

● Proof of Publication ●  
**The Post-Register**

State of Idaho, }  
County of Bonneville } ss

I, ... S. BOB. BRIGHT or TED DELEZENE  
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, except  
Saturday, 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 1st day of November, 1931, and each of said newspapers have been  
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks 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 weeks, first publication having been made  
on the ... 15th ... day of ... April ... , 19. 93. , last publication  
having been made on the ... 22nd ... day of ... April ... , 19. 93. , 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.

Subscribed and sworn to before me, this ... 28th ... day of ... April ... , 1993...

  
Susan Chapman  
Notary Public

My commission expires ... July. 1 ... , 19. 97. .

B10

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

25-07622

BRP INC  
385 LARIAT LN  
IDAHO FALLS, ID 83404  
Source: GROUNDWATER  
Diversions Pt: SENESE Sec 34 T 02N R  
37E in BONNEVILLE County.  
Use: DOMESTIC ( .330 CFS)  
Total Diversion: ( .330 CFS)  
Date Filed: 3/25/1993  
In: BONNEVILLE County  
T02N R37E S34 NESE SESE  
S35 NWSW SWSW

The permit(s) will be subject to all prior  
water rights. Protests must be filed with  
the Director, Dept. of Water Resources,  
Eastern Region, 900 N. Skyline, Idaho  
Falls, Idaho 83402 on or before APRIL 26,  
1993.

R. KEITH HIGGINSON, Director  
Published: April 15, 22, 1993

MAY 25 1993

APR 08 1999

of the need to submit additional information to proof use during the authorized development period. The permit holder submitted a copy of a letter from Senior Water Quality Engineer, Elmer W. Smith of the Division of Environmental Quality, which certifies that the well and water system were installed and operational prior to the permit lapsing in June of 1998. The permit holder also submitted water quality analysis reports from the Department of Health and Welfare. The permit holder further explained that he never received the proof due or lapse notice from the department.

### CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

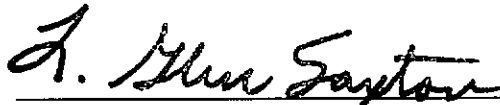
### ORDER

**IT IS HEREBY ORDERED** that Permit No. 25-07622 is **REINSTATED**.

**IT IS FURTHER ORDERED** that the priority date is advanced to September 23, 1998.

**IT IS FURTHER ORDERED** that reinstatement of this permit does not authorize any additional development by the permit holder.

Dated this 11<sup>th</sup> day of March, 1999.



L. GLEN SAXTON, Chief  
Water Allocation Bureau

RECEIVED

SEP 23 1998

FOR OFFICE USE ONLY

Amt. of Fee \$: 100.00

Receipt No: 0043476

Receipt By: LS

Date Received: 9/23/98

*Alfai Chae*  
*Julie Yarbrough*  
*Curtis*

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. 25-07622 Telephone No. 208 529-9891
2. Name(s) of Permit Holder(s): BRP Inc
3. Mailing Address: P.O. Box 1768 Idaho Falls, 83403
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 10 / yr. 94
- a. Well Driller: Independent Drilling Drilling Permit Number: 25-94-E-167-000
- b. **OPTIONAL:**  
Pump Horsepower: 5 Pressure (psi): 50 Dynamic pumping level (ft): 185?

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

Domestic (No. of households): 4.5 Stockwater (No. and type of stock): \_\_\_\_\_

Irrigation (No. of acres): \_\_\_\_\_ Other: \_\_\_\_\_

6. Total rate of diversion and/or volume for which proof is submitted: 33 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: \$ 100.00 (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: Doug Beck Telephone Number: 529-9891

Address: P.O. Box 1768 Idaho Falls

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: 9-18-98  
(include your title, if on behalf of company or organization)

Note: Did not receive proof notice, @ Did not know was due  
(10) Pong Address

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 25-07622

Proposed Priority: March 25, 1993 Maximum Diversion Rate: 0.33 CFS  
This is to certify, that BRP INC  
385 LARIAT LN  
IDAHO FALLS ID 83404  
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       | 0.33 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: SENESE, Sec. 34, Township 02N, Range 37E  
BONNEVILLE County

PLACE OF USE: DOMESTIC  
TWN RGE SEC

|            |      |      |
|------------|------|------|
| 02N 37E 34 | NESE | SESE |
| 35         | NWSW | SWSW |

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1998.
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. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Construction of the well must comply with Idaho well construction standards.
7. 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.
8. 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.
9. Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.

