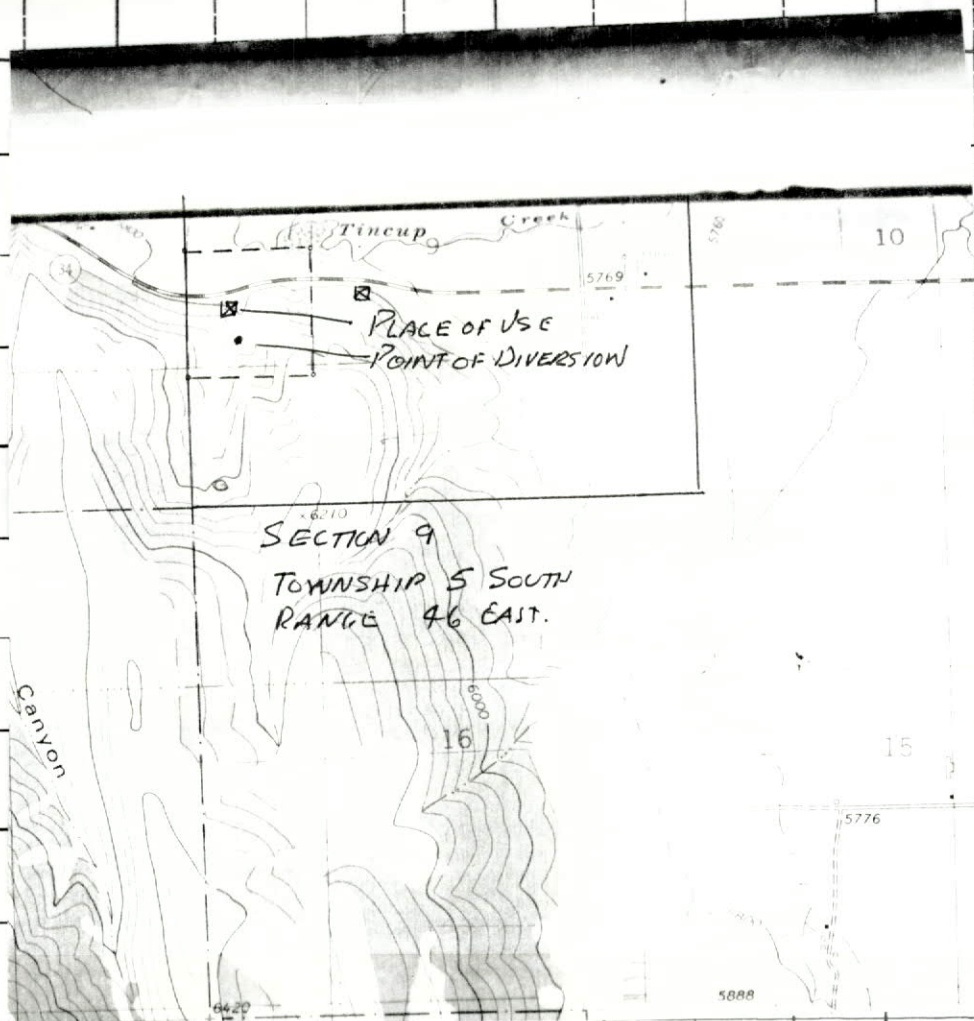


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Henry C. Luthi
(Applicant)

MICROFILMED

RECEIVED
AUG 5 1983

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

First Time Published

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

24-7163

LUTHI, HENRY
FREEDOM, WY 83120

Source: SPRING trib. to TIN-
CUP CREEK

Date Filed: 06-17-1983

Diversion Point: NWSW Sec
09 T 05S R 46E

Use: STOCKWATER (0.02
CFS) DOMESTIC (0.06 CFS)

In: NWSW Sec 09 T 05S R
46E

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls,
Idaho 83402 on or before
AUGUST 1, 1983.

KEN DUNN,
Director

Published July 14 and 21, 1983
in the Caribou County Sun.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

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

for 2 successive weekly
issues thereof, the date of the
first publication being the

14th day of
July, 1983

The date of the last publication
being the 21st day of
July, 1983

Mark Steele

Subscribed and sworn to be-
fore me this 29th day
of July, 1983

Elmer D. Stahl
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1984

MICROFILMED

11/99

RECEIVED

APR 15 2002

For Office Use Only
\$25 filing fee 25.00
Receipt # 0067379
Date 4-15-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Henry Luthi, hereby assign to Corey & Bonnie Pantuso
of, 5411 Hwy 34 Freedom, Id 208-873-2573
PO Box 174 (Full Address) (Phone)
FREEDOM, WY 83120
All my right, title, and interest in and to Permit No. 24-7163 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 10th day of April, 2002.

Henry Luthi
Permit Holder(s)

State of Idaho)
County of Caribou)ss

On this 10th day of April, 2002, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



SEAL

Lincoln County State of Wyoming
Notary Public residing at
Linda C Vansenburg

My commission expires: 5-12-2002

MICROFILMED

APR 22 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant HENRY LUTHI Phone 873-2624 (208)
Post office address FREEDOM WYOMING 83120
2. Source of water supply SPRING which is a tributary of TINCUP CREEK
3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9 Township SS
Range 46E B.M. CARIBOU County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .06 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 for STOCKWATER purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount .15 for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 0.08 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. HEADBOX WITH PIPELINE TO 2 HOMES
AND STOCK TROUGHES.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9 Township SS
Range 46E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

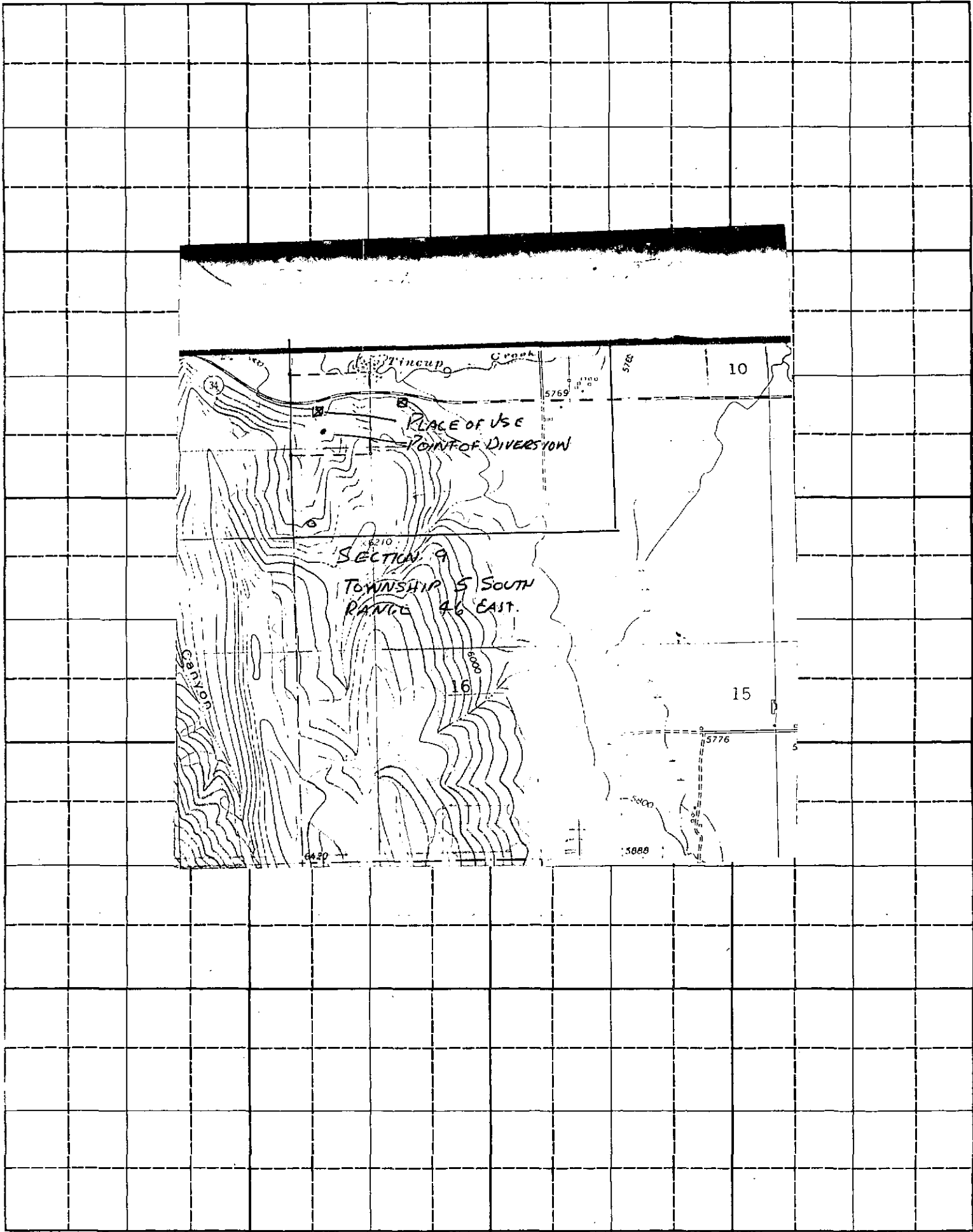
(3) List number of each kind of livestock to be watered 50 HEAD CATTLE

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.

(5) If water is to be used for other purposes describe: DOMESTIC USE AND LAWN AND GARDEN IRRIGATION.

MICROFILMED

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



Scale: 2 inches equal 1 mile.

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

Henry C. Luthi
(Applicant)

MICROFILMED

Proposed Priority 6/17/83

Received by SM Date 6/17/83 Time 11:30am

Preliminary check by JAM Fee \$ 30.00

Received by BP Date 6/17/83 # 30923

Publication prepared by BP Date 7/6/83

Published in Caribou County Sun

Publication dates 7/14 - 7/21/83

Publication approved BP Date 8/5/83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC KW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 24-7163, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 90.

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

d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 18th day of March, 1985.

J. Glen Saxton
Chief, Operations Bureau

RECEIVED
AUG 15 1983

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

First Time Published

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Date Filed: 06-17-1983

Diversion Point: NWSW Sec
09 T 05S R 46E

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CFS) DOMESTIC (0.06 CFS)

In: NWSW Sec 09 T 05S R
46E

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must be filed with the Director,
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Shoup Ave., Suite 15, Idaho Falls,
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AUGUST 1, 1983.

KEN DUNN,

Director

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Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

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

for 2 successive weekly
issues thereof, the date of the
first publication being the

14th day of

July, 1983

The date of the last publication

being the 21st day of

July, 1983

Mark Steele

Subscribed and sworn to be-

fore me this 29th day

of July, 1983

Clifford J. Smith
Notary Public, residing
at Soda Springs, Idaho.
(SEAL)

My Commission expires the

1st day of March

1984

MICROFILMED



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

April 17, 2002

COREY PANTUSO
BONNIE PANTUSO
PO BOX 174
FREEDOM WY 83120

RE: Change of Ownership for Water Right Permit 24-7163

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

A Proof of Beneficial Use statement was submitted for Permit 24-7163 in 1990. The next step in the water appropriation process is for IDWR to conduct a field inspection to verify the use of water developed under the permit. If the field examiner reports that development has occurred in accordance with the permit, IDWR will issue a water right license to you. There is no need to renew a license as long as you continue to use the water in the manner described on the license.

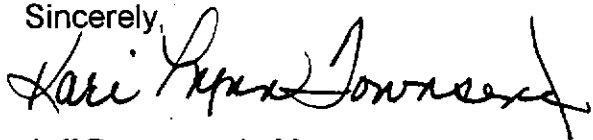
In your letter you also asked about the meaning of a "decreed" water right. Decreed rights are those that have been affirmed by a court of law in a proceeding called a water right adjudication. Idaho is currently adjudicating the water rights in the Snake River basin. The Snake River Basin Adjudication (SRBA), as it is called, will result in the affirmation or reaffirmation of most of the water rights existing in the Snake River basin as of 1987. Only small domestic and stockwater uses are exempt from participation in the SRBA.

MICROFILMED

APR 22 2002

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

Sincerely,



for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

APR 22 2002

April 11, 2002

Department of Water Resources.

RECEIVED

APR 15 2002

Dear Shelley,

Department of Water Resources

I Am sending the enclosed information to you where you had talked to Corey & I about what needed to be done. If there is anything else that we need to do would you please let us know?

Corey did have one question. On the permit for Henry Cordell or Annette Luthi it said that it had been decreed. What does that exactly mean? Do we need to file every few years on the one that we're changing to our name?

Thank you for your time and help on this.

Bonnie Pantuso

MICROFILMED

APR 22 2002

MEMORANDUM

DATE: April 4, 2002

TO: Water Right File 24-7163

FROM: Shelley W. Keen ^{SWK}

RE: Permit Ownership

Today I spoke with Corey Pantuso about this permit. He believes this is the one used at his home, which he purchased 3 or 4 years ago. He will seek to have the permit assigned to him. Mr. Pantuso's address is PO Box 174, Freedom, WY, 83120. His phone number is 208-873-2573.

MICROFILMED

APR 22 2002

February 12, 1990

HENRY LUTHI
FREEDOM, WY 83120

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 24-07163

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a lockable device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the lockable device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED

MAR 20 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 24-7163

Date: 2/7/90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change cp If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☒ Surface water
☐ Groundwater
☒ 1. well log in file
☒ 2. drilling permit
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Lockable device required

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<i>N/A</i>	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

add to address

RECEIVED

JAN 31 1990

no fee encl.
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Receipt by _____

Reviewed by MS-2-7-90

Sent to region _____

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

Permit No. 24-7163

Name(s) of Permit Holder: HENRY C. LUTHI

Post Office Address: 4001 STATELINE ROAD, FREEDOM WYO. 83120

Telephone No. (208) 873-2624

Source of Water: SPRING

Extent of Use:

Domestic 1 (number of households) Stockwater 50 CATTLE (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .05 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: _____

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

Fee enclosed \$ 0
(See License Examination Fee Schedule)

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

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

HENRY C. LUTHI (Name) (208) 873-2624 (Telephone Number)

4001 Stateline Road - Freedom, Wyo. 83120
(Address)

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

RECORDED

MAR 20 1990

1-27-90
Date

Henry C. Luthi
Signature of Permit Holder (and title, if appropriate)

138963

~~138964~~

December 31, 1989

HENRY LUTHI
FREEDOM, WY 83120

PROOF DUE NOTICE

RE: PERMIT NO. 24-07163

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAR 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

LUTHI, HENRY
FREEDOM, WY 83120

MARCH 28, 1985

RE: PERMIT NO. 24-7163

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A LOCKABLE DEVICE THAT WILL PROVIDE THE WATERMASTER CONTROL OF YOUR DIVERSION.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY:

JEM

APPLICATION NUMBER:

24 7163

CHECK:

- | | | |
|--|--|-------|
| ☒ Source. | ☐ Field check by: | |
| ☒ Point of diversion. | ☐ by: | |
| ☒ County. | ☐ by: | |
| ☒ Quantity of water and period of use. | | |
| ☒ Description of diverting works. | | |
| ☒ Time required for beneficial use of water. | | |
| ☒ Place of use or acres irrigated. | | |
| ☒ Well. | | |
| ☒ Signature. | | |
| ☒ Fee. | | |
| ☒ Yes ☒ No | Field check required | |
| ☐ Yes ☒ No | Critical groundwater area. | |
| ☐ Yes ☒ No | Request dam safety information. Sent by: | Date: |
| ☒ Yes ☒ No | In form to receipt. | |

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

- | | | |
|--|-----------------|-------|
| ☐ Idaho State Health Department. | Copies sent by: | Date: |
| ☐ Idaho Fish and Game Department. | | |
| ☐ Idaho Department of Lands | | |
| ☐ U.S. Bureau of Land Management. | | |
| ☐ U.S. Forest Service | | |
| ☐ Other | | |

PROCESSING:

- | | | |
|---|---|--------------------|
| ☐ Yes ☒ No | Platte by: | M. D. |
| ☐ Yes ☒ No | Other right on same place: | |
| ☒ Yes ☐ No | In form for advertising. | |
| | Final date for protest: | <i>Aug 1, 1983</i> |
| ☐ Yes ☒ No | Protests received. If yes, record information on 4th page of application. | |

FINAL REGIONAL PROCESSING REVIEW

- | | | |
|---|---|-----------|
| ☒ Affidavit of publication received. Date: | <i>8/5/83</i> | |
| ☒ Application published correctly. If not, record action taken. | | |
| ☒ Fee amount, receipt date & number, recorded on application. | | |
| ☒ Publication dates and paper, recorded on application. | | |
| ☒ Protests, dates, withdrawal, etc., recorded on application. | | |
| ☒ Recommendation & initial, recorded on application. | | |
| ☐ Yes ☒ No | Measuring device required. | |
| ☐ Yes ☒ No | Access port required. | |
| ☒ Yes ☒ No | Will water be delivered by water master? If yes, what district? | <i>01</i> |
| ☒ <i>6-17-1983</i> | Date of priority recommended | |
| Special conditions of approval or cover letter. | | |

app. released in 3rd S.F. dismissal

By: *Ernest Carlson*

Date: *Feb 13, 1985* MICROFILMED

STATE OFFICE REVIEW:

LOI, L17

OID 26 05(01, Snake)

See attached sheet for more information.

B:

kw

Date: *2/1/85*

RECEIVED
FEB 20 1985

Department of Water Resources



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

August 2, 1983

RE: Application for Permit No. 24-7163 LUTHI
Claim to a Water Right No. 24-4074 HADERLIE
13-4241 GIBSON

Caribou County Sun
P.O. Box 815
Soda Springs, ID 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on July 14 and 21, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 1, 1983.

KEN DUNN, Dir.

Published 7/14 & 7/21/83.

MICROFILMED

24-2163

LUTHI, HENRY

FREEDOM. WY 83120

Source: SPRING trib. to TINCUP CREEK

Date Filed: 06/17/1983

Diversion Pt: NWSW Sec 09 T 05S R 46E

Use: STOCKWATER	(0.02 CFS)
DOMESTIC	(0.06 CFS)

In: NWSW Sec 09 T 05S R 46E

MICROFILMED