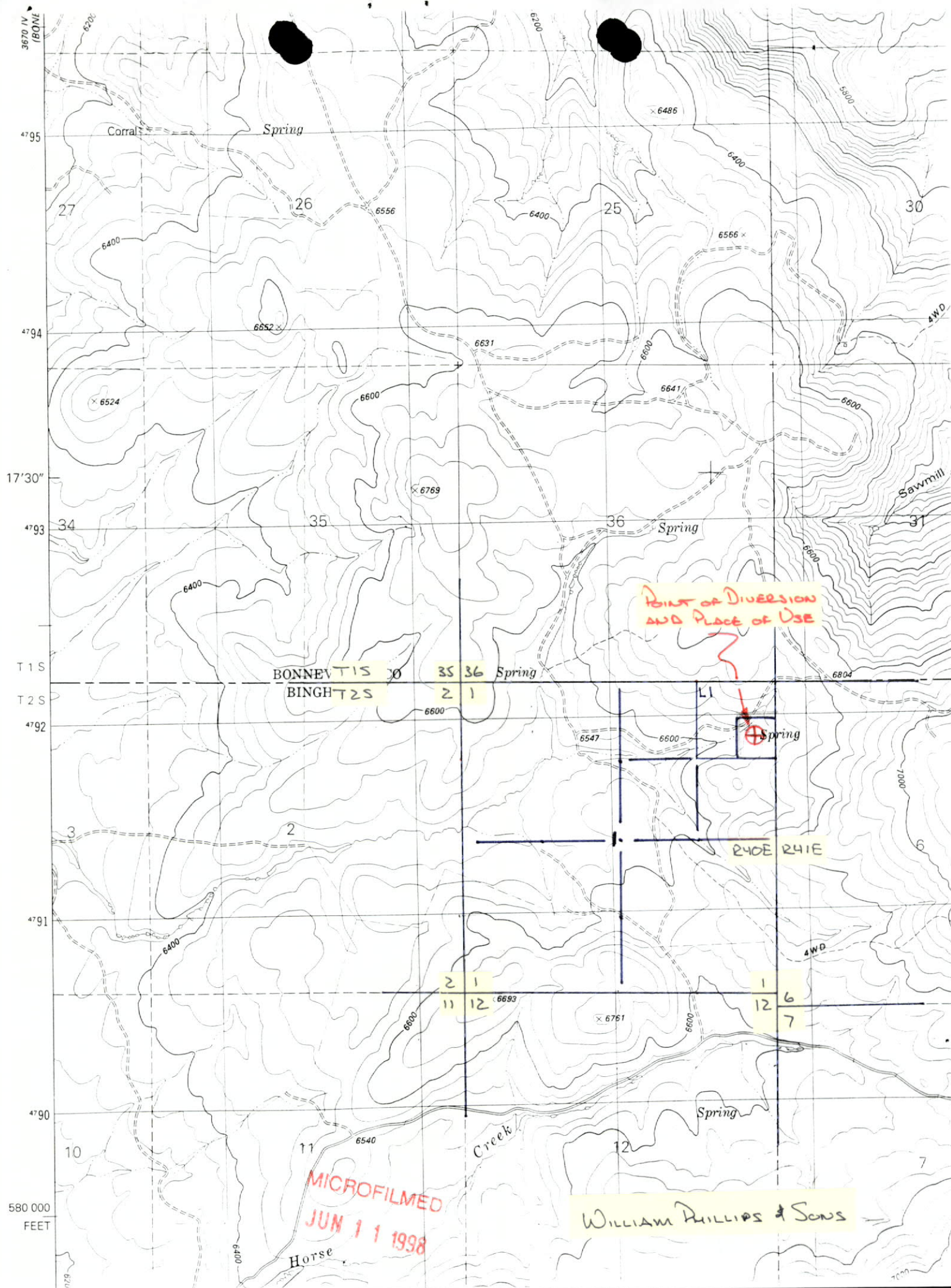




DEPT. OF WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

25-07661

WILLIAM PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Idaho 83221
Source: SPRING
Tributary: WILLOW CREEK
Diversion Pt: Lot 1 (SENE), SEC. 1, T
02S, R. 40E, in BINGHAM County.
Use: STOCKWATER (0.130 CFS)
Total Diversion: (0.130 CFS)
Date Filed: 4/9/1998 → should be 4/10/98
In: BINGHAM County
T02S, R40E, S01, Lot 1 (NENE)

The permit(s) will be subject to all prior wa-
ter 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 MAY 26,
1998.

