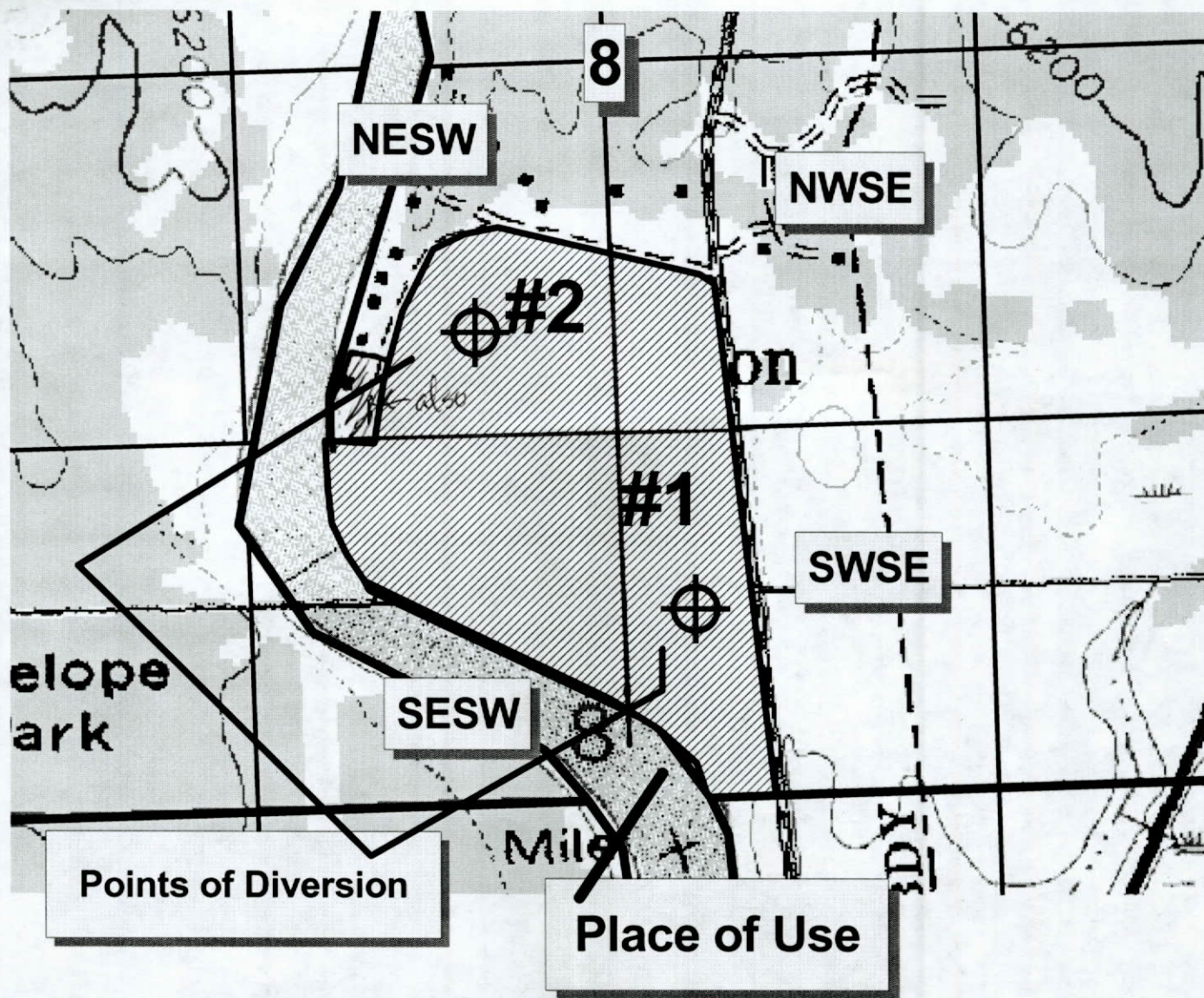




T12N, R43E Sec 8

Henrys Fork Village Water Co.

