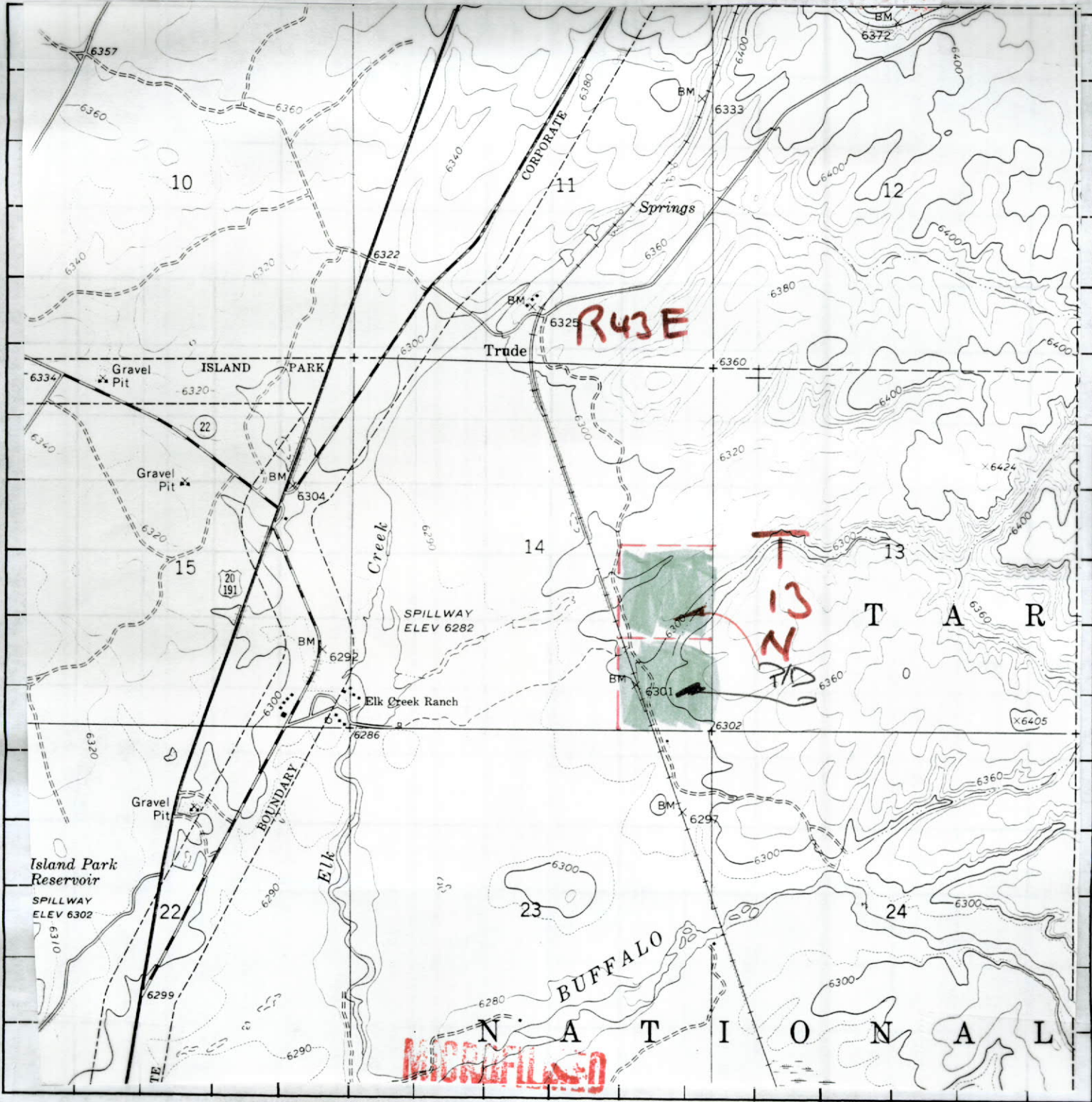


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

DEC 15 1989

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

[Signature]
 (Applicant)
 President of Island Park Water Co

St. Anthony, Idaho
Ashton, Idaho

RECEIVED

AFFIDAVIT OF PUBLICATION

NOV 3 1989

STATE OF IDAHO
County of FremontDepartment of Water Resources
Eastern District Office

I, TERRY WEATHERSTON
being first duly sworn, depose and say,
that I am the printer of THE FREMONT
COUNTY HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in
Fremont County, Idaho; and I do solemnly
swear that the NOTICE OF APPLICATION
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not
in any supplement issue thereof
for TWO consecutive issues, the
first publication having been made on
OCTOBER 5, 1989
and the last publication having been
made on OCTOBER 12, 1989

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

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 13TH day of OCTOBER
in the year of 1989, 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.