APPROVED

MAY 25 1993

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

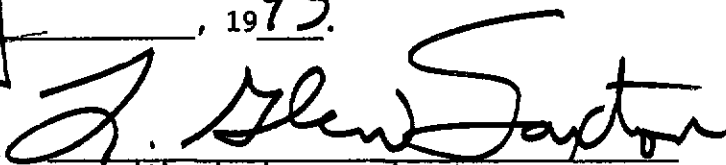
NO. 25-07622

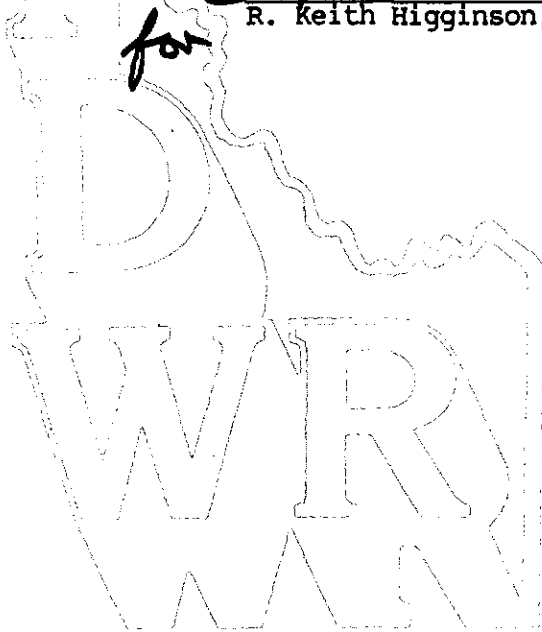
CONDITIONS/REMARKS:

10. The issuance of this right in no way grants any right-of-way or easement across the land of another.
11. Domestic use is for 45 homes.
12. Two points of diversion are located within SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S34, T02N, R37E.
13. Place of use is located within Gem Lake Harbor Subdivision.

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

21<sup>st</sup> day of May, 1993.

*for*  
  
R. Keith Higginson, Director



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MAY 25 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

RECEIVED  
MAY 11 1993

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant BRP, INC. Phone 529-9797

Post office address 385 Lariat Lane Idaho Falls, Idaho 83404

2. Source of water supply Ground Water. which is a tributary of NA

3. Location of point of diversion is SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_

Sec. 34 Township 2N Range 37E B.M. Bonn. County; additional

points of diversion if any: None

4. Water will be used for the following purposes:

Amount 0.33 cfs for Domestic purposes from Jan. 1 to Dec. 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)

5. Total quantity to be appropriated is (a) 0.33 cfs and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Submersible electric  
powered pump.

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Proposed well diameter is 8 inches; proposed depth of well is 200 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

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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. 45 households
- e. Other; describe fully. \_\_\_\_\_

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 | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 2N  | 37E   | 37   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       | 34   |     |     |     |     |     |     |     |     |     |     |     |     | D   |     |     | D   |        |
|     |       | 35   |     |     |     |     |     |     |     |     | *   | D   | D   |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Change as per tele-con with applicant  
3-30-93 HWT

Total number of acres to be irrigated \_\_\_\_\_

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? BRP, INC.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

