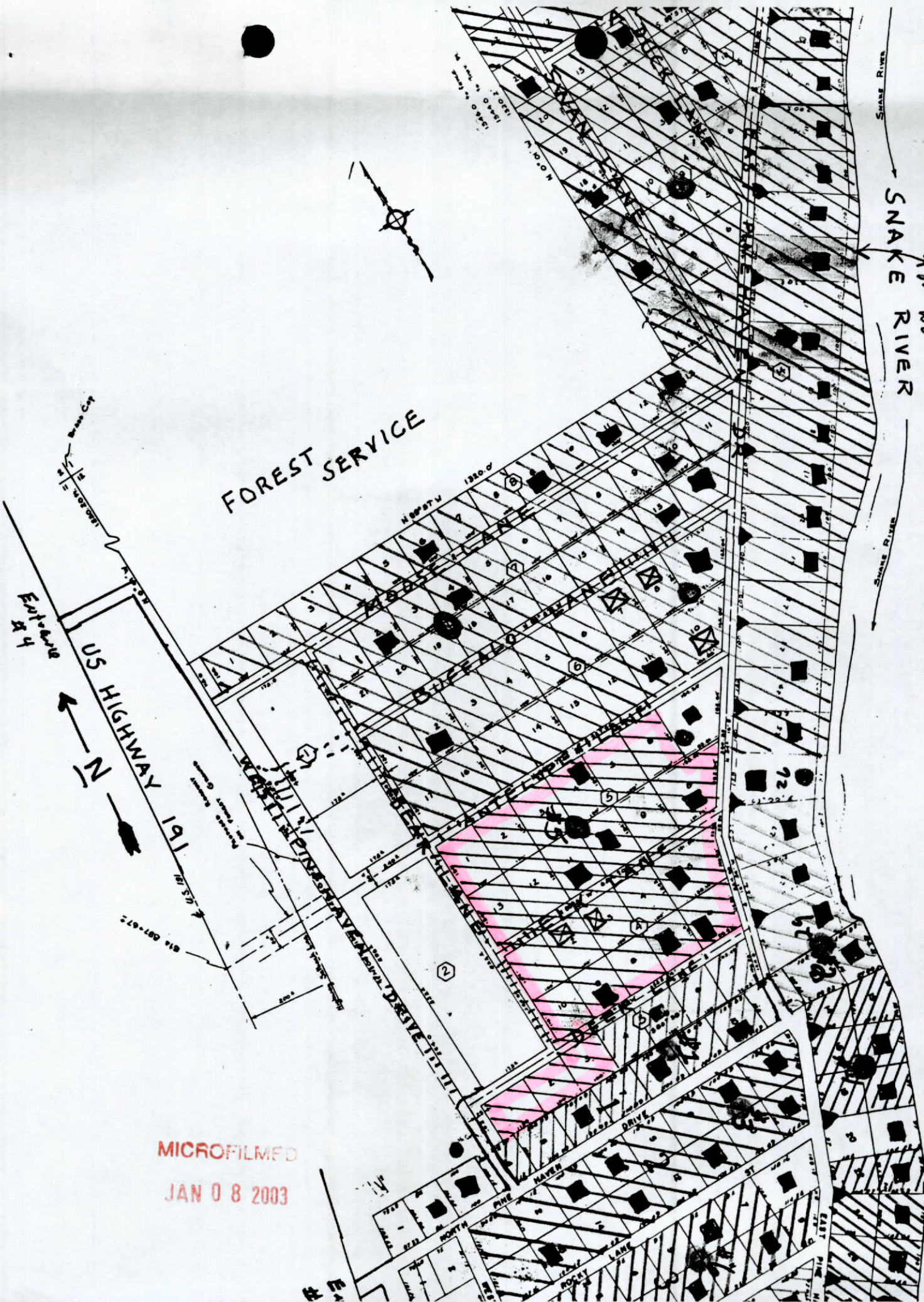




THE FREMONT COUNTY HERALD-CHRONICLE

St Anthony, Idaho

Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Fremont

I, Terry T. Weatherston, being first duly sworn, depose and say, that I am the printer of the FREMONT COUNTY HERALD-CHRONICLE, a 3 times a week newspaper printed and published 3 times a week in Fremont County, Idaho; and I do solemnly swear that the Legal Notice Water rights North Pinehaven Well, a copy of which notice appears attached hereto, was published in the regular and entire issue of supplement issue thereof for Two consecutive issues, the first publication having been made on September 4, 2002 and the last publication having been made on September 11, 2002.

