

15902
No. 15602

APPLICATION FOR PERMIT
To appropriate the Public Waters of the State of Idaho

1. Name of applicant: Colin A. Chester

Postoffice address: Henry County: Bannock State: Idaho

- I. If applicant is a corporation, give
(a) Date and place of incorporation:
(b) The amount of capital stock:
(c) The amount paid in:
(d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:

2. The quantity of water claimed is 0.5 cubic feet per second.

3. Source of water supply: Unnamed Spring:

4. Location of point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Tp. 6 S. R. 42 East B.M.

County of Bannock *Carillon*

5. To be used for: Irrigation Purposes.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: Twenty-five acres.
(b) In the following legal subdivisions: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, Tp. 6 S. R. 42 E. B.M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

- (b) Amount of power to be generated: H. P. under ft. head
(c) Is water to be returned to any stream? (d) If so, name stream and locate point of return:

6. Estimated cost of works: \$150.00

7. Description of works for diversion:
I. Kind of works: Ditch

II. Dimensions of works:

(a) Height of dam feet, length of dam at top feet,
length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acre feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit Ditch width at bottom 2 feet,
width at water line 3 feet, depth of water 1 feet; diameter of pipe

inches; average grade per mile is 10 feet. Length of conduit is $\frac{1}{4}$ miles,
and it crosses the following quarter sections: SW $\frac{1}{4}$ Sec. 10, T. 6 S. R. 42 East B.M.

8. The time required for the completion of the construction of such work is Two years.

9. Time required for the complete application of the water to the proposed use is one additional years.

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

Colin A. Chester Applicant.
By J. H. Anderson Agent.

Date of first receipt at office of State Engineer 9.00 A. M. November 27, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10843

Recorded in Book 36 Page 10843 Approved December 11, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before February 9, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 11, 1915.

The whole of said work to be completed on or before December 11, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before December 11, 1917.

Witness my hand this 11th day of December, 1914.

Herbert Wing,
Acting State Engineer.

Remarks: The point of diversion is located on unoccupied vacant government land.

Proof of completion of works made September 26, 1916.

Certificate of completion of works issued October 7th, 1916.

Permit No. 10843.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Colin A. Chester, of Henry, County of Bannock, and State of Idaho, the holder of Permit No. 10843, issued upon Application No. 15602, bearing date of priority of November 27, 1914, authorizing the diversion of .5 of 1 second foot of the waters of an unnamed spring, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .5 of 1 second foot of the waters of an unnamed spring; that the point of diversion of said waters is in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 10, T. 6 S., R. 42 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southwest quarter of Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 10, T. 6 S., R. 42 E., B. M., containing 25 acres.

Witness my hand this 7th day of October, A. D. 1916.

J. H. SMITH,

State Engineer of the State of Idaho.

License issued for 0.5 second feet

Page 2357

State of Idaho
License and Certificate of Water Right

Water License No. 10843
Water District No. 34

Amount 0.5 sec. ft.
Priority 11-27-1914.

THIS IS TO CERTIFY that Colin A. Chester
of Soda Springs, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 27th, 1914; that Permit No. 10843
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.5
second feet, was issued thereunder on October 7th, 1916, showing that said works
were completed on the 26th day of September, 1916; and that on the 7th
day of December, 1917,

Colin A. Chester

of Soda Springs, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of an unnamed spring,
a tributary of, for the purpose of irrigation and domestic use,
under Use Permit No. 10843 of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2357, on the 16th
day of November, 1918;

The right hereby confirmed dates from November 27th, 1914;

The Point of Diversion is located
in the NW¼ of SW¼, Sec. 10, Tp. 6 S., R. 42 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 0.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S	42 E	10	SW¼SW¼	25	25

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 16th
day of November, 1918.

(SEAL)

FRED A. WILKIE
State Engineer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 19328
RECEIVED
JUN 28 2001**APPLICATION FOR TRANSFER OF WATER RIGHT****PART 1**Department of Water Resources
Eastern RegionName of applicant David W. and Cherie T. Glenn Phone 703-430-8325
Post Office address 448 Seneca Road, Great Falls, VA 22066**RECEIVED****A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

SEP 25 2001

2. Describe the reason for the proposed changes Constructing three ponds encompassing approximately 1 acre total to be used for recreational purposes as private fishing ponds.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>A27-02039</u>	<u>11/27/1914</u>	<u>0.02 cfs</u>	<u>Recreation/fish</u>	<u>1/1 to 12/31</u>
<u>27-11914</u>			<u>ponds</u>	

2. Total amount of water being transferred 0.02 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water Chesters Spring tributary to Little Blackfoot River
 4. Point(s) of Diversion: (unchanged)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	SW	10	6S	42E	Caribou	Chesters Spring

5. Lands irrigated or place of use: (unchanged)

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	42E	10											R						

69328

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Existing collection box and 8" pipeline from P/D at Chesters Spring to P/U.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
One (1) acre will be removed from irrigation. The transfer will provide water for three (3) fish ponds covering approximately 1 acre total to be used for recreational purposes for private fish ponds.

d. Remarks:
The transferred amount represents the estimated yearly evaporation from the fish ponds being approximately equivalent to the evaporation from one acre of irrigated land as estimated by IDWR.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. A27-02039 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed (Ex. 1) ☐ Other _____

3. Source of water Chesters Spring tributary to Little Blackfoot River

4. Date or priority 11/27/1914

5. Water is used for the following purpose:

amount 0.46 cfs for irrigation purposes from 4/01 to 11/01
(cfs/ac-ft)
amount 0.010 cfs for stockwater purposes from 1/01 to 12/31
(cfs/ac-ft)
amount 0.030 cfs for domestic purposes from 1/01 to 12/31
(cfs/ac-ft)

6. Total amount of water under right 0.50 cubic feet per second and/or 62.50 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	SW	10	6S	42E	Caribou	Chesters Spring

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	42E	10											25						25
6S	42E	10											S						
6S	42E	10											D						

Total acres 25

9. Describe any other water rights used for the same purpose as described above stockwater, domestic

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.02 cfs for recreation purposes from 1/01 to 12/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: **(Unchanged)**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	SW	10	6S	42E	Caribou	Chesters Spring

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	42E	10											1						1

Total acres 1**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.44 cfs for irrigation purposes from 4/01 to 11/01
 (cfs/ac-ft) 0.010 cfs for stockwater purposes from 1/01 to 12/31
 (cfs/ac-ft) 0.030 for domestic purposes from 1/01 to 12/31
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	SW	10	6S	42E	Caribou	Chesters Spring

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	42E	10											24						24

Total acres 24

10

20.7
acres

T 69328
page 5 of 6

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PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft)
Recreation (for private 0.02 cfs 1/1 12/31
fish ponds) _____ to _____
 _____ to _____

2. Quantity and quality of return flows and location of discharge:

All water return flows to Little Blackfoot River. Transferred portion
of right is estimated annual evaporation.

3. Describe effects on other water uses resulting from the proposed change:

None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

X

(Signature of Applicant)

Subscribed and sworn to before me this 23 day of June, 18 2001

(Notary Public)

My commission expires 7/31/04

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by HWT Date 7-2-01

Protest filed by _____

Prelim. check by _____ Fee \$100.00

Receipted by HWT #E026815 Date 7-2-01

Published in Carbon County Sun

Pub. dates Aug 15 & 22, 2001

Watermaster recommendation requested on _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by Rox

Copy of transfer sent to lien holder _____

162046

Mail Tax Notice to:
DAVID W. GLENN
448 Seneca Road
Great Falls, VA 22066

STATE OF IDAHO } ss
County of Caribou }
I hereby certify that this instrument was filed at the request
of Caribou Title
at 11:10 o'clock A m this 1st day of
Sept 2000 in my office and duly
recorded official Records
Recorder Edie Izatt
Edie Izatt 3⁰⁰ CT
Signature Deputy

WARRANTY DEED

For Value Received, JAMES T. CHESTER, a single person, and VIRGINIA G. CHESTER, a single person, the grantors of Pocatello, Bannock County, Idaho, does hereby grant, bargain, sell and convey unto DAVID W. GLENN AND CHERIE T. GLENN, husband and wife, of 448 Seneca Road, Great Falls, Virginia, the grantees, the following described premises located in Caribou County, Idaho, to-wit:

Township 6 South, Range 42 East of the Boise Meridian:
Section 10: SW1/4SW1/4.

Together with all water and water rights appertenant thereto, including, but not limited to the following:
4.90 cfs of Chester Springs

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 21, 2000

James T. Chester
JAMES T. CHESTER

Virginia G. Chester
VIRGINIA G. CHESTER

STATE OF IDAHO)
) ss.
County of Bannock)

On this 1st day of ~~August~~ Sept., 2000, before me the undersigned, a notary public in and for said County and State, personally appeared JAMES T. CHESTER, a single person, and VIRGINIA G. CHESTER, a single person, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Dana Jean Banagan
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at Soda Springs, Idaho
My commission expires: 8/15/2003

T 69328
ATTACHMENT 1 OF 4

EXHIBIT 2

NW 1/4 SW, Sec. 10
T. 6 S. R. 42 E

pod Chest
Spring

(Pipeline)

RV

Store

House

19.1

New House

P/U
Fish Ponds

SW 1/4 Sec. 10, T. 6 S., R. 42 E.

Little Backfoot River

9/10
16/15

irrigated
GRA

T-1171

12

116.4

HEL

10

12.9

11

12.7

13

68.9

HEL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69328

This is to certify that: DAVID W GLENN AND
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066
(703) 430-8325

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
27-2039	AJC/License	11/27/1914	0.50 cfs			25.0	CHESTERS SPRING, SPRING

Purpose of Transfer (Changes Proposed)

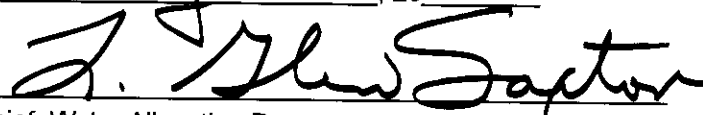
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
27-2039	NO	NO	NO	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
27-2039	27-2039	0.45 cfs	72.9 af	N/A	19.7	N/A	N/A	N/A	N/A	N/A
TOTALS		0.45 cfs	72.9 af	N/A	19.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of July, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 27-2039
As Modified by Transfer No. 69328

In accordance with the approval of Transfer No. 69328, Water Right No. 27-11914 is now described as follows.