MICROFILMED

OCT 07 2003

STANDARD JOURNAL

Rexburg, Idaho
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

Madison and Fremont Counties

I, Jeff Rydalch, being first duly sworn, depose and say, that I am the business manager of the STANDARD JOURNAL, a 3 times a week newspaper published 3 times a week in Madison and Fremont Counties, Idaho; and I do solemnly swear that the Water Rights - Henry's Fork Village Co., 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, once each week thereof for two successive issues, the first publication having been made on July 2, 2003 and the last publication having been made on July 9, 2003.

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.

STATE OF IDAHO)

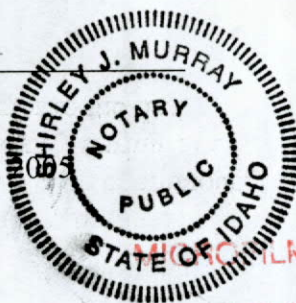
COUNTY OF MADISON)

On this 10th day of July in the year of 2003 before me, a Notary Public, personally appeared Jeff Rydalch, 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 statement therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Rexburg, Idaho

My commission expires: April 29, 2005



OCT 07 2003

LEGAL NOTICE

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

21-12857

HENRY'S FORK VILLAGE
WATER CO.
3745 S ROBBINS CIRCLE
ISLAND PARK, ID 83429

Point(s) of Diversion: L9 (SWSE)
S8 T12N R43E and L5 (NESW) S8
T12N R43E, Fremont County.

Source: ground water.

Use: Domestic 01/01 to 12/31
0.75 CFS

Total Diversion: 0.75 CFS.

Date Filed: 06/18/2003

Place of Use: Domestic.

T12N R43E S8 NESW Lot 5
SESW Lot 8 NWSE SWSE Lot 9.

This well was drilled in 1957, so this is a pre-1987 development.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline Dr., Ste. A., Idaho Falls, ID 83402 together with a protest fee of \$25 for each application on or before July 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER
Director

Publ. July 2 and 9, 2003.



AMENDED

State of Idaho
Department of Water Resources

AMENDED

Permit to Appropriate Water

NO. 21-12857

Priority: June 10, 2003

Maximum Diversion Rate: 0.75 CFS

This is to certify, that HENRYS FORK VILLAGE WATER CO
3745 S ROBBINS CIRCLE
ISLAND PARK ID 83429

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	0.75 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER L9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 8, Twp 12N, Rge 43E, B.M., FREMONT County
GROUND WATER L5 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 8, Twp 12N, Rge 43E, B.M., FREMONT County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals		
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
12N 43E 8									X				X				X	X	
									L5				L8					L9	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2008**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Points of diversion are located within Lot 62, Blk. 3 and Lot 15, Blk. 1, Robbins Subdivision.
6. Place of use is located within Henrys Fork Village, consisting of Robbins Summer Home Sites, Robbins Subdivision, and the south 5 feet of Lot 13 and all of Lot 14, Stewart Homesites Subdivision.
7. Domestic use is for 92 homes.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
9. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

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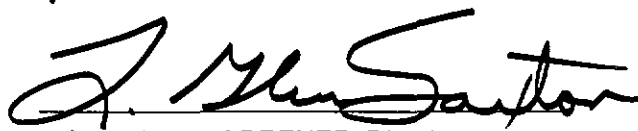
OCT 07 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 21-12857

11. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
12. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of September, 2003.


for
KARL J DREHER, Director

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OCT 07 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 21-12857

Priority: June 10, 2003

Maximum Diversion Rate: 0.75 CFS

This is to certify, that HENRYS FORK VILLAGE WATER CO
3745 S ROBBINS CIRCLE
ISLAND PARK ID 83429

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	0.75 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	L9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)	Sec. 8, Twp 12N, Rge 43E, B.M., FREMONT County
GROUND WATER	L5 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)	Sec. 8, Twp 12N, Rge 43E, B.M., FREMONT County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 43E 8									X				X		X	X	
									L 5				L 8			L 9	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2008**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Points of diversion are located within Lot 62, Blk. 3 and Lot 15, Blk. 1, Robin Subdivision.
6. Place of use is located within Lots 1-20, 20A, 20B, 20C, and 20D, Robin Summer Homes; Lots 1-68, Robin Subdivision; and Lots 13 and 14, Blk. 2, Stewart Homesite Subdivision.
7. Domestic use is for 92 homes.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
9. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