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

Terry T. Weatherston

STATE OF IDAHO)

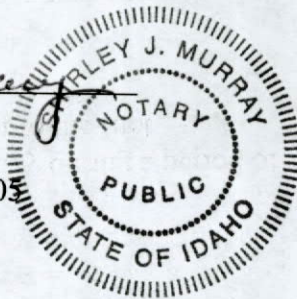
COUNTY OF MADISON)

On this 12th day of September in the year of 2002 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 statement therein are true, and acknowledged to me that he executed the same.

Sheely J. Murray
Notary Public for Idaho

Residing at Rexburg, Idaho

My commission expires: April 29, 2003



RECEIVED
OCT 07 2002
Department of Water Resources
Eastern Region

LEGAL NOTICE

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

21-12849

NORTH PINEHAVEN WELL
GROUP #5

2780 CRAIG DR.

SALT LAKE CITY, UT 84109

Point(s) of Diversion: L3 SWNW

S12 T11N R42E, Fremont County.

Source: Ground water.

Use: Domestic 01/01 to 12/31

0.18 CFS

Total Diversion: 0.18 CFS.

Date Filed: 08/14/2002.

Place of Use: Domestic

T11N R42E S12 SWNW

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 for each application on or before September 23, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,
Director

Publ. Sept. 4 and 11, 2002HC.

RECEIVED
OCT 07 2002
MICROFILMED
JAN 08 2003
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

NOV - 6 2002

Department of Water Resources

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

1. Permit No. 21-12849 Telephone No. (801) 278-8515
2. Name of Permit Holder(s): North Pinehaven Well Group #5
3. Mailing Address: 2780 Craig Dr.

City SLC State UT. Zip 84109

4. Source of Water: Groundwater - well If **GROUNDWATER** (well), Date Drilled: mo. ? / yr. 1983

a. Well Driller: Andrews Well Drilling Idaho Falls
Drilling Permit Number: ? - ? - ? - ?

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

☒ Domestic (No. of households): 25 Stockwater (No. and type of stock): _____

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

6. Total rate of diversion and/or volume for which proof is submitted: 0.18 cfs OR _____ acre feet

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

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

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

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

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

Name: Gilbert W. Jensen Telephone Number: (801) 278-8515

Address: 2780 Craig Dr. SLC, UT. 84109

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

Signature of permit holder: Gilbert W. Jensen, Well Chairman Date: 11-1-02
(include your title, if on behalf of company or organization)

MICROFILMED
JAN 08 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 21-12849

Priority: August 13, 2002

Maximum Diversion Rate: 0.18 CFS

This is to certify, that NORTH PINEHAVEN WELL GROUP #5
2780 CRAIG DR
SALT LAKE CITY UT 84109

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.18 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 12, Twp 11N, Rge 42E, B.M., FREMONT County

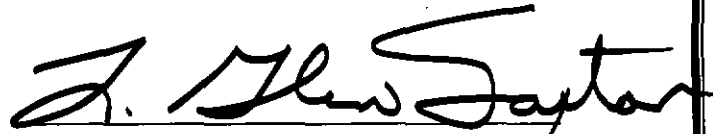
PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	42E	12							X										
									L3										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2003**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. Point of diversion is located within and between Lots 4 & 10, Blk. 5, North Pinehaven Subdivision.
7. Place of use is located within Lots 1-3, Blk. 3; Lots 1-10, Blk. 4; and Lots 1-6, & 8-13, Blk. 5 of the North Pinehaven Subdivision.
8. Domestic use is for 25 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of October, 2002


for
KARL J DREHER, Director

MICROFILMED

JAN 08 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant North Pinehaven Well Group #5 Phone (801) 278-8515
Mailing address 2780 Craig Dr. SLC, Ut. 84109
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is Township 11 No. Range 42 East Sec. 12, in the _____ 1/4,
SW 1/4, NW 1/4, Govt. Lot 3, B.M., Fremont County;
additional points of diversion if any: N/A
4. Water will be used for the following purposes:
 Amount .08 CFS for Domestic purposes from Jan 1 to Dec 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) .08 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Well Pump & Delivery System
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. ~~Proposed~~ Existing well diameter is 6" inches; proposed depth of well is 100 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? 1983; Drilling firm Andrews Drilling
Well was drilled for (well owner) Pinehaven; Drilling Permit No. did not have one
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW.
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households. Twenty five (25).
 - e. Other; describe fully. N/A

