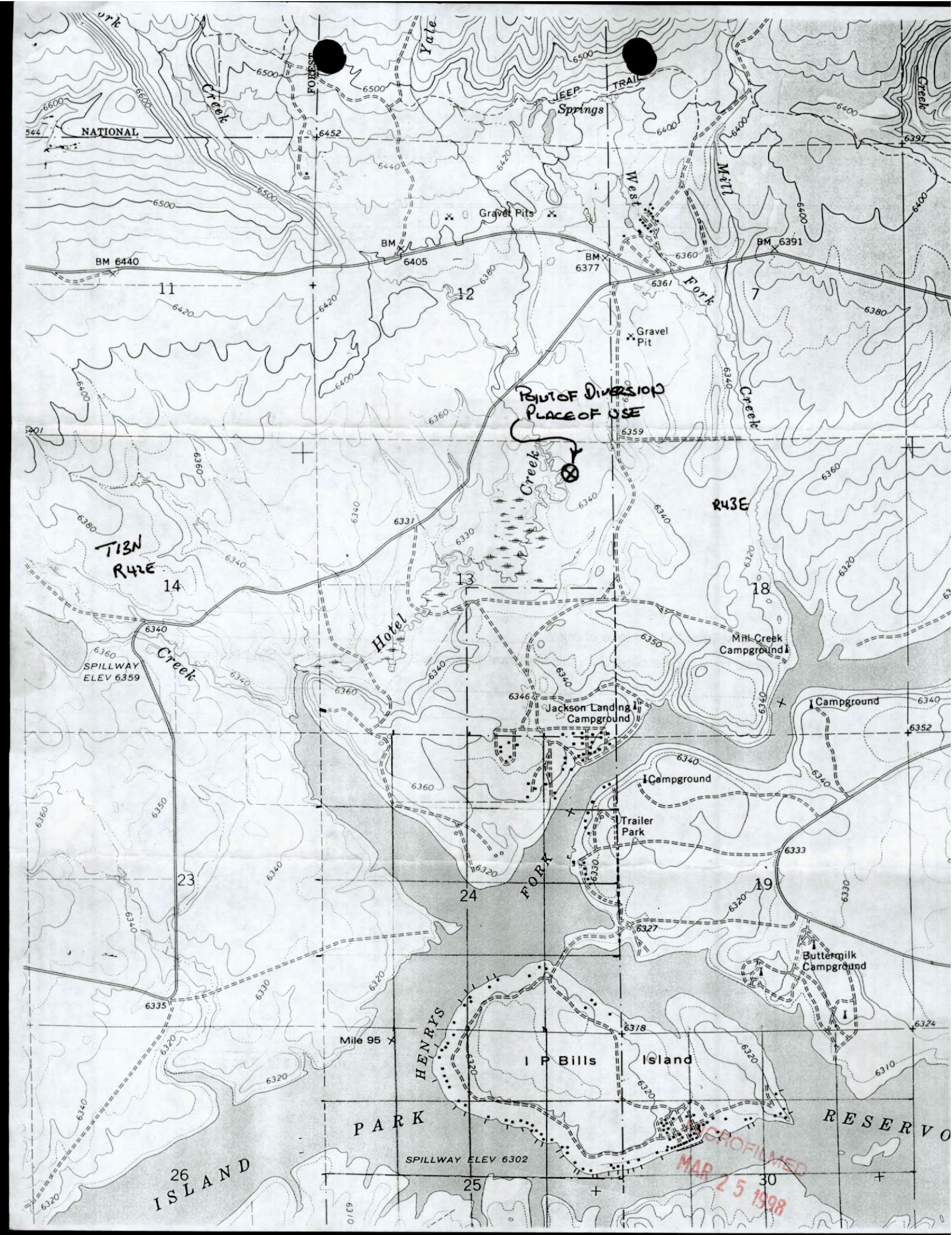
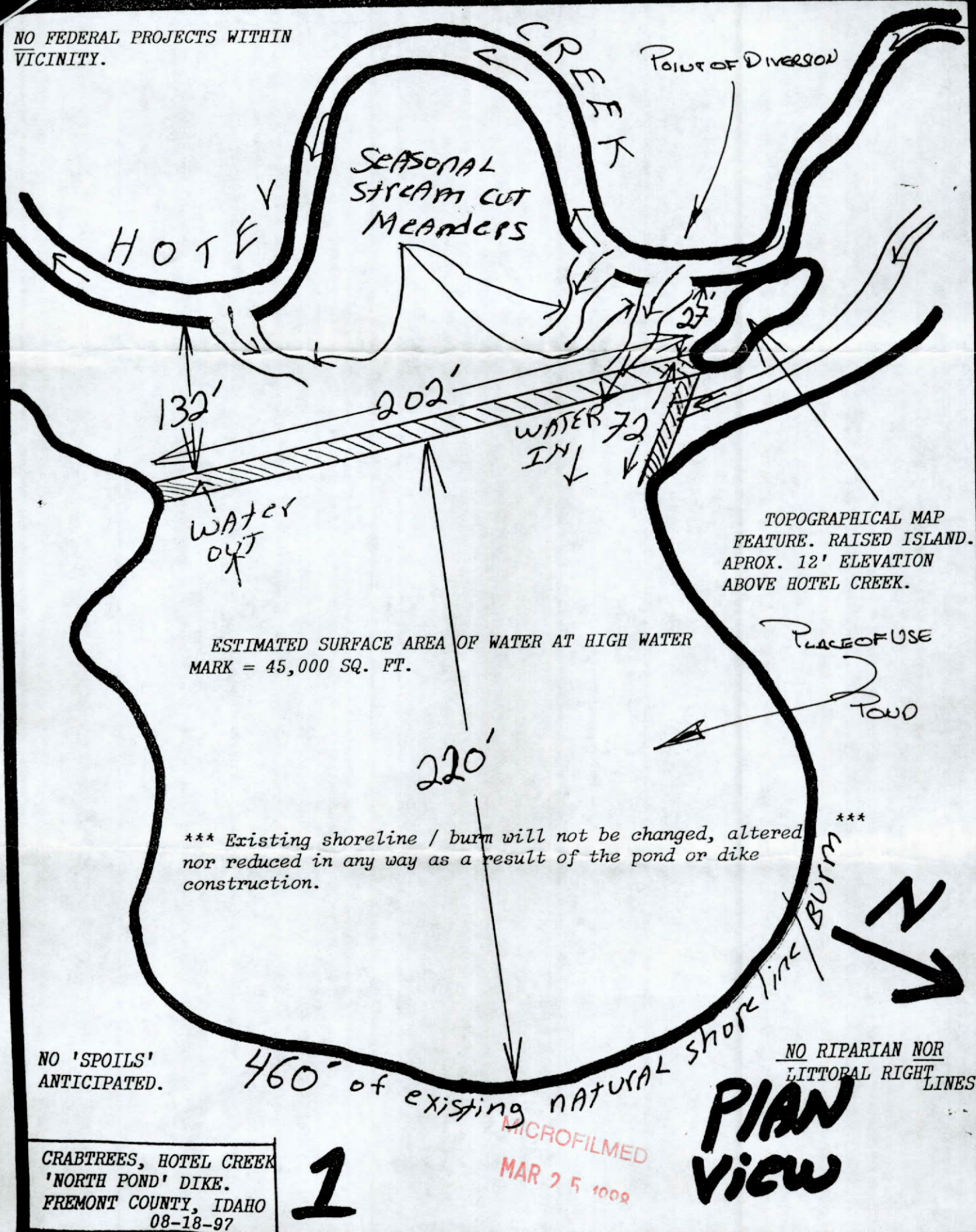




NO FEDERAL PROJECTS WITHIN VICINITY.



NO 'SPOILS'
ANTICIPATED.