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OCT 07 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 21-12857

11. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
12. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of August, 2003


KARL J DREHER, Director
for

MICROFILMED

OCT 07 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

21-12857

RECEIVED

AUG 18 2003

Department of Water Resources

(208) 558-7035
558-7139
(801) 392-6123

1. Name of Applicant Henry's Fork Village Water Co. Phone (801) 392-6123
Mailing address 3745 S Robbins Circle, Island Park, ID 83429
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township 12N Range 43E Sec. 8, in the _____ 1/4,
SW 1/4, SE 1/4, Govt. Lot 9, B.M., Fremont County;
additional points of diversion if any: NESW Sec 8, T12N R43E (well #2) L-5
4. Water will be used for the following purposes:
Amount 0.75 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)
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) 0.75 and/or (b) _____
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 two wells to distribution system to 92 domestic homes
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 10" inches; proposed depth of well is 160 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 1978; Drilling firm ANDREW WELL DRILLING
INDEPENDANT DRILLING
Well was drilled for (well owner) Elliot Robbins; Drilling Permit No. (1978) NO NUMBER
(1991) 21-91-E-067
7. Time required for completion of works and application of water to proposed beneficial use is _____ 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. [Total of 92 (40 homes under 21-7446)] 52
e. Other; describe fully. _____

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OCT 07 2003

RECEIVED

JUN 06 2003

Department of Water Resources
Eastern Region

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: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	43E	8									D			D		D	D		
											L-5			L-8			L-9		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Permit 21-7446

11. a. Who owns the property at the point of diversion? APPLICATION / Paul Robbins

b. Who owns the land to be irrigated or place of use? Individual property owner

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See Agreement

12. Remarks: PLACE OF USE aka HENRYS FORK VILLAGE = SUMMER HOMES & SUBDIVISION
Henry's Fork Village Water Co. delivers water to only lots located
within Henry's Fork Village Subdivision (LOTS 1-20, 20A, B, C, D Robin)
Well #1 SWSE Sec 8, T12N, R43E (SUMMER HOMES)
Well #2 NESW Sec 8, T12N, R43E (LOT 1-68 Robin Subdivision)
Domestic includes irrigation of approx 1/4 ac per lot
ALSO LOTS 13/14 Block 2 Stewart Homesite Sub

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" 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.)

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.