Right Holder: DAVID W GLENN AND
 CHERIE T GLENN
 448 SENECA RD
 GREAT FALLS VA 22066

Priority Date: 11/27/1914

Source: SPRING

Tributary: LITTLE BLACKFOOT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.39 CFS	69.0 AF
STOCKWATER	01/01	to 12/31	0.01 CFS	0.2 AF
DOMESTIC	01/01	to 12/31	0.03 CFS	1.2 AF
RECREATION	01/01	to 12/31	0.02 CFS	
RECREATION STORAGE	01/01	to 12/31		2.5 AF
			0.45 CFS	72.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NWNWSW Sec. 10 Twp 06S Rge 42E CARIBOU County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
06S 42E 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	19.7

Total Acres: 19.7

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
06S 42E 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
06S 42E 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

WATER RIGHT NO. 27-2039
As Modified by Transfer No. 69328

PLACE OF USE: RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	42E	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

PLACE OF USE: RECREATION STORAGE

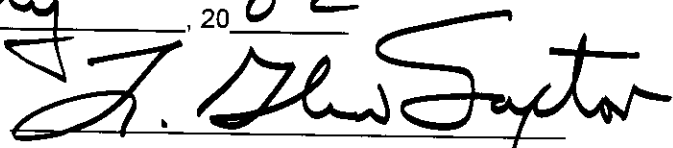
Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	42E	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 27, Blackfoot River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. A portion of Right 27-2039 described as 0.05 cfs, 4.3 acres irrigation and 15.1 af has been forfeited through non-use.
5. Domestic use is for 1 home and a store.
6. Source is also known as Chesters Spring.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of July, 2002


Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.)
69328 IN THE NAME OF DAVID W GLENN)
AND CHERIE T GLENN)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the approval of a water right transfer, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On July 18, 2002 the Department approved Water Right Transfer No. 69328 (transfer) in the form of a preliminary order (order). A copy of the order was mailed to David W. Glenn and Cherie T. Glenn (applicant) on July 23, 2002.
2. On July 30, 2002, the Department received a Petition for Reconsideration (petition) in connection with the order from Pamela Jane Wascher on behalf of Joe Dunford, agent retained in Idaho for the applicant (petitioner). The petitioner does not believe the transfer accurately represents the intent for use of the water by the applicant. The petitioner seeks additional time to perform necessary field work and review the transfer in order to pursue corrections, if necessary.

CONCLUSIONS OF LAW

1. Section 67-5243(3) , *Idaho Code*, provides in pertinent part as follows:

Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

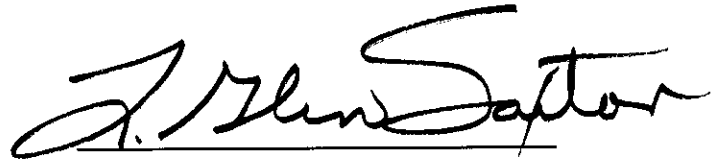
2. The petition was filed timely.
3. The Department should conditionally grant the petition pursuant to Section 67-5243(3), *Idaho Code*, to provide the petitioner an opportunity for review and submittal of information supporting corrections to the transfer.

ORDER

IT IS HEREBY ORDERED that the petition is **CONDITIONALLY GRANTED** pursuant to Section 67-5243(3), *Idaho Code*, to allow the petitioner 60 days to review and provide information supporting any appropriate corrections to the transfer.

IT IS FURTHER ORDERED that if the petitioner does not submit information supporting any appropriate corrections to the transfer within 60 days of the service date of this order, the Department will review the issues based on existing information and make any changes to the transfer, if appropriate, in an amended preliminary order re-issuing the transfer.

Dated this 1st day of August, 2002.

A handwritten signature in black ink, appearing to read "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 69328**

This is to certify that: DAVID W GLENN AND
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066
(703) 430-8325

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

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<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
27-2039	AJC/License	11/27/1914	0.50 cfs			25.0	CHESTERS SPRING, SPRING

Purpose of Transfer (Changes Proposed)

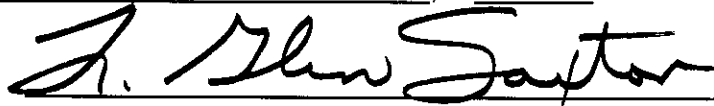
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
27-2039	NO	NO	NO	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
27-2039	27-2039	0.45 cfs	72.9 af	N/A	19.7	N/A	N/A	N/A	N/A	N/A
TOTALS		0.45 cfs	72.9 af	N/A	19.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of December, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 27-2039
As Modified by Transfer No. 69328

In accordance with the approval of Transfer No. 69328, Water Right No. 27-2039 is now described as follows.

Right Holder: DAVID W GLENN AND
 CHERIE T GLENN
 448 SENECA RD
 GREAT FALLS VA 22066

Priority Date: 11/27/1914

Source: SPRING

Tributary: LITTLE BLACKFOOT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.39 CFS	69.0 AF
STOCKWATER	01/01	to 12/31	0.01 CFS	0.2 AF
DOMESTIC	01/01	to 12/31	0.03 CFS	1.2 AF
RECREATION	01/01	to 12/31	0.02 CFS	
RECREATION STORAGE	01/01	to 12/31		2.5 AF
			0.45 CFS	72.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NWNWSW Sec. 10 Twp 06S Rge 42E CARIBOU County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
06S 42E 10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	19.7

Total Acres: 19.7

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
06S 42E 10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
06S 42E 10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

WATER RIGHT NO. 27-2039
As Modified by Transfer No. 69328

PLACE OF USE: RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	42E	10											X						

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	42E	10											X						

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 27, Blackfoot River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. A portion of Right 27-2039 described as 0.05 cfs, 4.3 acres irrigation and 15.1 af has been forfeited through non-use.
5. Domestic use is for 1 home and a store.
6. Source is also known as Chesters Spring.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5th day of December, 2002


 Chief, Water Allocation Bureau

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER NO.)
69328 IN THE NAME OF DAVID W.)
AND CHERIE T. GLENN)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

On December 6, 2002, the Department of Water Resources ("Department") issued a Preliminary Order amending the approval for the transfer captioned above ("transfer").

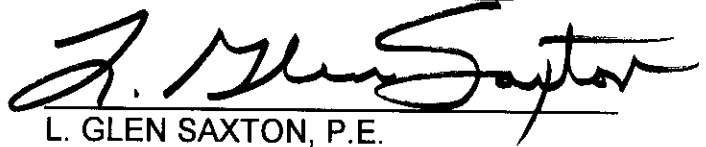
On December 20, 2002, Pamela Wascher filed a Petition for Reconsideration ("petition") on behalf of the transfer applicant with the Department asking for reconsideration of the transfer and postponement of the final order approving the transfer. Postponement was requested to provide time for Department review and recommendation of the water rights associated with the transfer in the Snake River Basin Adjudication (SRBA).

ORDER

The Department has reviewed the petition and HEREBY ORDERS that the petition is **GRANTED** under the following terms:

1. Granting of the petition does not represent Department agreement with any provision of the petition.
2. The Department retains jurisdiction of the matter in order to review the SRBA recommendation of water rights associated with the transfer when such recommendations are completed.

Dated this 26th day of December, 2002.



L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

State of Idaho
ENGINEERING DEPARTMENT
BOISE

STATE ENGINEER

Permit No. 10843-Chester.

Boise, Idaho, Dec. 11, 1914.

Messrs. Thomas & Anderson,
Blackfoot, Idaho.

I enclose herewith above numbered permit. BE SURE TO NOTE
LIMITATIONS AND CONDITIONS OF SAME as given under approval of
State Engineer on the third page.

HERBERT WING.

Acting State Engineer.

10843

Name of Applicant Calvin A. Chester

Cali. A. Chester

Thursdays 6 South, Range 42 B B m

Spring

10843

Printed and for sale by the Statesman Shop, Boise, Idaho

Permit Map No. 10843

As Approved

DEC 11 1914

BY

HERBERT WING

ACTING STATE ENGINEER

Permit Map No. 10848

As Approved

DEC 11 1914

BY

HERBERT WING

ACTING STATE ENGINEER

J. H. SMITH
STATE ENGINEER
FRED A. WILKIE
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
Boise

September 27, 1916.

Re Permit 10843.

Colin A Chester,
Henry, Idaho.

Sir:--

Am just in receipt of your letter enclosing affidavit for proof of completion of works under above permit. In regard to the two notices sent you would say that, if you will examine the notices, you will find that they were for two different permits. The date set out under the above numbered permit for completion of works is December 11, 1916, and the affidavit is returned for correction in this particular. Permit No. 10642, your other permit, will be allowed to lapse, as two permits could not be granted for the same lands, each allowing an inch of water to the acre.

Very truly yours,

J. H. SMITH,

State Engineer.

By Ed Brown

AH-R

Sir.
You will find that I have erased the former date and filled in the correct date, which I trust will be satisfactory.
Respectfully yours
Colin A. Chester

10843

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

C. A. Chester,
Henry, Idaho.

BOISE, IDAHO,

Sept. 15, 1916.

DEAR SIR:

Under the terms of your permit No. 10843, you are required to complete your diversion works on or before Dec. 11, 1916. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

J. H. SMITH, ~~ExRx KING~~

State Engineer.

110277

Permit No. 10843

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Bannock

ss.

Colin A. Chester

being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 10843 and that his postoffice address is Henry State of Idaho

Second: That the name of the stream from which said water is to be diverted is

Unnamed Spring

Third: That the point of diversion of said water is at the south side of said Spring situated on the N.W. 1/4 of the S.W. 1/4 Sec 10, T. 6 S. Range 42 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 11th 1916

Fifth: That the use for which said water is intended is for Irrigation and Domestic use

Sixth: That on the date above mentioned, the works constructed under said permit were (~~or were~~) fully completed and consisted of the following:

I. Kind of works: Spring running into natural reservoir with dam on dam on south side of reservoir
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 1 1/2 feet, length of dam at top 10 feet, length of dam at bottom 8 feet. Material used in construction Rock filled in with gravel

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 5000 acre feet.

(c) Size of headgate: Width 2 feet, height 2 feet.

(d) Conduit Wooden box connecting with pipe, width at bottom 2 feet, width at water line 2 feet, depth of water 10/12 feet; diameter of pipe 300.8 inch 700.6 inches; average grade per mile is 30 feet. Length of conduit is 1000 feet miles.

(State whether ditch, flume or pipe)

Seventh: That said works are capable of conducting to the place of intended use

Twenty five second feet of water.

Eighth: That water appropriated under said permit is available for twenty five acres of land described as follows: The South west 1/4 of the South west 1/4 of Sec 10 Township 6 S. Range 42 East. B. M.

Ninth: Remarks: That the spring from which the water is conveyed is on the north side of the creek known as Little Blackfoot and the land on which the water is conveyed is on the south side of the creek hence it was found necessary to use pipes to convey the water to the land. the outlet for the water is about 6 feet below the Miller Reservoir

Colin A. Chester

(Sign here.)

Subscribed and sworn to before me this 26th day of September, 1916

McChester

Notary Public.

My commission expires June 19, 1920

10843

RECEIVED

SEP 27 1943

OFFICE OF STATE ENGINEER

OK
500

J. H. Smith

Henry, Ida. 9-26-16

State Engineer.

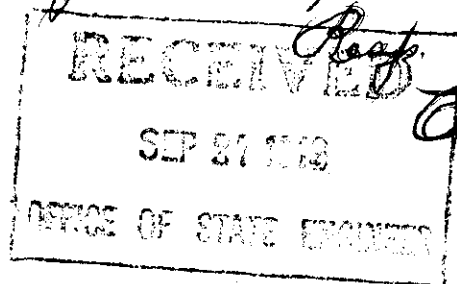
Boise, Ida.

Dear Sir: I herewith enclose your affidavit of proof of works for the use of water which I hope will prove satisfactory.

I have received two sets of Instructions from your office. The first one advised me that I was required to complete the work on or before Sept. 30, 1916. The other one dated Sept. 15, 1916, requires the work to be completed on or before Dec. 11, 1916.

However I have completed the works as set forth in my affidavit and would like to know from you about its acceptance.

I send you check for \$500. fees for the same.



Colin Chester
Henry
Ida.

10842

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Nov. 1st 1917-
(P. O.) Henry, Idaho.

To the State Engineer,
Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Soda Springs Chieftain, of Soda Springs, Idaho, published in the
county in which the works are situated.