KARL J. DREHER
Director

(3713)
Pub.: 5/7, 14

*NOT FATAL.
6/8/98 c3.*

**AFFIDAVIT OF
PUBLICATION**

County of Bingham)
State of Idaho) ss
I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot,
aforesaid for more than one year past;
that said newspaper heretofore complied
with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published to-
wit: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive weeks
the first publication having been made on
the 7th day of May,
1998 and the last publication having
been made on the 14th day of
May, 1998; that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

Jacqueline Graham

On this 14th day of May, in
the year 1998, before me a Notary
Public of said State, personally appeared
Jacqueline Graham

known or identified to me to be the per-
son whose name is subscribed to the with-
in instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that he executed the same.

Raye Moses

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

November 10, 2000
Affidavit Processing Fee: \$5.00

MICROFILMED

Jun 11 1998

**RECEIVED
MAY 13 1998**

Department of Water Resources
Eastern Region

RECEIVED

APR 12 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 25-07661 Telephone No. 208-684-3236

2. Name(s) of Permit Holder(s): William Phillips & Sons

3. Mailing Address: 904 N 1200 W Blackfoot, Idaho 83221

4. Source of Water: _____ If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

Domestic (No. of households): _____ Stockwater (No. and type of stock): 600 Range Stock

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

6. Total rate of diversion and/or volume for which proof is submitted: -13 cfs OR _____ acre feet

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

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

Measuring Device: Is a measuring device required? Yes _____ or No _____

Has the measuring device been installed? Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____

Has the measurement port been installed? Yes _____ or No _____

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

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

Name: William Phillips Telephone Number: 208-684-3236

Address: 904 N 1200 W Blackfoot, Idaho 83221

10. The information given on this form 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.

Signature of permit holder: [Signature] Date: 4/8/99
(include your title, if on behalf of company or organization)

MICROFILMED

AUG 05 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 25-07661

Proposed Priority: April 9, 1998

Maximum Diversion Rate:

0.13 CFS

This is to certify, that WILLIAM PHILLIPS & SONS

904 N 1200 W

BLACKOOT ID 83221

has applied for a permit to appropriate water from:

SPRING

tributary of WILLOW CREEK

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

05/15 to 10/15

0.13 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (SENE), Sec. 1, Township 02S, Range 40E
BINGHAM County

PLACE OF USE: STOCKWATER

TWN RGE SEC

02S 40E 1 Lot 1 (NENE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1999.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. Water shall not be diverted under this right when flows in the Willow Creek are below established minimum stream flows.
6. Stockwater use is for 600 range cattle.

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

8th day of June, 1998

Karl J. Dreher
Karl J. Dreher, Director
for

MICROFILMED
JUN 11 1998

Ident. No. 25-07661

RECEIVED

MAY 29 1998

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 09 1998

Department of Water Resources
Eastern Region

1. Name of Applicant WILLIAM PHILLIPS & SONS Phone (208) 684-3236
Mailing address 904 N 1200W, BLACKFOOT ID 83221
2. Source of water supply SPRING which is a tributary of WILLOW CREEK
3. Location of point of diversion is Township 2S Range 40E Sec. 1, in the SE 1/4, NE 1/4, NE 1/4, Govt. Lot 1, B.M., BINGHAM County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.16 ^{0.13} for STOCKWATER purposes from 5-15 to 10-15 (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) 0.16 ^{0.13} 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 COLLECTION BOX AND PIPELINE TO STOCK TROUGH
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85° F being sought? _____
- 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 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 600 HEAD OF RANGE CATTLE
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

MICROFILMED
JUN 11 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	
2S	40E	1	S																
			L1																

Total number of acres to be irrigated _____

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

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

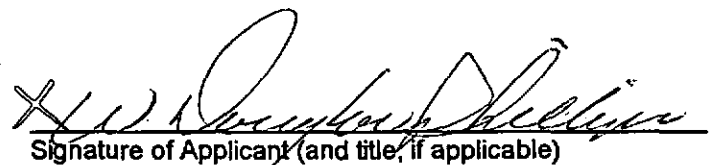
b. Who owns the land to be irrigated or place of use? APPLICANT

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: _____

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.