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OCT 07 2003

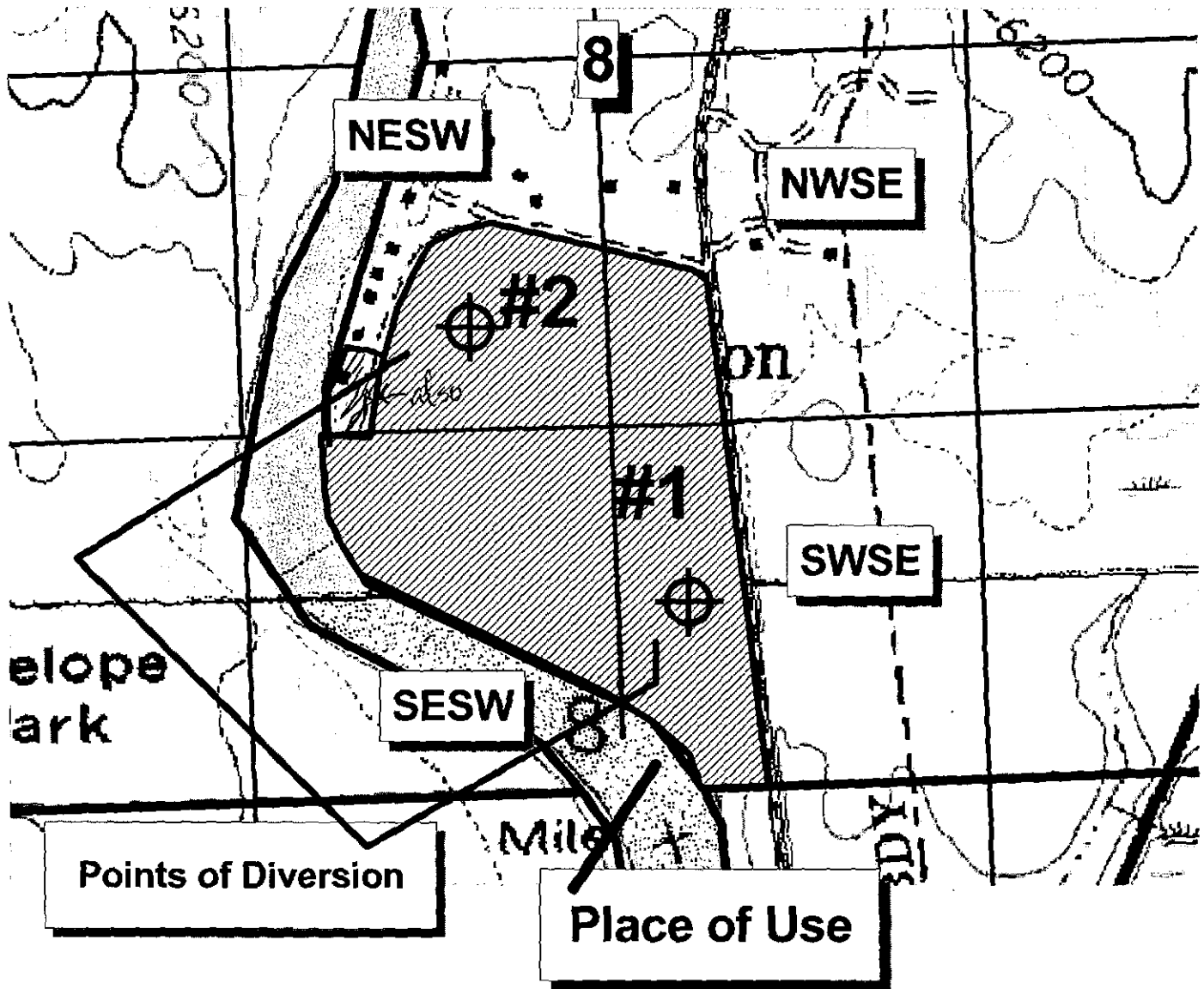
Scott S. Spent President of Water Board
 Signature of Applicant (and title, if applicable)

Received by James Dunn Date 6-10-2003 Time 1:47 Preliminary check by _____

Fee \$ 250.00 Received by SLM # E028860 Date 6-10-2003

Publication prepared by SL Date 7-2-03 Published in HERALD CHRONICLE

Publication approved SL Date 8/6/03



T12N, R43E Sec 8

Henrys Fork Village Water Co.

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OCT 07 2003

Well Easement

- Original

I, Paul D. Robbins, of 4884 S. 3000W., Roy, Utah, for good and valuable consideration, the receipt of which is acknowledged, and the prospective benefits to be derived by reason of the locating, use, and maintaining of a well, do hereby convey and release to the Henry's Fork Village Water Association, P.O. Box 33, Island Park, Idaho, an easement for the use and maintenance of the well and pipe lines which currently exist on the land of the undersigned, situated in the County of Fremont, State of Idaho, and more particularly described as follows:

ROBBINS SUBDIVISION:

Lot 62, Block 3, Section 8, Township 12 N., Range 43 East,
Boise Meridian, County of Fremont, State of Idaho.

The right of way hereby conveyed and released is for the sole purpose of use, maintenance and any necessary repair of the well and all pipes where they currently are located, and allowing for a well house to be constructed if needed, on the above-described land, which easement is the South 45 feet of the West 30 feet for a permanent maintenance easement, for the use and maintenance of the well and pipe lines, where such well and pipe lines currently exist, and for the use, construction and maintenance of a well house if needed.

Microfilm No. 458801
4 Day Aug 19 99
At 10:00 O'clock A.M

MICKIE FUNKE
FREMONT CO. RECORDER

Fee \$ 6. Deputy

Recorded At Request of
Robert Durnham

MICROFILMED

OCT 3 7 2003

In witness thereof, I hereto set my hand this 2 day of
August, 1999.

SIGNED, SEALED AND DELIVERED

Paul D. Robbins
 PAUL D. ROBBINS

STATE OF Utah]
] ss.

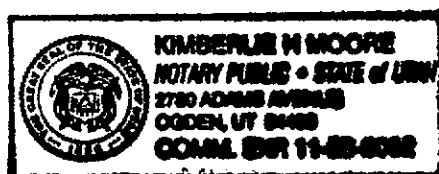
COUNTY OF Weber]

On this 2nd day of August, in the year of 1999,
 before me a Notary Public in and for said State, personally appeared PAUL
 D. ROBBINS, known to me to be the person whose name is subscribed to
 the within instrument, and acknowledged to be that he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my
 official seal the day and year in this certificate first above written.

seal]

Kimberly H. Moore
 Notary Public
 Residing at: Weber, CO.
 My Commission expires 11-23-02



OCT 07 2003

NO. C 66545		Due no later than Apr 30, 2003 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address (Use to list two duplicate copies) HENRY'S FORK VILLAGE WATER CO. EMMY LOU BURNHAM ~~3424 E. Robbins Cir~~ 3738 S Robbins Cir ISLAND PARK, ID 83429		GRANT KENT ~~3424 E. Robbins Cir~~ 3745 S Robbins Cir ISLAND PARK, ID 83429	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature <i>Grant Kent</i>	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
President	Grant Kent	3745 S Robbins Cir	Island Park	ID	83429
Treasurer	Emmylou Burnham	3738 S Robbins Cir	Island Park	ID	83429
Secretary	Linda Tulpinsky	3424 E. Robbins Cir	Island Park	ID	83429
Directors John Albano, Bob Burnham, Ken Dickamore Bill Galbraith & Grant Kent					
5. Organized Under the Laws of:		6. <u>Treasurer & Director</u>			
IDAHO C 66545		Signature <i>Emmylou Burnham</i>		Date <i>05-20-03</i>	
		Name (typed) <i>Emmylou Burnham</i>		Title <i>Treas & Board</i>	
Issued 05/09/2003		Do Not Tape or Staple		<i>Revised</i>	

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OCT 07 2003



Idaho Secretary of State Search Results

Search Result Summary

[[New Search](#)]

Search Results 1 through 1

(HENRY'S FORK VILLAGE WATER CO. ... HENRY'S FORK VILLAGE WATER CO.)

HENRY'S FORK VILLAGE WATER CO.

Organizational ID / Filing number: C66545

3738 S ROBBINS CR

ISLAND PARK, ID 83429

Filed 27 Apr 1981

CORPORATION

GOODSTANDING

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

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OCT 9 7 2003

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

[illegible]

HENRY'S FORK VILLAGE WATER COMPANY
3745 SOUTH ROBBINS CIRCLE
ISLAND PARK, ID 83429

RECEIVED

SEP - 9 2003

September 3, 2003

Department of Water Resources

Mr. Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Henry's Fork Village Water Co.—Permit No. 21-12857

Dear Director Dreher:

The first purpose of this letter is to acknowledge receipt and thank you and the Department for issuance of the above Permit, dated August 20, 2003. The second purpose of this letter is to request that your records and the final Permit be amended to reflect the following:

1. It is respectfully requested that the name of the Permit holder, consistent with its Articles of Incorporation, should include an apostrophe and be shown as Henry's Fork Village Water Co.

2. Location of place of use (Condition 6): For the reasons set forth below, it is respectfully requested that the location be described as follows:

"Henry's Fork Village," consisting of two subdivisions, namely, Robbins Summer Home Sites and Robbins Subdivision, according to the recorded plats thereof, including any lots further divided within either of said subdivisions and described by metes and bounds or by tax number; and the South 5 feet of Lot 13 and all of Lot 14 in Stewart Homesites subdivision.

A word of explanation will clarify why we are concerned to be meticulous in this description. First, after research, legal counsel for the Water Co. determined there are no so-called Lots 20A, 20B, 20C or 20D and, accordingly, recommended the description of "Henry's Fork Village" shown above. Second, the mission of the Water Co. is to supply water solely and exclusively to owners of property within Henry's Fork Village. However, after extended negotiations, a settlement agreement was reached in July, 2003, permitting the owner of a lot within Henry's Fork Village (Lot 34) to extend the water line serving Lot 34 to provide water to a continuous parcel located outside the Village. That parcel consists of the South 5 feet of Lot 13 and all of Lot 14 in the Stewart Homesites subdivision, hence the limitation on the location of that place of use shown above.

