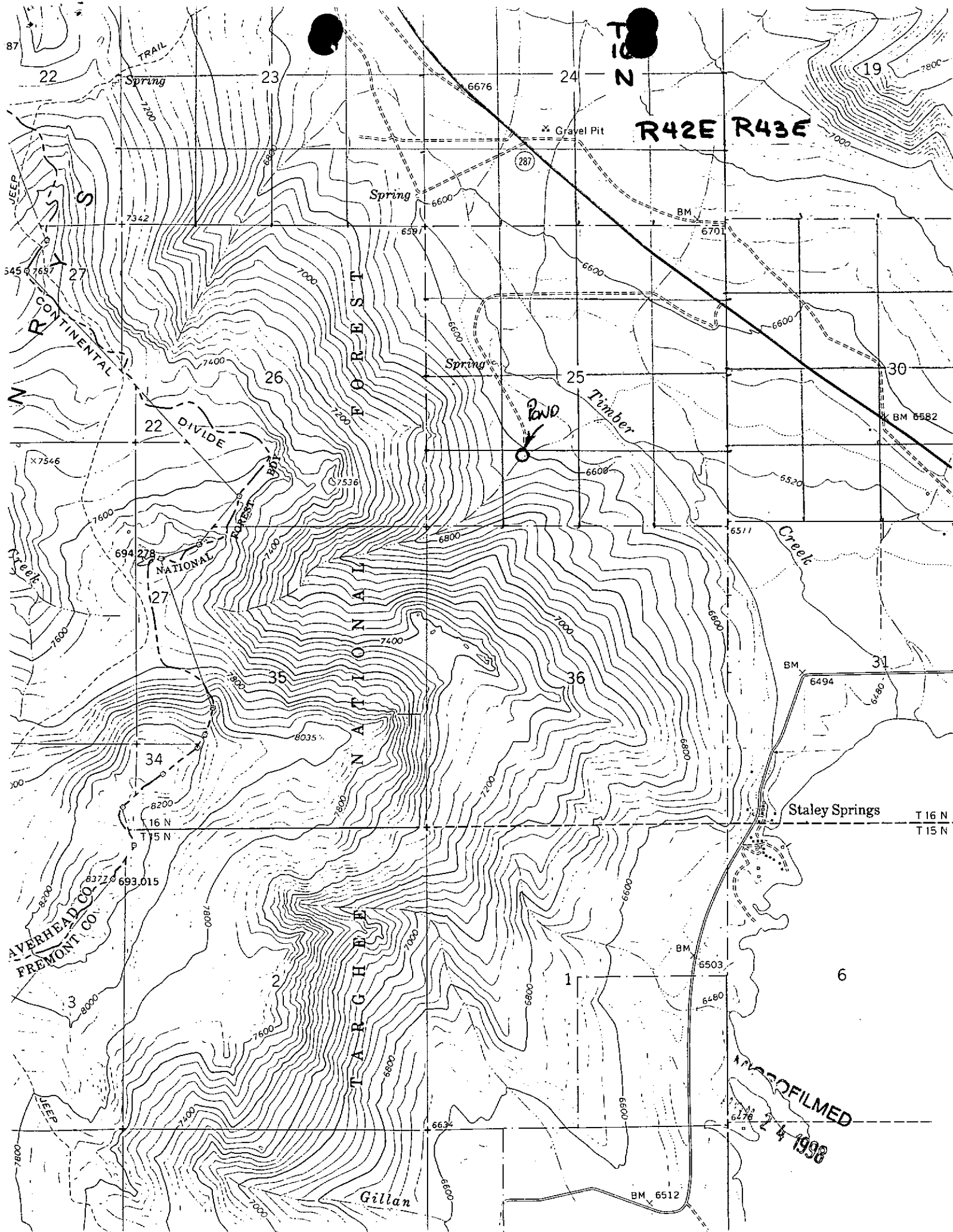
205-203

Published in: Herald Tribune

Publication prepared by

Publication approved

52



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV - 2 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 21-7585