CRABTREES, HOTEL CREEK
'NORTH POND' DIKE.
FREMONT COUNTY, IDAHO
08-18-97

1

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PLAN View

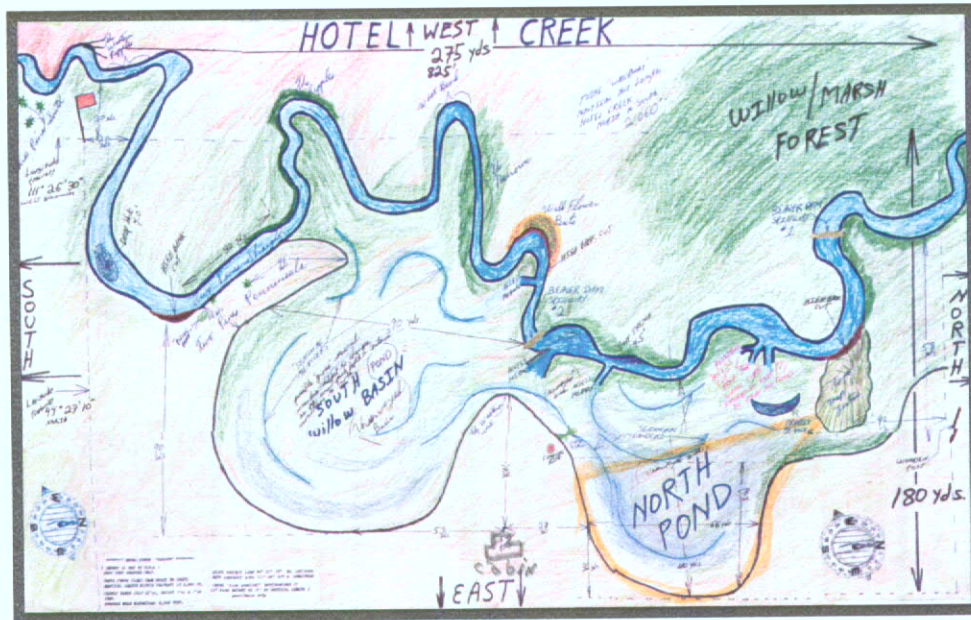
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21~7570



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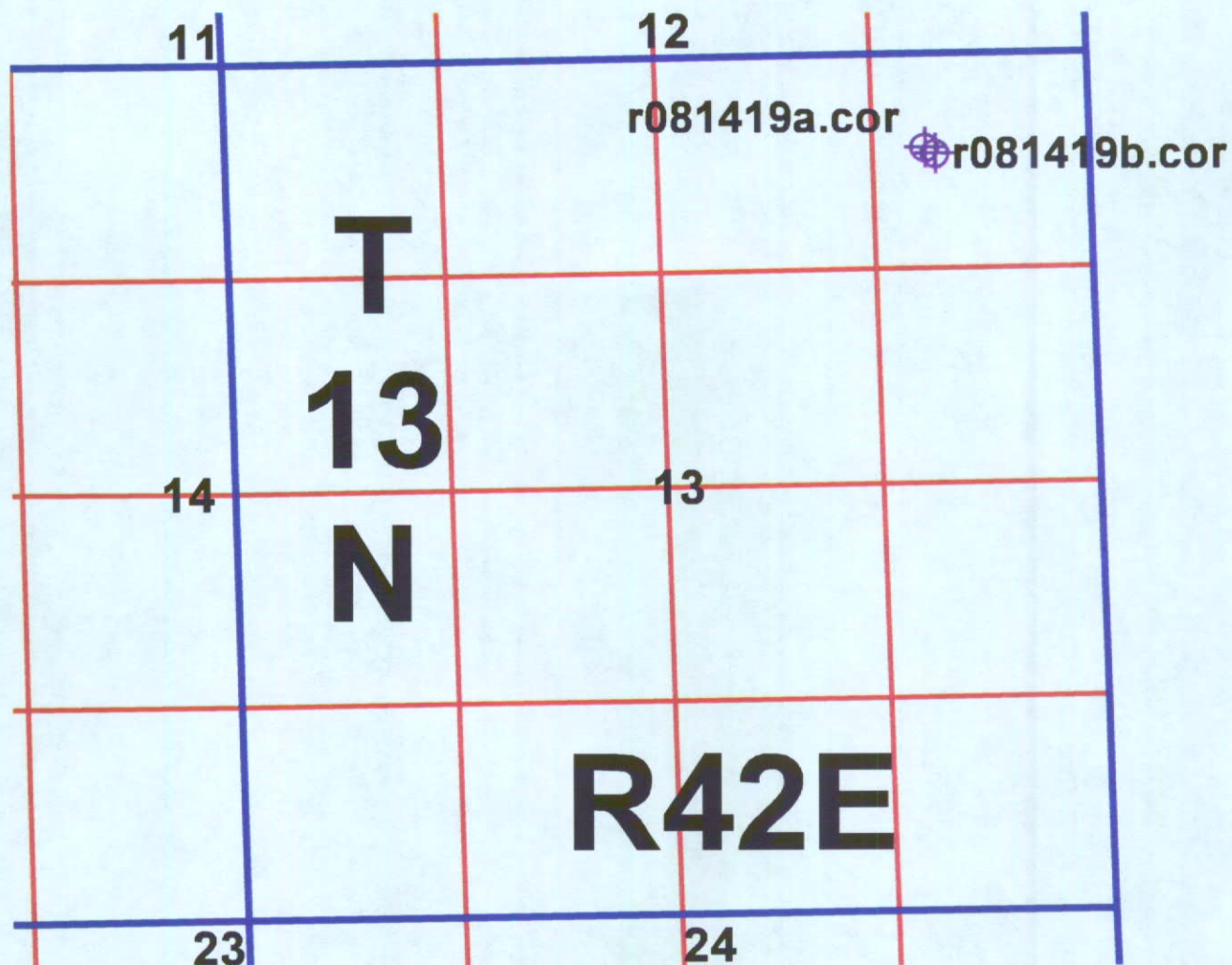


Aug 1995



MICROFILMED

MAR 25 1999



- ⊕ Posnpnt.shp
- S13n42e.shp
- T13n42e.shp

21-07570

21-7570



POD Hotel creek



2nd POD Hotel Creek
2 pods are within 30' of
each other



21-7570 Standing near Hotel creek. Pond behind Mr. Crabtree.



21-7570 - looking at dam (south side of lake)



21-7570 POU looking west toward dam.



Overflow down to Hotel Creek

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 FOR WATER RIGHT -21-07570 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 JANUARY 15, 1998 and the last publication having been made on JANUARY 22, 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 23RD day of JANUARY 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.

Logan D. 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:

21-07570

CRABTREE, LARRY
JONE

1922 NORVALE RD
SILVER SPRING, MD 20906

Source: HOTEL CREEK Tributary:
HENRY'S FORK

Diversion Pt: NWNENE Sec 13 T 13N R
42E in FREMONT County.

Use: DIVERSION TO STORAGE (0.200
CFS) RECREATION STORAGE (8.00
AF) Total Diversion: (8.00 AF).

Date Filed: 12/26/1997

In: FREMONT County T13N R42E S 13
NENE

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 2, 1998.

KARL J. DREHER
Director

Publ. Jan. 15 and 22, 1998HC.

RECEIVED

FEB 04 1998

Department of Water Resources
Eastern Region

MICROFILMED

MAR 25 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
21-07570 IN THE NAME OF)
LARRY CRABTREE)
_____)

REINSTATEMENT ORDER

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before March 1, 2001; and,

WHEREAS, the Department notified the permit holder on December 31, 2000 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

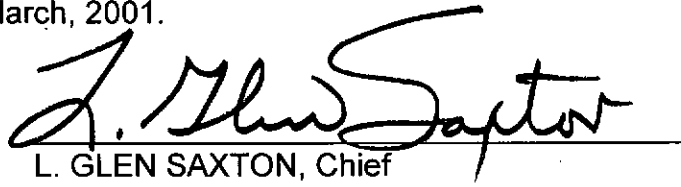
WHEREAS, the Department sent the permit holder a lapse notice on March 8, 2001, since the Department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on March 29, 2001;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 21-7570 is **REINSTATED** with an advance in priority to **January 23, 1998**.

DATED this 30th day of March, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
APR 11 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 29 2001

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 21-7570 Telephone No. 208-558-7725

2. Name of Permit Holder(s): Larry + Jane Crabtree

3. Mailing Address: Box 188 3939 Cowan Rd

City Island Park State ID Zip 83429

4. Source of Water: Hotel Creek If **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): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR _____ 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: Larry Crabtree Telephone Number: 208-558-7725

Address: 3939 Cowan Rd Island Park, ID 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: _____

C. Larry Crabtree
(include your title, if on behalf of company or organization)

Date: 3-25-01

APR 11 2001

RECEIVED

FEB 11 2000

For Office Use Only
\$50 Fee Received by 50.00
Date 2-11-00
Receipt No. 2048084

STATE OF IDAHO
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 21-07570
Name(s) of Permit Holder: Larry Crabtree
Address: 3939 Cowan Rd Box 188 City Island Park State ID Zip 83429
Telephone No. 208-558-7725 Date Proof is Due: March 1, 2000

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Full pond has been constructed plus spillway or outlet.

Costing \$ 6,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

In June, '99, a constant effort was made to fill pond with a pumping system from Hotel Creek. Failed to fill pond to outlet level because of an apparent leak. Drained pond in Sept. Contractor proceeded to correct the problem (Cost \$700). I shall attempt to fill pond in June; then install a ram/sling pump with locking mechanism with approval of watermaster.

Permit holder(s) request an extension to March 1, 2001

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 2001.