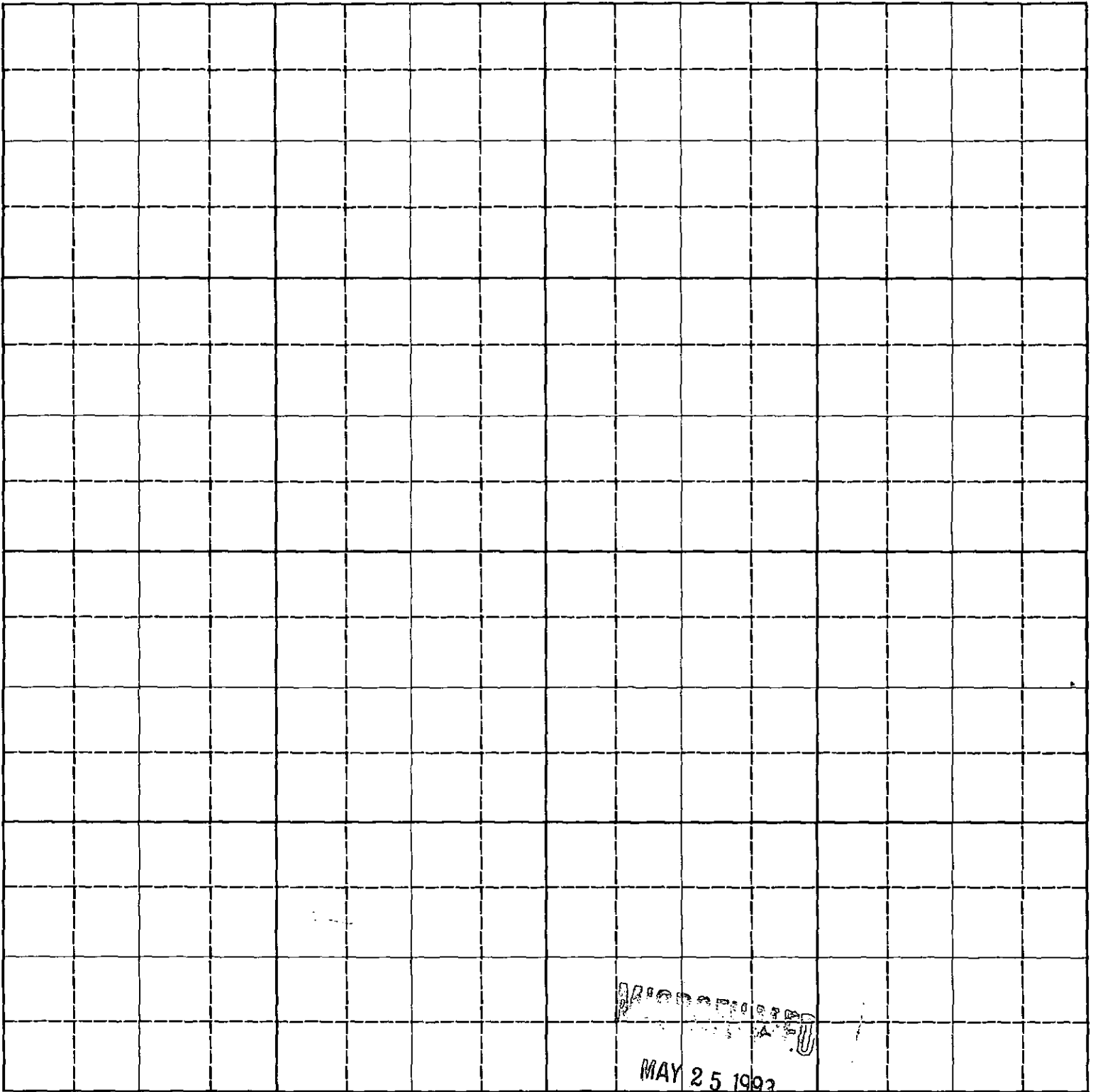
12. Remarks: This application for a domestic water supply will come from two wells for the Gem Lake Harbor Subdivision.

This water is for in-house use. Surface water rts will be used for irrigation.

*Old*

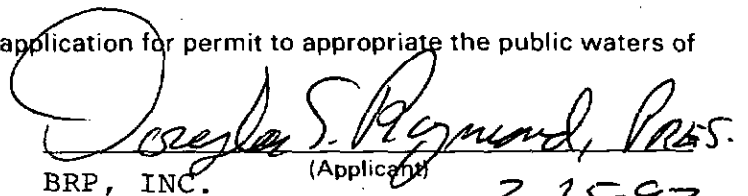
MAY 25 1993

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



Scale: 2 inches equal 1 mile.

