

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 4th day of March, 1999, last publication having been made on the 11th day of March, 1999, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 17th day of March, 1999

Patricia O'Malley
Notary Public

My commission expires January 3, 2003

LEGAL NOTICES

NOTICE OF APPLICATION FOR WATER RIGHT

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

25-07669

MORGAN CONSTRUCTION
PO BOX 1604
IDAHO FALLS, ID 83403
Source: GROUNDWATER
Diversion Pt: NESE Sec 11 T 01N R 38E
in BONNEVILLE County.
NWSW Sec 12 T 01N R 38 E in BON-
NEVILLE County.

Use: DOMESTIC (1.050 CFS)

Total Diversion (1.050 CFS)

Date Filed: 2/23/1999

In: BONNEVILLE County
T01N R38E S11 NESE SWSE SESE
S12 NWSW SWSW

This is for 65 lots.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before MARCH 22, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published: March 4, 11, 1999



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Department of Water Resources
Eastern Region

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 25-07669

Proposed Priority: February 23, 1999 Maximum Diversion Rate: 1.05 CFS

This is to certify, that MORGAN CONSTRUCTION
PO BOX 1604

IDAHO FALLS ID 83403-1604

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	1.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 11, Township 01N, Range 38E
NWSW , Sec. 12, Township 01N, Range 38E
BONNEVILLE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

01N 38E	11	NESE	SWSE	SESE
	12	NWSW	SWSW	

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

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

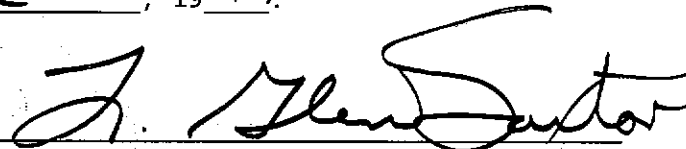
NO. 25-07669

CONDITIONS OF APPROVAL AND REMARKS

8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
9. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
10. The issuance of this right does not grant any right-of-way or easement across the land of another.
11. Points of diversion are located within Lots 2, Blk. 2; and between Lots 1 & 2, Blk. 1; Blackhawk Subdivision No. 2.
12. Places of use are located within Blackhawk Subdivision No. 2 and No. 3.
13. Domestic use is for 65 homes.

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

8 th day of April, 19 99.


for Karl J. Dreher, Director

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MAR 29 1999

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Morgan Construction Phone (208) 529-3312
Mailing address P.O. Box 1604, Idaho Falls, ID 83403

2. Source of water supply Groundwater which is a tributary of N/A

3. Location of point of diversion is Township 1N Range 38E Sec. 12 in the NW 1/4, SW 1/4, -- 1/4, Govt. Lot --, B.M., Bonneville County;
additional points of diversion if any: NE 1/4 SE 1/4 Section 11

4. Water will be used for the following purposes:
Amount 1.05 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.05 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Two wells are required by state rules for public drinking water systems (see section 12)
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet
c. Proposed well diameter is 12-16 inches; proposed depth of well is 500± feet
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? No; Drilling firm N/A
Well was drilled for (well owner) N/A; Drilling Permit No. N/A

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

8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. N/A
b. Stockwatering; list number and kind of livestock. N/A
c. Municipal; show name of municipality. N/A
d. Domestic; show number of households. 38 in proposed Blackhawk, Division No. 2
e. ~~Other, describe fully.~~ plus 27⁺ in future Blackhawk, Division No. 3
for an estimated total of 65 lots.

$$\begin{array}{r} 0.75 \text{ cfs "f"} \\ + 75 \text{ cfs} \\ \hline 1.10 \end{array}$$

32.5 acres Imp. only

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9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	38E	12									D	D							
		12																	
1	38E	11													D		D	D	
		11																	

Total number of acres to be irrigated 1.00

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Scenic Valley, L.L.C.

b. Who owns the land to be irrigated or place of use? Scenic Valley, L.L.C.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Purchase option agreement Scenic Valley LLC and Morgan Construction

12. Remarks: A) The required two wells will each be permitted to divert up to the rates applied for in No. 5; B) Two drilling permits will be allowed under the permit granted as a result of this application, and; C) The water right applied for is for domestic use and 1/2 acre of irrigation per lot.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Signature of Applicant (and title, if applicable)

Received by [Signature] Date 2-23-99 Time Preliminary check by
 Fee \$ 120.00 Received by HWS # E024792 Date 2-23-99
 Publication prepared by [Signature] Date 3/4 & 3/11/99 Published in Post Register
 Publication approved [Signature] Date 3/18/99

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 8, 1999

MORGAN CONSTRUCTION
PO BOX 1604
IDAHO FALLS ID 83403-1604

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 25-07669

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

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

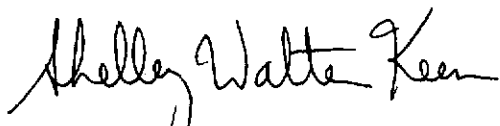
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

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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 reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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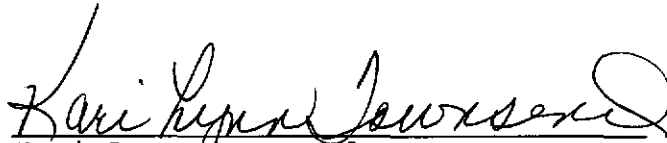
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 25-07669

MORGAN CONSTRUCTION
PO BOX 1604
IDAHO FALLS ID 83403-1604


Kari Lynn Townsend
Secretary

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APR 13 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy J. L...No.: 25-7669 Name: Northern Const. Date: 3/31/99 Ad OK? ☒ ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: YES Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

≤ 1 year/no proof

26A-P17

- P18

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD

Supp. irr. use only

~~Supp. irr. uses~~

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

048-P23

- 085

- P05 (new well location)

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)

100-101

- 01M (report when notified)

- No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____

IN/ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WD (✓ MAP & LISTING)

> 0.20 cfs

≤ 0.20 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- *WB9

- P52 (stream channel alteration)

- R04 (WD #)

- 01J-P08 (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

Weiser R (67)

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- 086, 087

USE:

STORAGE (✓ 3 compo.)

IRR ≤ 5 acres

> 5 acres

STOCKWATER

MINING

FISH PROPAGATION

HEATING/COOLING

POWER

MUNICIPAL

In restricted area?

Irr., GW supp. to SW?

DOMESTIC

Surface water

> 1 in rest. area

FIRE PROTECTION

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R37 (BLM/USFS); NA

- 054(req) -081-P10

- 029(70's only)-007-042(req)-081 (WQ)-P10

- R07 (Injection well)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081 (P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

- 022, 075, 004 (+memo?)

- 102

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

LOCATION:

BOISE FRONT LOGEO

MITIGATION

42-248 AREA

SWAN FALLS FLAG (✓ Code)

Trust

Non-Trust (1)

- 058 (<85° GW temp only)

- 120

P84 (In 20/30/40/50/60/70/80 (87) basin)

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

① W59 ② W60 ③ W01/654/11/2004

MEMORANDUM

DATE: April 6, 1999
TO: File No. 25-07669
FROM: Cindy Zimmerman *CS*
SUBJECT: Telephone Conversation

An overlap review indicated this subdivision was located in tracts identified under right no. 01-00241 and claim A25-13388Z0, in the name of Progressive Irrigation District.

Per telecon today with Matt Morgan of Morgan Construction, the subdivision is located on hillside above the delivery area of Progressive Irrigation District. Irrigation district water is not available.

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Include the fact that this
is for 65 lots in the subdivisions. *Jeff*

Dist. for staffing
Submitted for advertising 2-24-98

Form No. 202
4/87

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

RECEIVED

MAR 29 1999

Morgan Construction

INITIAL REVIEW BY HWT DATE 2-24-98 APPLICATION NO. _____

Department of Water Resources

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- _____ Overlapping place of use (Describe source & relationship to present application on the back.)
- _____ Overlapping point of diversion
- _____ Yes ☐ No ☒ Field check required
- _____ Yes ☐ No ☒ Field check by _____
- _____ Yes ☐ No ☒ Field report attached
- _____ Yes ☐ No ☒ Critical groundwater area
- _____ Yes ☐ No ☒ Groundwater management area
- _____ Yes ☐ No ☒ Send dam safety information
- _____ Yes ☐ No ☒ Send power requirement letter
- _____ Yes ☐ No ☒ Send fish farm requirement letter
- _____ Yes ☐ No ☒ Power residency affidavit
- _____ Yes ☐ No ☒ Power efficiency form
- _____ Yes ☐ No ☒ Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- _____ Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

PROCESSING

☒ Yes ☒ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

DEF-IO Falls
☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken _____

☒ Yes ☒ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below.

Date of priority recommended _____

By: _____

Date: _____

STATE OFFICE REVIEW

By _____

Date: _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other

Project impacts/implications report

COMMENTS

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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The Post Register

State of Idaho
County of Bonneville

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Robert Park

Subscribed and sworn to before me, this 17th day of March, 1999

Patricia O'Malley
Notary Public

My commission expires January 3, 2003

LEGAL NOTICES

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NWSW Sec 12 T 01N R 38 E in BONNEVILLE County.

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T01N R38E S11 NESE SWSE SESE
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KARL J. DREHER, Director
Published: March 4, 11, 1999



RECEIVED

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Department of Water Resources
Eastern Region

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APR 13 1999



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

February 25, 1999

DEPARTMENT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS ID 83402

RE: Application for Permit #25-07669

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 March 22, 1999, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED
APR 13 1999



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EASTERN REGION

February 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MORGAN CONSTRUCTION
PO BOX 1604
IDAHO FALLS ID 83403

RE: Applications for Permit #25-07669

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register on March 4 and 11, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 25, 1999

Legal Notices Department
THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Gentlemen:

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

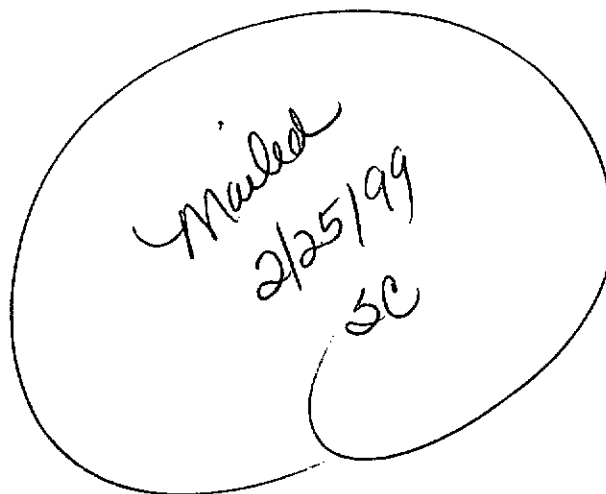
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 22, 1999.

Yours truly,

Sharla Cox
Secretary

Encl.



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NOTICE OF APPLICATION FOR WATER RIGHT

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

25-07669

MORGAN CONSTRUCTION
PO BOX 1604
IDAHO FALLS, ID 83403

Source: GROUNDWATER

Diversion Pt:	NESE	Sec 11 T 01N R 38E in BONNEVILLE County.
	NWSW	Sec 12 T 01N R 38E in BONNEVILLE County.

Use: DOMESTIC	(	1.050 CFS)
Total Diversion:	(	1.050 CFS)

Date Filed: 2/23/1999

In: BONNEVILLE County			
T01N R38E S11	NESE	SWSE	SESE
S12	NWSW	SWSW	

This is for 65 lots.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before MARCH 22, 1999. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Published: 3/ 4/1999 & 3/11/1999

KARL J. DREHER, Director

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APR 13 1999

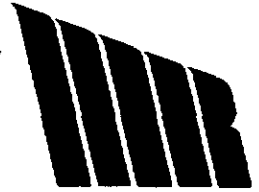
RECEIVED

FEB 17 1999

Department of Water Resources
Eastern Region

Mountain River, Inc.

CONSULTING ENGINEERS AND LAND SURVEYORS



RECEIVED

FEB 23 1999

February 17, 1999

Mr. Dennis Dunn
Sr. Water Rights Agent
Department of Water Resources
900 N Skyline
Idaho Falls, Idaho 83402-1718

Department of Water Resources
Eastern Region

Ref: Blackhawk Subdivision No. 2, Bonneville County

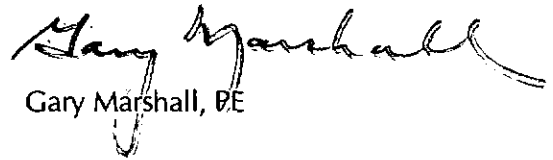
Dennis:

Enclosed is an Application for a water right Permit and filing fee for a public water supply for the proposed development on the foothills east of Idaho Falls. We have submitted demand calculations to Mark Deitrich and requested that DEQ inspect the proposed well site(s) and issue a written determination if the site(s) are acceptable. If the water right is granted and the proposed general well site locations are approved, construction plans for the first well will be prepared and submitted to DEQ for approval in the next two to three months.

Call if you wish to discuss the enclosed application and/or the proposed development.

Thank you.

Sincerely,


Gary Marshall, PE

Enclosures

MICROFILMED

1020 East Lincoln Road • Idaho Falls, Idaho 83401

APR 13 1999 Phone: (208) 524-6175

Fax: (208) 524-6181