MICROFILMED

JAN 08 2002

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	
11N	42E	12							X										

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. .07 CFS under Lic. 21-7329

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

b. Who owns the land to be irrigated or place of use? Members of No. Pinehaven Well Group #5

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Cullinary Water Well Agreement dated Aug. 30, 2001 on file @

12. Remarks: Fremont County Courthouse @ St. Anthony, Idaho F.D. # 493683.

Chairman of Well Group: Gilbert W. Tensen
Treasurer: ✓ ✓ Paul Carver 498 Lincoln, Rexburg, Ida. 83440
Ph # 356-3909

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

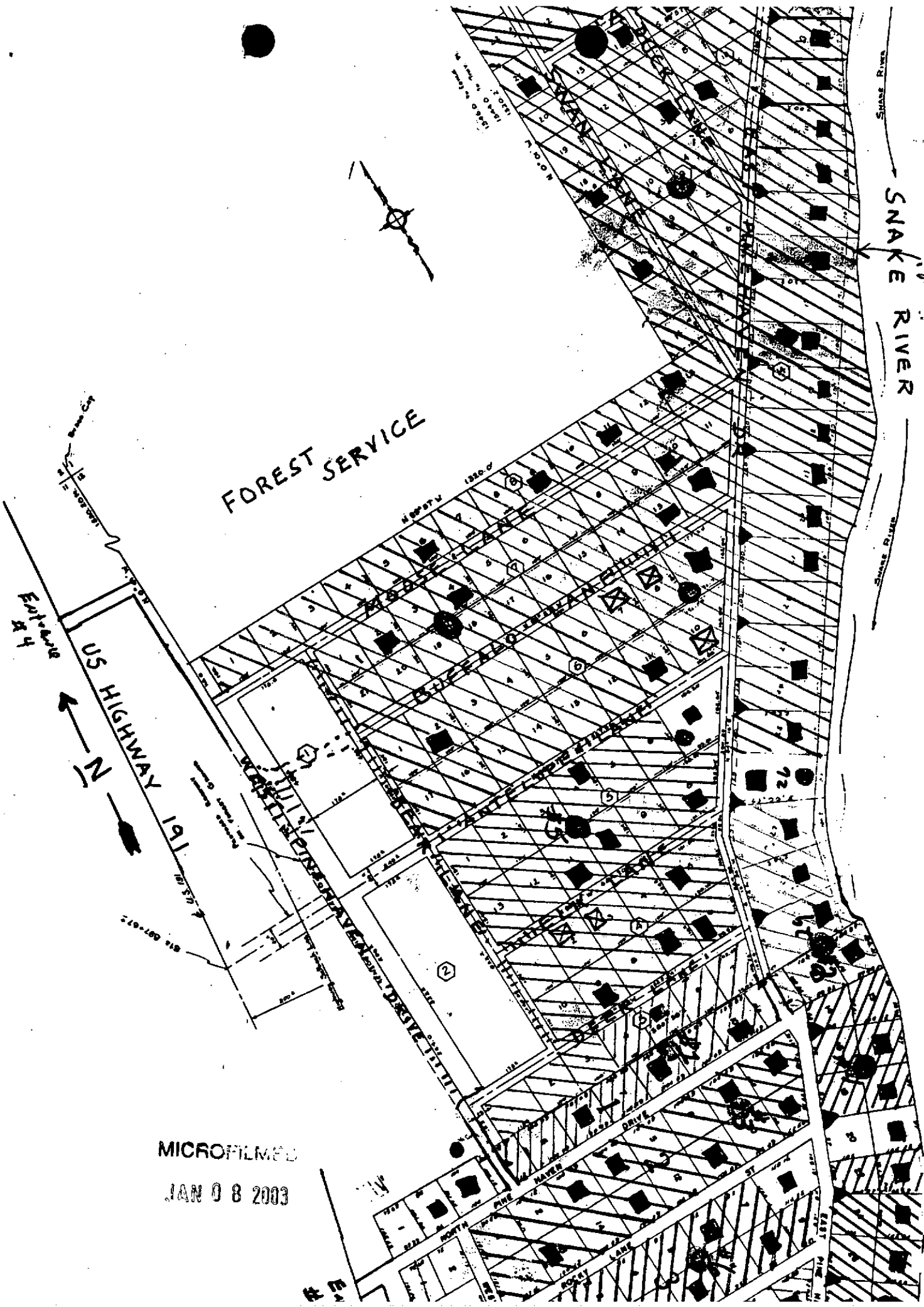
Gilbert W. Tensen
 Signature of Applicant (and title, if applicable)