1. Owner: Don Jacobs Douglas Gulver

Phone No. 792 346 6279 Jon
(336) 643-0439

Current Address: 5242 Creed Dr. Summer Field, NC 27358

2. Accompanied by: X EXAM DATE: 8-16-01

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Unnamed Stream tributary to Timber Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	SE	SW	25	16N	42E	TRENTON	R081619A

2. Place(s) of Use:

Indicate Method of Determination R081619A

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	42E	25																	

21-07585

2. Measurements:

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

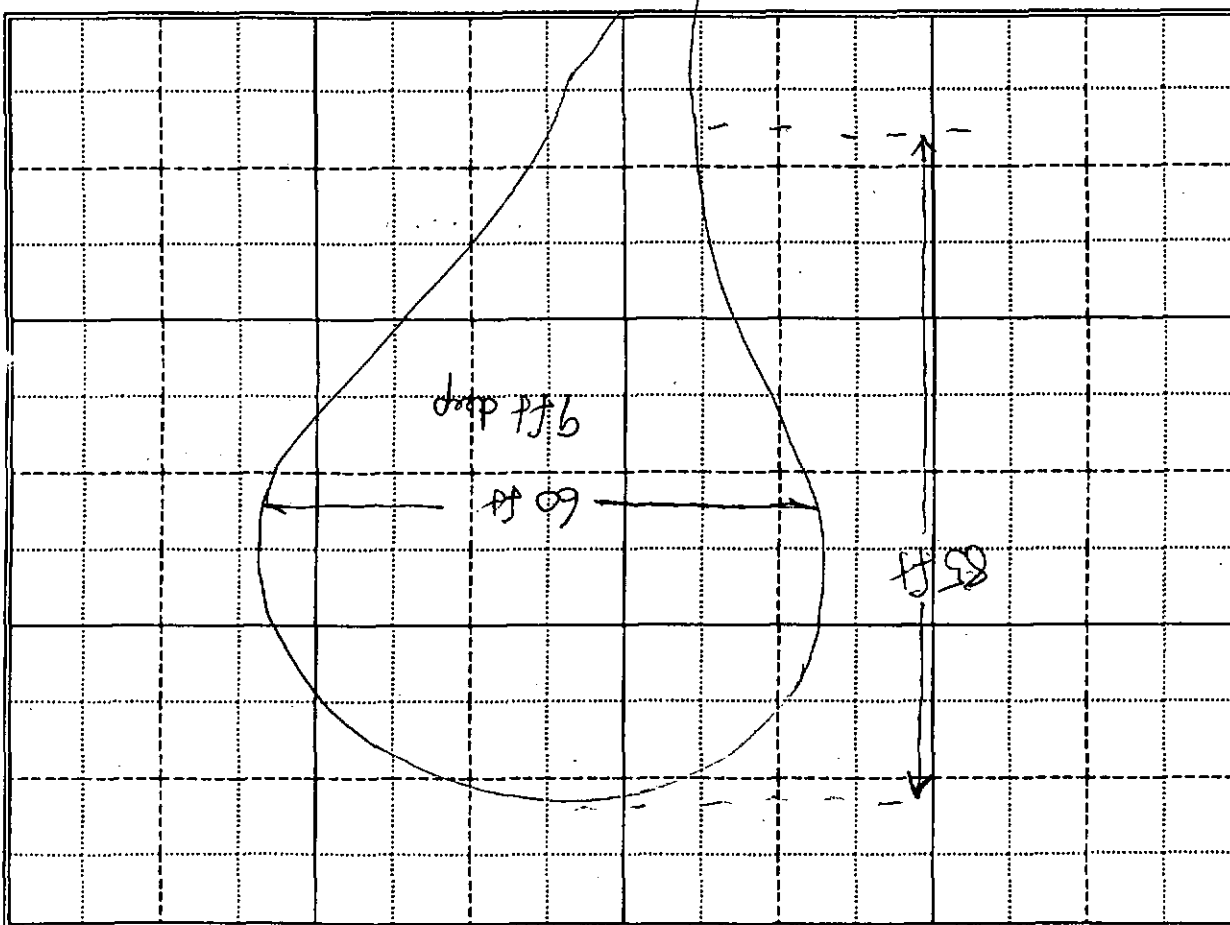
D. FLOW MEASUREMENTS

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

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

4.