Colin G. Chester

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

10843

FOR THE COMMISSIONER OF THE BUREAU OF LANDS

1917

NOV 3 1917

NOV 3 1917

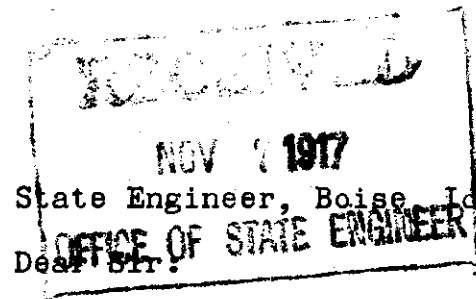
NOV 3 1917

RECEIVED
NOV 3 1917
OFFICE OF STATE ENGINEER

RECEIVED
NOV 3 1917
OFFICE OF STATE ENGINEER

RECEIVED
NOV 3 1917
OFFICE OF STATE ENGINEER

RECEIVED



(Place).....

(Date).....

Sod Springs, Idaho

Nov. 5, 1917

I have your letter of.....

Nov. 3rd

.....enclosing Notice of Proof of

~~disputed water rights~~ Beneficial Use of Water under Permit No. *10843* which

will be published as you request, beginning with our issue of *Nov. 8, 1917*

10843

H. H. Wilder

J. H. SMITH,
STATE ENGINEER
FRED A. WILKIE,
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
Boise

September 17, 1917.

Re: Permit 10843.

Mr. Colin Chester,
Henry, Idaho.

Dear Sir:

Replying to yours of the 14th inst.,
would say that proof of beneficial use of
water is required to be made under above
permit before final title to the use of
the water can be obtained. This proof is
due December 11, 1917. The enclosed notices
should be filled out and returned to this
office in time for proof to be advertised
four full weeks prior to the date specified
by you in the notice for proof.

Very truly yours,

J. H. Smith,

State Engineer.

By *C. Brown*.

Enc: 2 F-10
F-11

CB/MB

11-5-17

State of Iowa
Department of Agriculture
Des Moines, Iowa

RECEIVED
NOV 1 1917
OFFICE OF STATE ENGINEER

RECEIVED
NOV 1 1917
OFFICE OF STATE ENGINEER

November 3rd, 1907.

Re Permit 10843,

Colin A. Chester,
Henry, Idaho.

Dear Sir:—

Notice of final proof under above permit has today been mailed to the Soda Springs Chieftain. Deposition blanks will be mailed to the notary public in time for proof December 7th.

Very truly yours,

J. H. SMITH,

State Engineer.

By_____

10843

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Mr. Colin A. Chester,
c/o Herbert Horsley, N. P.,
Soda Springs, Idaho.

BOISE, IDAHO, November 23, 1917.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **10843.**

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On December 7, 1917, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Soda Springs, before Herbert Horsley, N. P.**
2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

J. H. Smith,

State Engineer.

10843

September 27, 1916.

Re Permit 10843.

Colin A. Chester,
Henry, Idaho.

Sir:--

Am just in receipt of your letter enclosing affidavit for proof of completion of works under above permit. In regard to the two notices sent you you would say that, if you will examine the notices, you will find that they were for two different permits. The date set out under the above numbered permit for completion of works is December 11, 1916, and the affidavit is returned for correction in this particular. Permit No. 10642, your other permit, will be allowed to lapse, as two permits could not be granted for the same lands, each allowing an inch of water to the acre.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

AH-R

October 9, 1916.

Re Permit 10845.

Colin A. Chester,
Henry, Idaho.

Sir:--

Enclosing herewith certificate of completion of works
issued under above permit.

Very truly yours:

J. H. SMITH,

State Engineer.

CCW-

By _____

Henry Ida

Sept - 14 - 1917

State Engineer
Boise, Ida.

Sir: Please advise me as to what proof I have
to make on the water for my R.E. Permit No 10843

Please send me blanks necessary to make advise
as to what to do.

Resp.

Colin Chester

Henry, Ida.

Rem Use Dec 11/17

2710-711

10843

September 17, 1917.

Re: Permit 10843.

Mr. Colin Chester,
Henry, Idaho.

Dear Sir:

Replying to yours of the 14th inst.,
would say that proof of beneficial use of
water is required to be made under above
permit before final title to the use of
the water can be obtained. This proof is
due December 11, 1917. The enclosed notices
should be filled out and returned to this
office in time for proof to be advertised
four full weeks prior to the date specified
by you in the notice for proof.

Very truly yours,

J. H. Smith,

State Engineer.

13

Enc: 2 F-10
F-11

CL/13

10843

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 7th day of December, 1917,
 at Soda Springs, County of Bannock, State of Idaho,
 before Herbert Horsley, Notary Public, proof will be submitted
 of the application to beneficial use of .5 of 1 cubic feet per second of the
 waters of an unnamed Spring in accordance with the terms and conditions of
 Permit No. 10843 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person ~~or corporation~~ holding said permit are Colin A. Chester, Henry, Bannock County, Idaho
2. The use to which said water has been applied is for irrigation and domestic purposes
3. The amount applied to beneficial use is .5 of 1 second feet
4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) South west quarter South west quarter (SW 1/4), Sec. 10, T. 6 S., R. 42 E., B. M.
5. The name of the canal or ditch or other works by which ~~said water~~ is conducted to such place of use is Center Pipe line and Ditch
6. The right to take water from such works is based upon Permit No. 10843
7. The source of supply from which such water is diverted is Unnamed Springs
8. The date of the priority which said user is prepared to establish is November 27, 1914

D34

10843

J. H. SMITH,

State Engineer.

NW 8W-10-6S-42E

RECEIVED

only information of a...

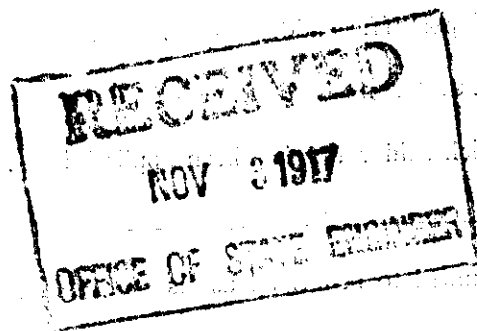
191

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Permit No.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. *William Chester, age 74, Henry, Idaho, occupation Farmer and Stock raiser*Ques. 2. Are you acquainted with *Colin A. Chester*, the holder of Permit No. *10843*? How long have you known him and where does he reside?Ans. *I have known him all his life, he resides at Henry, County of Blaine, State of Idaho*Ques. 3. Have you read or heard read said Permit No. *10843*, and are you familiar with its provisions and conditions?Ans. *Yes*

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. *Unnamed Spring. Point of diversion is on the North-west quarter of the south-west quarter of Sec 10 Township 6 south of range 42 east, B. M. the water is conveyed by means of pipe line composed of 400 feet of 8 inch pipe and 500 feet of 6 inch pipe*

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. *15 of 1 cubic feet per second*

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. *The water is used for irrigation and domestic purposes on the south-west quarter of the South-west quarter of Sec 10 Township 6 south range 42 E. B. M. seven acres or more have been irrigated and at least 18 acres more are subject to irrigation on above described land the land is sage brush land, Potatoes, Wheat and vegetables raised on irrigated land*

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. *The land is sage brush land and requires 15 of 1 cubic feet per second*

10843

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest in it

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have put in the crops and irrigated same during the year 1917

(Sign) William Chester

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Soda Springs, County of Bannock, State of Idaho, on this 7th day of December, A. D. 1917.

Herbert Kersley

Notary Public.

My commission expires January 21st 1918

10923

Permit No. _____

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Jake Balls, age 46, residence Henry, Idaho
Postoffice address, Henry, Idaho

Ques. 2. Are you acquainted with Leolin A. Chester, the holder of Permit No. 10843? How long have you known him and where does he reside?

Ans. _____

Ques. 3. Have you read or heard read said Permit No. 10843, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Unnamed Spring situated on the North-west quarter of the South-west quarter of Sec 10 South Range 42 E. B. M. diverted from said Spring to place of use by means of pipe line composed of 400 feet of 8 inch pipe and 500 feet of 6 inch pipe

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 5 of 1 Cubic feet per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for Irrigation and domestic purposes on the South-west quarter of the South-west quarter of Township 6, of range 42 east B. M. on which about 7 acres have been irrigated

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land reclaimed is sage brush land and requires 5 of 1 cubic feet per second for the 25 acres which is subject to irrigation on above described land

10843

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been on the land almost daily during the summer of 1917 and have noticed that the water has been used for the irrigation of about 7 acres or more

(Sign) Lake Balls

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Soda Springs, County of Bannock, State of Idaho, on this 7th day of December A. D. 1917.

Herbert Hershey
Notary Public.

My commission expires January 31st 1918

10843

PERMIT NO. 10843**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Colin A. Chester, age 36, residence Henry Idaho
occupation Farmer & storekeeper, Henry, Bannock County, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No 10843,

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Un named Spring, point of diversion is on the North
West quarter N.W. 1/4, of the South West quarter S.W. 1/4, of Sec 10, of Range 42 East, T. 36

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. The water is conducted to the place of use by means of
a pipe line known as Chester's pipe line said pipe line
composed of 400 feet of 8 inch pipe and 500 feet of 6 inch pipe
and conveys from point of diversion to place of use 5 of 1
cubic foot per second

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for domestic and irrigation
purposes on the South West quarter S.W. 1/4, of the South West
quarter S.W. 1/4, Sec 10 Township 6 south of Range 42 east, T. 36
have irrigated 7 acres have watered 1 acre potatoes 1/2 acre wheat 1/2 acre garden
vegetables balance in meadow and pasture land

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. 12 of 1 cubic foot per second for 25 acres

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 5 of 1 cubic foot per second for 25 acres on above described land

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

10843

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. *The water was conveyed on to the land Sep 10 1916 by means of the pipe line and service ditch to the amount of 5 of 1 Cubic foot per second*

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. _____

(Sign) _____

Colin A. Chester

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Soda Springs*, County of *Bannock* State of Idaho, on this *7th* day of *December* A. D. 19*17*.

Herbert Horsley
Notary Public

10843

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

NOTICE is hereby given that at 10 a. m. on the 7th day of December, 1917, at Soda Springs, County of Bannock, State of Idaho, before Herbert Horsley, Notary Public, proof will be submitted of the application to beneficial use of .5 of 1 cubic foot per second of the waters of an unnamed spring, in accordance with the terms and conditions of Permit No. 10843, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Colin A. Chester, Henry, Bannock County, Idaho.

2. The use to which said water has been applied is irrigation and domestic purposes.

3. The amount applied to beneficial use is .5 of 1 cubic foot per second.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) sw $\frac{1}{4}$ sw $\frac{1}{4}$ sw $\frac{1}{4}$, Section 10, Township 6 South, Range 42 East, Boise Meridian.

5. The right to take the water from such works is based upon Permit No. 10843.

6. The source of supply from which such water is diverted is Unnamed Spring.

7. The date of the priority which said user is prepared to establish is Nov 27, 1914
J. H. SMITH,
N8-29 State Engineer.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF BANNOCK. } SS

I, W. H. HILDRETH, being first duly sworn, deposes and says that he is the publisher of THE SODA SPRINGS CHIEFTAIN, a newspaper published every week in Soda Springs, County of Bannock, State of Idaho; that the annexed advertisement was published once each week for Four successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the Eighth day of November, 1917, and the date of the last publication was on the Twenty-ninth day of November, 1917.

W. H. Hildreth

Subscribed and sworn to before me this 30th day of November, 1917.

10843

M. S. Roberts
Notary Public.

November 19, 1918.

Re Permit No. 10843.

Mr. Colin A. Chester,
Soda Springs, Idaho.