MICROFILMED

JAN 8 2003

Received by EMC Date 8/13/02 Time _____ Preliminary check by EMC

Fee \$ 100⁰⁰ Receipted by DN # E028057 Date 8/13/2002
 Publication prepared by SC Date 9/4/02 Published in Herald Chronicle
 Publication approved SC Date 10/7/02



MICROFILMED
JAN 08 2003

CULINARY WATER WELL AGREEMENT

473683

THIS AGREEMENT, made and entered into this 30th day of August, 2001 by the following:

Wiley and Judy Henson - Subdivision #1, Lot 1 & 2, Block 3, North Pinehaven
Larry and Ida Hardcastle - Subdivision #1, Lot 5, Block 4, North Pinehaven
Gil and Myrna Jensen - Subdivision #1, Lot 6, Block 4, North Pinehaven
Kent and Marcia Riley - Subdivision #1, Lot 7, Block 4, North Pinehaven -
Gary and Mildred Fletcher - Subdivision #1, Lot 5, Block 5, North Pinehaven - *not signed.*
Bill and Doris Oakley - Subdivision #1, Lot 7, Block 5, North Pinehaven
Paul and Pat Carver - Subdivision #1, Lot 9, Block 5, North Pinehaven
Frank and Debra Lott - Subdivision #1, Lot 12, Block 5, North Pinehaven

The parties listed above own property located in Fremont County, Idaho and have ownership in the well located in Subdivision #1 on the boundary line corner between 4 & 10, block 5, North Pinehaven. *Well Group #5*

The owners receiving water from the well shall pay equal shares of the cost to maintain a proper usable well with the costs split equally between the owners. It is further agreed that the parties, their heirs or future owners will pay \$100.00 per year (or such amount agreed upon) for electricity and maintenance of the community well to the designated well manager. This amount is payable 30 days following notification. This also applies to any maintenance costs over and above the amount accumulated in the well account.

It is further agreed that each of the water users is solely responsible for the location of their connection, for hookup, including backfilling to proper grade, resurfacing roadway where needed, and maintenance of his own water line from the well line connection point.

It is further agreed that any new membership or hookup to the well system following this dated culinary well agreement will pay a well group membership fee of \$500.00 to the current well manager. The membership fee may be revised from time to time as agreed by the owners.

It is further agreed that in the event of a major repair or replacement to the well, pump or main lines, each well owner will be assessed equally. Payment must be made 30 days following notification.

It is further agreed that in the event that a party of this agreement does not pay yearly assessment or their share of major repair cost they authorize the well group to discontinue water to the non paying party and agree to pay any court costs necessary for collection of such past due obligations.

It is further agreed that a party to this agreement may withdraw from the agreement, drill their own well or make other arrangements for their water supply. Any funds accumulated from said party shall remain with the well fund.

It is further agreed that if a party to this agreement sells their cabin the well membership goes with the cabin. The new owner will need to sign this well agreement and it will subsequently be recorded at the Fremont County Recorder Office.

It is further agreed that this agreement shall be binding upon the heirs, executors, administrators, and assignees of the respective parties.

MICROFILMED

JAN 08 2003

473683

By signing this Culinary Water Well Agreement document the owners are in agreement to the terms list on the previous page.