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 _____



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.

E. NARRATIVE/REMARKS/COMMENTS

GPS unit was placed on the dam on the northeast side of the pond.

ASSUME Reservoir is Square

$$\frac{(85' \times 60')}{43560} \times 9' \times 0.4 = 0.42 \text{ af}$$

No Measuring devices

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

21-07585

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:

$$V_{OL} = \left(\frac{85' \times 60'}{43560} \right) 9' \times 0.4 = 0.42 \text{ af} = 0.4 \text{ af}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Recreation Storage</u>	<u>1/1</u>	<u>12/31</u>		<u>0.4 af</u>
Totals:				<u>0.4 af</u>

2. Recommended Amendments

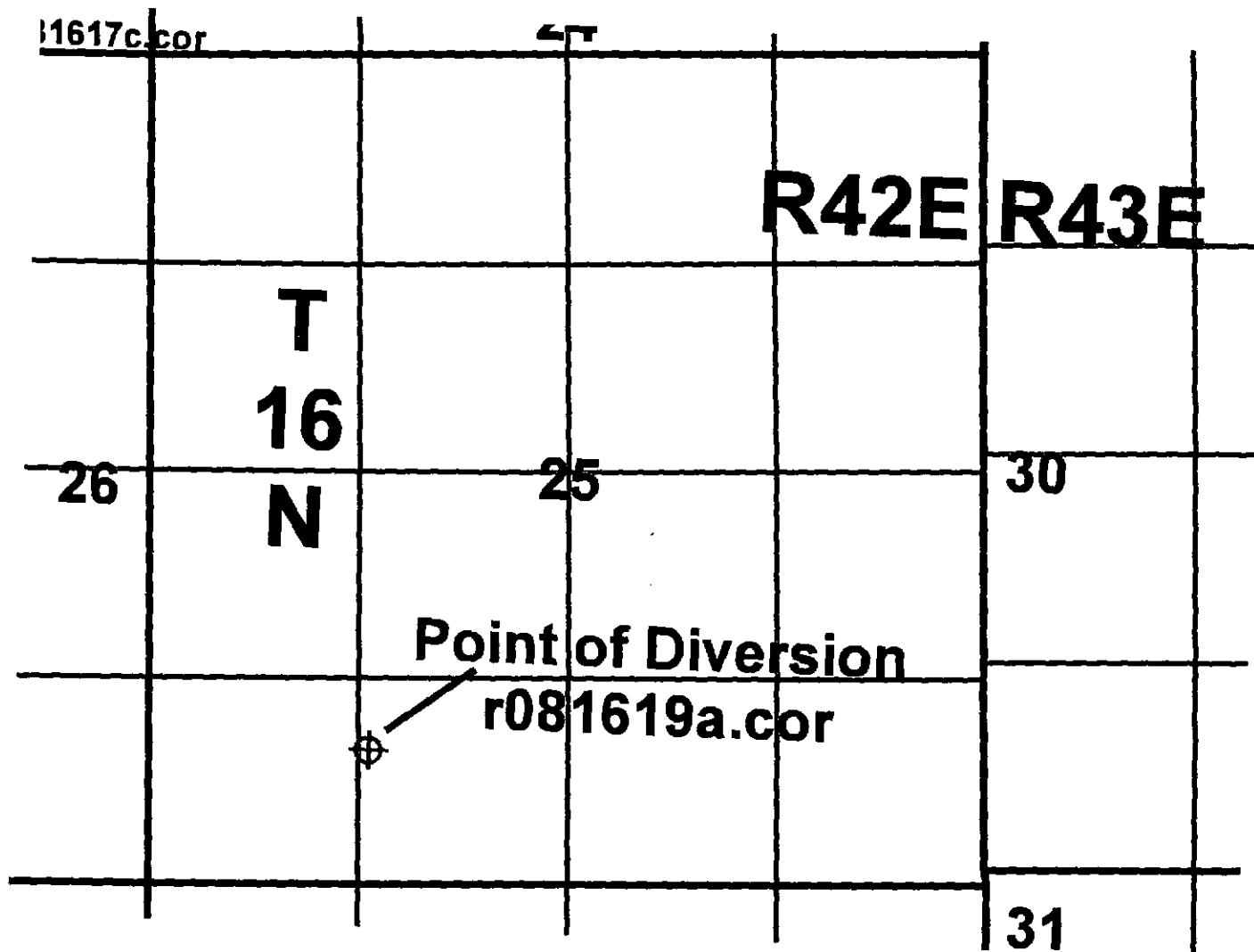
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name KEITH C. WILSON 10/25/2001
John Mueller Date 8-16-01