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

  
BRP, INC. (Applicant)

3-25-93

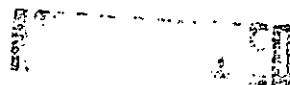
Received by HWT Date 3-25-93 Time 4:02 pm Preliminary check by \_\_\_\_\_  
Fee \$ 45.00 Receipted by HWT # E018389 Date 3-25-93  
Publication prepared by LB Date 4-15-93 Published in Last Register  
Publication approved LB Date 5-5-93

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19\_\_\_\_.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:



Y 25 1993

# ACTION REQUIRED

FROM:

H. J. Jones

TO:

BRP Inc. Apple

OFFICERS

Sec - Doyle Beck

Treas - Wayne Peterson

Pres - Douglas Raymond

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MAY 25 1993

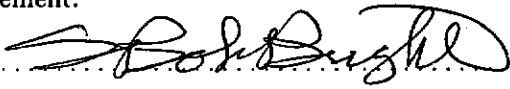
● Proof of Publication ●  
**The Post-Register**

State of Idaho, }  
County of Bonneville } ss

I, ... **S. BOB. BRIGHT or TED DELEZENE** ..., 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, except Saturday, 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 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks 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 weeks, first publication having been made on the ... 15th ... day of ... April ... , 19. 93 ., last publication having been made on the ... 22nd ... day of ... April ... , 19. 93 ., 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.

Subscribed and sworn to before me, this ... 28th ... day of ... April ... , 1993...

  
Susan Magrath  
Notary Public

My commission expires ... July. 1 ... , 19. 97. .

B10

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

25-07622

**BRP-INC**  
385 LARIAT LN  
IDAHO FALLS, ID 83404  
Source: GROUNDWATER  
Diversion Pt: SENESE Sec 34 T 02N R  
37E in BONNEVILLE County.  
Use: DOMESTIC ( .330 CFS)  
Total Diversion: ( .330 CFS)  
Date Filed: 3/25/1993  
In: BONNEVILLE County  
T02N R37E S34 NESE SESE  
S35 NWSW SWSW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before APRIL 26, 1993.

R. KEITH HIGGINSON, Director  
Published: April 15, 22, 1993

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MAY 25 1993

**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 25-07622 Reviewed by Jef Date 10-22-98

**GENERAL CONSIDERATIONS**

yes Name same as permit?  
no Address same as permit?  
no Proof timely received?  
If not, complete calculation below.

**TYPES OF USE**

dom

Correct Uses? yes

**SOURCE OF WATER**

           Surface water source

✓ Ground water source

yes Drilling permit required?

no Copy in the file? Drilling Permit No. 25-94-E-0167

200- Amount paid for permit

yes Correct?

yes Well log in the file?

**LICENSE EXAMINATION FEE**

yes Required?

100- Amount Submitted

yes Correct?

**MEASURING DEVICE**

yes Required?

yes Installed?

           Waiver requested?

**PRIORITY CALCULATION**

Date proof received 9-23-98 266<sup>835</sup>

Date proof due 6-1-98<sup>626</sup> - 152<sup>177</sup><sub>89</sub>

No. of days late past 60 = 114

Priority Date            +           

New Priority Date                      

**DEFICIENCIES OR ACTION ITEMS**

*Request late Reinstatement info  
Proof Acceptable / late Reinstatement + advance priority to  
Sept. 23, 1998.*

**DATA ENTRY**

New Address P.O. Box 1768 Proof Made 9-23-98  
Id. Falls, 83403



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

March 11, 1999

BRP Inc  
ATTN Doyle Beck  
PO Box 1768  
Idaho Falls ID 83403

**PROOF ACKNOWLEDGMENT LETTER**

RE: PERMIT NO. 25-07622

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Note that the priority date has been advanced to September 23, 1998, as provided in Section 42-218a.2, Idaho Code.

Please 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.