Dear Sir:

Enclosing herewith Water License
No. 10843.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

10843

December 8, 1917.

Re: Permit 10843.

Mr. Colin A. Chester,
Soda Springs, Idaho.

Dear Sir:

Am in receipt of depositions, affidavit
of publication and check for fees for final
proof under the above permit.

As it will be some time now before the
engineer can make the required examination,
check made by Herbert Horsely is herewith re-
turned to you. As soon as the report of our
engineer is made, you will be further notified
as to fees required.

Very truly yours,

J. H. SMITH,

State Engineer.

BT

CB/EB
Enc: CH-22.

10843

Established In 1919

Real Estate
Insurance

Bonded & Licensed

Phone 33

Mortgage Loans
Escrow Dept.

S. E. MATTHEWS

FINANCIAL AGENCY

—&—

CARIBOU COUNTY ABSTRACT CO.

MATTHEWS BUILDING

SODA SPRINGS, IDAHO

Oct. 25th, 1951.

Department of Reclamation,
Boise,
Idaho.

Gentlemen:-

Re: Water Filing - On Unnamed Spring
In: NW $\frac{1}{4}$ -SW $\frac{1}{4}$ of Sec. 10, T. 6 S., R. 42 E., B.M.
in Caribou (FORMERLY "BANWOCK") County,
Idaho.

Mr. James Chester of Henry, Idaho has called at our office and requested we write this communication on his behalf.

It seems -- Sometime prior to 1919 Wm. Chester (father of James Chester) filed on an Unnamed Spring situated as above -- that the filing was made for domestic (culinary) use.

We are unable to locate any record of the filing in this County and would appreciate it if you would look into your records and advise us if you can locate any data relative to the matter.

Thanking you, we are,

Yours respectfully,

Caribou County Abstract Company

By: S. E. Matthews

10843

Remit
10842
✓

October 27, 1951

Mr. S. E. Matthews
Caribou County Abstract Co.
Matthews Building
Soda Springs, Idaho

Dear Mr. Matthews:

Re: Water Filing - On Unnamed Spring
In: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Of Sec. 10, T. 6 S., R. 42, E.B.M.
in Caribou (FORMERLY "BANNOCK") County,
Idaho.

In the above entitled matter, we have taken the liberty to furnish you with a certified license and certificate of water right on filed in this office in the name of Colin A. Chester, which we are quite sure is the water right you are inquiring about.

We are required to charge a statutory fee for a certified copy of any document. Therefore, please remit the amount of \$1.50.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg
Enc.

10842



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 27, 1951

10843

Mr. S. E. Matthews
Caribou County Abstract Co.
Matthews Building
Soda Springs, Idaho

Dear Mr. Matthews:

Re: Water Filing - On Unnamed Spring
In: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Of Sec. 10, T. 6 S., R. 42, E.B.M.
in Caribou (FORMERLY "BANNOCK") County,
Idaho.

In the above entitled matter, we have taken the liberty to furnish you with a certified license and certificate of water right on file in this office in the name of Colin A. Chester, which we are quite sure is the water right you are inquiring about.

We are required to charge a statutory fee for a certified copy of any document. Therefore, please remit the amount of \$1.50.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By *Roy W. Thompson*
Roy W. Thompson
Supervisor of Water Distribution

RWT:fg
Enc.

RECEIVED
NOV 2 1951
Department of Reclamation

R-29912

10843

SCANNED
JUL 31 2003

RECEIVED

Department of Reclamation

Pocatello, Idaho
March 17, 1968

State Engineer
State of Idaho,
Room 107, Statehouse,
Boise, Idaho

Dear Sir:

Attention:
M. Russell Bosch

I wish to thank you for sending me the information in your letter of March 11, 1968 relating to my inquiry of March 9th requesting information on water filings on a spring, located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 10, T 6S, R. 42E, in Caribou County.

You indicate that a water license No. 27-2039 was issued to Colin A. Chester with a priority date of Nov. 27, 1914, for .5 c.f.s.

I would like further information as listed below:

1. My father, Walter J. Chester, was in partnership with Colin A. Chester his brother, in 1914 to about 1928 at which time my father purchased the land, properties including the water pipeline, etc. from Colin. My father has lived on the property since that time. He still resides on the property and has used the water through the years. In about 1930, he paid Stan Mathews, Notary Republic, at Soda Springs to see that the water license was properly transferred to his name, Walter J. Chester. Henry, Idaho
Does the record show the correct information of being transferred into my fathers name. If not, what procedure is followed to do this.
2. Have any other applications or water licenses been issued on this particular spring?
3. My father plans to do some improvements on the pipeline to this spring, including a new head box and replacement of some of the old pipe. Do we need to submit specifications on this before or after the work is completed?

I wish to thank you in advance for this information.

Sincerely,

Thomas J. Chester

Thomas J. Chester
217 N. 14th Ave.
Pocatello, Idaho 83201

SCANNED

JUL 31 2003
27-2039

10843

March 18, 1968

RE: License 27-2039

Thomas J. Chester
217 North 14th Avenue
Pocatello, Idaho 83201

Dear Mr. Chester:

Since your father purchased the lands from Colin A. Chester he owns the water right. This right became appurtenant to the lands when it was licensed. There is no need to have the license changed since your father owns the land.

There are no other rights filed on the spring that we have any record of. There could be a use of constitutional right, however, your father would know if some other pipes or structures were in the springs.

Once the license has been issued you can improve your works and we do not require specifications as long as the right is not enlarged from the original amount.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRS:ejw

27-2039

10243

RECEIVED -

MAR 11 1968

Department of Reclamation

Pocatello, Idaho
March 9, 1968

State Engineer
State of Idaho,
107 Stathouse,
Boise, Idaho

Dear Sir:

I would like to request that you advise me of what the records show regarding any water filing permits on a spring which is located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, of Sec. 10, T 6S and R. 42E which is located in Caribou County, Snake River Drainage.

I believe that the original filing was made about 1910 in the name of Colin Chester or Wm. Chester and later transferred to Walter J. Chester; Henry, Idaho

The water is conducted to the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ by pipeline. I would appreciate your advising me of what the records show. If there are any charges please advise amount.

Thank you kindly.

Sincerely,

Thomas J. Chester
Thomas J. Chester
217 N. 14th Ave.
Pocatello, Idaho 83201

10843 - 2357

27-2039

10843

27-2039

March 11, 1968

Thomas J. Chester
217 North 14th Avenue
Pocatello, Idaho 83201

Dear Mr. Chester:

Our records indicate a water license No. 27-2039 issued from the spring in question. This license was issued to Colin A. Chester with a priority date of November 27, 1914, for .5 c.f.s. This was to be used on 25 acres of land in the SW 1/4, Section 10, T 6 S., R 42 East, B.M.

If you need further information please feel free to call on us.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

27-2039

10243

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

June 28, 1973

Permit No. 25-7039
Filed Ex - 9/13/73

Progressive Canal Co.
202 Salisbury Bldg.
Idaho Falls, Idaho 83401

Gentlemen:

Through a cooperative arrangement with the well drillers licensed in Idaho, notice is supplied to this agency prior to the construction of wells drilled in connection with exploration for groundwater.

We were notified that you are constructing a well located in Twp. 2N, Rge. 78E, B.M., Sec. 10, SE 1/4 NE 1/4. We have reviewed our records, and the preliminary check has failed to indicate that you have filed an application with this agency. If we have overlooked your permit, please advise us of the number by return mail. If you have indeed not filed an application for permit, and your diversion is other than a single family domestic unit and producing less than 13,000 gallons/day, then you are required to file an application before construction starts and receive a valid permit from this agency before groundwater may be diverted.

Idaho has been under a mandatory permit system for groundwater since March 25, 1963: Reference: Carl Tappin, State Reclamation Engineer, v.s. Clyde Smith and Bonny Smith, Idaho Supreme Court, 1967. Therefore, it is held by this agency as an illegal act to divert groundwater without the aid of a valid permit or a license on appropriations with a priority junior to March 25, 1963 for other than excluded above.

We will supply you with an application for permit and instructions if you so request. Please contact us for forms or if we can be of any service.

Very truly yours,

LOY H. JOHNSON
WATER RESOURCE SUPERVISOR

27 2039

LHJ:CW

RECEIVED

JUN 28 2001

Department of Water Resources
Eastern Region
BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
ERIC L. OLSEN
LANE V. ERICKSON
LISA A. WOOD, CPA

June 27, 2001

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *David W. and Cherie T. Glenn*
Application for Transfer of Water Right/A27-02039

To Whom It May Concern:

Enclosed for filing is Application for Transfer of Water Right, together with check in the amount of \$100 for filing fee.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosures

T 69328
ATTACHMENT 4 OF 4



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 17, 2001

Randall Budge
P.O. Box 1391
Pocatello, Idaho 83204-1391

Dear Randy,

I've received the David and Cherie Glenn application for transfer. Included was a Farm Service Agency map showing 19.1 acres irrigated rather than the 25 acres quoted in the license. I then pulled up an ArcView map (included) and the computer calculates 20.7 acres in the green outline area.

Is the land outlined that which belongs to your client? As you can see some acreage is in the SE/SW. If this belongs to them then are they willing to change the applications to reflect the actual acres?

Also I would like to know the size of the ponds by general length and width that will calculate to 43,560 square feet or one surface acre.

Sincerely,

A handwritten signature in black ink that reads "H. W. Jones". The signature is written in a cursive, flowing style.

Harold W. Jones
Water Resource Supervisor



900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Fish & Game
1345 Barton Rd
Pocatello ID 83201

RE: Applications for Transfer #69328

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 September 4, 2001, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION
August 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

John Davidson
WATERMASTER #27
PO Box 8
Firth ID 83236

RE: Application for Transfer #69328

Dear John:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by September 4, 2001.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 08, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

RE: Transfer No. 69328

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 4, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69328

David W and Cherie T Glenn, 448 Seneca Road, Great Falls, VA 22066, has filed Application No. 69328 for changes to the following water rights within CARIBOU County:

Right No. 27-2039

Priority 11/27/1914

Source CHESTERS SPRING, LITTLE BLACKFOOT RIVER

Use STOCKWATER (0 acres) 0.46 CFS
IRRIGATION (25 acres)
DOMESTIC (0 acres)

Total Amount 0.50 CFS

Point(s) of Diversion NWNWSW S10 T06S R42E

Place of Use S10 T06S R42E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant intends to excavate an area equal to one surface acre on his irrigated ground to make a recreation pond. This will eliminate one acre of irrigation in the SWSW Sec 10 T06S R42E.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, 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 04, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 15 and 22, 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 08, 2001

DAVID W GLENN
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066

RE: Application for Transfer No 69328

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Caribou County Sun on August 15 and 22, 2001. 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".
Harold W Jones
Water Right Supervisor

HWJ:sc

Affidavit of Publication

RECEIVED

AUG 31 2001

Department of Water Resources
Eastern Region

County of Caribou } ss.
State of Idaho }

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 69328

David W. and Cherie T. Glenn,
448 Seneca Road, Great Falls, VA
22066, has filed Application No.
69328 for changes to the following
water rights within CARIBOU
County:

Right No. 27-2039

Priority: 11/27/1914

Source: CHESTERS SPRING,
LITTLE BLACKFOOT RIVER

Use: STOCKWATER (0 acres)
0.46 CFS, IRRIGATION (25
acres), DOMESTIC (0 acres)

Total Amount: 0.50 CFS

Point(s) of Diversion: NWN-
WSW S10 T06S R42E

Place of Use: S10 T06S R42E

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Any protest against the pro-
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Department of Water Resources,
Eastern Region, 900 North Skyline
Drive, Suite A, Idaho Falls, ID
83402 together with a protest fee of
\$25.00 for each application on or
before September 4, 2001. The
protestant must also send a copy of
the protest to the applicant.