Reviewer _____ Date _____

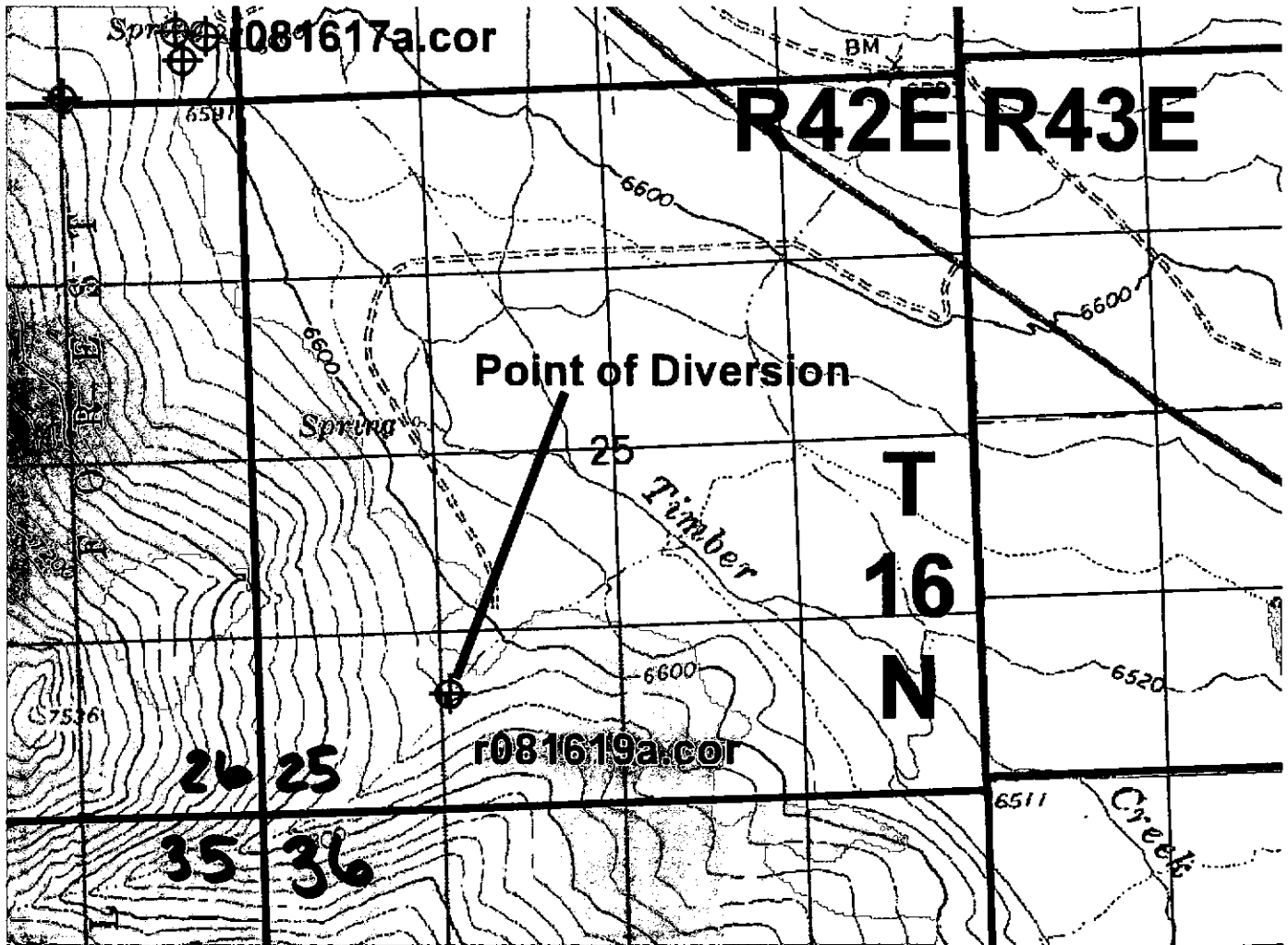
SEAL

21-07585



- ⊕ Posnpnt.shp
- Townships
- Sections
- QQ

21-07585



- ⊕ Posnpnt.shp
- Townships
- Sections
- QQ

21-07585



OUTLET



POND

21-7585

RECEIVED

APR 26 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s): 21-07585
Jon A. Jacobs
TIFFANE A. JACOBS

[] Old Mailing Address: 5242 CREED DR.
SUMMIT FIELD, NC 27358

[] New Mailing Address: 457 CANYON DR.
MESAQUITE, NV 89027

Telephone Number: (702) 346 - 6279

[] Signature(s)
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)
Date: APRIL 3, 2001

[Signature]
Jon A. Jacobs
(include your title if on behalf of company or organization)

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

MICROFILM
OCT 02 2001

Boise, Idaho 83706-2237

PRESUMED
FIRST CLASS

1941
1940

U.S. POSTAGE

MAR 29 2001

MICROFILMED
OCT

OCT 02 21

forwarded to Adm. Serv. Div.
9/29/01
C. J. [Signature]

7358
RETURN TO SENDER
JACOBY TO SENDER
JACOBS
457 CANYON DR
MESAQUITE NV 89027-3740
RETURN TO SENDER

6-22-77 9 00-00 PM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 16, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JON JACOBS
5242 CREED DR
SUMMERFIELD NC 27358

Re: Permit No. 21-07585

Dear Mr. Jacobs:

In response to Mr. Carlson's letter of January 9, 2001, the department has issued the enclosed Order waiving the requirement for measuring devices for your referenced permit at this time. You will be notified by the department if this condition must be reinstated, should there become a need to measure your storage water.

If you have any questions, please don't hesitate to contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