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

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Region

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IDAHO DEPARTMENT  
OF HEALTH AND WELFAREDIVISION OF  
ENVIRONMENTAL QUALITY

224 South Arthur, Pocatello, ID 83204-3202, (208) 236-6160

Cecil D. Andrus, Governor

January 30, 1995

Mr. Doyle Beck  
c/o BPR Corp.  
385 Lariat Lane  
Idaho Falls, ID 83404

RE: Gem Lakes Harbor, Division No.1 water and sewer, DEQ-1445, AS  
BUILT APPROVAL.

Dear Mr. Beck:

Your engineer has submitted as-built plans and certification that  
the system is complete and operating as intended.

This satisfies the requirement of IDAPA 16.01.2402,04.

If you have any questions or if we can be of help to you, please  
feel free to call us at (208) 236-6160.

Sincerely,

Elmer W. (Bill) Smith, P.E.  
Senior Water Quality Engineer

cc: Henry Moran, IDHW/DEQ-SEIRO, Poc.  
Matt Nelson, IDHW/DEQ-EIRO, IF  
Gary Marshall, Mountain River Engineering, IF

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Printed on Recycled Paper

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State of Idaho, Department of Health and Welfare  
Bureau of Laboratories - Idaho Falls Branch Lab  
254 E Street, Idaho Falls, Idaho 83402  
**DRINKING WATER COLIFORM BACTERIA ANALYSIS REPORT (PUBLIC)**

LAB: IDAHO FALLS, Phone: (208) 522-0310  
Branch Laboratory Supervisor, Bacteriology: Sam LeFevre

B.R.P INC  
PO BOX 1768  
IDAHO FALLS, ID 83403

Tracking Number: 71294-9597/  
(Please Refer to this Tracking Number on any communications)

PWS Number: CONSTRU  
Water System: GEM LAKE HARBOR  
Sample Location: PUMPHOUSE NORTH  
County: BONNEVILLE  
Collected by: D BECK  
Sample Type: Construction/Special - C

Date Collected: 12/21/94  
Time Collected: 10:30

Date Received in Lab: 12/21/94  
Time Received in Lab: 10:20

**TEST  
CODE**

**RESULTS**

**COMPLETED**

WMMO TOTAL COLIFORM

ABSENT

12/22/94

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APR 08 1999

State of Idaho, Department of Health and Welfare  
Bureau of Laboratories - Idaho Falls Branch Lab  
254 E Street, Idaho Falls, Idaho 83402  
DRINKING WATER COLIFORM BACTERIA ANALYSIS REPORT (PUBLIC)

LAB: IDAHO FALLS, Phone: (208) 522-0310  
Branch Laboratory Supervisor, Bacteriology: Sam LeFevre

B.R.P INC  
PO BOX 1768  
IDAHO FALLS, ID 83403

Tracking Number: 71294-9598/  
(Please Refer to this Tracking Number on any communications)

PWS Number: CONSTRU  
Water System: GEM LAKE HARBOR  
Sample Location: PUMPHOUSE SOUTH  
County: BONNEVILLE  
Collected by: D BECK  
Sample Type: Construction/Special - C

Date Collected: 12/21/94 Date Received in Lab: 12/21/94  
Time Collected: 10:30 Time Received in Lab: 10:20

| TEST<br>CODE        | RESULTS | COMPLETED |
|---------------------|---------|-----------|
| WMMO TOTAL COLIFORM | ABSENT  | 12/22/94  |

NOT FILMED

APR 08 1999

State of Idaho, Department of Health and Welfare  
Bureau of Laboratories - Idaho Falls Branch Lab  
254 E Street, Idaho Falls, Idaho 83402  
DRINKING WATER COLIFORM BACTERIA ANALYSIS REPORT (PUBLIC)

LAB: IDAHO FALLS, Phone: (208) 522-0310  
Branch Laboratory Supervisor, Bacteriology: Sam LeFevre

B.R.P INC  
PO BOX 1768  
IDAHO FALLS, ID 83403

Tracking Number: 71294-9599/  
(Please Refer to this Tracking Number on any communications)

PWS Number: CONSTRU  
Water System: GEM LAKE HARBOR  
Sample Location: LOT 3 BLOCK 1  
County: BONNEVILLE  
Collected by: D BECK  
Sample Type: Construction/Special - C