(s) KARL J. DREHER

Director

Published on Aug. 16 and 23,
2001 in the Caribou County Sun.

Mark Steele

being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said
County uninterruptedly and con-
tinuously for over seventy-eight
consecutive weeks, prior to the
first publication of the annexed
notice or advertisement;

That the annexed notice was
published as per clipping
attached in the regular and entire
edition of said newspaper and
not in any supplement thereof for

two

successive weekly issues there-
of, the date of the first publica-
tion being the

16th day of

August, 2001

The date of the last publication

being the 23rd day of

August, 2001

On this 24th day of August

in the year of 2001, before
me, a Notary Public, personally
appeared

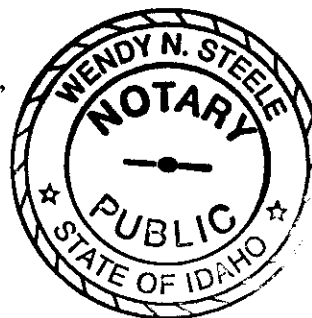
[Signature]
known or identified to me to be
the person whose name sub-
scribed to the within instrument,
and being by me first duly
sworn, declared that the state-
ments therein are true, and
acknowledged to me that he exe-
cuted the same.

[Signature]
Notary Public for Idaho

Residing at Soda Springs, Idaho

My commission expires:

March 11, 2006



RECOMMENDATION OF WATERMASTERApplication No: T69328Applicant=s Name: David W and Cherio T Glenn

Watermaster=s Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows: There is a controllable device and a measuring device at the point of Diversion from the Springs

- c) ☐ I oppose approval of this application for the following reasons:

- d) Additional Comment : _____

Dated this 13 day of September, 2001.Water District No: 27John H Davidson
Watermaster=s Signature

RECEIVED

NOV 15 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Pam S FROM: H.W. JonesDOCUMENT DESCRIPTION: Pond ~~size~~ size for tv #69328
David GlennTOTAL NUMBER OF PAGES (Including this page): 3

*
* BILLING ADDRESS: _____
* _____
* _____
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

Per phone message from HWT, use 4' average depth of ponds.
11-15-01 28

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391TELEPHONE (208) 232-8101
FACSIMILE (208) 232-6108

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
ERIC L. OLSEN
LANE V. ERICKSON
LISA A. WOOD, CPA

RECEIVED

NOV 15 2001

Department of Water Resources
Eastern Region
BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 393-0011
FACSIMILE: (208) 482-0187

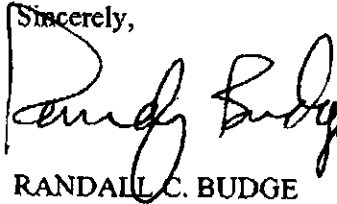
November 14, 2001

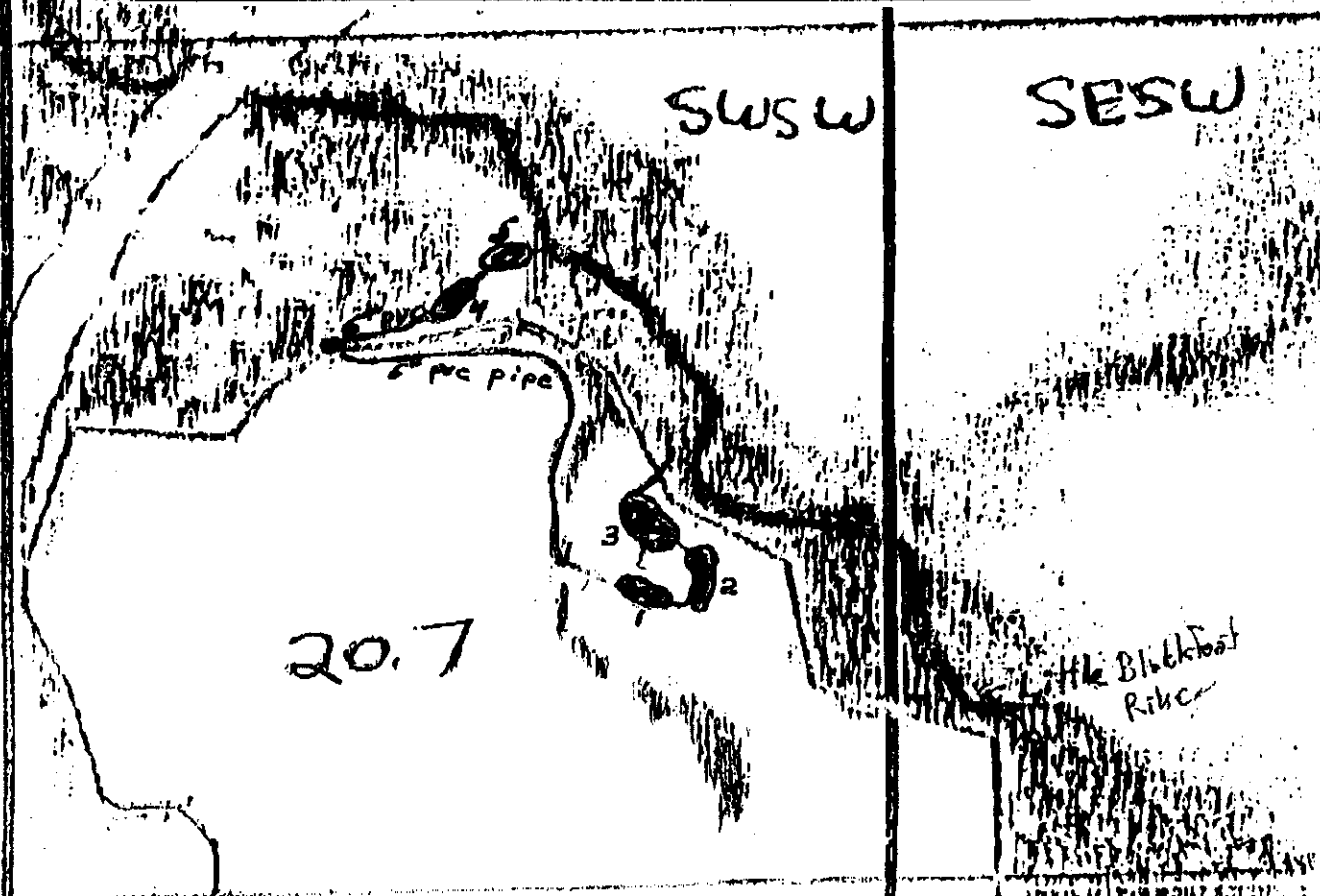
Harold Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402Re: *David W. and Cherie T. Glenn*
Application for Transfer of Water Right/A27-02039

Dear Harold:

Per your request and to supplement the above-referenced Transfer Application, I am enclosing a map reflecting the location and sizes of the five fish ponds. Thank you for your patience while this information was being obtained. Please call if you have any questions.

Sincerely,


RANDALL C. BUDGERCB:rr
Enclosure
cc: Joe Dunford

DAVID & CHERIE GLENN PROPERTY
TWP 6S; RGE 42E; SEC:10 SW1/4SW1/4**POND LOCATION & SIZE**

		<u>Sq.Ft.</u>
Pond #1	50 x 80	4,000
Pond #2	40 x 100	4,000
Pond #3	50 x 80	4,000
Pond #4	60 x 90	5,400
Pond #5	60 x 100	<u>6,000</u>
TOTAL Sq. Ft.		23,400 sf



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

July 23, 2002

JOHN DAVIDSON
WATERMASTER
PO BOX 8
FIRTH ID 83236

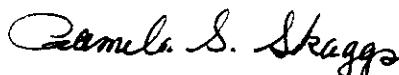
RE: TRANSFER OF WATER RIGHT 27-2039 (Transfer 69328)

Dear John:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 69328) in the name of David W Glenn and Cherie T. Glenn.

If you have any questions, please call me at 208-327-7940.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

**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.



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

July 23, 2002

DAVID W GLENN
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066

RE: Transfer No.: 69328 - Water Right 27-2039 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:kit

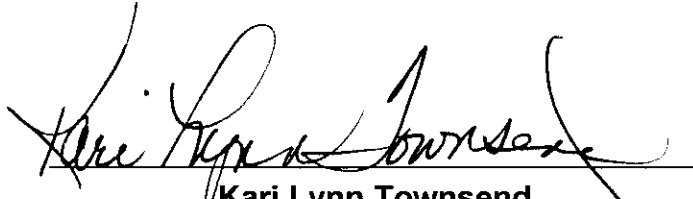
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69328 - WATER RIGHT 27-2039

**DAVID W GLENN
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066**



**Kari Lynn Townsend
Secretary**

IDAHO DEPARTMENT OF WATER RECOURSES

PETITION FOR RECONSIDERATION

**Water Right No. 27-2039
As Modified by Transfer No. 69328**

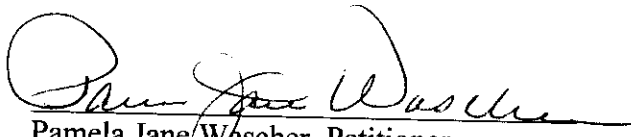
Water right 27-11914

COMES NOW, Pamela Jane Wascher, on behalf of Joe Dunford, agent retained in Idaho for David and Cherie Glenn, owner of the above referenced water right, and petition the Idaho Department of Water Resources for an extension of time greater than twenty-one (21) days for reconsideration of the Preliminary Order issued July 23, 2002.

Petitioner has been requested an extension of time to review and perform a field study based on the Notice of Transfer issued. Agent for Owner believes that the transfer may not accurately represent the intent of use of the water by Owners. Items of concern are:

1. Nature and place of use.
2. Forfeiture of nonuse of a portion of the water right.
3. Use of water in conjunction with other water rights.

Respectfully submitted this 30th day of July, 2002.


Pamela Jane Wascher, Petitioner
for Joe Dunford, Idaho Agent for owners
David and Cherie Glenn

RECEIVED

JUL 30 2002

PAMELA JANE WASCHER
WATER RESEARCH AND CONSULTING

Department of Water Resources

P. O. Box 5656, Twin Falls, ID 83303
Fax (208) 837-9165
Cell Phone: (208) 539-5641
waterlandplan@earthlink.net

July 30, 2002
Hand Delivered

Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Attention: Jeff Peppersack, Manager
Water Rights Permits Section

Re: Transfer No. 69328 - Water Right 27-2039 - New water right 27-11914
Transfer Approval Notice - July 23, 2002

Dear Mr. Peppersack:

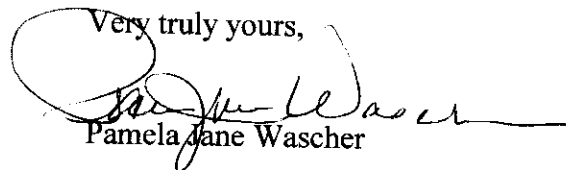
I have retained by Mr. Joe Dunford, the agent retained in Idaho for David and Cherie Glenn to review the Transfer Approval Notice dated July 23, 2002. I met with Brockway Engineering this date to request they review the technical portion of this water right. Due to their current work load, Brockway Engineering is unable to perform any appropriate field work until September. I have requested a copy of the IDWR file and will be picking the same up this date in Boise for review.