Cc: Eastern Region

MICROFILMED

OCT 02 2001



RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A

Idaho Falls, Idaho 83402-1718

IDWR DIRECTOR
KARL J. DREHER

COMMITTEE OF NINE

CHAIRMAN
Leonard Beck
Burley

VICE CHAIRMAN
Don Hale
Blackfoot

Larry Kerbs
St. Anthony

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

Claude Storer
Idaho Falls

Wayne Lincoln
Filer

Albert Lockwood
Eden

Ed Clark
Ashton

January 9, 2001

Mr. Jon Jacobs
457 Canyon Dr.
Mesquite, NV 89027

Re: Measuring Device Requirement for Permit 21-07585

Dear Mr. Jacobs:

The IDWR typically requires measuring devices as a condition of water appropriation and use, particularly when the water right is subject to regulation and control by a state watermaster or is in a water measurement district. However, in some cases measuring devices are not essential or particularly helpful to the watermaster in distributing available water supplies.

I have reviewed the water right you wish to establish under water right permit 21-07585 and find that the installation of measuring devices will provide little assistance to the watermaster in regulating water uses and in distributing water supplies. Therefore it would be my recommendation that the measuring device requirement be waived in this case.

Very truly yours,

Ronald D. Carlson
Watermaster

CC: Jeff Peppersack

bcc: Keith Wilson 3/13/01 - dg

MICROFILMED

OCT 02 2001

1/23 - CALLED DEBORAH
GIBSON (WHO SENT LETTER
SAYING SHE NEEDED
SOMETHING IN WRITING),
SHE SAID JEFF A. SAT
BY ITSELF & WOULD GET
LETTER OUT TO US EXEMPTING
US FROM A MEASURING
DEVICE.