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OCT 07 2003

Your assistance in this matter is appreciated. If any further questions should arise, will you please contact this writer at 208/558-7139 or Hugo Melvoin at 208/558-7642.

Very truly yours,

HENRY'S FORK WATER CO.

By Emmy Lou Burnham
Emmy Lou Burnham, Treasurer

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OCT 07 2002



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

September 5, 2003

HENRY'S FORK VILLAGE WATER CO
3745 S ROBBINS CIRCLE
ISLAND PARK ID 83429

RE: Permit No. 21-12857

Amended Permit Approval Notice

Dear Permit Holders:

The Department of Water Resources has issued the enclosed amended permit pursuant to your request of September 3, 2003. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit. Please note that we cannot include the apostrophe in your name on the permit because our computer system won't allow us to save information with an apostrophe in it.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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OCT 07 2003

Also, please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

If you have any questions, please contact me at 208-327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

OCT 07 2003

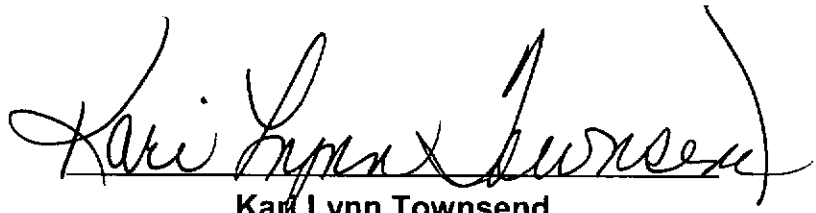
CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

21-12857

HENRYS FORK VILLAGE WATER CO
3745 S ROBBINS CIRCLE
ISLAND PARK ID 83429

A handwritten signature in black ink, appearing to read "Karl Lynn Townsend", written over a horizontal line.

Karl Lynn Townsend
Secretary

MICROFILMED

OCT 9 7 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

RECORDED
JUL 07 2003

Comment Report

21-12857

1. scox 6/25/2003 Legal Notice Remarks

Comment: This well was drilled in 1957, so this is a pre-1987 development.

2. kwalker 8/19/2003 Pre-1987 Development

Comment: In talking with Dennis Dunn this morning he stated that this subdivision was the first one to be developed in Island Park (1957). That is where the legal notice remark came from.

3. kwalker 9/4/2003 Place of Use

Comment: After approval of this permit, the permit holders requested we change condition 6. This condition needs to be modified to show the actual place of use for Henrys Fork Village water. There has been a lawsuit over who is authorized to hook up to this system and who is not. The permit holders would like the condition modified in order to avoid any more issues that may come up.

MICROFILMED
OCT 07 2003

RECEIVED

HENRY'S FORK VILLAGE WATER COMPANY
3745 SOUTH ROBBINS CIRCLE
ISLAND PARK, ID 83429

SEP - 3 2003

Department of Water Resources

September 3, 2003

Mr. Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Henry's Fork Village Water Co.—Permit No. 21-12857

Dear Director Dreher:

The first purpose of this letter is to acknowledge receipt and thank you and the Department for issuance of the above Permit, dated August 20, 2003. The second purpose of this letter is to request that your records and the final Permit be amended to reflect the following:

1. It is respectfully requested that the name of the Permit holder, consistent with its Articles of Incorporation, should include an apostrophe and be shown as Henry's Fork Village Water Co.
2. Location of place of use (Condition 6): For the reasons set forth below, it is respectfully requested that the location be described as follows:

"Henry's Fork Village," consisting of two subdivisions, namely, Robbins Summer Home Sites and Robbins Subdivision, according to the recorded plats thereof, including any lots further divided within either of said subdivisions and described by metes and bounds or by tax number; and the South 5 feet of Lot 13 and all of Lot 14 in Stewart Homesites subdivision.