Mr. Dunford does not believe the transfer accurately represents the intent for use of this water by the Glenns. Items of concern are as follows:

1. Nature and Place of Use.
2. Forfeiture of Non use of a portion of the water right.
3. Use of water in conjunction with other water rights.

I have enclosed a formal Petition for Reconsideration and respectfully request, on behalf of Mr. Dunford and the Glenns, an extension of time in which to review the matters referenced above and to allow Brockway Engineering to perform the necessary field work requested by Mr. Dunford on behalf of the Glenns.

Very truly yours,



Pamela Jane Wascher



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 2, 2002

PAMELA JANE WASCHER
WATER RESEARCH & CONSULTING
PO BOX 5656
TWIN FALLS ID 83303

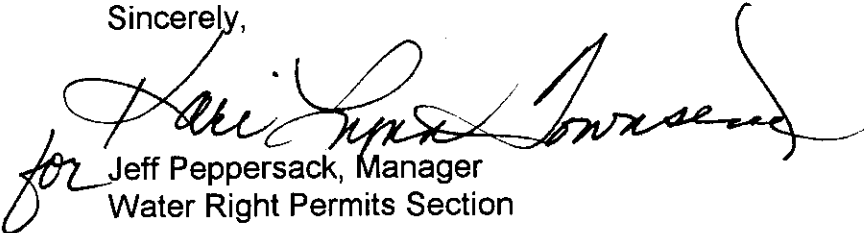
RE: Order In the Matter of Transfer No. 69328 - Water Right 27-02039

Dear Water Right Holder(s):

Enclosed please find Order Granting Petition for Reconsideration issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: David W Glenn
Cherie T Glenn
448 Seneca Rd
Great Falls VA 22066

RECEIVED

SEP 27 2002

PAMELA JANE WASCHER
WATER RESEARCH AND CONSULTING

P. O. Box 209, Swan Valley, ID 83449
Fax (208) 787-4227
Cell Phone: (208) 539-5641
waterlandplan@earthlink.net

Department of Water Resources

September 27, 2002
Hand Delivered

Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Attention: Jeff Peppersack, Manager
Water Rights Permits Section

Re: Transfer 69328 - Water Right 27-2039 - New water right 27-11914

Dear Mr. Peppersack:

A review of the original water right 27-2039 indicates that 25 acres were beneficially proved up in the Deposition of Holder, Colin Chester on December 7 1917. The License and Certificate of Water Right for 0.5 cfs was signed by the State Engineer on the 16th day of November 1918 which included the 25 acres of irrigation.

The Water Right as modified by the proposed transfer, and based on the information, or lack thereof in the IDWR file, I believe should be modified in two areas (1) number of irrigated acres, and (2) resumption of use in lieu of forfeiture.

A critical item which has been overlooked is the irrigated acreage in the crop set-aside programs. Three contracts exist in the NRCS/FSA office located in Soda Springs, Idaho for cropland set-aside programs on the Glens property in connection with this water right. All contracts are appurtenant to the SW1/4 of the SW1/4 of Section 10, Township 6 South, Range 42 East. The first, a CRP contract, is for 19.1 acres in the south half of SW quarter. The other two are PFC contracts, one for 0.8 acres located behind the store, the second for 3.8 acres located on the north side of the Blackfoot River. The land in the set-aside programs totals 24.7 acres. These contracts can be confirmed by Mr. Chad Bybee, the Director of the FSA office in Soda Springs. As you are aware, no water right can be forfeited that is in a set-aside program as set out in Idaho Code 42-233 (1) .

The Transfer Review Sheet in your water right file prepared by your staff indicates estimated proposed pond size at 0.5 acres of surface area. Since the Idaho Courts favor a resumption of use over a forfeiture, and there is an element of "recharge" that can be gained with the construction of unlined ponds through seepage. I would recommend that 0.3 acres of irrigation (being the difference between the original 25 irrigated acres and the 24.7 in the set-aside programs) be transferred to the recreational use as a change in use of the water right rather than a forfeiture, or in the alternative be identified as

“resumption” of use of the water

As we are all aware, recharge is a very important component of a water right, if at all possible, in these drought years. I believe the a forfeiture could be denied in favor of resumption of use/recharge if tested in an Idaho court of law, based on the historical use of this water right and the current rulings of the Idaho Courts relative to forfeiture.

The Pubic Notice that was published indicates that the intent is to create a surface area of ponds equal to one acre of irrigated land. While the original water right sets out rights for 25 acres of irrigation, and based on the wording in the notice published, I believe that an administrative change to the transfer could take place without invalidating the notice of publication or violating the Idaho Code.

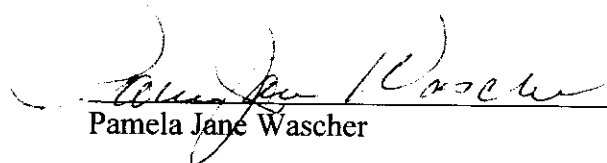
On behalf of David and Cherie Glenn, I respectfully request that an administrative change to Transfer No. 69328 be made as follows:

Summary of Water Rights After Approved Change total 0.50 cfs.

Beneficial Use

Irrigation - 23.7 acres	04/14 to 10/31 = 0.44 cfs
Stockwater	01/01 to 12/31 = 0.01 cfs
Domestic	01/01 to 12/31 = 0.03 cfs
Recreation/Recharge (nonconsumptive)	
Recreation Storage 1.3 acres	01/01 to 12/31 = <u>0.02</u> cfs
TOTAL	0.50 cfs

Respectfully submitted,


Pamela Jane Wascher

PJW:

cc: David & Cherie Glenn
448 Seneca Road
Great Falls, VA 22066

J. W.Dunford, Agent for David & Cherie Glenn
745 Fairway Drive
Pocatello, ID 83201

Chad Bybee, Director FSA
390 E. Hooper
Soda Springs, ID 83276



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 11, 2002

PAMELA JANE WASCHER
WATER RESEARCH AND CONSULTING
PO BOX 209
SWAN VALLEY ID 83449

RE: Transfer No. 69328 – Water Right No. 27-2039

Dear Ms. Wascher:

I have received your letter dated September 27, 2002 regarding information supporting the petition for reconsideration related to this transfer. The irrigated acreage listed in the preliminary order was based on a request by the department for confirmation of the acreage currently used under the water right. Since additional information was not submitted by the applicant, the department issued the preliminary order based on the existing information. If you have information regarding the additional acres requested, the department can consider that information at this time. Please provide a copy of a recent aerial photograph or satellite image outlining the exact location of the additional acres to be considered including the location of ditches or pipelines used to convey the water to those acres from the point of diversion.

As you noted in your letter, land in a federal set-aside program is not subject to forfeiture of water rights during the period that it is enrolled in that program. Based on my conversation with staff from the Soda Springs FSA office, land under a PFC (production flexibility contract) is not considered to be in a set-aside program and therefore any water rights appurtenant to those acres may be subject to forfeiture if the rights have not been utilized for a period of five years or more. A production flexibility contract does not prohibit growing crops or using water on the land under contract.

You also recommended that land potentially forfeited be transferred or be considered a resumption of use of the water for the recreation purposes requested on the application. The department must consider the validity of the water right(s) proposed for transfer prior to approval; a forfeiture review is part of that review and resumption of use cannot be considered if the authorized use has not already been resumed.

Please feel free to contact me at 208-327-7940 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

Jeff Peppersack, Manager
Water Rights Permits Section

JP:kit

Peppersack, Jeff

From: Peppersack, Jeff
Sent: Friday, November 08, 2002 5:22 PM
To: 'waterlandplan@earthlink.net'
Subject: RE: Transfer No. 69328 - Water Right No. 27-2039

To: Pamela Wascher
Re: Transfer 69328 - WR No. 27-2039

Thank you for the e-mail notifying us that aerial photos have been ordered. I will try to address your question regarding forfeiture and crop set-aside programs as a defense to forfeiture. As you know, Section 42-223, Idaho Code provides that a water right appurtenant to land contracted in a federal cropland set-aside program shall not be lost or forfeited for nonuse during the contracted period. Based on my discussion with FSA staff and subsequent review, the PFC program is not a set-aside program where land is restricted from irrigation and production of crops to qualify under the program. The CRP program, on the other hand, is a set-aside program where the land under contract is restricted and therefore, protected as long as it is in the program. The PFC program is a different type of program aimed at stabilizing prices for crops grown and harvested. This is my understanding based on the information available, if you have other information, I'd be happy to review it further.

Jeff Peppersack, Manager
Water Right Permits Section
208-327-7940

-----Original Message-----

From: Pamela Wascher [mailto:waterlandplan@earthlink.net]
Sent: Thursday, November 07, 2002 3:10 PM
To: jpeppersack@idwr.state.id.us
Subject: Transfer No. 69328 - Water Right No. 27-2039

To: Jeff Peppersack, Manager
Water Rights Permits Section, IDWR

From: Pamela Jane Wascher

Re: Transfer No. 69328 - Water Right No. 27-2039

Dear Mr. Peppersack:

I am in receipt of your letter of October 11, 2002. I have requested aerial photos in response to your letter, and am awaiting the receipt of same.

I am somewhat puzzled with your response relative to the federal set-aside programs, and how CRP qualifies and PFC does not relative to forfeiture of water rights under IC 42-233 (1).

In examination of the federal criteria for the use and use restrictions of the PFC program, to be eligible, the first criteria is **"comply with the conservation and wetland protection requirements on all of the producer's farms"**. Could you please explain why this federal program requires compliance with conservation protection requirements and yet does not protect the property from water forfeiture as is the CRP- Conservation Reserve Program. Both programs require compliance with conservation requirements and are both federal programs. Why then does the state of Idaho allow nonuse of water under one, and considers it forfeiture under another?

I look forward to your response. Please feel free to communicate via e-mail if you choose.

Very truly yours,

Pamela Jane Wascher

11/8/2002

WR FILE 27-2039

T 69328

cc: David & Cherie Glenn
J.W. Dunford, Agent for David & Cherie Glenn
Chad Bybee, Director FSA - Soda Springs, ID

-- Pamela Wascher
-- waterlandplan@earthlink.net
-- EarthLink: The #1 provider of the Real Internet.

Peppersack, Jeff

From: Pamela Wascher [waterlandplan@earthlink.net]
Sent: Tuesday, November 26, 2002 10:37 PM
To: Jeff Peppersack
Cc: Joe Dunford; Chad Bybee
Subject: Transfer No. 69328 - Water Right No. 27-2039

November 26, 2002

Idaho Department of Water Resources

1301 North Orchard Street

Boise, ID 83706

Attention: Jeff Peppersack, Manager

Water Rights Permits Section

Dear Mr. Peppersack:

I am in receipt of your e-mail dated November 8, 2002. You state that based on your discussion with FSA staff and subsequent review, the PFC program is not a set-aside program where land is restricted from irrigation and production of crops to qualify under the program. You also stated that the CRP program, is a set-aside program where the land under contract is restricted and therefore, protected as long as it is in the program. You go on to state that the PFC program is a different type of program aimed at stabilizing prices for crops grown and harvested.

The information I obtained from the FSA office indicates that the PFC program involves many facets of land use. Among others, it allows the cropland to be idled and the owner/operator may then be eligible for federal benefits. PFC does prohibit growing certain crops in certain circumstances (fruits and vegetables).