Gayle L. Smith
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: June 8, 1993

MICROFILMED

DEC 15 1989

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07439
ELK CREEK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversions Pt: NESE Sec 14 T 13N R
43E SESE Sec 14 T 13N R 43E
Use: DOMESTIC (.380 CFS)
Date Filed: 6/28/1989
In: T13N R43E S14 NESE SESE
21-07440

ZIONS LAND SALES & INVESTMENT
CORP.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversions Pt: NWSE Sec 17 T 12N R
43E
Use: DOMESTIC (.020 CFS)
Date Filed: 6/28/1989
In: T12N R43E S17 NWSE
21-07441

ISLAND PARK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversions Pt: NENE Sec 21 T 15N R
43E
Use: DOMESTIC (.350 CFS)
Date Filed: 6/28/1989
In: T15N R43E S16 SWSE SESE S21
NENE NWNE SENE
21-07442

ISLAND PARK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversions Pt: NENE Sec 23 T 13N R
43E
Use: DOMESTIC (.400 CFS)
Date Filed: 6/28/1989
In: T13N R43E S23 NENE NWNE
SWNE SENE SENW NESW NWSE
21-07443

ISLAND PARK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversions Pt: NWSW Sec 12 T 13N R
42E
Use: DOMESTIC (.400 CFS)
Date Filed: 6/28/1989
In: T13N R42E S12 SWNE SENE
NESW NWSW SWSW SESW NWSE
21-07444

ISLAND PARK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversions Pt: NENW Sec 12 T 13N R
42E; NWNW Sec 12 T 13N R 42E; SWNW
Sec 12 T 13N R 42E; SENW Sec 12 T
13N R 42E
Use: DOMESTIC (.400 CFS)
Date Filed: 6/28/1989
In: T13N R42E S12 NENW NWNW
SWNW SENW
21-07445

ISLAND PARK WATER CO.

470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversions Pt: NENE Sec 10 T 13N R
41E

Use: DOMESTIC (.300 CFS)
Date Filed: 6/28/1989
In: T13N R41E S10 NENE NWNE
SENE
22-07489

HANSEN, E. LYLE
Route 1 Box 42-4
St. Anthony, ID 83445
Source: GROUNDWATER
Diversions Pt: SWSE Sec 13 T 07N R
41E

Use: IRRIGATION (3.500 CFS)
Date Filed: 4/08/1985
In: T07N R41E S13 NENE NWNE S14
SWNE SENE NESE NWSE 175.0 Acres
Total

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 43-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before OCTOBER 23, 1989.

R. KEITH HIGGINSON
Director

Publ. Oct. 5 and 12, 1989HC.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 21-07439 IN THE)
NAME OF ELK CREEK WATER CO.) ORDER OF REINSTATEMENT
_____)

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 on or before January 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause 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 proof of beneficial use on February 22, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 21-07439 be REINSTATED and the priority advanced to August 19, 1989.

Dated this 18th day of March, 1991.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

APR 19 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 21-07439

Proposed Priority: June 28, 1989 Maximum Diversion Rate: 0.38 CFS

This is to certify, that **ELK CREEK WATER CO.**
470 PARK AVE.
IDAHO FALLS, ID 83402

has applied for a permit to appropriate water from: **GROUNDWATER**
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>
DOMESTIC	01/01 to 12/31	0.38 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SESE	Sec. 14, Township 13N, Range 43E
	NESE	Sec. 14, Township 13N, Range 43E
		FREMONT County

PLACE OF USE: DOMESTIC

TWN RGE SEC

13N 43E 14 NESE SESE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Domestic use is for 70 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

19th day of December, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

DEC 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Elk Creek Water Co. Phone 522-0539

Post office address 470 Park Ave., Idaho Falls, ID 83402

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

3. Location of point of diversion is _____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____

Sec. 14 Township 13N Range 43E B.M. Fremont County; additional

points of diversion if any: NESE Sec. 14 T13N R43E

4. Water will be used for the following purposes:

Amount 0.38 for Domestic 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)