Date Collected: 12/21/94  
Time Collected: 11:00

Date Received in Lab: 12/21/94  
Time Received in Lab: 10:20

TEST  
CODE

RESULTS

COMPLETED

WMMO TOTAL COLIFORM

ABSENT

12/22/94

MICROFILMED

APR 08 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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

February 19, 1999

BRP INC  
PO BOX 1768  
IDAHO FALLS ID 83403

RE: Lapsed Permit No. 25-07622

Dear Permit Holder:

On November 5, 1998, the department sent you a letter advising that the Proof of Beneficial Use statement you submitted on September 23, 1998, could not be accepted until additional information was provided to the department concerning the timely development of the water right. The department requested you submit the information within **30 days**. To date we have not received the requested information. I have enclosed a copy of the November 5, 1998, letter for your reference.

Please be advised that this permit is lapsed and is in no force nor effect unless it is reinstated. Please read the November letter and submit the requested information within **15 days**. If the department does not receive the information within 15 days, we will refund the \$100.00 license exam fee submitted with the proof and the permit will be void.

Please contact me directly at (208)327-7953 if you have any questions in this matter.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau

c: IDWR - Region

MICROFILMED  
APR 08 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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 5, 1998

BRP Inc  
PO Box 1768  
Idaho Falls ID 83403

**RE: Lapsed Permit No. 25-07622**

Dear Permit Holder:

The department is in receipt the proof of beneficial use statement and \$100.00 license examination fee you submitted in connection with the above referenced lapsed permit.

However, since the proof was received after the 60 day lapse period and pursuant to Section 42-218a, Idaho Code, the permit can be reinstated only if you submit the following information for department consideration:

- ▶ **Two (2) pieces of evidence** to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period, i.e. from the time the permit was issued until the proof due date (May 21, 1996, to June 1, 1998) and;
- ▶ Reasonable cause why the proof of beneficial use was filed late.

You can submit pump records, receipts from equipment purchased and/or installed, affidavits or other information to verify use during the authorized development period.

The department will maintain the proof of beneficial use statement along with any information which has been submitted with it, for **30 days** to provide you the opportunity to submit the additional required information. Please be aware that this permit is **lapsed** and is of no force nor effect unless it is reinstated.

If you have any questions regarding this matter, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief  
Water Allocation Bureau

c: IDWR - Region

MICROFILMED

APR 08 1999

September 18, 1998

State of Idaho  
Dept. of Water Resources  
Attn: Julie Yarbrough  
Charla Curtis  
1301 N. Orchard St.  
P.O. Box 83720  
Boise, ID 83720-0098

RE: Permit No. 25-07622  
Lapse Notice

Dear Julie:

We are in receipt of the above referenced lapse notice for our permit and acknowledge the same.

Attached is the completed proof of beneficial use form along with a \$100.00 fee as required.

There is currently two homes in service on this system but the system is in place and stubbed out in each lot.

Please review and advise.

Sincerely,



Doyle Beck  
BRP Incorporated

APR 08 1999

I certify that file No. 25-07622

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

Kate Lynne J.  
Reviewer

8.26.98  
Date

MICROFILMED  
APR 08 1999

Water Right Number - 25-07622

Prefix Translation: WATER RIGHT

Old (D) Number -

\*\*\* C - CURRENT OWNER \*\*\*  
BRP INC

1 - 385 LARIAT LN  
2 -  
3 -  
City- IDAHO FALLS  
Phone - 208-529-9797

State- ID Zip- 83404

Priority Date - 03/25/1993

Region - 15 EASTERN

Stage - P - PERMIT

Status -

Source - GROUNDWATER

Tributary -

| Twn | Rng | Sec | Tract    | Lot | Rflg | County          | Point of Diversion | Diversion Name | Diversion Rate | Diversion No. |
|-----|-----|-----|----------|-----|------|-----------------|--------------------|----------------|----------------|---------------|
| 02N | 37E | 34  | SE NE SE |     |      | (19) BONNEVILLE |                    |                |                |               |

| Code          | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|---------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 43 - DOMESTIC |             | 01/01       | 12/31     |           | 0.330          |                  |