Attention: Debbie Gibson

Date: 3/12/01

Company:

Number of Pages: 1

Fax Number: 1-208-327-7866

Voice Number:

From: Jon Jacobs

Company:

Fax Number: 702-346-6389

Voice Number: 702-346-6279

Subject: Water Permit

Comments:

Debbie, per our conversation, here is the letter from ron. Thanks for your assistance. Jon

MICRO FILMED

OCT 02 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

October 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JON JACOBS
5242 CREED DR
SUMMERFIELD NC 27358

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 21-07585

Dear Permit Holder:

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

Thank you for your October 10, 2000, letter. I understand that you request the measurement device requirement condition of your permit be waived. The department can waive this requirement if the Watermaster for Water District No. 01 advises us, in writing, that he does not need the device to regulate your water right.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161, or contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

NOV 07 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 21-07585 Reviewed by D. Gibson Date 10/31/00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Recreation - Wildlife
Storage pond
Correct Uses? Yes

SOURCE OF WATER

Yes Surface water source
No Ground water source

/ Drilling permit required?
/ Copy in the file? Drilling Permit No. /
/ Amount paid for permit / Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?
\$50 Amount Submitted
Yes Correct?

MEASURING DEVICE

Yes Required?
No Installed?
Yes Waiver requested?

PRIORITY CALCULATION

Date proof received 10/23/00 10/23
Date proof due 11/1/00 - /
No. of days late / = /
Priority Date / + /
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof with response to measurement waiver.

DATA ENTRY

New Address / Proof Made 10/23/00

RECEIVED

OCT 18 2000

Department of Water Resources
Eastern Region

10-10-00

Dear Ron Carlson,

Enclosed you will find a PROOF OF BENEFICIAL USE form from the State of Idaho -- Department of Water Resources, as well as a copy of our permit to install a recreational/storage pond for wildlife on our Idaho property and a check for the examination fee. The form is to be completed in full by November 1, 2000. We can't, however, complete the form without your assistance. # 7 on the form refers to a measuring device. Our permit actually called for a measuring device but we have not had one installed. When I spoke with you by phone the other day you said to send you the form with a letter explaining the situation and to request a waiver on installing a measuring device.

The water from the creek that runs through our property flows into a fairly small pond (approximately four feet deep) and back out over an over spill into the same creek which eventually disappears into the ground at the base of our property. There is not any one above or below us using this water, nor are we. The pond was created solely for recreational storage for wildlife. Therefore, we do not feel that a measuring device is needed.

We would greatly appreciate a waiver on this matter. Please send the waiver, as well as the enclosed form and check to the State of Idaho, Department of Water Resources at 1301 North Orchard Street, Boise, Idaho 83720-0098 by November 1, 2000. If you have any questions you may reach us at (336) 643-0439.

Thank you,



Tiffani Jacobs

Jon and Tiffani Jacobs
5242 Creed Drive
Summerfield, NC, 27358
(336) 643-0439

MICROFILMED

NOV 07 2000

August 31, 2000

DOUGLAS GUIVER
JON JACOBS
5242 CREED DR
SUMMER FIELD NC 27358

PROOF DUE NOTICE

RE: PERMIT NO. 21-07585

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 2000.

(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.

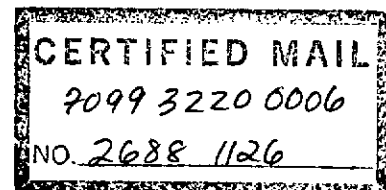
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

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NOV 07 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 17, 1998

DOUGLAS GUIVER
JON JACOBS
5242 CREED DR
SUMMER FIELD NC 27358

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07585

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to 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 or visit the department's homepage on the Internet to obtain the proper reporting form.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the

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NOV 24 1998

diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

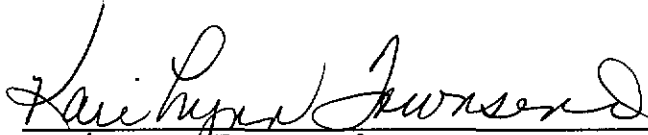
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NOV 24 1998