5. Total quantity to be appropriated is (a) 0.38 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 wells & pumps to 70 home sites

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 8 inches; proposed depth of well is 110 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

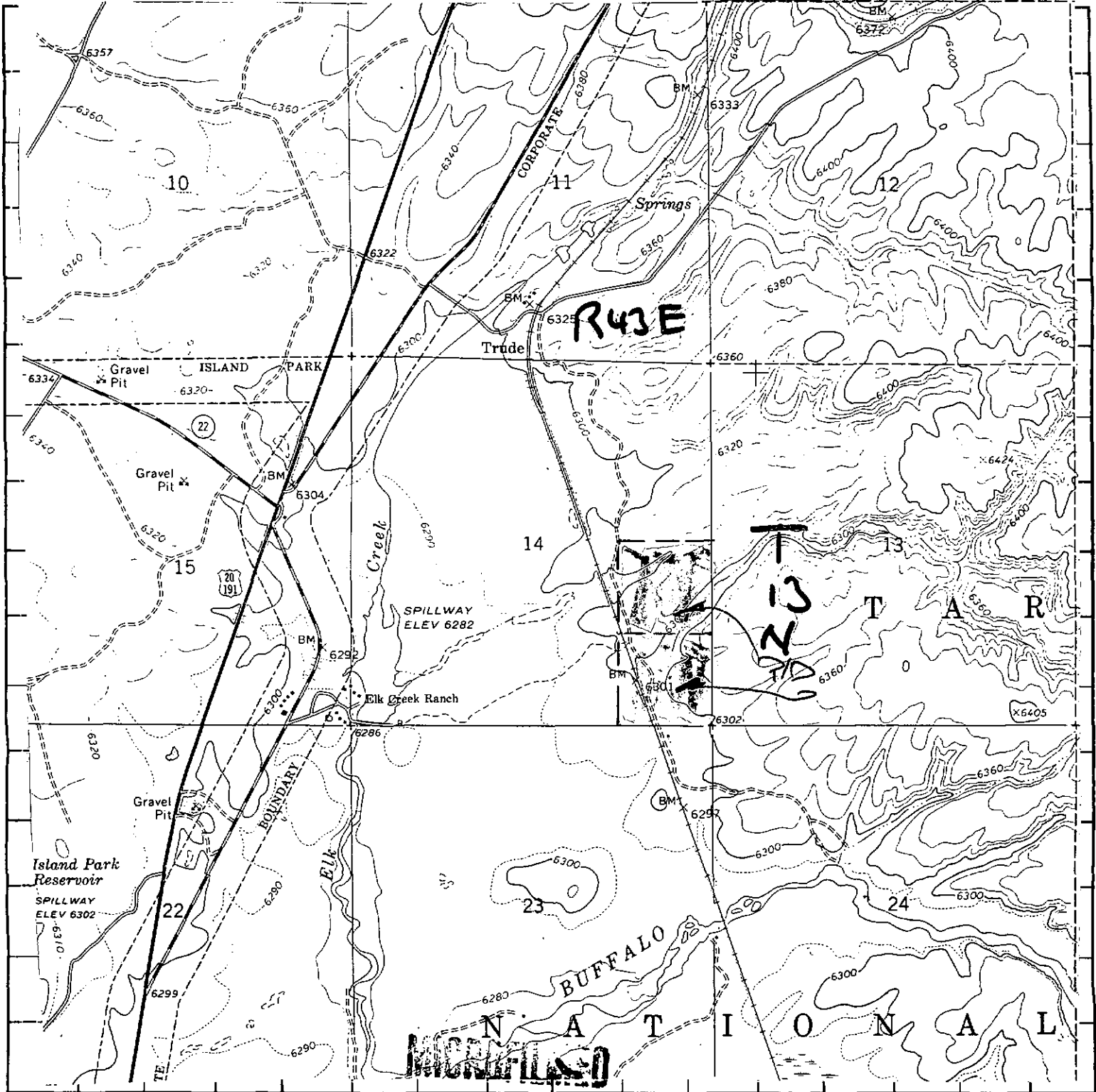
7. Time required for the completion of the works and application of the water to the proposed beneficial use is

1 years (minimum 1 year).

RECORDED

DEC 15 1989

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



Scale: 2 inches equal 1 mile.

DEC 15 1989

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

[Handwritten Signature]
 (Applicant)
President of Island Park Water Co

MICROFILMED

DEC 15 1989

- e. Other permit.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by HWS Date 6-28-87 Time 11:22 am Preliminary check by _____
 Fee \$ 475.00 Received by HWS # E00 9303 Date 6-28-87
 Publication prepared by RB Date 9-5-20-87 Published in Herald-Chronicle
 Publication approved _____ Date 11-06-89

St. Anthony, Idaho
Ashton, Idaho

RECEIVED

AFFIDAVIT OF PUBLICATION

NOV 3 1989

STATE OF IDAHO
County of Fremont

Department of Water Resources
Eastern District Office

I, TERRY WEATHERSTON
being first duly sworn, depose and say,
that I am the printer of THE FREMONT
COUNTY HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in
Fremont County, Idaho; and I do solemnly
swear that the NOTICE OF APPLICATION
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not
in any supplement issue thereof
for TWO consecutive issues, the
first publication having been made on
OCTOBER 5, 1989

and the last publication having been
made on OCTOBER 12, 1989

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

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 13TH day of OCTOBER
in the year of 1989, 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.

Joseph H. DeWitt

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: June 8, 1993

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07439
ELK CREEK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversion Pt: NESE, Sec 14 T 13N R
43E SESE, Sec 14 T 13N R 43E
Use: DOMESTIC (380 CFS)
Date Filed: 6/28/1989
In: T13N R43E S14 NESE SESE

21-07440
ZIONS LAND SALES & INVESTMENT
CORP.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversion Pt: NWSE, Sec 17 T 12N R
43E
Use: DOMESTIC (020 CFS)
Date Filed: 6/28/1989
In: T12N R43E S17 NWSE

21-07441
ISLAND PARK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversion Pt: NENE, Sec 21 T 15N R
43E
Use: DOMESTIC (350 CFS)
Date Filed: 6/28/1989
In: T15N R43E S16 SWSE SESE S21
NENE NWNE SENE

21-07442
ISLAND PARK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversion Pt: NENE, Sec 23 T 13N R
43E
Use: DOMESTIC (400 CFS)
Date Filed: 6/28/1989
In: T13N R43E S23 NENE NWNE
SWNE SENE SENW NESW NWSE

21-07443
ISLAND PARK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversion Pt: NWSW, Sec 12 T 13N R
42E
Use: DOMESTIC (400 CFS)
Date Filed: 6/28/1989
In: T13N R42E S12 SWNE SENE
NESW NWSW SWSW SESW NWSE

21-07444
ISLAND PARK WATER CO.
470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversion Pt: NENW, Sec 12 T 13N R
42E NWNW, Sec 12 T 13N R 42E SWNW
Sec 12 T 13N R 42E, SENW, Sec 12 T
13N R 42E
Use: DOMESTIC (400 CFS)
Date Filed: 6/28/1989
In: T13N R42E S12 NENW NWNW
SWNW SENW

21-07445
ISLAND PARK WATER CO.

470 Park Ave.
Idaho Falls, ID 83402
Source: GROUNDWATER
Diversion Pt: NENE, Sec 10 T 13N R
41E
Use: DOMESTIC (300 CFS)
Date Filed: 6/28/1989
In: T13N R41E S10 NENE NWNE
SENE

22-07489
HANSEN, E. LYLE
Route 1 Box 42-4
St. Anthony, ID 83445
Source: GROUNDWATER
Diversion Pt: SWSE, Sec 13 T 07N R
41E
Use: IRRIGATION (3,500 CFS)
Date Filed: 4/08/1985
In: T07N R41E S13 NENE NWNE S14
SWNE SENE NENE NWSE 175.0 Acres
Total

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 43-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before OCTOBER 23, 1989.

KEITH HIGGINSON
Director

Publ. Oct. 5 and 12, 1989HC.