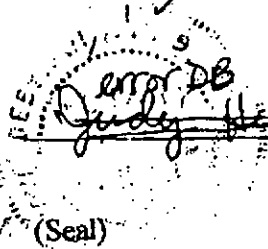
State of North Carolina

County of Jackson

Subscribed and sworn to (or affirmed) before me this 11th day of September 2001 by

Wiley Henson
Owner

Judy Henson
Owner



Deborah Ann Bryan
Notary Public

My commission expires April 21, 2006

473683
Microfilm Name _____
29 May 2002
13:12 Clock P M
CO RECORDER
24 J Sharp Deputy
Request of
Ada Hardcastle

MICROFILMED

JAN 08 2003

By signing this Culinary Water Well Agreement document the owners are in agreement to the terms list on the previous page.

State of IDAHO

County of BONNEVILLE

Subscribed and sworn to (or affirmed) before me this 30 day of August, 2001 by

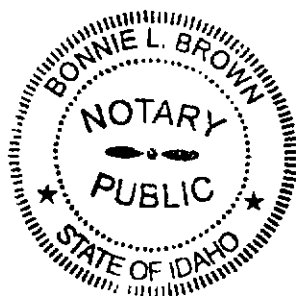
Gary H. Hansen
owner

Joan H. Hurdcastle
owner

Bonnie L. Brown

Notary Public

(Seal)



My commission expires 11-04-06

MICROFILMED

JAN 9 8 2003

By signing this Culinary Water Well Agreement document the owners are in agreement to the terms list on the previous page.

State of Utah

County of Salt Lake

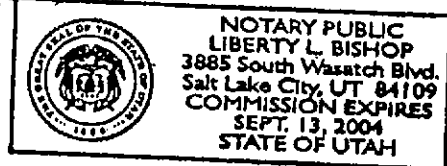
Subscribed and sworn to (or affirmed) before me this 5th day of Sept., 2001 by

Julia W. Jensen
Owner

Mysa M. Jensen
Owner

Liberty L. Bishop
Notary Public

(Seal)



My commission expires Sept. 13, 2004

MICROFILMED

JAN 08 2003

By signing this Culinary Water Well Agreement document, the owners/members are in agreement to the terms listed on the previous page. The original agreement document is identified by #473683 as recorded at the Fremont County Recorder Office, St. Anthony, Idaho.

State of Idaho
County of Madison

Subscribed and sworn to (or affirmed) before me

this 9th day of Aug 2002 by

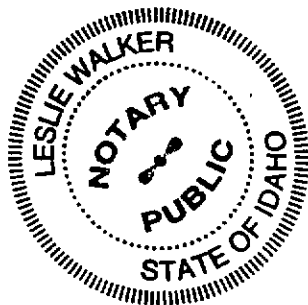
[Signature]
Owner

[Signature]
Owner

[Signature]

Notary Public

(Seal)



My Commission expires 6-2-2004

MICROFILMED

JAN 08 2003

475997
13 BY Aug 02
9:05
RECORDED
INDEXED
Fremont County Recorder
Libert Jensen

By signing this Culinary Water Well Agreement document the owners are in agreement to the terms list on the previous page.

State of Idaho

County of Bonneville

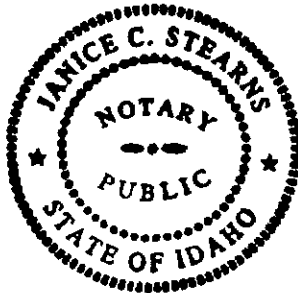
Subscribed and sworn to (or affirmed) before me this 10 day of September, 2001 by

Dary S. Fletcher
Owner

Michael Fletcher
Owner

Janice C. Stearns
Notary Public

(Seal)



My commission expires 1-3-2006

MICROFILMED

JAN 08 2003

473683

By signing this Culinary Water Well Agreement document the owners are in agreement to the terms list on the previous page.

State of Idaho

County of Gooding

Subscribed and sworn to (or affirmed) before me this 4 day of Sept, 2001 by

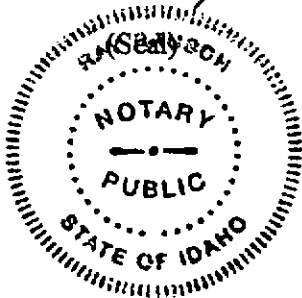
Dorie McAtkey
Owner

William C. Oakley
Owner

[Signature]

Notary Public

My commission expires 5/15/05



MICROFILMED
JAN 08 2003

By signing this Culinary Water Well Agreement document the owners are in agreement to the terms list on the previous page.

State of Idaho

County of Madison

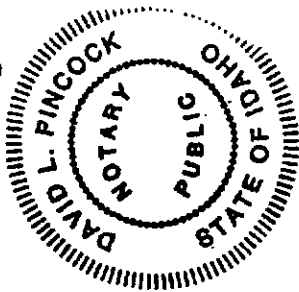
Subscribed and sworn to (or affirmed) before me this 6th day of September, 2001 by

Paul S. Carver
Owner

Patricia A. Carver
Owner

David L. Pincock
Notary Public

(Seal)



My commission expires Sept 13, 2006

MICROFILMED

JAN 08 2003

473683

By signing this Culinary Water Well Agreement document the owners are in agreement to the terms list on the previous page.

State of Idaho

County of Jefferson / Fremont

Subscribed and sworn to (or affirmed) before me this 7th day of Sept, 2001 by

Frank Lott
Owner

Chad Lott
Owner

June Hutton

Notary Public

My commission expires 4-9-2004

(Seal)

MICROFILMED
JAN 08 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

November 7, 2002

NORTH PINEHAVEN WELL GROUP #5
2780 CRAIG DR
SALT LAKE CITY UT 84109

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-12849

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

JAN 08 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 21-12849

Reviewed By: dgibson

Date: November 6, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E028057, C065639		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		11/06/2002
Date proof due	-	11/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	08/13/2002
New priority date	=	08/13/2002

Deficiencies of Actions Items

Acknowledge proof.



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

October 25, 2002

NORTH PINEHAVEN WELL GROUP #5
2780 CRAIG DR
SALT LAKE CITY UT 84109

RE: Permit No. 21-12849

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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.

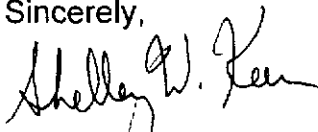
MICROFILMED

JAN 08 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 cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED
JAN 08 2003

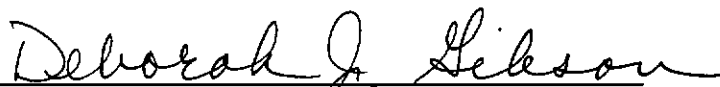
CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2002 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.

21-12849

NORTH PINEHAVEN WELL GROUP #5
2780 CRAIG DR
SALT LAKE CITY UT 84109

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

Deborah J. Gibson
Secretary

MICROFILMED

JAN 08 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource 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.

MICROFILMED
JAN 08 2003

MEMORANDUM

Date: October 23, 2002
To: Water Right File 21-12849
From: dgibson
Re: Permit Review

During permit review I found that this well was drilled in 1983. That the well is located between Lots 4 and 10, in Block 5, of the North Pinehaven Sub. and provides water for Lots 1-6, & 8-13, Blk. 5; Lots 1-10, Blk. 4; and Lots 1-3, Blk. 3.

MICROFILMED

JAN 08 2003

RECEIVED
OCT 15 2002

Dist for Staffing
Submitted for advertising 8-14-02

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

INITIAL REVIEW BY HWT DATE 8-14-02 APPLICATION NO. 21-12849

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 21-7329
☐ 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 Falls
☐ Id Dept of Fish & Game ☐ U.S. BLM
☐ Id Dept of Lands ☐ U.S. Forest Service
☐ Adjudication Bureau Unit ☐ Water District
☐ Other _____

FINAL REGIONAL PROCESSING REVIEW:

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

Date of priority recommend 8-13-2002
By: [Signature] Date: 10-7-2002
STATE OFFICE REVIEW: _____

By: _____ Date: _____
 ADDITIONAL INFORMATION: _____

LOCAL PUBLIC INTEREST:

Comments received from:

_____ City _____ Id Fish & Game _____ Irrigation District
 _____ County _____ Id Health & Welfare _____ Canal Company
 _____ Reservations _____ Div. Of Environment _____ Other _____

Project impacts/implications report

COMMENTS

[illegible]

THE FREMONT COUNTY HERALD-CHRONICLE

St Anthony, Idaho

Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Fremont

I, Terry T. Weatherston, being first duly sworn, depose and say, that I am the printer of the FREMONT COUNTY HERALD-CHRONICLE, a 3 times a week newspaper printed and published 3 times a week in Fremont County, Idaho; and I do solemnly swear that the Legal Notice Water rights North Pinehaven Well, a copy of which notice appears attached hereto, was published in the regular and entire issue of supplement issue thereof for Two consecutive issues, the first publication having been made on September 4, 2002 and the last publication having been made on September 11, 2002.

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

Terry T. Weatherston

STATE OF IDAHO)

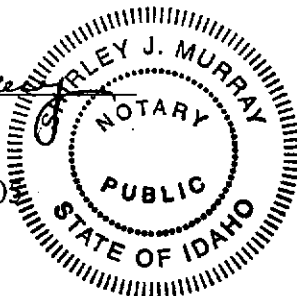
COUNTY OF MADISON)

On this 12th day of September in the year of 2002 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 statement therein are true, and acknowledged to me that he executed the same.

Shelly J. Murray
Notary Public for Idaho

Residing at Rexburg, Idaho

My commission expires: April 29, 2003



RECEIVED
OCT 07 2002
Department of Water Resources
Eastern Region

LEGAL NOTICE

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

21-12849

NORTH PINEHAVEN WELL
GROUP #5

2780 CRAIG DR.

SALT LAKE CITY, UT 84109

Point(s) of Diversion: L3 SWNW

S12 T11N R42E, Fremont County.

Source: Ground water.

Use: Domestic 01/01 to 12/31

0.18 CFS

Total Diversion: 0.18 CFS.

Date Filed: 08/14/2002.

Place of Use: Domestic

T11N R42E S12 SWNW

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 for each application on or before September 23, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER,
Director

Publ. Sept. 4 and 11, 2002HC.

RECEIVED
OCT 07 2002
MICROFILMED
JAN 08 2003
Department of Water Resources
Eastern Region

FAX

September 11, 2002

To: Sharla Cox - IDWR - Eastern Regional Office
Fax # (208) 525-7177

From: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3839

Re: Application for Permit No. 21-12849, North Pinchaven Well Group No. 5

Hi Sharla:

Our office reviewed the above water right application from the IDWR New Water Rights filing report dated September 3, 2002 (copy attached).

Our MTP (copy attached) shows: POU: T11N R42E S12 SWNW may be missing a lot number.

BLM does not have a problem with this claim; we are just providing this for your information.

Thank you.

Have a nice day!!

Pages 4 (includes cover sheet)

cc: Deena Teel - Idaho Falls FO
FAX # (208) 524-7505

MICROFILMED
JAN 08 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

August 27, 2002

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS, ID 83402

Application to Permit No. 21-12849

STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by September 23, 2002.

Please contact this office if you have any questions regarding the application.

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

MICROFILMED

JAN 08 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

August 27, 2002

NORTH PINEHAVEN WELL GROUP #5
2780 CRAIG DR
SALT LAKE CITY UT 84109

RE: Application for Permit No 21-12849

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 September 4 and 11, 2002. Submittal of protests to this application will be allowed for a period ending ten days (September 24, 2002) 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

JAN 08 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

August 27, 2002

Legal Notice Department
HERALD CHRONICLE
PO BOX 10
REXBURG ID 83440

RE: Application for Permit No. 21-12849

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 September 23, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
8/27/02
sc*

MICROFILMED
JAN 08 2003

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

21-12849

NORTH PINEHAVEN WELL GROUP #5
2780 CRAIG DR
SALT LAKE CITY UT 84109

Point(s) of Diversion: L3 SWNW S12 T11N R42E, FREMONT County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 08/14/2002

Place Of Use: DOMESTIC

T11N R42E S12 SWNW

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 September 23, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 4 and 11, 2002

MICROFILMED

JAN 08 2003