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of November, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 21-07585

JON JACOBS
DOUGLAS GUIVER
5242 CREED DR
SUMMER FIELD NC 27358


Kari Lynn Townsend
Secretary

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NOV 24 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by CindyNo.: 21-7585 Name: Swier / Jacobs Date: 11/13/98 Ad OK? ☒ ☒ Gvmt Lts: AREA OF CONCERN: - No/Yes: ESRP Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

≤ 1 year/no proof

- 26A-P17

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

- 046-P23

- 085

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated):

FISH & GAME CONTACTED:

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- YES / NO; RESPONSE: None

- *WB9

- R04 (WD # 01)

- 01J-P08 (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

Weiser R (67)

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- 086, 087

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo.)

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

- 029(70's only)-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req) -081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

~~Mitigation~~- P84 (in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration) added per S&K- 18A

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 11/1/

RECEIVED

NOV 12 1998

DEPARTMENT OF WATER RESOURCES

Dist. for staffing

Submitted for advertising

10-5-98

Form No. 202

4/87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS PERMIT

RECEIVED

NOV 12 1998

Department of Water Resources

INITIAL REVIEW BY HWS DATE 10-5-98 APPLICATION NO. 21-07585

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 signatory is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

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

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

PROCESSING

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

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ID Falls ☐ U.S. Forest Service
☐ Idaho Dept. of Lands sent 10/9 ☒ Water District 01
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken _____
☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01
☐ Yes ☒ No Special conditions of approval or cover letter below.

Date of priority recommended 10-02-1998
By: [Signature] Date: 11-4-1998
STATE OFFICE REVIEW

By _____ Date: _____
ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

[illegible]

THE FREMONT COUNTY HERALD-CHRONICLE
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. 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 semi-weekly in Fremont County, Idaho; and I do solemnly swear that the NOTICE APPLICATION WATER RIGHT- 21-07585 -GUIVER 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 OCTOBER 14, 1998 and the last publication having been made on OCTOBER 21, 1998.

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

Terry T. Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 22TH day of NOVEMBER in the year of 1998 before me, a Notary

Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07585

GUIVER, DOUGLAS
JACOBS, JON
5242 CREED DR
SUMMER FIELD, NC 27358

Source: Unnamed stream. Tributary: Timber Creek.

Diversion Pt.: NWSESW Sec 25 T 16N R 42E in Fremont County.

Use: Recreation Storage (1,000 CFS) *should be A*

Total Diversion: (1.00 AF).

Date Filed: 10/2/1998.

In: Fremont County T16N R42E S25 SESW.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before November 2, 1998, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Publ. Oct. 14 and 21, 1998HC.

RECEIVED

NOV 04 1998

Department of Water Resources
Eastern Region

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NOV 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 9, 1998

JON JACOBS AND/OR DOUGLAS GUIVER
5242 CREED DR
SUMMER FIELD NC 27358

RE: Application for Application #21-07585

Dear Applicant:

This office is currently in the process of advertising the application in the Herald Chronicle on October 14 and 21, 1998. The advertisement will be published once a week 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.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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NOV 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 8, 1998

Legal Notices Department
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 NOVEMBER 2, 1998.

Yours truly,

Sharla Cox
Secretary

Encl.

*mailed
10/8/98
SC*

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NOV 24 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

21-07585

GUIVER, DOUGLAS
JACOBS, JON
5242 CREED DR
SUMMER FIELD, NC 27358

Source: UNNAMED STREAM

Tributary: TIMBER CREEK

Diversion Pt: NWSESW Sec 25 T 16N R 42E in FREMONT County.

Use: RECREATION STORAGE (1.000 CFS)

Total Diversion: (1.00 AF)

Date Filed: 10/ 2/1998

In: FREMONT County
T16N R42E S25 SESW

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before NOVEMBER 2, 1998. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 10/15/1998 & 10/22/1998

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NOV 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 8, 1998

ID DEPT OF FISH & GAME
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application for Permit No. 21-07585

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is Nov 2, 1998, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc
enc.

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NOV 24 1998