

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



Scale: 2 inches equal 1 mile.

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

Dick Nedrow
(Applicant)

RECEIVED
SEP 27 1981

RECEIVED
SEP 13 1993
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 125.00
Date 9-13-93
Receipt No. 0928545
Receipt by gw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 21-07391 Telephone No. 652-3392
2. Name(s) of Permit Holder(s): DICK Nedrow
3. Mailing Address: 3280 E 1200N Ashton Idaho 83420
4. Source of Water: Henry's Fork of Snake River

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

OPTIONAL:

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

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

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

Irrigation 93 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.86 cfs OR _____ acre/feet

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

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

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

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

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

DICK Nedrow 652-3392
Name Telephone No.

3280 E 1200N Ashton Idaho 83420
Address

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

OCT 18 1993

9-10-93
Date

Dick Nedrow
Signature (and title, if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 21-07391)
IN THE NAME OF ALWYN & DICK NEDROW) 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 September 1, 1993; 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 had lapsed for failure 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 September 13, 1993;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 21-07391 be REINSTATED with an advance in priority to September 12, 1988.

Dated this 15th day of September, 1993.

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

OCT 18 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 21-07391

Proposed Priority: August 31, 1988 Maximum Diversion Rate: 1.86 CFS
This is to certify, that ALWYN NEDROW

DICK NEDROW
RT 1 BOX 63A
ASHTON ID 83420

has applied for a permit to appropriate water from:

HENRYS FORK

tributary of SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	1.86 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 4(NENENW), Sec. 5, Township 08N, Range 42E
FREMONT County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	42E	32	NESW 3	LOT 2(SWSW) 17	LOT 3(ESW) 30	
			LOT 4(SWSE) 26	LOT 5(SESE) 17		93

Total number of acres irrigated: 93

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
6. 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.

SEP 27 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 21-07391

7. 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.
8. No water may be diverted under this permit until adequate supplemental water is obtained for the irrigation season when the natural flow is not available.
9. Each irrigation season before water is diverted under this permit, evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water taken from other water rights.
10. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
11. Storage water obtained from the upper Snake River Water Supply Bank must be storage water from a storage reservoir on the Henry's Fork system. Acquisition of storage from reservoirs on the South Fork of the Snake River, or downstream Snake River reservoirs cannot be credited to this upstream diversion of water.