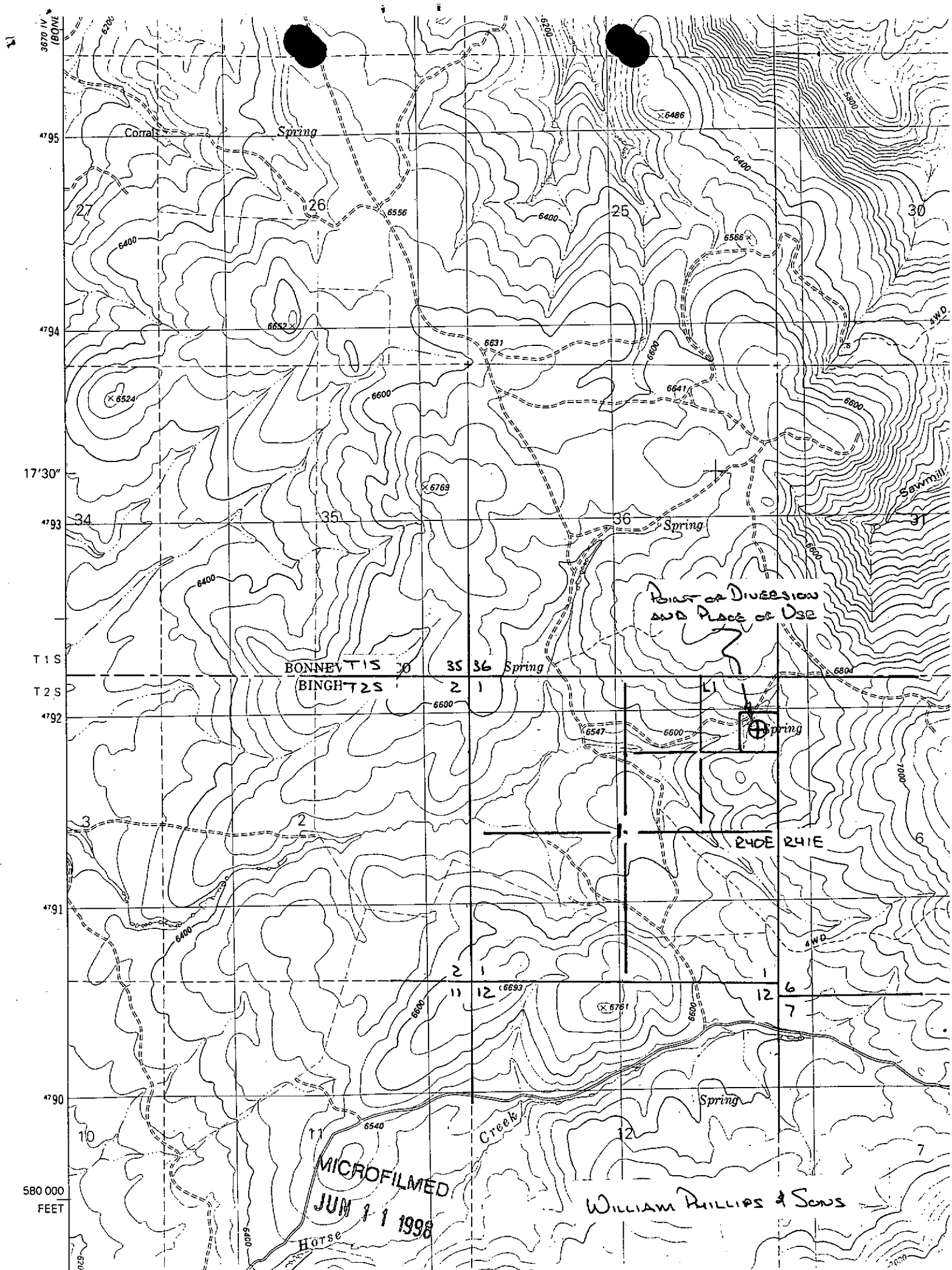

Signature of Applicant (and title, if applicable)

Date of Priority = 4/9/98.