A word of explanation will clarify why we are concerned to be meticulous in this description. First, after research, legal counsel for the Water Co. determined there are no so-called Lots 20A, 20B, 20C or 20D and, accordingly, recommended the description of "Henry's Fork Village" shown above. Second, the mission of the Water Co. is to supply water solely and exclusively to owners of property within Henry's Fork Village. However, after extended negotiations, a settlement agreement was reached in July, 2003, permitting the owner of a lot within Henry's Fork Village (Lot 34) to extend the water line serving Lot 34 to provide water to a continuous parcel located outside the Village. That parcel consists of the South 5 feet of Lot 13 and all of Lot 14 in the Stewart Homesites subdivision, hence the limitation on the location of that place of use shown above.

MICROFILMED

OCT 17 2003

Your assistance in this matter is appreciated. If any further questions should arise, will you please contact this writer at 208/558-7139 or Hugo Melvoin at 208/558-7642.

Very truly yours,

HENRY'S FORK WATER CO.

By Emmy Lou Burnham
Emmy Lou Burnham, Treasurer

MICROFILMED
OCT 07 2003



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

August 20, 2003

HENRYS FORK VILLAGE WATER CO
3745 S ROBBINS CIRCLE
ISLAND PARK ID 83429

RE: Permit No. 21-12857

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

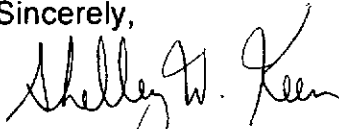
MICROFILMED

OCT 07 2003

Also, please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

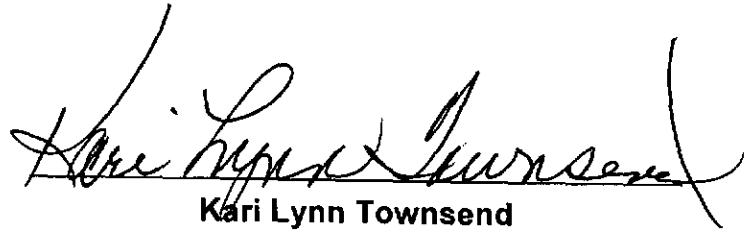
OCT 07 2003

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 21-12857

HENRYS FORK VILLAGE WATER CO
3745 S ROBBINS CIRCLE
ISLAND PARK ID 83429



Kari Lynn Townsend
Secretary

MICROFILMED

OCT 07 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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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:

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MICROFILMED
OCT 07 2003

RECEIVED

AUG 19 2003

Department of Water Resources

Henry's Fork Village Water Company
3738 So Robbins Circle
Island Park, Idaho 83429

Fax Communication

To: Idaho State Dept. of Water Resources

Attn: Dave Carlson

From: Henry's Fork Village Water Company, Emmy Lou Burnham, Treasurer
and Board of Directors

Currently all homes or lots in Henry's Fork Village are stubbed in except for 10 lots/homes along the river. Eight of these homes have existing wells and will be hooked on as needed. The lots/homes requiring water from the Henry's Fork Village Water Company will be completed within 5 years.

MICROFILMED

OCT 17 2003

Comment Report

21-12857

1. scox 6/25/2003 Legal Notice Remarks

Comment: This well was drilled in 1957, so this is a pre-1987 development.

2. kwalker 8/19/2003 Pre-1987 Development

Comment: In talking with Dennis Dunn this morning he stated that this subdivision was the first one to be developed in Island Park (1957). That is where the legal notice remark came from.

MICROFILMED

OCT 07 2003

RECEIVED

AUG 18 2003

Department of Water Resources

Dist for Staffing _____
Submitted for advertising _____

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

INITIAL REVIEW BY DE DATE 6/19/2003 APPLICATION NO. 21-12857

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 subdivision, 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 Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
- ☒ Yes ☐ No Public Water System
- ☐ Yes ☒ No Planning section review
- ☐ Yes ☒ No Moratorium Hold file

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:

- ☐ Id Dept of Environmental Quality
- ☐ Id Dept of Fish & Game
- ☐ Id Dept of Lands
- ☐ Adjudication Bureau Unit
- ☐ U.S. BLM
- ☐ U.S. Forest Service
- ☐ Water District
- ☒ Other Idaho fall. DEQ

non-trust area

☒	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 <u> </u>
☐	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 District <u> </u>
☐	Yes	☐	No	Special conditions of approval or cover letter below.