Signed this 16th day of March, 2000

MICROFILMED

MAR 17 2000

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 12 1999

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 21-07570

Name(s) of Permit Holder: Larry Crabtree (Jane Crabtree - wife)

Mailing Address: 1922 Norvale Rd, Silver Spring, MD - (temp) 20900

Date Proof is Due: March 1, 1999 Telephone No. 301-598-6543

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Idaho Address
3939 Cowan Rd
Island Park, ID 83429
TEL. 208-558-7725

Contractor has built the dirt filled dikes and removed the stand of willows.
The circumference + volume of the 'pond' are now defined. The overflow (outlet)
is partially completed - more cement work remains. We've researched
available pumping systems with locking mechanism. Will install in summer of 99
Costing \$ 6,000⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Wet conditions prevented the contractor from starting the project
until late summer. Completion of the outlet system was delayed because
of early cold, snowy weather. Now completion date is dependent on ground
conditions.

Permit holder(s) request an extension to Sept. 30, 19 99.

FEE: \$50.00

Larry Crabtree
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 2000 MICROFILMED

Signed this 5th day of February, 19 99

J. Glen Saylor
Chief, Water Allocation Bureau
FEB 11 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 21-07570

Proposed Priority: December 26, 1997 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **LARRY CRABTREE**
1922 NORVALE RD
SILVER SPRING MD 20906
has applied for a permit to appropriate water from:
HOTEL CREEK tributary of **HENRYS FORK**

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		8.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION: NENE, Sec. 13, Township 13N, Range 42E
FREMONT County

PLACE OF USE: RECREATION STORAGE
TWN RGE SEC
13N 42E 13 NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1999.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
6. Recreation storage is for a private fish 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

19th day of February, 1998.

[Signature]
for Karl J. Dreher, Director

MICROFILMED
MAR 25 1998

RECEIVED

DEC 26 1997

Ident. No.

Department of Water Resources
Eastern Region

RECEIVED

FEB 13 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

21-7570

To appropriate the public waters of the State of Idaho

Department of Water Resources

(301) 598-6543 (40)

1. Name of Applicant LARRY OR JOE CRABTREE Phone 208-558-7725 (10)
Mailing address 1922 NORVALE ROAD, SILVER SPRING MD. 20906
2. Source of water supply HOTEL CREEK which is a tributary of HEURYS FORK SNAKE RIVER
3. Location of point of diversion is Township 13N Range 42E Sec. 13 in the N1/4 1/4, NE 1/4, NE 1/4, Govt. Lot _____, B.M., FREMONT County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
☒ Amount 0.20 for DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 8.0 cfs for RECREATION STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) WILL BE FILLED
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) 8.0
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 10' TALL BY 200' LONG DAM
WILL BE PLACED ACROSS AN ABANDONED MEANDER OF STREAM TO FORM POND. (COST: 10) REMARKS:
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; 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 1 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. RECREATION POND FOR PRIVATE USE AT SUMMER HOME SITE.
MAY STOCK WITH NATIVE FISH FOR PRIVATE USE.

MAR 25 1998

Publication prepared by

٧٤

Dec

Date 12-26-91 Time 12:00

Preliminary check by

Date _____

Thord's Chance

Date _____

Signature of Applicant (and title, if applicable)

Department of Water Resources

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.

MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2 x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred)

Remarks: Item No. 6 on Cont. A river will be traced to the creek to deliver water to the pond. Overflows will spill into old stream channel and be delivered to the creek. No construction will be required for either into the creek. The water flow approximately 80 acre feet. Dimensions of surface area is 45,000 ft².

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

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

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

10. Describe any other water rights used for the same purposes as described above: No

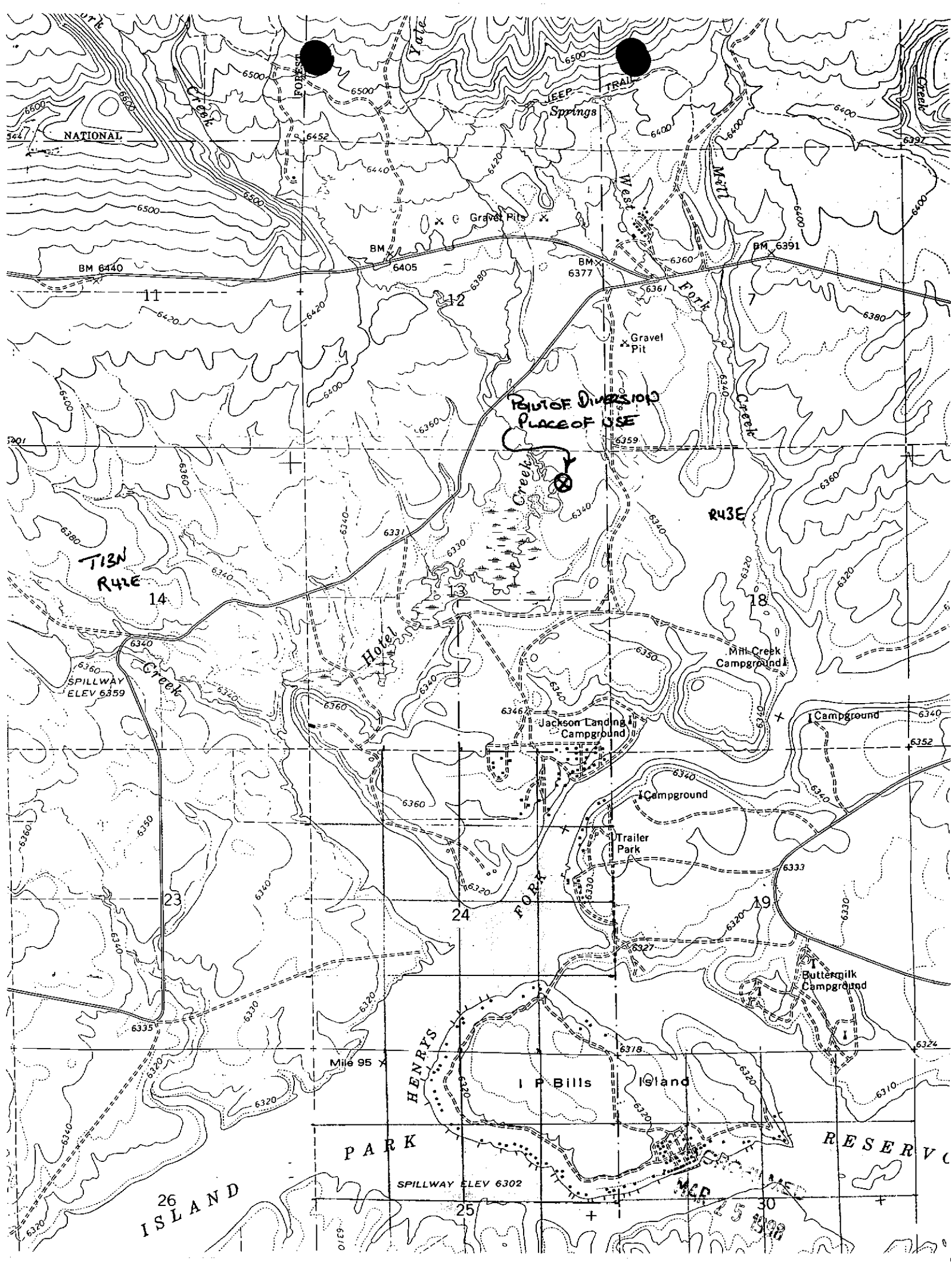
Total number of acres to be irrigated

[illegible]