Received by HWT Date 4-10-98 Time _____ Preliminary check by _____
 Fee \$ 50.00 Received by HWT # E024035 Date 4-10-98
 Publication prepared by SC Date 5-7-98 Published in Morning News
 Publication approved _____ Date _____

MICROFILMED

JUN 11 1998





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

July 6, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

W DOUGLAS PHILLIPS
WILLIAM PHILLIPS & SONS
904 N 1200 W
BLACKFOOT ID 83221

RE: Water Appropriation Permits 25-07659, 25-07660, and 25-07661

Dear Mr. Phillips:

I am writing in response to your letter requesting an extended period of use for stock watering under water appropriation permits 25-07659, 25-07660, and 25-07661. You may apply to change the authorized period of use by filing an application to amend your permit in accordance with Section 42-211, *Idaho Code*. However, I recommend that you wait to file until IDWR has conducted the examinations required to verify your beneficial use of water. If the examiner reports that you need to amend other items, such as your point of diversion or place of use, you will be able to list those changes on your amendment applications. Because there is a \$50.00 fee required for each amendment application, covering as many items as possible on a single application could save you money.

I have asked IDWR's Eastern Region staff to contact you as soon as possible to arrange for the examinations to be conducted. When the examiner meets with you, please submit to him as much evidence as possible to support your request for an extended period of use. Using the examiner's report as a basis, IDWR will then prepare amendment forms and mail them to you for your signature.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

MICROFILMED
AUG 05 1999

6/8/99

RECEIVED

APR 12 1999

Department of Water Resources

Esteemed Sirs: S&DWR

± William Phillips + son
Petition further that the dates
on all three (3) Water Rights
be changed from May 15 - Oct 15 to
the longer dates of May 1 - Nov 1
For watering Range Cattle.

sincerely
W Douglas Phillips

25-07661

25-07660

25-07659

MICROFILMED

AUG 05 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 25-07661 Reviewed by [Signature] Date 7-1-99

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Stock

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit _____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

[A large handwritten 'X' is drawn over the priority calculation section.]

DEFICIENCIES OR ACTION ITEMS

*Advise of measuring device requirement.
Proof Acceptable*

DATA ENTRY

New Address [Signature] Proof Made 4-13-99



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

July 1, 1999

WILLIAM PHILLIPS AND SONS
904 N 1200 W
BLACKFOOT ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-07661

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.

Condition #4 of your water right permit requires the permit holder to install and maintain a measuring device and lockable controlling works acceptable to the department. You do not indicate on the proof statement if the condition has been complied with. This condition needs to be complied with before the field examination, or you can petition the department to waive the condition from the permit.

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

If you have questions concerning the field examination or measuring device requirement, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

MICROFILMED

c: IDWR - Regional Office

AUG 05 1999

March 31, 1999

WILLIAM PHILLIPS & SONS
904 N 1200 W
BLACKOOT ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 25-07661

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 June 1, 1999.

(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.

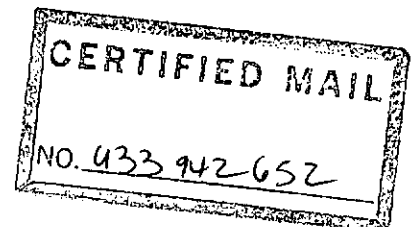
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
AUG 05 1999





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

June 9, 1998

PHILIP E. BATT
GOVERNOR

WILLIAM PHILLIPS & SONS
904 N 1200 E
BLACKFOOT ID 83221

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMITS 25-07659/25-07660/25-07661

Dear Permit Holder(s):

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

The permits are preliminary orders issued by IDWR pursuant to section 67-5243, Idaho Code. They can and will become final orders 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.

Enclosed are forms entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits into licensed water rights. Also enclosed are forms entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit these forms immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

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,

Shelley W. Keen
Water Rights Supervisor

SWK:klt
Enclosures

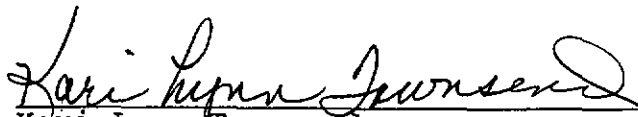
MICROFILMED
JUN 11 1998

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Rights 25-07659/25-07660/25-07661

WILLIAM PHILLIPS & SONS
904 N 1200 W
BLACKFOOT ID 83221


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 11 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 REVIEW

by *Clady Lou*

No.: 25-7661 Name: Phillips Date: 6/8/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

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

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

SYSTEM COMPLETED:

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

GROUNDWATER: (✓ FLO-CH)

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

- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9 Willow Creek
- WD (✓ MAP & LISTING) - R04 (WD # 01)
- > 0.10 cfs - 01H-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 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

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - 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 (FERG); 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:

WB9 W07/600 RC
6/1/1999

MEMORANDUM

DATE: June 8, 1998
TO: File Nos. 25-07659, 25-07660, & 25-07661
FROM: Cindy Zimmerman *ez*.
SUBJECT: Priority date

During the review of these applications, I noted a discrepancy in the recommended date of priority, the date stamp recived, the receipt date, and the data entered priority date. I called Skip Jones at Eastern Region to clarify this discrepancy.

Per Skip, the applications and fees were probably received at the region on April 9th but Skip did not get them receipted until April 10th. Skip recommended the date of priority should be the date the applications were received at the region, April 9, 1998, as evidenced by the date stamp in the top right corner of the front page of the application.

MICROFILMED
JUN 11 1998

RECEIVED

MAY 29 1998

DEPARTMENT OF WATER RESOURCES

Dist. for staffing

Submitted for advertising 4-10-98

Form No. 202

4/87

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

INITIAL REVIEW BY AWJ DATE 4-10-98 APPLICATION NO. 25-07661

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
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 WDO
☐ 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:

STATE OFFICE REVIEW

4-10-1998

Date:

5-27-1998

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]

DEPT. OF WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

25-07661
WILLIAM PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Idaho 83221
Source: SPRING
Tributary: WILLOW CREEK
Diversion Pt: Lot 1 (SENEE), SEC. 1, T
02S, R. 40E, in BINGHAM County.
Use: STOCKWATER (0.130 CFS)
Total Diversion: (0.130 CFS)
Date Filed: 4/9/1998 → should be 4/10/98
In: BINGHAM County
T02S, R40E, S01, Lot 1 (NENE)

The permit(s) will be subject to all prior wa-
ter 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 MAY 26,
1998.

KARL J. DREHER
Director

(3713)
Pub.: 5/7, 14

**AFFIDAVIT OF
PUBLICATION**

County of Bingham:)

State of Idaho)
I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot,
aforesaid for more than one year past;
that said newspaper heretofore complied
with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published to-
wit: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive Weeks
the first publication having been made on
the 7th day of May
1998 and the last publication having
been made on the 14th day of
May 1998; that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

On this: 14th day of May, in
the year 1998, before me a Notary
Public of said State, personally appeared
Jacqueline Graham

known or identified to me to be the per-
son whose name is subscribed to the with-
in instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that he executed the same.

Raye Moses
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

November 10, 2000

Affidavit Processing Fee: \$5.00

MICROFILMED

May 11 1998

RECEIVED

MAY 13 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

April 29, 1998

KARL J. DREHER
DIRECTOR

WILLIAM PHILLIPS & SONS
904 N 1200 W
BLACKFOOT ID 83221

RE: Application for Permit #25-07659, 25-07660 & 25-07661

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register and Morning News on May 7 and 14, 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

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JUN 11 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



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

APRIL 29, 1998

Legal Notices Department
THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

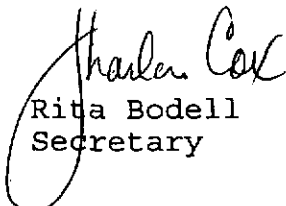
Gentlemen:

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 MAY 26, 1998.

Yours truly,


Rita Bodell
Secretary

Encl.

*Mailed
4/29/98*

MICROFILMED

JUN 11 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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JUN 11 1998

25-07661

WILLIAM PHILLIPS & SONS
904 N 1200 W
BLACKFOOT, ID 83221

Source: SPRING

Tributary: WILLOW CREEK

Diversion Pt: LOT 1 (SENE) Sec 1 T 02S R 40E in BINGHAM County.

Use: STOCKWATER	(	0.130 CFS)
Total Diversion:	(	0.130 CFS)

Date Filed: 4/ 9/1998

In: BINGHAM County
T02S R40E S01 Lot 1(NENE)

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JUN 11 1998

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 MAY 26, 1998.

KARL J. DREHER, Director

Published: 5/ 7/1998 & 5/14/1998

MICROFILMED

JUN 11 1998