By: _____ Date: _____

ADDITIONAL INFORMATION: _____

Comments received from:

Project impacts/implications report

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 11, 2003

Id Dept of Environmental Quality
900 N Skyline Dr Ste B
Idaho Falls ID 83402

RE: Application for Permit #21-12857

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 July 21, 2003, 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,


W Roger Warner
Water Right Supervisor

WRW: sc

Enc.

MICROFILMED

OCT 8 7 2003

STANDARD JOURNAL

Rexburg, Idaho
St. Anthony, Idaho
Ashton, Idaho

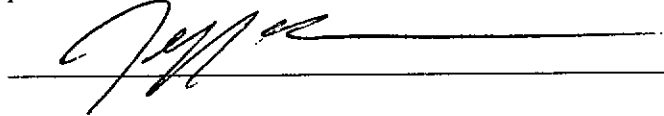
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

Madison and Fremont Counties

I, Jeff Rydalch, being first duly sworn, depose and say, that I am the business manager of the STANDARD JOURNAL, a 3 times a week newspaper published 3 times a week in Madison and Fremont Counties, Idaho; and I do solemnly swear that the Water Rights - Henry's Fork Village Co., 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, once each week thereof for two successive issues, the first publication having been made on July 2, 2003 and the last publication having been made on July 9, 2003.

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.

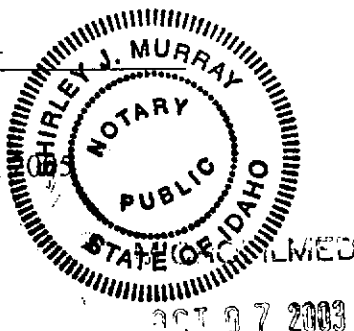


STATE OF IDAHO)

COUNTY OF MADISON)

On this 10th day of July in the year of 2003 before me, a Notary Public, personally appeared Jeff Rydalch, 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 statement therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: April 29, 2005



LEGAL NOTICE

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

21-12857

HENRY'S FORK VILLAGE
WATER CO.
3745 S ROBBINS CIRCLE
ISLAND PARK, ID-83429

Point(s) of Diversion: L9 (SWSE)
S8 T12N R43E and L5 (NESW) S8
T12N R43E, Fremont County.

Source: ground water.

Use: Domestic 01/01 to 12/31
0.75 CFS

Total Diversion: 0.75 CFS.

Date Filed: 06/18/2003

Place of Use: Domestic.

T12N R43E S8 NESW Lot 5
SESW Lot 8 NWSE SWSE Lot 9.

This well was drilled in 1957, so this is a pre-1987 development.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline Dr., Ste. A., Idaho Falls, ID 83402 together with a protest fee of \$25 for each application on or before July 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER
Director

Publ. July 2 and 9, 2003.





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

June 25, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HENRYS FORK VILLAGE WATER CO
3745 S ROBBINS CIRCLE
ISLAND PARK ID 83429

RE: Application for Permit No 21-12857

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Herald Chronicle on July 2 and 9, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the 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 Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

OCT 07 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 25, 2003

Legal Notice Department

HERALD CHRONICLE

PO BOX 10

REXBURG ID 83440

RE: Application for Permit No. 21-12856 and 21-12857

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before July 21, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
6/25/03
sc*

MICROFILMED

OCT 07 2003

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

21-12857

HENRYS FORK VILLAGE WATER CO
3745 S ROBBINS CIRCLE
ISLAND PARK ID 83429

Point(s) of Diversion L9 (SWSE) S8 T12N R43E and L5 (NESW) S8 T12N R43E, FREMONT County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.75 CFS

Total Diversion: 0.75 CFS

Date Filed: 06/18/2003

Place Of Use: DOMESTIC

T12N R43E S8 NESW Lot 5 SESW Lot 8 NWSE SWSE Lot 9

This well was drilled in 1957, so this is a pre-1987 development.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before July 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 2 and 9, 2003

MICROFILMED

oct 07 2003