MICROFILMED

DEC 15 1989

April 5, 1991

C/O ED STROBEL ELK CREEK WATER CO.
500 SOUTH WOODRUFF
IDAHO FALLS, ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07439

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

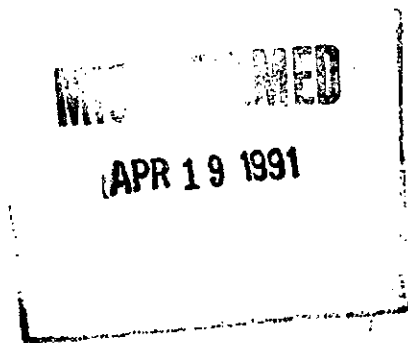
If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure



RECEIVED

FEB 22 1991

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 100.00
Date 2-22-91
Receipt No. E015718
Received by KW

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 21-7439 Telephone No. 523-3300

2. Name(s) of Permit Holder(s): Elk Creek Water Co.

3. Post Office Address: ~~410~~ 500 S. Woodruff Idaho Falls 83401

4. Source of Water: Groundwater

a. If ground water, well driller's name: Andrew well Drilling Date drilled: Sept 1973

b. Pump horsepower: 7 1/2 Pressure (psi): 40-60 Dynamic pumping level (ft.): ?

5. Extent of Use:

Domestic 70 (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 0.38 cfs _____ acre/feet

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

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

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

8. Fee Enclosed: \$ 100 (See License Examination Fee Schedule)

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

Ed Strobel Name Telephone No. Same

Address Same

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

APR 19 1991

22 Feb 91
Date

Ed Strobel
Signature (and title if on behalf of a company or organization)

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 21-7439

Date 3-15-91

GENERAL CONSIDERATIONS

- Name same as permit?
- Address same as permit? If no, prepare data entry form.
- Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- Surface water source
- Ground water source
- Drill permit req'd?
- Copy in file? Drill permit no. _____
- Well log in file?
- Amt paid for drilling permit? _____ Correct?

LICENSE EXAMINATION FEE

- Required?
- Amount submitted? 100.00
- Correct amount?

MEASURING DEVICE

- Measuring device or access port required?
- Installed?
- Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable when reinstated

PRIORITY CALCULATION

Date proof received	<u>2-22-91</u>		<u>53</u>
Date proof due	<u>1-1-91</u>	-	<u>1</u>
No. of days late		=	<u>52</u>
Priority date	<u>6-28-89</u>	+	<u>179</u>
NEW PRIORITY DATE	<u>8-19-89</u>	=	<u>231</u>

LB

address change!

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

January 7, 1991

ELK CREEK WATER CO.
470 PARK AVE.
IDAHO FALLS, ID 83402

LAPSE NOTICE

RE: PERMIT NO. 21-07439

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 our proof due notice dated October 31, 1990. 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 fifteen dollar (\$15) 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.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

REPROFILMED

APR 19 1991

CERTIFICATION OF MAILING

I hereby certify that on 1-10-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

130540

October 31, 1990

ELK CREEK WATER CO.
470 PARK AVE.
IDAHO FALLS, ID 83402

PROOF DUE NOTICE

RE: PERMIT NO. 21-07439

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 January 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

PROOF DUE NOTICE
APR 19 1991

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
December 15, 1989

ELK CREEK WATER CO.
470 PARK AVE.
IDAHO FALLS, ID 83402

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P21-07439

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

NOT RECORDED

DEC 15 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

DEC 15 1989

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY JDN DATE 9-7-89 APPLICATION NUMBER 21 7439

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

- ___ Overlapping place of use (Describe source & relationship to present application on the back.)
- ___ Overlapping point of diversion
- ___ Yes ___ No Field check required
- ___ 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

RECEIVED
NOV 09 1989

Department of Water Resources

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
 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 10-23-89
 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-PO5
 Yes No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 6-28-89
By HWT Date 11-8-89

STATE OFFICE REVIEW P05, P23, P10, P16 484946
By kw See below for additional information
Date 12/1/89

ADDITIONAL INFORMATION

App. in NON-TRUST area-

27-Sep-1989

Department of Health & Welfare
Division of The Environment
150 N. 3rd
Pocatello, ID 83201

RE: Application for Permit No. 21-7439

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received as soon as possible. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

RECEIVED
DEC 15 1989

27-Sep-1989

Elk Creek Water Co.
470 Park Ave.
Idaho Falls, ID 83402

RE: Application for Permit No. 21-7439

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Herald Chronicle. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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DEC 15 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 22, 1989

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 OCTOBER 23, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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DEC 15 1989

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NOTICE OF APPLICATION FOR WATER RIGHT

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

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The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 23, 1989.

R. Keith Higginson, Director

Published 10/05/1989 & 10/12/1989

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