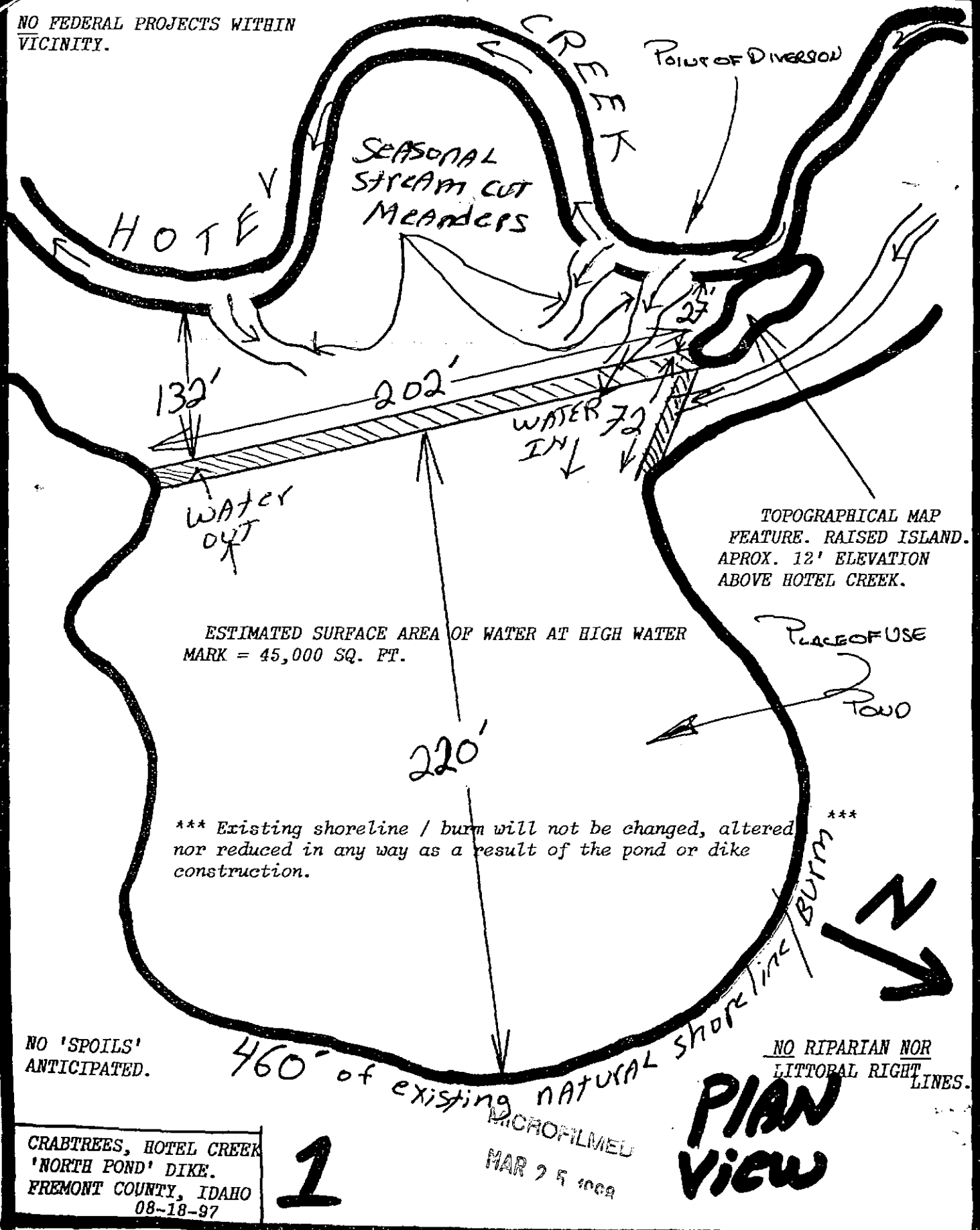
9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: *B for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

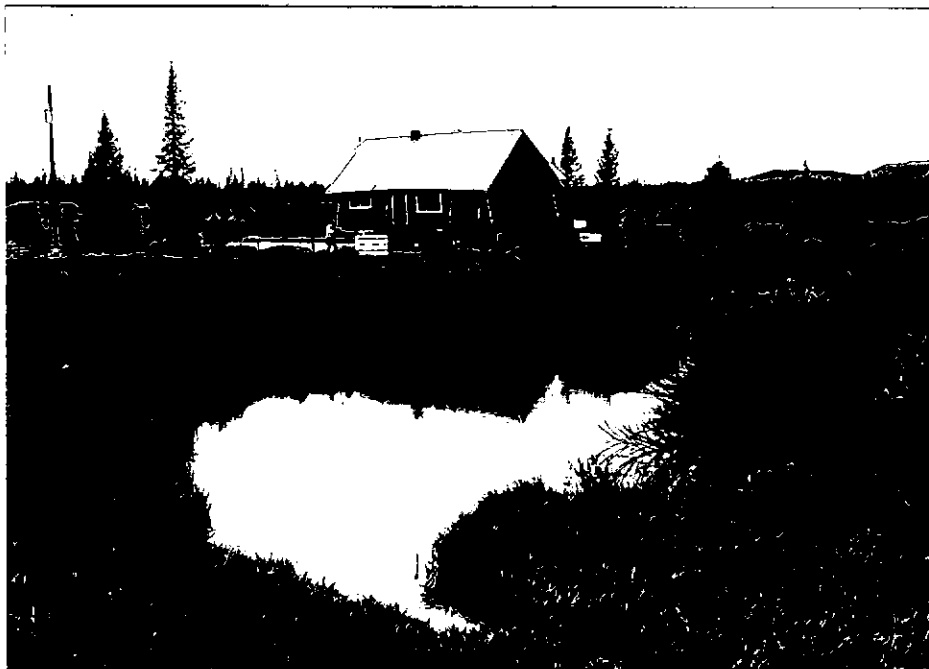
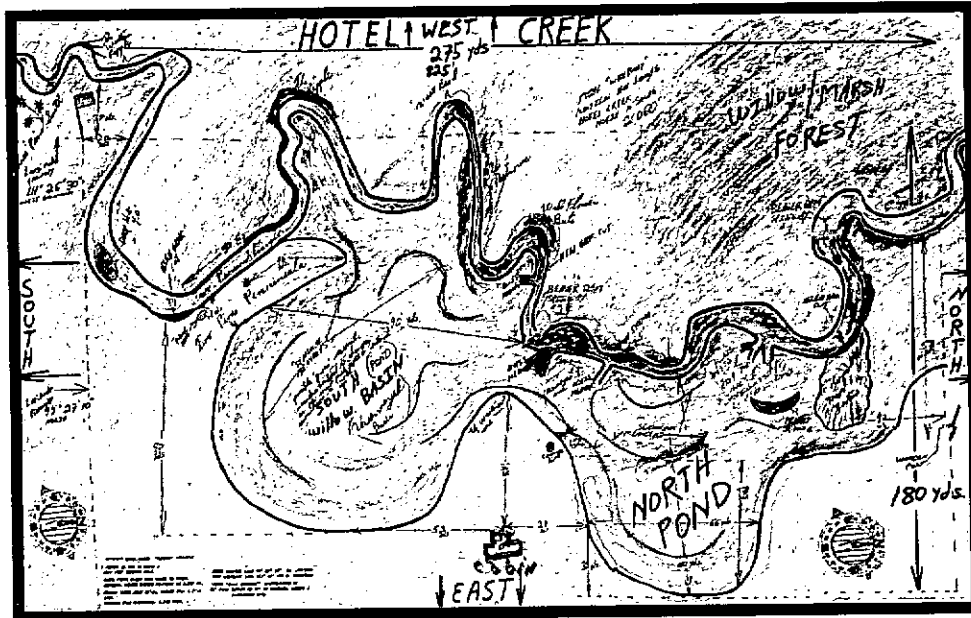


NO FEDERAL PROJECTS WITHIN VICINITY.