Both programs are Federal programs, and both are listed in the Catalog of Federal Domestic Assistance. I would like to draw your attention to the **Catalog of Federal Domestic Assistance**. Please note the objectives of both programs. I will set them out below:

CFDA 10.069: Conservation Reserve Program

Objectives: To protect the Nation's long-term capability to produce food and fiber, to reduce soil erosion and sedimentation, improve water quality, and create a better habitat for wildlife.

CFDA 10.055: Production Flexibility Payments for Contract Commodities.

Objectives: To support farming certainty and flexibility while ensuring continued compliance with farm conservation and wetland protection requirements.

Both of these Federal programs deal with the production of crops. Both are designed to help the farmer make a living and help the agricultural state of the nation stabilize. On July 22, 1999, during a hear before the Subcommittee on General Farm Commodities, Resource Conservation and Credit of the Committee on Agriculture House of Representatives, One Hundred Sixth Congress, First Session, some of the testimony clearly pointed out the similarities in the PFC and the CRP programs relative to the problems with agricultural prices as well as conservation issues.

Page 11 of hearing Report:

"It is certainly important that we examine ways to take highly-erodible land out of production during periods of tremendous crop surplus and low prices. ...that there is a recognition that when we have both price problems because of overproduction and we have tremendous crop loss problems in certain areas."

12/2/2002

WR File 27-2039

T69328

Page 82 hear report:

"We believe that the farm bill programs provide some necessary tools to integrate commodity production with sound land stewardship..."...short term fixes fail to address two of the primary causes of the soft farm economy, i.e. low commodity prices and overproduction."

The Catalog goes on to state the Uses and Use Restrictions under the PFC program are (a) **"comply with the conservation and wetland protection requirements on all of the producers farms"** (emphasis added)

I ask that you review the above, and I believe you will find that the PFC is in fact, a federal program that qualifies under the "set-aside" definition of the Idaho Code relative to the forfeiture issue.

Very truly yours,

Pamela Jane Wascher

PJW:

Cc: David & Cherie Glenn

448 Seneca Road

Great Falls, VA 22066

JW Dunford, Agent for David & Cherie Glenn

745 Fairway Drive

Pocatello, ID 83201

Chad Bybee, Director FSA

390 E. Hooper

Soda Springs, ID 83276

12/2/2002

Peppersack, Jeff

To: Pamela Wascher

Subject: RE: Transfer No. 69328 - Water Right No. 27-2039

Dear Ms. Wascher:

Thank you for your e-mail of November 26, 2002. I have again reviewed information relative to PFC and CRP programs administered by USDA FSA. PFC's were administered as part of the Federal Agricultural Improvement and Reform Act of 1996 (FAIR). The FAIR act eliminated set-aside programs which were implemented under earlier farm programs (although the FAIR act did extend CRP which requires land to be taken out of production to qualify and therefore is protected from forfeiture). The USDA's September 1996 issue of their AREI UPDATES periodical reported, "An estimated 346 million acres are expected to be used for crops in 1996, up 12 million from 1995...and the highest acreage since 1986. This increase resulted from a sharp increase in estimated cropland harvested due to the elimination of annual crop set-aside programs and some reduction in the amount of land idled in the Conservation Reserve Program (CRP)."

A PFC allowed farmers to plant 100% of their total contract acreage to any crop, except for limitations on fruits and vegetables, and receive a full payment. There were no requirements to set aside, reserve, or idle agricultural lands to qualify for the program (lands had to be maintained in agricultural uses to remain valid under the 7-year contract, agricultural uses did include lands idled for weather-related reasons or natural disasters).

The USDA has administered and continues to administer numerous farm programs to provide assistance to farmers. Enrollment in one of these programs does not qualify as protection from forfeiture unless the program requires a set-aside of agricultural lands (requires removal of the lands from production). Lands enrolled in PFC do not include those requirements.

The petition for reconsideration granted for transfer approval 69328 provided 60 days from the service date of the order (August 2, 2002) for the petitioner to provide information supporting corrections to the transfer. Since the 60 day period has passed, and since a clerical error has been identified on the approval (incorrect reference to WR no. 27-11914), the Department will issue a preliminary order correcting the approval based on existing information.

Jeff Peppersack, Manager
Water Right Permits Section
208-327-7940

-----Original Message-----

From: Pamela Wascher [mailto:waterlandplan@earthlink.net]

Sent: Tuesday, November 26, 2002 10:37 PM

To: Jeff Peppersack

Cc: Joe Dunford; Chad Bybee

Subject: Transfer No. 69328 - Water Right No. 27-2039

November 26, 2002

Idaho Department of Water Resources

1301 North Orchard Street

Boise, ID 83706

Attention: Jeff Peppersack, Manager

Water Rights Permits Section

Dear Mr. Peppersack:

12/5/2002

WR File 27-2039

T69328

I am in receipt of your e-mail dated November 8, 2002. You state that based on our discussion with FSA staff and subsequent review, the PFC program is not a set-aside program where land is restricted from irrigation and production of crops to qualify under the program. You also stated that the CRP program, is a set-aside program where the land under contract is restricted and therefore, protected as long as it is in the program. You go on to state that the PFC program is a different type of program aimed at stabilizing prices for crops grown and harvested.

The information I obtained from the FSA office indicates that the PFC program involves many facets of land use. Among others, it allows the cropland to be idled and the owner/operator may then be eligible for federal benefits. PFC does prohibit growing certain crops in certain circumstances (fruits and vegetables).

Both programs are Federal programs, and both are listed in the Catalog of Federal Domestic Assistance. I would like to draw your attention to the **Catalog of Federal Domestic Assistance**. Please note the objectives of both programs. I will set them out below:

CFDA 10.069: Conservation Reserve Program

Objectives: To protect the Nation's long-term capability to produce food and fiber, to reduce soil erosion and sedimentation, improve water quality, and create a better habitat for wildlife.

CFDA 10.055: Production Flexibility Payments for Contract Commodities.

Objectives: To support farming certainty and flexibility while ensuring continued compliance with farm conservation and wetland protection requirements.

Both of these Federal programs deal with the production of crops. Both are designed to help the farmer make a living and help the agricultural state of the nation stabilize. On July 22, 1999, during a hear before the Subcommittee on General Farm Commodities, Resource Conservation and Credit of the Committee on Agriculture House of Representatives, One Hundred Sixth Congress, First Session, some of the testimony clearly pointed out the similarities in the PFC and the CRP programs relative to the problems with agricultural prices as well as conservation issues.

Page 11 of hearing Report:

"It is certainly important that we examine ways to take highly-erodible land out of production during periods of tremendous crop surplus and low prices. ...that there is a recognition that when we have both price problems because of overproduction and we have tremendous crop loss problems in certain areas."

Page 82 hear report:

"We believe that the farm bill programs provide some necessary tools to integrate commodity production with sound land stewardship..."...short term fixes fail to address two of the primary causes of the soft farm economy, i.e. low commodity prices and overproduction."

The Catalog goes on to state the Uses and Use Restrictions under the PFC program are (a) **"comply with the conservation and wetland protection requirements on all of the producers farms"** (emphasis added)

I ask that you review the above, and I believe you will find that the PFC is in fact, a federal program that qualifies under the "set-aside" definition of the Idaho Code relative to the forfeiture issue.

Very truly yours,

Pamela Jane Wascher

PJW:

Cc: David & Cherie Glenn

448 Seneca Road

Great Falls, VA 22066

12/5/2002

JW Dunford, Agent for David & Clara Glenn

745 Fairway Drive

Pocatello, ID 83201

Chad Bybee, Director FSA

390 E. Hooper

Soda Springs, ID 83276



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 6, 2002

JOHN DAVIDSON
WATERMASTER
PO BOX 8
FIRTH ID 83236

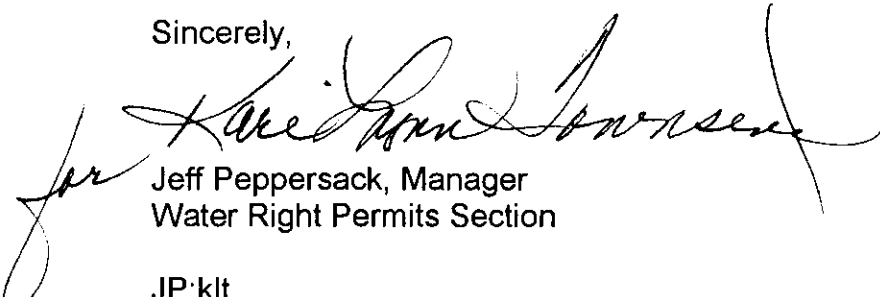
RE: TRANSFER OF WATER RIGHT 27-2039 (Transfer 69328)

Dear John:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 69328) in the names of David W. Glenn and Cherie T. Glenn.

If you have any questions, please call me at 208-327-7940.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

**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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 6, 2002

DAVID W GLENN
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066

RE: Transfer No.: 69328 - Water Right 27-2039 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved amended Transfer of Water Right(s) correcting a clerical error. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 208-327-7940.

Sincerely,

Camula S. Skagers
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

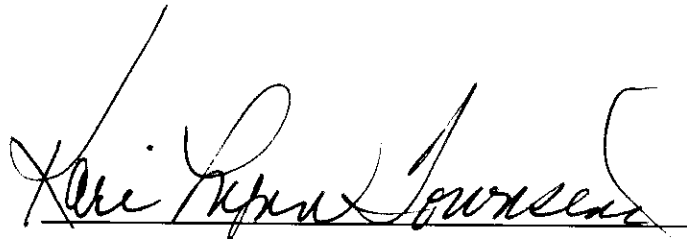
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing amended TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69328 - WATER RIGHT 27-2039

**DAVID W GLENN
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066**

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

**Kari Lynn Townsend
Secretary**

Peppersack, Jeff

To: waterlandplan@earthlink.net
Subject: transfer 69328

Ms. Wascher:

I received your phone message regarding this transfer. As discussed in my previous e-mail letter to you, we have issued the amended transfer approval (correcting a clerical error) and mailed to the applicant on December 6. The amended approval was issued as a preliminary order and will become a final order if a petition for reconsideration is not filed within 14 days of the date sent. The Department will consider granting a petition for reconsideration if timely filed and if new information or justification is provided.

Jeff Peppersack, Manager
Water Right Permits Section
208-327-7940

WR File 27-2039 Transfer 69328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

In the Matter of
TRANSFER OF WATER RIGHT
No. 27-2039 as Modified by Transfer
No. 69328

PETITION FOR RECONSIDERATION
POSTPONEMENT OF ISSUANCE OF
FINAL ORDER

Right Holder: David W. Glenn and
Cherie T. Glenn
448 Seneca Road
Great Falls, VA 22065

COMES NOW, David and Cherie Glenn by their Idaho Agent Joe Dunford, owner of the above referenced water right , and petition through Pamela Jane Wascher, Petitioner, the Idaho Department of Water Resources requesting that issuance of Final Order in the above referenced Transfer be delayed for the reasons set forth below. Petitioner believes that issuance of this Final Order is premature at this time, and should be postponed until such time as the three additional water rights covering this same parcel of land are adjudicated together with this water which is the basis for this transfer. The Department, on December 6, 2002, issued an Amended Transfer of Water Right(s) correcting a clerical error, which amended transfer is a Preliminary Order issued pursuant to section 67-5243, Idaho Code. Owner is responding within the 14 days allowed. Petitioner's Request for Reconsideration and Postponement of Issuance of Final Order is based on the following facts:

1. The Department has not examined all water rights appurtenant to this parcel of land.
2. An issue of forfeiture exists which has not been resolved. The Department has allowed resumption of use of water in other specific similar cases which Petitioner is personally familiar (one being the Ambrose ranch), and the same consideration should be given in this transfer, and to deny that in this case would result in unequal application of the law. Courts in the state of Idaho favor resumption of use to forfeiture. Inasmuch as this water right and the three other water rights below are from the same water source, (Chester Springs), to determine a forfeiture on this right prior to adjudication review of the other three related and commingled water rights is inappropriate.