Total Div. Rate - 0.330 + Total Div. Volume - 0.330 + Total Div. Capacity - 0.0 + Total Consumptive Use - 0.0 + KW Usage -

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County          |
|-----|-----|-----|-------|-----|-------|--------------|------|-------------|-----------------|
| 02N | 37E | 34  | NE SE |     |       | 43 DOMESTIC  |      |             | (19) BONNEVILLE |
| 02N | 37E | 34  | SE SE |     |       | 43 DOMESTIC  |      |             | (19) BONNEVILLE |
| 02N | 37E | 35  | NW SW |     |       | 43 DOMESTIC  |      |             | (19) BONNEVILLE |
| 02N | 37E | 35  | SW SW |     |       | 43 DOMESTIC  |      |             | (19) BONNEVILLE |

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks -

GEN Domestic use is for 45 homes.  
Two points of diversion are located within SE#NE#SE#, S34, T02N, R37E.  
Place of use is located within Gem Lake Harbor Subdivision.

Old Water Right Numbers -  
No Old Water Right Numbers found.

MICROFILMED  
APR 08 1999

Water right number - 25-07622

Prefix Translation:

WATER RIGHT

+ - - - - - Conditions of Approval - - - - - +

- 26A - 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.
- 01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 46B - The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
- 048 - 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.
- 049 - 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.
- 021 - Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - - Decree Date - - - +

00/00/0000

+ - - - - - Comments - - - - - +

Date: 05/17/1993 User Id: ZIMMERMAN Subject: MORATORIUM EXEMPTION  
This permit falls within the acceptable parameters of the East Snake River Plain Moratorium.  
Date: 05/18/1993 User Id: ZIMMERMAN Subject: CORPORATE OFFICERS  
Corporate officers are Douglas Raymond, President; Doyle Beck, Secretary; Wayne Peterson, Treasurer.  
Date: 06/26/1998 User Id: VAULT Subject: Lapse Notice Sent  
Lapse Notice Sent

+ - - - - Audit Fields - 06/05/93 BODELL 05/17/93 ZIMMERMAN 05/18/93 ZIMMERMAN 07/15/93 ZIMMERMAN 06/26/98 COMMENTS  
+ - - - - - Water Rights Dates and Flags Area - - - - - +

|                   |              |                 |              |                    |     |
|-------------------|--------------|-----------------|--------------|--------------------|-----|
| Proof Due Date    | - 06/01/1998 | Field Exam Made | - 00/00/0000 | Field Exam Fee     | -   |
| Approved/Denied   | - 05/21/1993 | Protested Date  | - 00/00/0000 | Swan Falls         | - 1 |
| Proof Made Date   | - 00/00/0000 | Hearing Date    | - 00/00/0000 | Temporary Right    | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date   | - 00/00/0000 | DLE/Carey Act      | -   |
| Order Show Cause  | - 00/00/0000 | Receipt Number  | - E018389    | Water District     | -   |
| Licensed Date     | - 00/00/0000 | Appl Received   | - 03/25/1993 | Transfer/Amended   | -   |
| Presumption Flag  | -            | Name Connector  | -            | POU Ownership Flag | - Y |
| SRBA Decreed Flag | -            |                 |              |                    |     |

MICROFILMED  
APR 08 1999

June 26, 1998

BRP INC  
385 LARIAT LN  
IDAHO FALLS ID 83404

LAPSE NOTICE

RE: PERMIT NO. 25-07622

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON  
Chief, Water Allocation Bureau

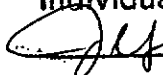
Enclosures

MICROFILMED

APR 08 1999

CERTIFICATION OF MAILING

I hereby certify that on 6/26/98  
~~a copy~~ an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.





**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

March 31, 1998

BRP INC  
385 LARIAT LN  
IDAHO FALLS ID 83404

**PROOF DUE NOTICE**

RE: PERMIT NO. 25-07622

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, 1998.