21-7570

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MAR 25 1998



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MAR 25 1998

21~7570



Oct 1995



MAR 25 1998



Aug 1995

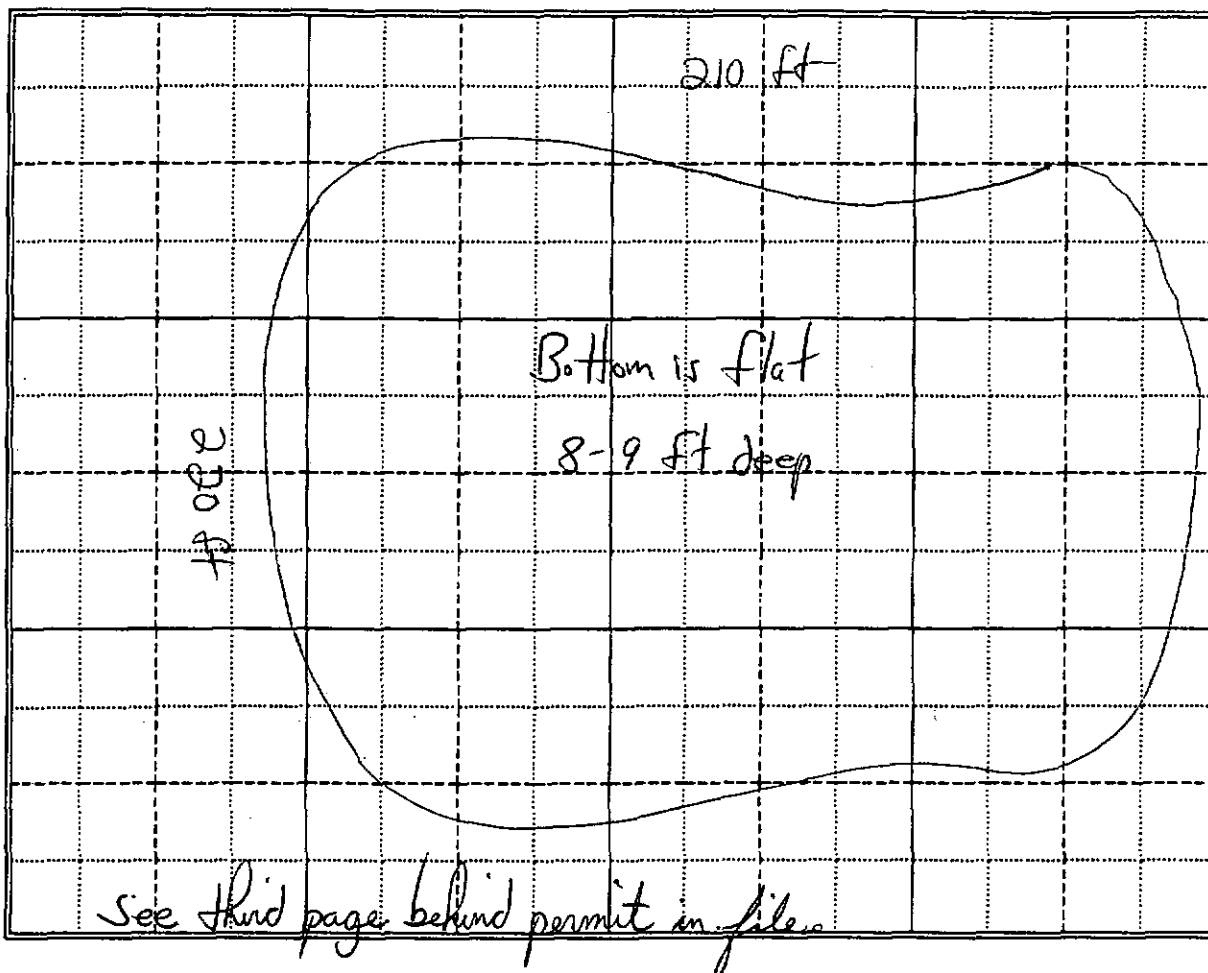


MICROFILMED

MAR 25 1996

[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
	Honda GX140	5	?	Semi Trash Pump	094191

*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:

2 1/2 gallon 6 seconds → 5 gallons 6 1/2 seconds
 2 1/2 7 seconds

Portable pumps from Hotel Creek pump water over dike and into pond roughly 30 feet to the east.

2 30 amp pumps were operating during the exam.

a third pump wasn't being used.

Mr. Crabtree also had a gasoline powered pump with a three inch line leading into the pond. The gasoline pump wasn't functioning correctly, so he had turned it off.

R081419A POD from Hotel Creek

R081419B On dike at West side of pond.

The gasoline motor is 5hp. Pump was rated at 15800 gph

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

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{elect pump}} = 5 \text{ gal} / 6 \frac{1}{2} \text{ sec} = 46.2 \text{ gpm} = 0.10 \text{ cfs}$$

$$Q_{\text{snp}} = 0.37 \text{ cfs}$$

$$Q_{\text{LIMITED BY PERMIT}} = 0.20 \text{ cfs}$$

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:

$$V_{\text{Reservoir}} = \left(\frac{210' \times 220'}{43560} \right) \times 8' = 8.5 \text{ af}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
RECREATION STORAGE	1/1	12/31		8.0 af
Diversion to Storage	1/1	12/31	0.20 cfs	
Totals:			0.20 cfs	8.0 af

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 Steve Mueller Date 8-14-01

Reviewer _____ Date _____

SEAL

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{5}$$

$$Eff = \text{Efficiency} = \underline{0.70} \text{ (Usually 70\%)}$$

$$\text{Lift: (Static Level + Assumed Draw down)}$$

$$\text{Static Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{\hspace{2cm}} \text{ ft.}$$

$$\text{Lift} = \underline{25} \text{ assumed}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

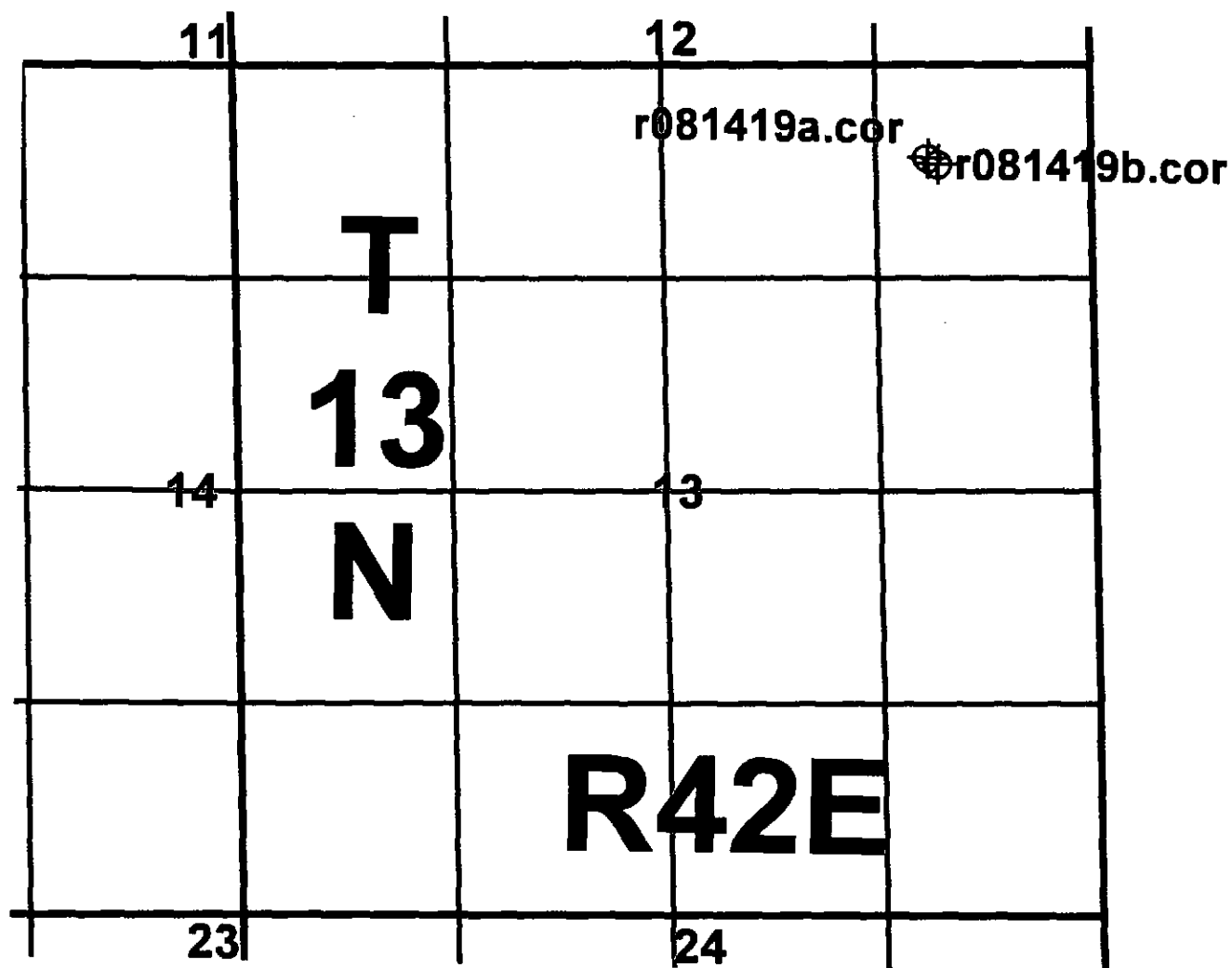
$$psi = \text{Operating Pressure} = \underline{25} \text{ psi} \text{ assumed}$$

$$Q_{cfs} = \left[\frac{5}{Hp} \times 8.814 \times \frac{0.70}{Eff} \right] \div \left[\frac{25}{Lift} + \left(\frac{25}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{30.849} \right] \div \left[\underline{82.7} \right]$$

$$Q_{cfs} = \underline{0.37} \text{ cfs}$$

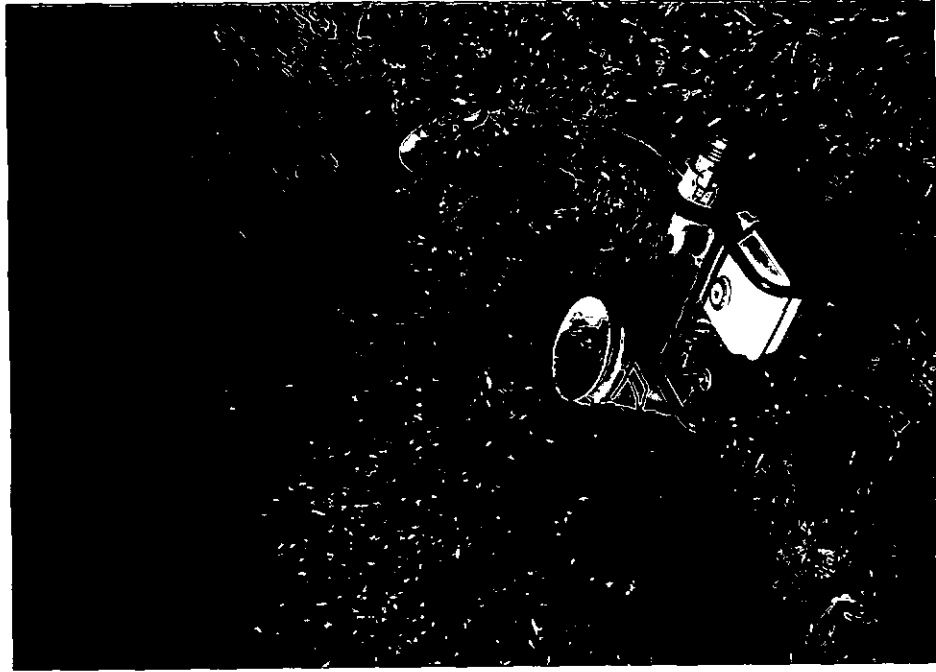
PERMIT NO. 21-07570



- ⊕ Posnpnt.shp
- S13n42e.shp
- T13n42e.shp

21-07570

21-7570



POD Hotel creek



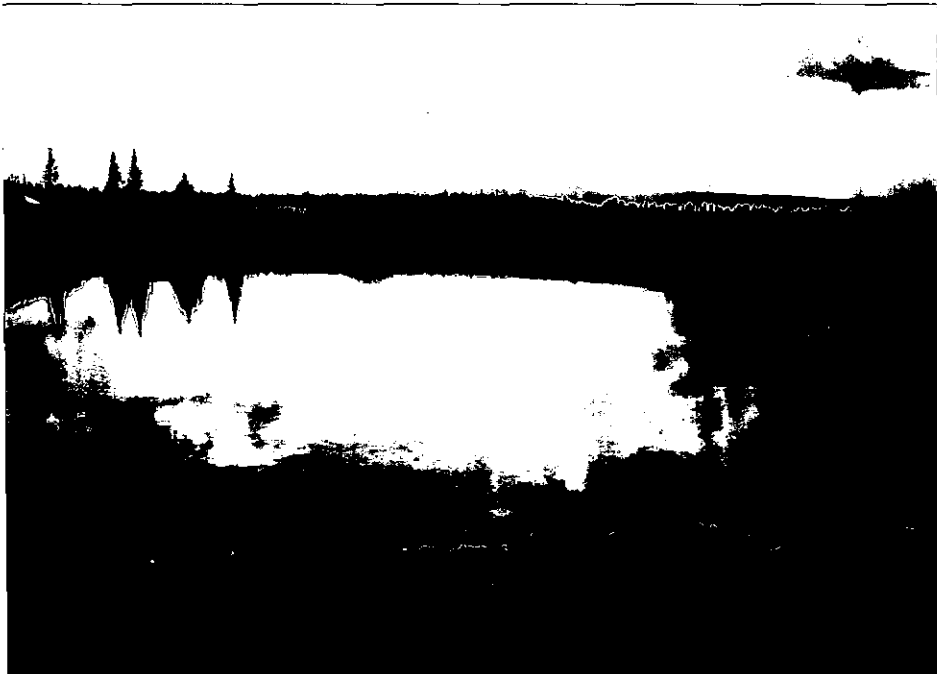
2nd POD Hotel Creek 2 pods are within 30' of each other



21-7570 Standing near Hotel creek. Pond behind Mr. Crabtree.



21-7570 - looking at dam (south side of lake)



21-7570 POU looking west toward dam.



Overflow down to Hotel Creek



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 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LARRY CRABTREE
3939 COWAN RD, BOX 188
ISLAND PARK ID 83429

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 21-07570

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

Enclosed is the Request for Extension of Time you filed along with the Proof of Beneficial Use received on March 29, 2001. We cannot accept the Request for Extension of Time, therefore, I am returning it to you. Either an Extension or a Proof was required, and since you have been granted an extension previously, this extension did not provide a new basis we could approve, therefore, I am forced to accept the Proof of Beneficial Use. I recommend you make the necessary improvements to the pond so that you have no water loss before the field examiner inspects it.

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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Eastern Regional Office** of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. _____)	
21-07570 IN THE NAME OF _____)	REINSTATEMENT ORDER
LARRY CRABTREE _____)	
_____)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before March 1, 2001; and,

WHEREAS, the Department notified the permit holder on December 31, 2000 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

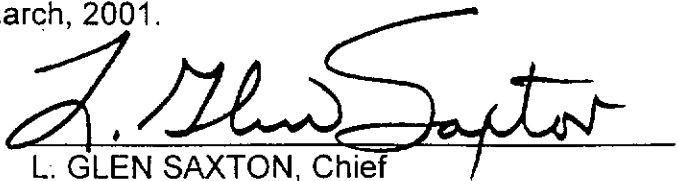
WHEREAS, the Department sent the permit holder a lapse notice on March 8, 2001, since the Department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on March 29, 2001;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 21-7570 is **REINSTATED** with an advance in priority to **January 23, 1998**.

DATED this 30th day of March, 2001.



L. GLEN SAXTON, Chief
Water Allocation Bureau

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C052965
Receipt By: J. Barron
Date Received: 3/29/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 29 2001

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 21-7570 Telephone No. 208-558-7725
2. Name of Permit Holder(s): Larry + Jane Crabtree
3. Mailing Address: Box 188 3939 Cowan Rd
City Island Park State ID Zip 83429
4. Source of Water: Hotel Creek If **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): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR _____ 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: Larry Crabtree Telephone Number: 208-558-7725
Address: 3939 Cowan Rd Island Park, ID 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: C. Larry Crabtree Date: 3-25-01
(include your title, if on behalf of company of organization)

Idaho Department of Water Resources Receipt

Receipt ID C052965

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	EXTENSIONS	0229	21	56103	1155


Signature Line (Dept. Representative)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

29 2001

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF Department of Water Resources
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 21-7570
Name(s) of Permit Holder: Larry + Jane Crabtree
Address: 3939 Cowan Rd Box 188 City Island Park State ID Zip 83419
Telephone No. 208-558-7725 Date Proof is Due: ?

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Received notice on
March 15, 01

All work is essentially completed. Unfortunately we
were unable to bring the water level above 3/4's capacity due
to an apparent leak from increased water pressure. We
need the extension in order to haul heatinrite to line the
pond's approximately one pound per square foot. Costing \$ 3,000.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Unable to drain the pond last fall so we could
haul the heatinrite to seal the bottom. We will do
the work in June of this year, weathering permitting --
it may take us all summer.

Permit holder(s) request an extension to Oct. 1, 20 01

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Not
accepted

Signed this _____ day of _____, 20 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (evidence of delay must be submitted with the request), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (evidence must be submitted with the request).
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (reason for request must be submitted).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1501 North Orchard Street
Boise, Idaho 83706-2237

RETURN
REQUESTED

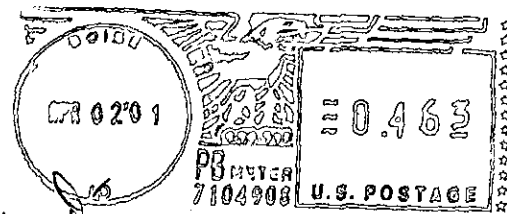
RECEIVED

APR -9 2001

Department of Water Resources

Crab 188

PRESORT
FIRST CLASS



558-7725
Disconnected
File in
21-07570

MICROFILMED

APR 11 2001

CRAB188 T834292007 1C00 04 04/05/01
CRABTREE RETURN TO SENDER
TEMPORARILY AWAY

83706-2237 43





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 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LARRY CRABTREE
3939 COWAN RD, BOX 188
ISLAND PARK ID 83429

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 21-07570

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

Enclosed is the Request for Extension of Time you filed along with the Proof of Beneficial Use received on March 29, 2001. We cannot accept the Request for Extension of Time, therefore, I am returning it to you. Either an Extension or a Proof was required, and since you have been granted an extension previously, this extension did not provide a new basis we could approve, therefore, I am forced to accept the Proof of Beneficial Use. I recommend you make the necessary improvements to the pond so that you have no water loss before the field examiner inspects it.

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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Eastern Regional Office** of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR - Region

MICROFILMED

APR 11 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 21-07570

Reviewed By: dgibson

Date: March 30, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C052965	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?		X	Measure device waiver requested?		

Priority Calculation

Date proof received		03/29/2001
Date proof due	-	03/01/2001
Lapse notice sent	-	03/08/2001
No. of days late	=	28
Holiday allowance	+	
Priority date	+	12/26/1997
New priority date	=	01/23/1998

Deficiencies of Actions Items

Acknowledge proof. Request that a lockable device be installed to assist the watermaster, or file a waiver. Advance priority to 1/23/1998.

March 8, 2001

LARRY CRABTREE
3939 COWAN RD BOX 188
ISLAND PARK, ID 83429

LAPSE NOTICE

RE: PERMIT NO. 21-7570

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated December 31, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton , Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 3/8/01
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

APR 11 2001



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 31, 2000

LARRY CRABTREE
3939 COWAN RD BOX 188
ISLAND PARK, ID 83429

PROOF DUE NOTICE

RE: PERMIT NO. 21-7570

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 March 01, 2001. (See last page of your approval 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,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

JAN 10 2001

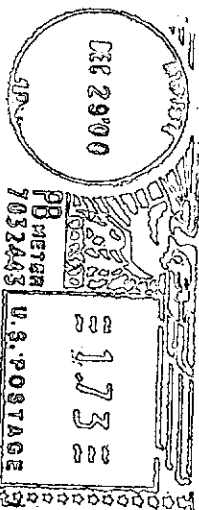
Department of Water Resources

5 JUL 12 1991



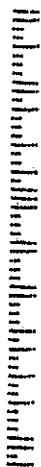
7099 3220 0005 5178 8668

21-7570



CRABTREE 1634292005 1000 04 01/03/01
CRABTREE RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

83720/0034



MICROFILMED

APR 11 2001

December 31, 2000

LARRY CRABTREE
3939 COWAN RD BOX 188
ISLAND PARK, ID 83429

PROOF DUE NOTICE

RE: PERMIT NO. 21-7570

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 March 01, 2001. (See last page of your approval 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.

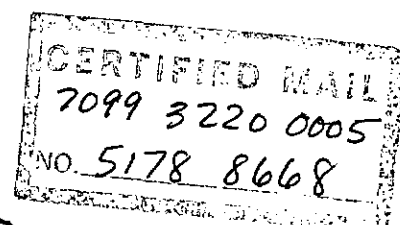
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED
APR 11 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

March 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY CRABTREE
3939 COWAN RD BOX 188
ISLAND PARK ID 83429

RE: PERMIT NO. 21-07570

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **March 1, 2001**. Please note that the department granted this extension due to circumstances beyond your control, which kept you from developing the permit. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant additional extension requests.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

If you have any questions regarding this matter, please feel free to contact the department.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

RECEIVED

FEB 11 2000

For Office Use Only
\$50 Fee Received by 50.00
Date 2-11-00
Receipt No. 6048084

STATE OF IDAHO
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 21-07570
Name(s) of Permit Holder: Larry Crabtree
Address: 3939 Cowan Rd Box 188 City Island Park State ID Zip 83429
Telephone No. 208-558-7725 Date Proof is Due: March 1, 2000

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Full pond has been constructed plus spillway and outlet.

Costing \$ 6,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

In June, '99, a constant effort was made to fill pond with a pumping system from Hotel Creek. Failed to fill pond to outlet level because of an apparent leak. Drained pond in Sept. Contractor proceeded to correct the problem (Cost 700). Shall attempt to fill pond in June, then install a ram/sling pump with locking mechanism with approval of watermaster.

Permit holder(s) request an extension to March 1, 2001.

Larry Crabtree
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 2001.

Signed this 16th day of March, 2000

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

91 North Orchard Street
Boise, Idaho 83706-2237

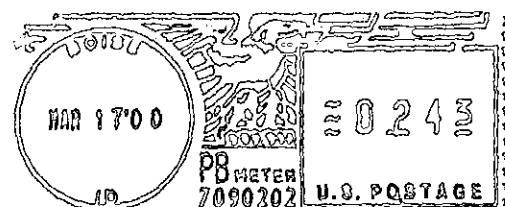
RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS

RECEIVED

MAR 24 2000

Department of Water Resources



21-07570

MICROFILMED
APR 11 2001

CRAB188 T834292004 1A99 05 03/21/00
CRABTREE RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER





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

March 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY CRABTREE
3939 COWAN RD BOX 188
ISLAND PARK ID 83429

RE: PERMIT NO. 21-07570

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **March 1, 2001**. Please note that the department granted this extension due to circumstances beyond your control, which kept you from developing the permit. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant additional extension requests.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

If you have any questions regarding this matter, please feel free to contact the department.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

MAR 17 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 21-07570 Reviewed by dde Date 3/15/00

BASIC INFORMATION

2/11/2000 Date stamp received

Yes Extension received timely

Yes Fee received and receipted

Yes Name and signature same as permit

Yes Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?

No Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

No Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

No Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Approve extension & extend proof due date to 3/1/2001.
Basis for extension - ~~due diligence~~ complications out of permit holder's control, caused delay.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

MICROFILMED
MAR 17 2000

DATA ENTRY

New Address 3939 Cowan Rd., Box 188, Island Park, Id. 83429
Change Proof Due Date 3/1/2001
Change Priority Date No

3/16 dde

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0048084

Date:

Time: 2/11/2000
15:05:06

Received

From: CRABTREE LARRY C

Type of Payment

Program Acct

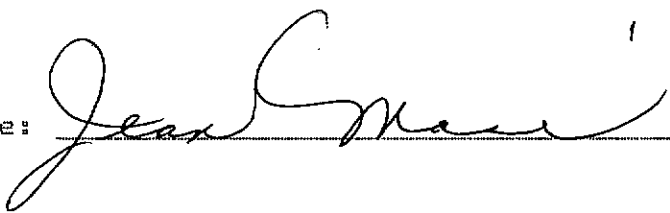
Amount

EXTENSIONS	#21-07570	56103	229 21 1155	50.00
------------	-----------	-------	-------------	-------

Total \$ 50.00

CHECK 523

Region: STATE

Signature: 

MICROFILMED

MAR 17 2000

December 31, 1999

LARRY CRABTREE
1922 NORVALE RD
SILVER SPRING MD 20906

PROOF DUE NOTICE

RE: PERMIT NO. 21-07570

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 March 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.

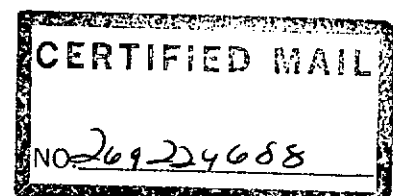
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
MAR 17 2000



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 21-07570 Reviewed by JF Date 2-4-99

BASIC INFORMATION

1-12-99 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to Mar. 1, 2000, on basis of due diligence.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 3-1-2000
Change Priority Date X



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 5, 1999

Larry Crabtree
1922 Norvale Rd
Silver Spring MD 20906

RE: Permit No. 21-07570

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **March 1, 2000**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

FEB 11 1999

December 31, 1998

LARRY CRABTREE
1922 NORVALE RD
SILVER SPRING MD 20906

PROOF DUE NOTICE

RE: PERMIT NO. 21-07570

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 March 1, 1999.

(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.

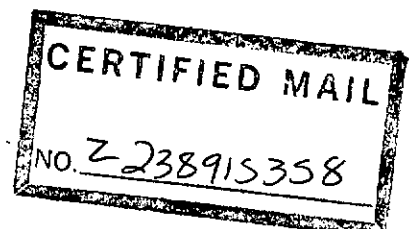
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
FEB 11 1999





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

February 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY CRABTREE
1922 NORVALE RD
SILVER SPRING MD 20906

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07570

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.

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 into a licensed water right. 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.

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

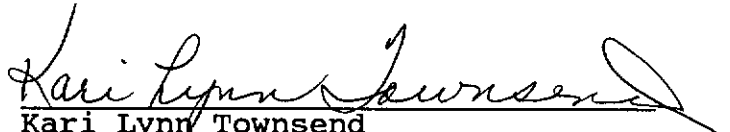
MICROFILMED
MAR 25 1998

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of February, 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. 21-07570

LARRY CRABTREE
1922 NORVALE RD
SILVER SPRING MD 20906


Kari Lynn Townsend
Secretary

MICROFILMED
MAR 25 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.

NOT RECORDED
MAR 25 1998

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.

MICROFILMED
MAR 25 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lee

No.: 21-7570 Name: Crabtree Date: 2/18/98 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: ESRP Mor / _____ GWMA / ~~Trns~~ Non-trust
- 020 (Protest Agreement) or *W19 (Order)

PROTESTED:**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
- 067 or No MD (in-stream stock or power)
- No MD

WMD Supplemental use

- > 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres
- 065-079 (if GW use SW 1st-statewide) (cannot move SW off)
- 01M (report when notified)
- No MD

DRILLING PERMIT:**All wells (✓ WDQ3)****Included w/permit****irr. in WD**

- 046-P23
- Permit No. _____ - _____ - _____ - _____, P99
- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):**~~IN/ABOVE MIN. STR. FLOW~~ (✓ MAP)****WD (✓ MAP & LISTING)**

- > 0.10 cfs
≤ 0.10 cfs
- ~~WB9~~
- R04 (WD # 01)
- 01J P08 (MD & LD)
- 01H-P01 (LD) or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres
- 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)**

- *W22 -P04, NA
- 007 (w/ remark *WB9 if above Weiser), NA
- *W22 (regulated uses), 047-P04 (Payette Lake), NA
- 029 (fish screens), NA

USE:**Domestic surface****>1 in rest. area****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
- 029-007-042(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 (FERC); 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.~~****Irr Dist/Canal Co.****SWAN FALLS FLAG (See Code Chart)****~~Trns~~****Non-Trust (1)**

- P84 in 20/30/40/50/60/70/80 (87) basin
- 058 (<85° GW temp only)
- ~~P84~~ stream channel alteration
- 023 (Twin Falls area)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:**

- 1
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

BENEFICIAL USE DUE:**COMMENTS:**

- Rec / fish pond

- 3/1/1999

* Send Copy to
Field Game

RECEIVED

FEB 13 1998

DEPARTMENT OF WATER RESOURCES

Dist. for staffing 12-29-97
Submitted for advertising 12-31-97

Form No. 202
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY Aug DATE 12-29-97 APPLICATION NO. 21-7570

CRABTREE
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
- ☐ 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 ☒ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ 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 Feb. 2, 1998
☐ 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. WD 01
☐ Yes ☒ No Special conditions of approval or cover letter below.

Date of priority recommended 12-26-96
By: HWT Date: 2-5-98
STATE OFFICE REVIEW

By _____ Date: _____
ADDITIONAL INFORMATION

See comments (next pg)

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

This "pond" is an oxbow that usually has water in it. (See photos.) I don't feel that there will be an increase (measurable) in surface area, just depth, with this proposal. In that light I recommend approval.

He Jones

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 FOR WATER RIGHT -21-07570 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 JANUARY 15, 1998 and the last publication having been made on JANUARY 22, 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 23RD day of JANUARY 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.

Logan D. 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:

21-07570

CRABTREE, LARRY
JONE

1922 NORVALE RD
SILVER SPRING, MD 20906

Source: HOTEL CREEK Tributary:
HENRY'S FORK

Diversion Pt: NWNENE Sec 13 T 13N R
42E in FREMONT County.

Use: DIVERSION TO STORAGE (0.200
CFS) RECREATION STORAGE (8.00
AF) Total Diversion: (8.00 AF).

Date Filed: 12/26/1997

In: FREMONT County T13N R42E S 13
NENE

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 2, 1998.

KARL J. DREHER
Director

Publ. Jan. 15 and 22, 1998HC.

RECEIVED

FEB 04 1998

Department of Water Resources
Eastern Region

MICROFILMED

MAR 25 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

January 12, 1998

IDAHO DEPT OF FISH & GAME
REGION 6
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application for Permit No. 21-07570

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 February 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/rb
enc.

MICROFILMED

MAR 25 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

January 12, 1998

LARRY CRABTREE
1922 NORVALE RD
SILVER SPRING MD 20906

RE: Notice of Application for Permit No. 21-07570

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register on Jan. 15 & 22, 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
Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED

MAR 25 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

JANUARY 9, 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 FEBRUARY 2, 1998.

Yours truly,


Rita Bodell
Secretary

Encl.

Typed 1-9-98

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MAR 25 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

DIOROFILMED

MAR 25 1938

21-07570

CRABTREE, LARRY
JONE
1922 NORVALE RD
SILVER SPRING, MD 20906

Source: HOTEL CREEK

Tributary: HENRY'S FORK

Diversion Pt: NWNENE Sec 13 T 13N R 42E in FREMONT County.

Use: DIVERSION TO STORAGE	(	0.200 CFS)	
RECREATION STORAGE			(8.00 AF)
Total Diversion:			(8.00 AF)

Date Filed: 12/26/1997

In: FREMONT County
T13N R42E S13 NENE

DEPT-FILED

MAR 25 1938

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 2, 1998.

KARL J. DREHER, Director

Published: 1/15/1998 & 1/22/1998

MICROFILMED
MAR 25 1998

21-7570

Dec. 2, 1997

Mr Eric Verner
Idaho Dept. of Water Resources
Eastern Region
900 North Skyline Dr., Suite A
Idaho Falls, ID 83402

RECEIVED

DEC 08 1997

Department of Water Resources
Eastern Region

Dear Eric,

Thanks again for returning my call. And a special thanks for your assistance in filling out our "Application for Permit (enclosed)".

As you suggested I called Jeff Dillon at Dept. of Fish and Game. He admitted to having little knowledge on estimating required in-flow of water into a fish-stocked one acre pond, eight feet deep. His best 'guesstimate' was under .50 cfs and that figure would lessen with the sub surface water existing at our location. So we compromised on a required in-flow from Hotel Creek at .20 cfs. His primary concern was adequate screening at the sites of in-flow and out-flow water, in order to prevent native fish from entering the pond and hatchery fish from escaping the pond. As a consequence we will submit a designed screening system to the Dept. of Fish + Game for approval before stocking fish.

I talked with Bud McMullen, who is experienced in trout farming in the Northwest, and in his opinion the combination of sub ~~surface~~ ^{ground} water, volume of water in one acre, 8' deep, and water temperature

at that altitude would sustain a trout population very effectively. Furthermore, he thought .20 cfs of water was an adequate flow.

Our plan is to construct the dike (see drawing) in early Spring of '98 before the ground thaws, if the snow depth is not a deterrent. Otherwise we would begin work in late Summer or early Fall.

Thank you for your consideration. We hope you will approve our project, which will result in a beautiful wildlife habitat. Fifty dollar application fee enclosed.

Sincerely,

W. J. Chabot

Island Park address:

3939 Cowan Road

Island Park, ID 83429

Ph: 208 558-7725

Maryland address:

1922 Norvale Rd

Silver Spring, MD 20906

Ph: 301-598-6543

RECEIVED

MAR 25 1998



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
EXCHANGE PLAZA
1820 E. 17TH, STE 350
IDAHO FALLS, IDAHO 83404

21 7570

October 20, 1997

Operations Division

SUBJECT: NWW No. 973102050

Mr. Larry Crabtree
3939 Cowan Rd.
Box 188
Island Park, Idaho 83429

Dear Mr. Crabtree:

This concerns your application for a Department of the Army permit to discharge approximately 72 cubic yards of fill material into wetlands adjacent to Hotel Creek. This fish and wildlife enhancement project involves development of approximately one acre of open water habitat by constructing a small dike across an old oxbow that the creek has abandoned. The dike construction requires a total discharge into approximately 6000 square feet (0.1 acre) of wetland area. Your project is located in Sec. 13, T.13N., R.42E., B.M., near Island Park, Fremont County, Idaho.

Your work is authorized under the terms and conditions of Nationwide Permit 4 (33 CFR 330, Appendix A) subject to the enclosed list of conditions. Because your work will not occur on tribal lands, the conditions of the EPA 401 Certification listed in the enclosure do not apply to your project.

Please carefully review these conditions. If you cannot meet these project conditions or if you change the project described in your permit application, this nationwide permit verification is not valid. You should contact us for our approval before modifying your project.

We have enclosed a Compliance Certification for you to sign and return when you have completed your project. In reviewing your application, we have determined that your project will not affect endangered species.

This notification is valid for 2 years from the date of this letter unless the nationwide permit is modified, reissued, or revoked. However, it will remain valid until that date if the nationwide permit is reissued without modification or your proposed project complies with the modified nationwide permit. If you commence or are under contract to commence this activity

MICROFILMED

MAR 25 1998

before the date the nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

This determination is applicable only to Department of the Army permits administered by the Corps of Engineers. It does not relieve you of the responsibility to obtain other Federal, state, and local permits which may be required. Authorization is required from the Idaho Department of Water Resources for your project. You should contact them to obtain any necessary permits prior to the start of construction.

A local floodplain management ordinance may have been adopted by your local city or county zoning office under the National Flood Insurance Program. I recommend that you contact them regarding any approvals or permits they may require for your project.

Please contact me at 208-522-1645 with regard to any questions you may have in this matter.

Sincerely,



Ray L. Kagel, Jr.
Regulatory Project Manager

Enclosures

Copies Furnished:

Mr. Eric Verner
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Jim Johnston, Regional Administrator
Idaho Department of Health and Welfare
Division of Environmental Quality
900 North Skyline, Suite B
Idaho Falls, Idaho 83402

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MAR 25 1998