3. New additional research has determined that three additional water rights are also appurtenant to this same parcel of ground as the above referenced water right. The three additional water rights are 27-4000A, 27-4000B and 27-11339 and are owned by the same owners as the above water right, are commingled and should be considered collectively to determine the water allocation for this parcel, specifically Township 06S, Range 42 E, the SW1/4 of the SW1/4 of Section 10.
4. No injury will occur to any party as a result of the postponement of the issuance of the Final Order.
5. No expansion of a water right has occurred or will occur as a result of the postponement of the issuance of the Final Order.
6. Petitioner discussed via telephone, the issue of the three additional water rights on December 18, 2002 with Adjudication Director Dave Tuthill relative to this transfer and the upcoming adjudication of the four water rights. Mr. Tuthill concurred that it would be prudent to adjudicate all four water rights at the same time and to postpone the issuance of the Final Order in the above transfer until after the adjudication process has occurred relative to all four water rights.
7. Petitioner is actively researching the three additional water rights in order to submit the information to the Idaho Department of Water Resources, Brockway Engineering is starting research necessary to the adjudication of all four water rights (including this transfer). The results of the additional research are relevant to a considered determination in this case.
8. Basin 27 is scheduled for adjudication commencement in the spring of 2003. The postponement of the final order is appropriate until such time as all four water rights can be adjudicated. No injury will occur to any party as a result of the postponement to issuance of a final order.

This Petition for Reconsideration and Postponement of Issuance of Final Order is submitted within the fourteen (14) days of the service date of the Preliminary Order.

Respectfully submitted this 20th day of December, 2002.

s/ Pamela Jane Wascher

**Pamela Jane Wascher, Petitioner for Joe Dunford
Joe Dunford, Idaho Agent for owners David and
Cherie Glenn**

Peppersack, Jeff

From: Pamela Wascher [waterlandplan@earthlink.net]
Sent: Thursday, December 19, 2002 9:06 PM
To: Jeff Peppersack; Dave Tuthill
Cc: Joe Dunford
Subject: Glenn Transfer 69328- Petition for Reconsideration and Postponement of Issuance of Final Order 12.20.02

Jeff Peppersack, Manager
Water Rights Permits Section
State of Idaho
Department of Water Resources
via e-mail: jpeppersack@idwr.state.id.us
via fax: (208) 327-7866

Dear Jeff:

I have received a copy of the correspondence to the Glenns dated December 6, 2002.

Attached is the Petition for Reconsideration and Postponement of Issuance of Final Order.

The content of the Petition is self explanatory. Additional water rights have been identified that are appurtenant to this same parcel, is commingled with the above referenced water right and requires the analysis of additional information and may resolve the forfeiture issue.

I have discussed the issue of the four commingled water rights with Dave Tuthill whose opinion is that it would be prudent to adjudicate the water rights prior to Final Order on the above referenced transfer.

I have faxed a signed copy of the Petition and will personally deliver the original to your office tomorrow, Dec. 20, 2002.

Thanking you in advance for your considerations.

Pamela Jane Wascher

copy via e-mail: Dave Tuthill

12/20/2002

FAX TRASMITTAL

RECEIVED

DEC 20 2002

Department of Water Resources

TO: Jeff Peppersack, IDWR

FROM: Pamela Wascher

RE: Glenn Transfer – 69328

via fax: (208) 327-7866

DATE: December 19, 2002

Jeff Peppersack, Manager
Water Rights Permits Section
State of Idaho
Department of Water Resources
via e-mail: jpeppersack@idwr.state.id.us
via fax: (208) 327-7866

Dear Jeff:

I have received a copy of the correspondence to the Glens dated December 6, 2002. Attached is the Petition for Reconsideration and Postponement of Issuance of Final Order. The content of the Petition is self explanatory. Additional water rights have been identified that are appurtenant to this same parcel, is commingled with the above referenced water right and requires the analysis of additional information band may resolve the forfeiture issue.

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Pamela Jane Wascher
copy via e-mail: Dave Tuthill

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

In the Matter of
TRANSFER OF WATER RIGHT
No. 27-2039 as Modified by Transfer
No. 69328

PETITION FOR RECONSIDERATION
POSTPONEMENT OF ISSUANCE OF
FINAL ORDER

Right Holder: David W. Glenn and
Cherie T. Glenn
448 Seneca Road
Great Falls, VA 22065

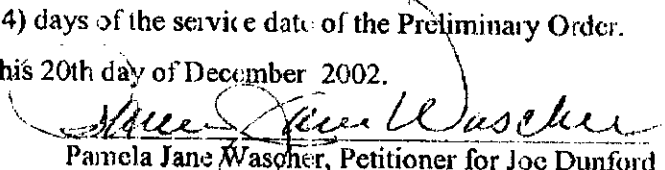
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This Petition for Reconsideration and Postponement of Issuance of Final Order is submitted within the fourteen (14) days of the service date of the Preliminary Order.

Respectfully submitted this 20th day of December 2002.


Pamela Jane Wascher, Petitioner for Joe Dunford
Joe Dunford, Idaho Agent for owners David and
Cherie Glenn

Peppersack, Jeff

To: Tuthill, Dave

Subject: FW: Glenn Transfer 69328- Petition for Reconsideration and Postponement of Issuance of Final Order 12.20.02

Dave,
Although I'm not sure that I agree that these rights need to be adjudicated prior to finalizing this transfer, I don't have a problem waiting in this case if you are agreeable to that. Our perspective on forfeiture has changed since this transfer was originally reviewed, but there are still questions of forfeiture prior to the SRBA claim being filed (and questions of extent of beneficial use for the b/u claims associated with the property). Glen is agreeable that we can conditionally grant the petition for reconsideration to allow time for SRBA review of the rights. If necessary, we can amend the transfer approval after the SRBA review is complete.

Jeff

-----Original Message-----

From: Pamela Wascher [mailto:waterlandplan@earthlink.net]

Sent: Thursday, December 19, 2002 9:06 PM

To: Jeff Peppersack; Dave Tuthill

Cc: Joe Dunford

Subject: Glenn Transfer 69328- Petition for Reconsideration and Postponement of Issuance of Final Order 12.20.02

Jeff Peppersack, Manager
Water Rights Permits Section
State of Idaho
Department of Water Resources
via e-mail: jpeppersack@idwr.state.id.us
via fax: (208) 327-7866

Dear Jeff:

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Attached is the Petition for Reconsideration and Postponement of Issuance of Final Order.

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I have discussed the issue of the four commingled water rights with Dave Tuthill whose opinion is that it would be prudent to adjudicate the water rights prior to Final Order on the above referenced transfer.

I have faxed a signed copy of the Petition and will personally deliver the original to your office tomorrow, Dec. 20, 2002.

Thanking you in advance for your considerations.

Pamela Jane Wascher

copy via e-mail: Dave Tuthill

WR File 21-2039 T69328

12/20/2002

Peppersack, Jeff

From: Tuthill, Dave
Sent: Friday, December 20, 2002 11:59 AM
To: Peppersack, Jeff
Cc: Bird, Cindy; Carlsen, Ernie
Subject: RE: Glenn Transfer 69328- Petition for Reconsideration and Postponement of Issuance of Final Order 12.20.02

Jeff, sounds like a good plan to me. I will copy Cindy and Ernie on this to see if they have any additional concerns.

Dave

-----Original Message-----

From: Peppersack, Jeff
Sent: Friday, December 20, 2002 10:19 AM
To: Tuthill, Dave
Subject: FW: Glenn Transfer 69328- Petition for Reconsideration and Postponement of Issuance of Final Order 12.20.02

Dave,

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State of Idaho
Department of Water Resources
via e-mail: jpeppersack@idwr.state.id.us
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12/24/2002

WR File 27-2039 T69328

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Pamela Jane Wascher

copy via e-mail: Dave Tuthill

RECEIVED

DEC 20 2002

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

In the Matter of
TRANSFER OF WATER RIGHT
No. 27-2039 as Modified by Transfer
No. 69328

PETITION FOR RECONSIDERATION
POSTPONEMENT OF ISSUANCE OF
FINAL ORDER

Right Holder: David W. Glenn and
Cherie T. Glenn
448 Seneca Road
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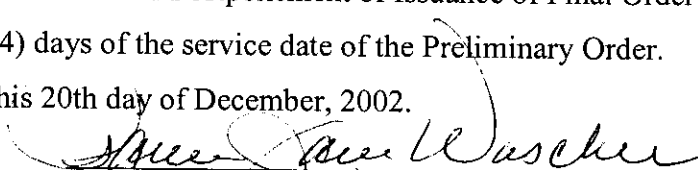
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Respectfully submitted this 20th day of December, 2002.


Pamela Jane Wascher, Petitioner for Joe Dunford
Joe Dunford, Idaho Agent for owners David and
Cherie Glenn

December 19, 2002

RECEIVED

DEC 20 2002

Department of Water Resources

Jeff Peppersack, Manager
Water Rights Permits Section
State of Idaho
Department of Water Resources

via e-mail: jpeppersack@idwr.state.id.us
via fax: (208) 327-7866

Re: Glenn Transfer 69328

Dear Jeff:

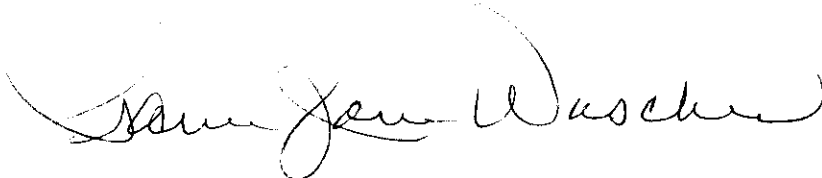
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Thanking you in advance for your considerations.



Pamela Jane Wascher
P. O. Box 209
Swan Valley, ID 83440-0209
(208) 539-5641
fax: (208) 787-4227
e-mail: waterlandplan@earthlink.net

copy via e-mail: Dave Tuthill



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2002

DAVID W GLENN
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066

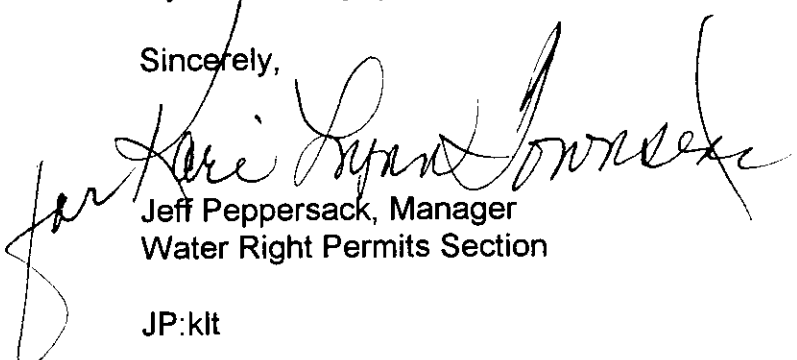
RE: Order Granting Petition for Reconsideration

Dear Water Right Holder(s):

Enclosed please find Order Granting Petition for Reconsideration issued
by the department in reference to the above listed information.
transfer.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure