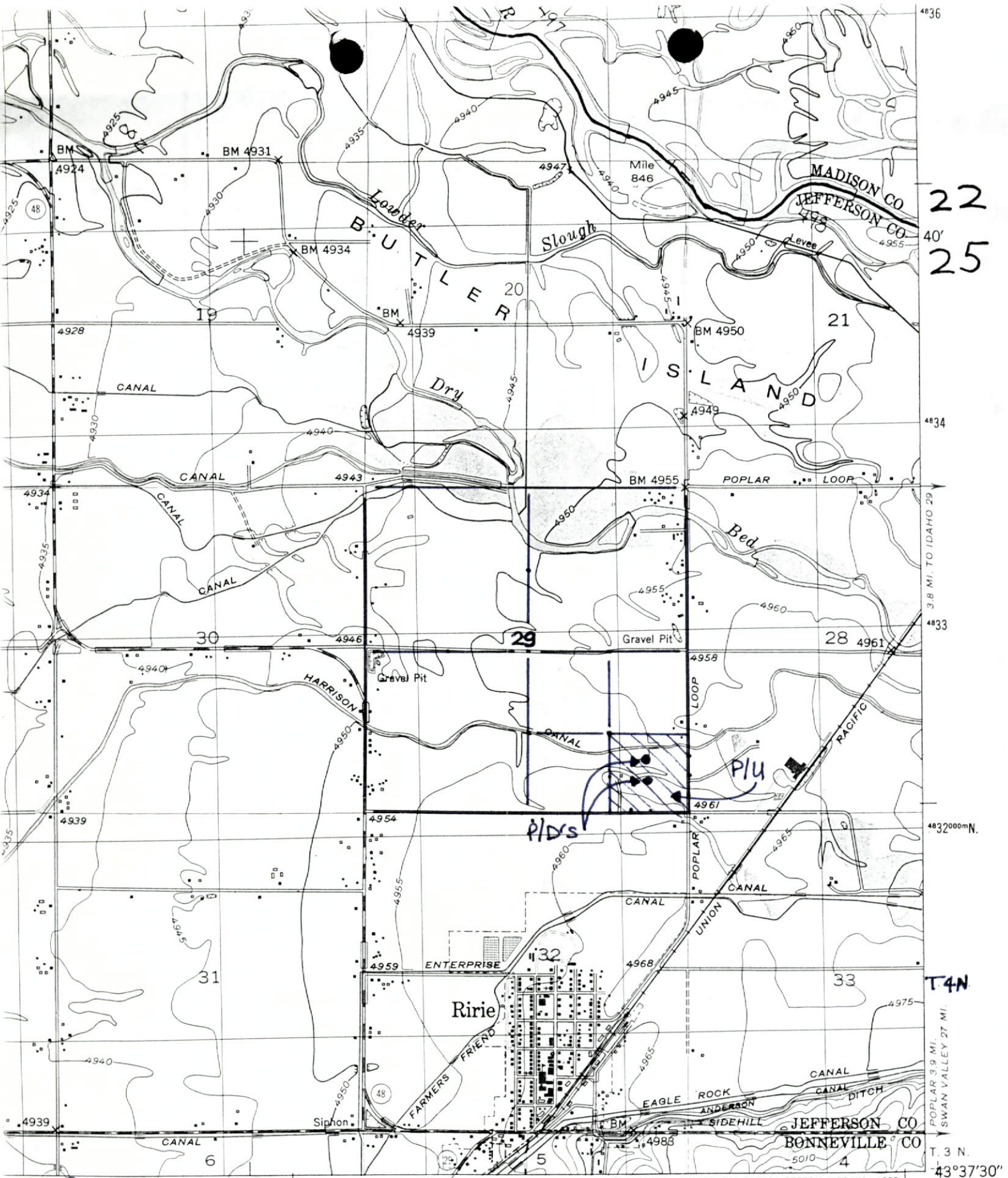




R. 39 E. **R40E** 47'30" 437 12 MI. TO U.S. 20 & 191 IDAHO FALLS 17 MI. 438 INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1980 4390000E. 43°37'30" N 111°45' E

1 MILE
5000 6000 7000 FEET
1 KILOMETER

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ROAD CLASSIFICATION

HARD-SURFACE ALL WEATHER ROADS		DRY WEATHER ROADS
Heavy-duty	4 LANE 6 LANE	Improved dirt
Medium-duty	4 LANE 6 LANE	Unimproved dirt

POPLAR 3.9 MI. SWAN VALLEY 27 MI. T. 3 N. 43°37'30" N 111°45' E (POPLAR) 3671 II SW

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Terry Carr of The Jefferson Star,
published weekly at Rigby, Jefferson
County, Idaho, do solemnly swear that the

Notice of Application
for Water Right
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on 6-3-98
and the last publication having been made
on 6-10-98

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

Terry Carr
On this 10th day of June
in the year of 1998, before me, a Notary
Public, personally appeared

Terry Carr,

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements there-
in are: true, and acknowledged to me that
she executed the same.

Capital State
Notary Public of Idaho
Residing at 1032 N 1100 E, Shelley, ID

My commission expires March 8, 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

25-07662

JAB CONSTRUCTION
C/O. JUDD BALL
4111 E 240 N
RIGBY, ID 83442
Source: GROUNDWATER
Diversion Pt: SESE Sec 29 T 04N R
40E in JEFFERSON County.
Use: DOMESTIC (0.570 CFS)
Total Diversion: (0.570 CFS)
Date Filed: 5/23/1998
In: JEFFERSON County
T04N R40E S29 SESE

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and the
Director, Dept. of Water Resources,
along with a \$25.00 filing fee,
Eastern Region, 900 N Skyline, Idaho
Falls, Idaho, 83402 on or before
JUNE 22, 1998.

KARL J. DREHER, Director
Published in the Jefferson Star,
Rigby, Idaho, June 3 and 10, 1998.

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RECEIVED
JUN 16 1998

Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 25-07662

Proposed Priority: May 23, 1998

Maximum Diversion Rate:

0.57 CFS

This is to certify, that JAB CONSTRUCTION
C/O JUDD BALL
4111 E 240 N
RIGBY ID 83442

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	0.57 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 29, Township 04N, Range 40E
JEFFERSON County

PLACE OF USE: DOMESTIC

TWN RGE SEC

04N 40E 29 SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 2003.
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. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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. 25-07662

CONDITIONS OF APPROVAL AND REMARKS

8. Two points of diversion are located within SESE, S29, T04N, R40E.
9. Points of diversion are located within Lot 15, Blk. 3 and Lot 7, Blk. 4; Elk Meadows Subdivision.
10. Places of use are located within Lots 1-7, Blk. 2; Lots 1-14 & 16-32, Blk. 3; and Lots 1-6 & 8-13, Blk. 4; Elk Meadows Subdivision.
11. Domestic use is for 50 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

20th day of August, 1998.

Karl J. Dreher
Karl J. Dreher, Director

for

MICROFILMED

SEP 24 1998

Ident. No. 25-07662

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUN 29 1998

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant JAB CONSTRUCTION Co Judd Ball Phone (208) 589-2811
Mailing address 4111 E. 240 N. Rigby ID 83442
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 4N Range 40E Sec. 29, in the _____ 1/4,
SE 1/4, SE 1/4, Govt. Lot _____, B.M., Jefferson County;
additional points of diversion if any: 2 wells are in SESE
4. Water will be used for the following purposes:
Amount 0.57 cfs for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.57 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 2 wells + pumps to
50 homes on 1/4 acre lots
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 12 inches; proposed depth of well is 160 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? N
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
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. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 50 - Elk Meadows Subdivision
 - e. Other; describe fully. _____

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SEP 24 1998

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				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	40E	29																D	
																		SO	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NA

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: cfs amount includes 0.24 cfs for 12 acres irrigated that incorporates 50 house lots.

Pres- Judd Ball } JAB Construction
Sec. - Tasha Finn }

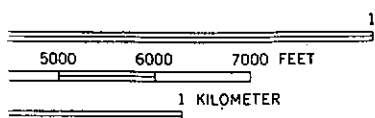
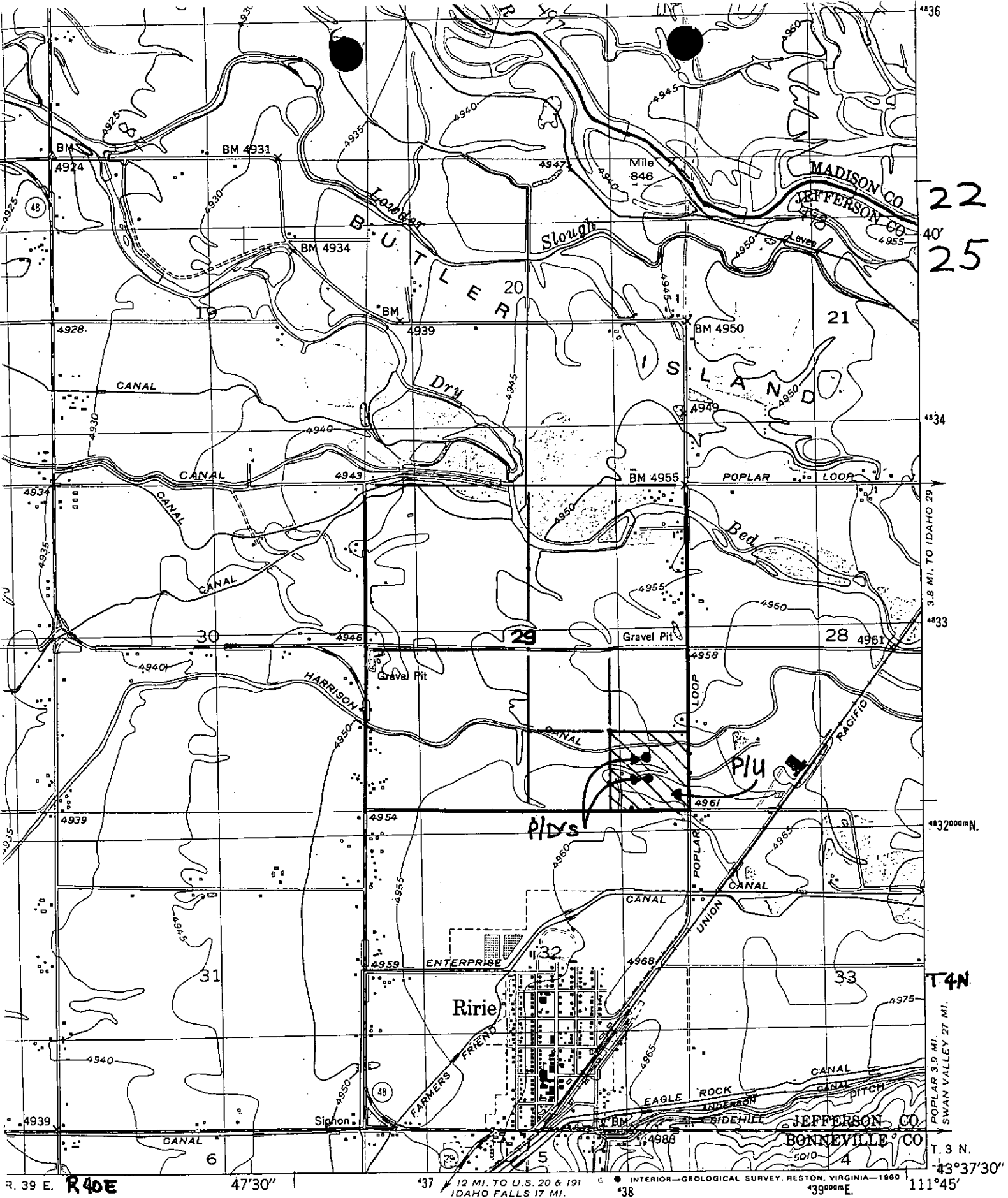
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Pres/Dent - JAB CONST.
 Signature of Applicant (and title, if applicable)

Received by HWT Date 3-23-98 Time _____ Preliminary check by _____
 Fee \$ 100.00 Receipted by HWT # E0239713 Date 3-23-98
 Publication prepared by SC Date 6-10-98 Published in Jefferson Star
 Publication approved SC Date 6-16-98 MICROFILMED

SEP 24 1998



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SEP 24 1998

ROAD CLASSIFICATION	
HARD-SURFACE ALL WEATHER ROADS	DRY WEATHER ROADS
Heavy-duty ——— 4 LANE 6 LANE	Improved dirt ———
Medium-duty ——— 4 LANE 16 LANE	Unimproved dirt ———

22
40'
25

4834

4833

4832000mN.

T4N

T. 3 N.

43°37'30"

111°45'

(POPLAR)

3671 SW

EXAMINING SURVEYOR

I certify that I have examined this plat and find that it complies with section 50-1305 of the Idaho Code.

Date: _____
Dennis L. Jones, P.L.S.



SURVEYORS CERTIFICATE

I, Kim H. Leavitt, a registered professional Land surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision

Kim H. Leavitt, P.L.S. License No. 4563 Date: _____



HEALTH DEPT. CERTIFICATE

I hereby certify that sanitary restrictions required by Idaho Code Title 50 - chapter 12 Section 50-1326 have been satisfied and this plat is hereby approved for recording by filing of this certificate herewith.
DISTRICT 7 STATE BOARD OF HEALTH

Date: _____
Environmental Health Specialist

ELK MEADOWS

part of
S.E. 1/4 OF SECTION 29, T. 4 N., R. 40 E., B.M.
JEFFERSON COUNTY, IDAHO

COUNTY APPROVAL

This plat was duly accepted and approved by the Board of County Commissioners, and the Planning and Zoning Board of Bonneville County, Idaho by resolution adopted this _____ day of _____, 19____.

Chairman County Commissioners

LINE	DIRECTION	DISTANCE
L13	S00°09'39"E	125.00'
L14	S89°31'39"E	23.26'
L15	S89°50'21"W	15.00'
L16	N44°36'31"W	15.56'
L23	N87°34'52"E	14.46'
L24	N82°56'22"E	50.73'
L24	N02°25'08"W	19.96'

BOUNDARY DESCRIPTION

Part of the SE 1/4 of Section 29, Township 4 North, Range 40 East, B.M., Jefferson County, Idaho described as:

Commencing at the SE corner of said Section 29 and running thence S 89°47'08" W 1094.00 feet along the section line; thence N 03°18'51" W 573.25 feet; thence N 82°36'38" E 489.15 feet; thence S 0°09'39" E 185.80 feet; thence S 82°56'22" W 32.21 feet; thence S 0°09'39" E 113.81 feet; thence N 86°25'17" E 332.58 feet; thence N 0°09'39" W 133.51 feet; thence N 89°47'08" E 105.01 feet; thence N 0°07'24" W 60.00 feet to a point of curve; thence to the left along said curve 31.40 feet (Curve Data D = 89°56'47" R = 20.00) chord bears N 44°48'44" E 28.27 feet; thence East 60.07; thence S 0°03'50" W 108.85 feet; thence S 89°50'25" E 155.00 feet to the east line of said Section 29; thence S 0°09'39" E 454.76 feet along the section line to the point of beginning.

Parcel contains 12.5556 acres.

OWNER'S DEDICATION

BE IT KNOWN that we the undersigned, do hereby certify that we are the legal owners of the property shown and described hereon, to be hereafter known as: ELK MEADOWS and that we hereby give, grant and dedicate to the public, for public use, all streets and easements shown hereon. We further certify that the lots shown hereon shall be served by a municipal water system, maintained by the City of Idaho Falls, Idaho.

Witness our hands this _____ day of _____, 19____
State of Idaho

Judd Ball

ACKNOWLEDGMENT

State of Idaho:
County of Bonneville:
BE IT REMEMBERED: that on this _____ day of _____, 19____, personally appeared before me the undersigned Notary Public in and for said State and County, the signers of the attached Owner's Dedication and after first being duly sworn acknowledged to me that they signed said dedication freely and voluntarily for the purpose therein mentioned

My Commission Expires _____
Notary Public

TREASURER'S CERTIFICATE

I, the undersigned County Treasurer in and for the County of Bonneville, State of Idaho, per the requirements of Idaho Code: 50-1308, do hereby certify that all county property taxes due for the property included in this project are current.

Date: _____
Bonneville County Treasurer

IRRIGATION WATER RIGHTS

This property remains in an irrigation district and a suitable water delivery system will be provided in compliance with Idaho Code section 31-3805 subsection (1) (b) as shown on the approved improvement drawings.

CITY ACCEPTANCE

The accompanying plat was duly accepted and approved by the city council of Idaho Falls, Idaho by resolution adopted this _____ day of _____, 19____.

Mayor

City Clerk

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C44	20.00'	31.42'	20.00'	28.28'	N45°09'39"W	90°00'00"
C47	20.00'	31.40'	19.98'	28.27'	N44°48'45"E	89°56'47"
C48	20.00'	31.43'	20.02'	28.30'	N45°11'15"W	90°03'13"
C49	20.00'	31.40'	19.98'	28.27'	N44°48'45"E	89°56'47"
C50	20.00'	31.40'	19.98'	28.27'	N44°48'45"E	89°56'47"
C51	20.00'	31.44'	20.02'	28.30'	S45°11'09"E	90°03'26"
C52	30.00'	43.51'	26.59'	39.80'	S41°23'22"W	83°06'01"
C53	90.00'	21.67'	10.89'	21.62'	S75°40'08"W	134°7'55"
C54	90.00'	15.22'	7.63'	15.21'	S63°55'26"W	09°41'30"
C55	90.00'	40.03'	20.35'	39.70'	S20°52'02"W	25°28'55"
C56	90.00'	13.02'	6.52'	13.01'	S03°58'58"W	08°17'13"
C57	90.00'	40.01'	20.34'	39.68'	S46°20'35"W	25°28'11"
C58	20.00'	31.43'	20.02'	28.30'	S45°11'15"E	90°03'13"
C59	20.00'	31.40'	19.98'	28.27'	S44°48'45"W	89°56'47"
C60	20.00'	31.43'	20.02'	28.30'	S45°11'15"E	90°03'13"
C61	20.00'	31.40'	19.98'	28.27'	N44°48'51"E	89°56'34"
	120.00'	14.34'	7.18'	14.33'	S86°21'45"W	06°50'46"
C4	20.00'	31.42'	20.00'	28.28'	S45°09'37"E	90°00'04"
C5	20.00'	31.42'	20.00'	28.28'	S44°50'23"W	89°59'56"
C6	210.00'	8.28'	4.14'	8.28'	S88°42'37"W	02°15'29"
C7	180.00'	7.09'	3.55'	7.09'	S88°42'37"W	02°15'29"
C8	150.00'	5.91'	2.96'	5.91'	S88°42'37"W	02°15'29"
C9	20.00'	31.42'	20.00'	28.28'	N45°09'37"W	90°00'04"
C13	50.00'	36.98'	19.38'	36.14'	N48°48'12"E	42°22'15"
C14	30.00'	31.40'	17.31'	29.98'	S57°35'58"W	59°57'47"
C15	50.00'	45.77'	24.63'	44.19'	S63°46'41"W	52°26'38"
C16	50.00'	15.13'	7.62'	15.07'	S34°42'07"E	17°20'19"
C17	90.00'	10.75'	5.38'	10.75'	S86°21'45"W	06°50'46"
C18	120.00'	14.34'	7.18'	14.33'	S86°21'45"W	06°50'46"
C19	150.00'	17.92'	8.97'	17.91'	S86°21'45"W	06°50'46"
C20	50.00'	73.29'	45.00'			83°50'43"
C21	50.00'	55.67'	31.12'			63°47'37"



HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
985 N. CAPITAL AVE., P.O. BOX 50891, IDAHO FALLS, IDAHO 83405 (208) 524-0212



C:\DWG\ROD\ELKMEADOWS\BIV-1397608PL2 3-10-98 8:56:31 am EST



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 20, 1998

JAB CONSTRUCTION
C/O JUDD BALL
4111 E 240 N
RIGBY ID 83442

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 25-07662

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.

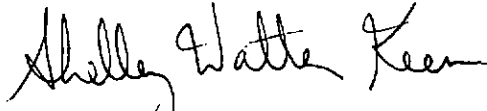
MICROFILMED

SEP 2 1 1998

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 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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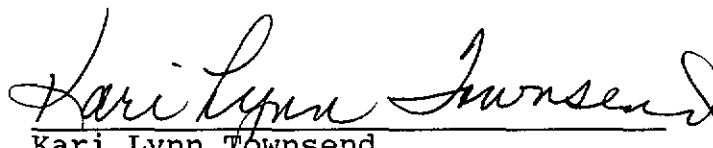
SEP 24 1998

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of August, 1998, 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. 25-07662

JAB CONSTRUCTION
C/O JUDD BALL
4111 E 240 N
RIGBY ID 83442


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 24 1998

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.

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 Lou

No.: 25-7662 Name: JAB Const. Date: 8/18/98 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: ESRP Mor / GWMA / Trust / Non-trust within Aquifer

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

SYSTEM COMPLETED: - 26A/P17
 > 1 year - P16
 ≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)
 WMD (✓ MAP)
 > 0.24 cfs/5 acres - North / East / West
 ≤ 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
 WMD Supplemental use - No MD
 > 0.24 cfs/5 acres - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
 ≤ 0.24 cfs/5 acres - 01M (report when notified)
 - No MD

DRILLING PERMIT:
 All wells (✓ WDQ3) - 046/P23
 In Basin 34? - 085
 Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):
 FISH & GAME CONTACTED: - Yes / No; RESPONSE: _____
 IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
 WD (✓ MAP & LISTING) - R04 (WD # _____)
 > 0.10 cfs - 01J-P08 (MD & LD)
 ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
 WMD (✓ MAP)
 > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
 ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE
 > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
 ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):
 Snake R (01) - *W22 -P04, NA
 (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
 Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
 Salmon R (70's) - 029 (fish screens), NA
 Weiser R (67) - 086, 087

USE:
 Domestic surface >1 in rest. area - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
 Fire Protection - 071-070
 Fish Propagation - 077
 Heating/Cooling - 029-007-042(req)-081 (WQ)-P10
 Irr ≤ 5 acres - R07 (injection well)
 > 5 acres - 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)
 Mining - 054(req) -081-P10
 Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
 Power - 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
 Stockwater - R37 (BLM/USFS); NA
 Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:
 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
 Boise Front LoGeo - 058 (<85° GW temp only)
 In-stream dev. - P52 (stream channel alteration)
 Mitigation - 120
 SWAN FALLS FLAG (See Code Chart)
 Trust - 051-052-053-P74 (Consumptive Uses), NA
 Non-Trust (1) - 048-049 (Consumptive Uses), NA
 - 004 (PD/PU)

OWNERSHIP:
 OTHER CONDITIONS:
 STANDARD REMARKS:
 BENEFICIAL USE DUE:
 COMMENTS:

DW59, LT 15, B2, LT 7, B3 (2) w/60/LTS 1-7, B2; LTS 1-14 & 16-32, B3; LTS 1-6 & 8-13, B4
9/1/2003
Elk Meadows Subd.

RECEIVED

JUN 29 1998

DEPARTMENT OF WATER RESOURCES

Dist. for staffing

Submitted for advertising 5-21-98

Form No. 202

4/87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY JMD DATE 5-21-98 APPLICATION NO. 25-07662

REQUIRED INFORMATION

- 06-1 JAB Construction 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
- ☐ 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

☒ ~~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 DEQ ~~DEQ~~

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 3-23-1998
By: [Signature] Date: 6-24-98
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

[illegible]

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
County of Jefferson) ss

I, Terry Carr of The Jefferson Star,
published weekly at Rigby, Jefferson
County, Idaho, do solemnly swear that the

Notice of Application
for Water Right

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on 6-3-98
and the last publication having been made
on 6-10-98

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

Terry Carr

On this 10th day of June
in the year of 1998, before me, a Notary
Public, personally appeared

Terry Carr,

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements there-
in are true, and acknowledged to me that
she executed the same.

Capital State

Notary Public of Idaho
Residing at 1032 N 1100 E, Shelley, ID

My commission expires March 8, 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

25-07662

JAB CONSTRUCTION

C/O. JUDD BALL

4111 E 240 N

RIGBY, ID 83442

Source: GROUNDWATER

Diversion Pt: SESE Sec 29 T 04N R

40E in JEFFERSON County.

Use: DOMESTIC (0.570 CFS)

Total Diversion: (0.570 CFS)

Date Filed: 5/23/1998

In: JEFFERSON County

T04N R40E S29 SESE

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and the
Director, Dept. of Water Resources,
along with a \$25.00 filing fee,
Eastern Region, 900 N Skyline, Idaho
Falls, Idaho, 83402 on or before
JUNE 22, 1998.

KARL J. DREHER, Director
Published in the Jefferson Star,
Rigby, Idaho, June 3 and 10, 1998.

MICROFILMED
SEP 24 1998

RECEIVED
JUN 16 1998

Department of Water Resources
Eastern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 27, 1998

Legal Notices Department
THE JEFFERSON STAR
P.O. BOX 37
RIGBY, ID 83442

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.

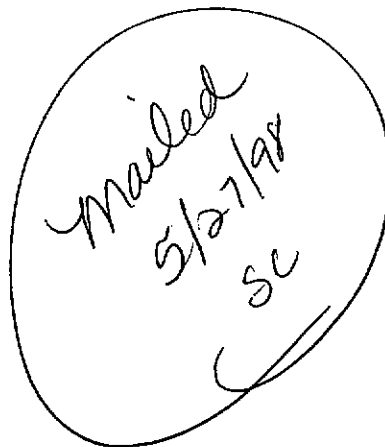
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 22, 1998.

Yours truly,

Rita Bodell
Secretary

Encl.



MICROFILMED
SEP 24 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

SEP 24 1998

25-07662

JAB CONSTRUCTION
C/O JUDD BALL
4111 E 240 N
RIGBY, ID 83442

Source: GROUNDWATER

Diversion Pt: SESE Sec 29 T 04N R 40E in JEFFERSON County.

Use: DOMESTIC	(	0.570 CFS)
Total Diversion:	(	0.570 CFS)

Date Filed: 5/23/1998

In: JEFFERSON County	
T04N R40E S29	SESE

MICROFILMED

SEP 24 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 27, 1998

JAB CONSTRUCTION
C/O JUDD BALL
4111 E 240 N
RIGBY ID 83442

RE: Application for Permit #25-07662

Dear Applicant:

This office is currently in the process of advertising the application in the Jefferson Star on June 3 and 10, 1998. 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

MICROFILMED

SEP 24 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 27, 1998

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

RE: Application for Permit No. 25-07662

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 June 22, 1998, 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

SEP 24 1998