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

6th day of September, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

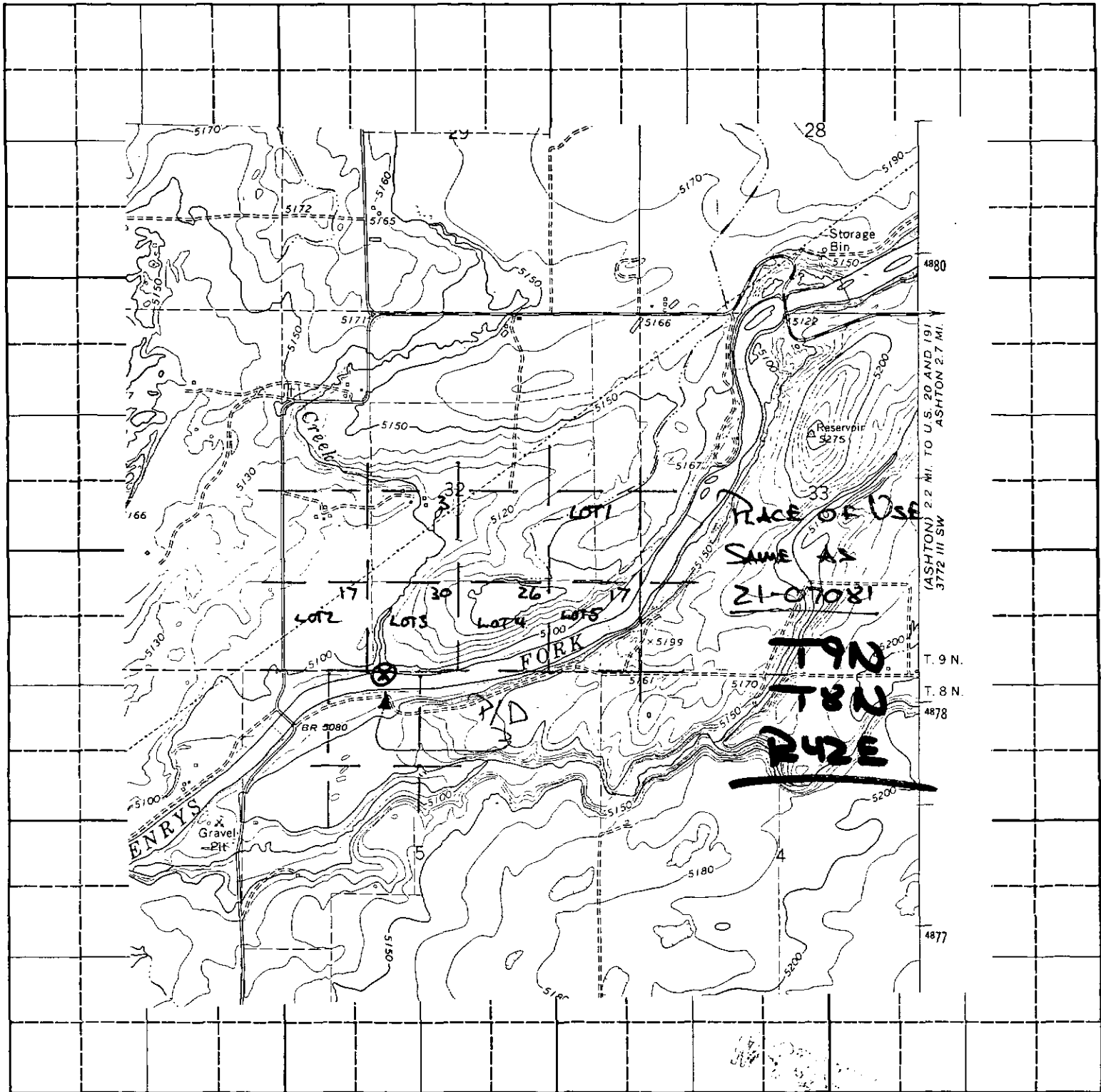
To appropriate the public waters of the State of Idaho

1. Name of applicant ALWYN or Dick NERROW Phone 652-3392
Post office address RT1 Box 63A ASHTON, ID 83420
2. Source of water supply HENRY'S FORK, SNAKE R. which is a tributary of SNAKE RIVER
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of 10W $\frac{1}{4}$, Govt. Lot 4
Sec. 5 Township 8N Range 42E B.M. FERMONT County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.86 for IRRIGATION purposes from 04/01 to 11/01 (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) 1.86 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
PUMP IN RIVER TO HANDLINES
 - 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 _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? N/A
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

SEP 27 1991

SEP 27 1991

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



Scale: 2 inches equal 1 mile.

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

Dick Nedrow
(Applicant)

Received by PM Date 8-31-88 Time 1130 Preliminary check by KCW
Fee \$ 65⁰⁰ Receipted by PM # E001975 Date 8-31-88
Publication prepared by LB Date 6-6-91 Published in Herald Chronicle
Publication approved LB Date 7-29-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

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

e. Other:

NOT RECORDED
SEP 27 1991

St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

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 in
Fremont County, Idaho; and I do solemnly
swear that the WATER RIGHTS #21-07391
copy of which notice appears attached
hereto, was published in the regular and
timely issue of said newspaper, and not
in any supplement issue thereof.

On TWO consecutive issues, the
last publication having been made on
JUNE 6, 1991

and the last publication having been
made on JUNE 13, 1991.

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 T. Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

this 14TH day of JUNE
the year of 1991, 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. [Signature]
Notary Public for Idaho
Residing at Rexburg, Idaho
Commission expires: June 8, 1993

WATER RIGHTS APPLICATION

21-07391

NEDROW, ALWYN
NEDROW, DICK
RT. 1, BOX 63 A
ASHTON, ID 83420
Source: HENRYS FORK Tributary:
SNAKE RIVER
Diversions Pt: LOT 4 (NENENW) Sec 5 T
08N R 42E
Use: IRRIGATION (1.860 CFS) Total
Diversions: (1.860 CFS)
Date Filed: 8/31/1988
In: T09N R42E S32 NESE Lot 2
(SWSW) Lot 3 (SESW) Lot 4 (SWSE) Lot 5
(SESE) 93.0 ACRES TOTAL

21-07405

COUNTY OF MADISON
P.O. BOX 396
REXBURG, ID 83440
Source: QUAYLES LAKE
Diversions Pt: SWSESE Sec 18 T 07N R
39E
Use: IRRIGATION (.020 CFS) Total
Diversions: (.020 CFS)
Date Filed: 3/1/1989
In: T07N R39E S18 SESE 0.5 ACRES
TOTAL

21-07504

SCHIESS, BILL
777 N. 3441 W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SWNW Sec 13 T 15N R
43E
Use: COMMERCIAL (.040 CFS) Total
Diversions: (.040 CFS)
Date Filed: 1/10/1991
In: T15N R43E S13 SWNW
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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before JUNE 24, 1991.
R. KEITH HIGGINSON
Director
Publ. June 6 and 13, 1991HC.

JUL 2 1991

Department of Water Resources
Eastern District Office

RECEIVED
JUL 27 1991

September 17, 1993

ALWYN NEDROW
DICK NEDROW
3280 E 1200 N
ASHTON ID 83420

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07391

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED

OCT 18 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 21-07391 Reviewed by Klg Date 9/14/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
NA Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
125 Amount Submitted
yes Correct?
yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received 9/13/93 256
Date proof due 9/1/93 - 244
No. of days late = 12
Priority Date 8/31/88 + 243
New Priority Date 9/12/88 255

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address 3280 E 1200N

9/14/93
Klg

needs an order
Proof Made 9/13/93 9/17/93
Klg



P. O. BOX 1401 • 2422 IONA ROAD • IDAHO FALLS, IDAHO 83403
(208) 524-0214 • FAX 208-524-6613
WATTS 1-800-877-1609

Sept 10, 1993

Mr. Saxton,

I did not receive the
proof due notice dated
June 30, 1993. Our mail
sometimes gets delivered to
wrong address & we do
not get it.

Sincerely

Dick
Nedron

RECEIVED

OCT 18 1993

September 8, 1993

ALWYN NEDROW
DICK NEDROW
RT 1 BOX 63A
ASHTON ID 83420

LAPSE NOTICE

RE: PERMIT NO. 21-07391

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 June 30, 1993. 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

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 9/8/93
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

RECEIVED

OCT 18 1993

June 30, 1993

ALWYN NEDROW
DICK NEDROW
RT 1 BOX 63A
ASHTON ID 83420

PROOF DUE NOTICE

RE: PERMIT NO. 21-07391

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 September 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

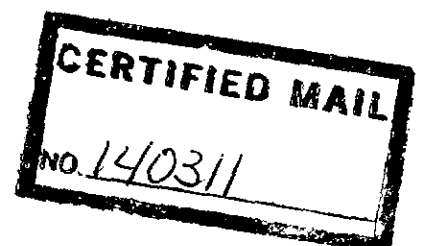
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

OCT 18 1993





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 11, 1991

ALWYN NEDROW
DICK NEDROW
RT 1 BOX 63A
ASHTON ID 83420

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07391

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

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.

Please be advised that there is insufficient natural flow available from the source identified on your permit to provide water throughout the entire season. You may want to arrange for a supplemental supply from a different source.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

RECORDED

SEP 27 1991

APPLICATION FOR PERMIT REVIEW

Application #: 21-7391
Date: 9-5-91

Reviewer: Pam Skaggs *CS*

- ✓ Existing:
 - ✓ No - (26A-P17)
 - Complete in 1 year - P16
 - Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
 - Groundwater:
 - GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)
 - LT. 0.2 cfs - N/A
 - Drilling Permit:
 - Approved w/permit - P99
 - Not included - 046-P23 (All GW, even existing wells)
- ✓ Location:
 - ✓ Water Districts - WD No. 61
 - ✓ Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2)
 - Groundwater - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - 1 (1, Blank or Other)
 - Trust - 051-052-053-P74 (Consumptive Uses)
 - ✓ Non Trust - 048-049
- ✓ River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 05A & 11E
 - Payette (65) - 047-P04, 059-P71
 - ✓ Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.)
- Use:
 - Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)
 - Power - Use Power Review
 - Mining - 06A or 010, 09E-P10 & 054(req.)
 - Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)
 - Rec. & Aesthetic - 027(Non-Consumptive)
 - Domestic - 021(restricted areas)
 - Ownership:
 - Non land owner - 004
 - Protested:
 - Agreement - 020

- ✓ Beneficial Use Due Date: - 09-01-1993
- ✓ Other Conditions Recommended #035 + special condition per G. Spackman's memo

SEP 27 1991

MEMORANDUM

TO: File No. 21-7391 in the Name of Alwyn or Dick Nedrow
FROM: Gary Spackman *Gary*
DATE: August 22, 1991

RE: Conditions of Approval

Application for permit no. 21-7391 may be prepared for signature with regular standard conditions, and also with condition number 035 imposed. In addition to condition number 035, a condition further explaining 035 should be placed on the permit document:

Storage water obtained from the upper Snake River Water Supply Bank must be storage water from a storage reservoir on the Henry's Fork system. Acquisition of storage from reservoirs on the South Fork of the Snake River, or downstream Snake River reservoirs cannot be credited to this upstream diversion of water.

RECEIVED
SEP 27 1991

INTER-DEPARTMENT MEMO

TO: Gary SpackmanSUBJECT: Applic 21-7391FROM: H.W. JonesDATE: 7-31-91

This application + comments from Water Master Ray Carlson imply that applicant doesn't qualify to get Fremont-Madison storage water. Yet he probably will be allowed to use Henry's Fork water if he can arrange for rental storage from Palisades. This I feel is a detrimental situation for the Henry's Fork. It basically allows an individual to pump river water out of priority with the hope that rental water will eventually make it to where the S. Fork + Henry's Fork meet. I would ask that you hold this application until we resolve the hearings about exchanges, etc in Nov.

☒ For your information☐ Response required

SEP 27 1991

signature

July 30, 1991

Herbert Pollard II
c/o Idaho Fish and Game
1515 Lincoln Rd.
Idaho Falls, ID 83401-2198

Mr. Pollard:

I am in receipt of your July 22, 1991 petition to intervene on application 21-07391 from Alwyn Nedrow. Ordinarily this would be processed as per Idaho Code since there was a protest by Dean Zollinger. However on July 17, 1991, Mr. Zollinger withdrew his protest and a petition to intervene cannot now be accepted.

I will however go over your objections with Watermaster Ron Carlson before sending this application to Boise.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ:lk

SEP 27 1991



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401-2198
(208) 525-7290

RECEIVED

JUL 23 1991

Department of Water Resources
Eastern District Office

July 22, 1991

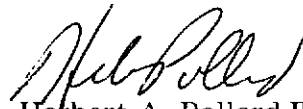
Mr. Harold Jones
Idaho Department of Fish and Game
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Harold:

The Idaho Department of Fish and Game would like to Petition to Intervene on water rights application 21-07391. We are concerned that the water in question is already appropriated. In addition, granting this water right may adversely affect two wetlands--one on the Sand Creek Wildlife Management Area, owned by the Idaho Department of Fish and Game and the other is the Lemon Lake area owned by Dean Zollinger.

Thank you for your consideration in this matter.

Sincerely,


Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:FD:dnb

cc: U.S. Fish and Wildlife Service (Lobdell)
Bureau of Program Coordination

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife - since 1938

SEP 27 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 22, 1991

RE: Application for Permit No. 21-07391

Alwyn or Dick Nedrow
Rt. 1, Box 63-A
Ashton, ID 83420

Gentlemen:

This letter is to advise you that the protest filed by Dean W. Zollinger against approval of the above referenced application has been withdrawn. The Department has now resumed processing of this application.

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

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

SEP 27 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 22, 1991

RE: Application for Permit No. 21-07391 NEDROW

Dean W. Zollinger
4915 N 2000 W
Rexburg, ID 83440

Dear Mr. Zollinger:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application. The Department has now resumed processing of this application.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: R.J. Hoopes

RECEIVED
SEP 27 1991

7-17-91

From - Dean Zollinger

To - ID Dept. of Water Resources

Re - Applic. 21-7391

I wish to withdraw my protest of applic.
21-7391 in the name of Alwyn or
Dick Nedrow.

Sincerely

Dean Zollinger

Dean W Zollinger

NOT RECORDED

SEP 27 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 27, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Application for Permit No. 21-7391 ALWYN OR DICK NEDROW

Dean W. Zollinger
4915 N 2000 W
Rexburg, ID 83440

Dear Mr. Zollinger:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

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

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

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Dean Zollinger
June 27, 1991
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office
R.J. Hoopes

SEP 27 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

June 27, 1991

Alwyn or Dick Nedrow
Rt 1, Box 63A
Ashton, ID 83420

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 21-7391. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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

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Alwyn or Dick Nedrow
June 27, 1991
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

RECEIVED
JUN 27 1991

NOTICE OF PROTEST

NOTICE IS HEREBY GIVEN by DEAN W. ZOLLINGER and GLENNA ZOLLINGER, husband and wife, of Route 2, Rexburg, Idaho, that they protest Water Right Application Number 21-07391.

Said protest is made for the reason that if said application is granted it would injure their prior established use of the water.

DATED this 24th day of June, 1991.


R. J. Hoopes, Esq.
HOOPES & THOMSON
Attorney for Dean W. Zollinger

NOTICE OF PROTEST
3446e

RECEIVED

SEP 27 1991

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 21-07391 and
have the following ^{about} comments/objections to the approval of this
application for permit:

Atwyn Nelson has a small pond
on Snow Creek. A release of
water from this pond to supplement
this right will not be acceptable.
I do not believe these lands are
within Fremont-Mudica irrigation
district & therefore arrangements
must be made w/ the rental pool
each year to acquire adequate supplemental
water prior to the start of the irrig. season

5/30/91

Date

Ronald D. Carlson
RONALD D. CARLSON, WATERMASTER
Water District No. 01

SEP 27 1991

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SWAN FALLS HOLD

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY KCWilson DATE 9-26-88 APPLICATION NUMBER 21-7391
NEDROWREQUIRED 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.) 22-7081 Source Snow Creek
- ☒ 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
AUG 07 1991

Department of Water Resources

PROCESSING

☒ Yes ☐ No 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 5-30-91 ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 01 5-30-91
☐ 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 Withdrawn
Final date for protest 6-24-91
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information
Date of priority recommended 8-31-1988
By HWS Date 7-31-91

STATE OFFICE REVIEW

☐ See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Conditions; <0574001 SNAKE RIVER, 11A

See Memo in file reference approval (7-31-91)

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

30-May-1991

ALWYN OR DICK NEDROW
RT 1 BOX 63A
ASHTON ID 83420

RE: Application No. 21-07391

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 Herald Chronicle on June 6 & 13, 1991. 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

RECEIVED

SEP 27 1991

30-May-1991

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

RE: Application NO. 21-07391, 21-07510, 22-07708

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is June 24, 1991, 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 Rights Supervisor

HWJ/rb
enc.

SEP 27 1991

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

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 24, 1991

HERALD CHRONICLE
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 24, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

SEP 27 1991

21-07391

NEDROW, ALWYN
NEDROW, DICK
RT. 1, BOX 63 A
ASHTON, ID 83420

Source: HENRYS FORK

Tributary: SNAKE RIVER

Diversion Pt: LOT 4 (NENENW) Sec 5 T 08N R 42E

Use: IRRIGATION (1.860 CFS)
Total Diversion: (1.860 CFS)

Date Filed: 8/31/ 1988

In: T09N R42E S32 NESW Lot 2 (SWSW) Lot 3 (SESW) Lot 4 (SWSE)
Lot 5 (SESE)

93.0 ACRES TOTAL

SEP 27

December 13, 1988

Alwyn or Dick Nedrow
Rt. 1, Box 63A
Ashton, ID 83420

RE: Application for Permit #21-7391

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 21-7391. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

21-7391
12/13/88