(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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street  
Boise, Idaho 83706-2237

CERTIFIED

P 590 062 452

MAIL

NOT DELIVERABLE AS ADDRESSED  
NO FORWARDING ORDER ON FILE

BRP850 AEB 1 No Record 04/03/98

\*\*\* UNDELIVERABLE AS ADDRESSED \*\*\*  
\*\*\* UNABLE TO FORWARD \*\*\*

\*\*\* RETURN TO SENDER \*\*\*

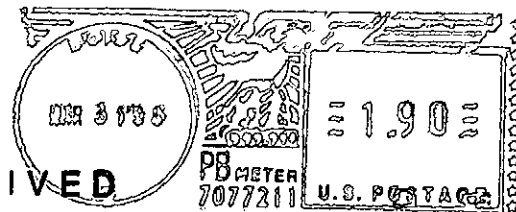
RECEIVED

APR 10 1998

Department of Water Resources

NOTED  
1st Notice  
2nd Notice  
Return

Address is correct  
for Douglas Raymond - HCS.



MICROFILME

APR 08 1998

March 31, 1998

BRP INC  
385 LARIAT LN  
IDAHO FALLS ID 83404

PROOF DUE NOTICE

RE: PERMIT NO. 25-07622

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, 1998.

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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.

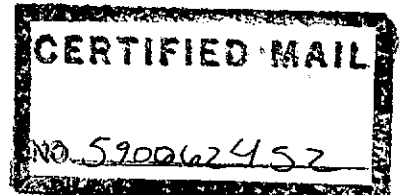
SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

MICROFILMED

APR 08 1999

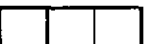


1. DRILLING PERMIT NO. 25-94-E-167-000  
Other IDWR No. 25-76.22

2. OWNER: BRP INC (BECO)  
Name 385 LARIAT LANE  
Address IDAHO FALLS  
City ID State 83404 Zip

**3. LOCATION OF WELL by legal description:**

Sketch map location must agree with written location.


 Twp. 02 North ☒ or South ☐  
 Rge. 37 East ☒ or West ☐  
 Sec. 34 NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
 Gov't Lot \_\_\_\_\_ County Bonneville

Address of Well Site GEM LAKE AREA  
City TODD FAIR

Lt. \_\_\_\_\_ Blk. \_\_\_\_\_ Sub. Name \_\_\_\_\_

**4. PROPOSED USE:**

☒ Domestic    ☐ Municipal    ☐ Monitor    ☐ Irrigation  
☐ Thermal    ☐ Injection    ☐ Other

## 5. TYPE OF WORK

☒ New Well    ☐ Modify or Repair    ☐ Replacement    ☐ Abandonment

## 6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other \_\_\_\_\_

## 7. SEALING PROCEDURES

| SEAL/FILTER PACK |      |     | AMOUNT          | METHOD              |
|------------------|------|-----|-----------------|---------------------|
| Material         | From | To  | Sacks or Pounds |                     |
| BENTONITE        | 0    | 128 | 46              | DOWN ANNUULAR SPACE |
|                  |      |     |                 |                     |
|                  |      |     |                 |                     |

Was drive shoe used? Y ☐ N ☒

Was drive shoe seal tested? Y ☐ N ☐ How?

**8. CASING/LINER:**

| Diameter | From | To  | Gauge | Material | Casing                              | Liner                    | Welded                              | Threaded                 |
|----------|------|-----|-------|----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 8"       | A1   | 128 | 25    | STEEL    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|          |      |     |       |          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|          |      |     |       |          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_

## 9. PERFORATIONS/SCREENS

☐ Perforations      Method \_\_\_\_\_

☐ Screens          Screen Type \_\_\_\_\_

| From | To | Slot Size | Number | Diameter | Material | Casing                   | Liner                    |
|------|----|-----------|--------|----------|----------|--------------------------|--------------------------|
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |

**10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:**

99 ft. below ground Artesian pressure \_\_\_\_\_ lb. **APP 08 1996**  
Depth flow encountered \_\_\_\_\_ ft. Describe access port or \_\_\_\_\_  
control devices: \_\_\_\_\_  
\_\_\_\_\_

## 11. WELL TESTS:

☐ Pump    ☐ Bailer    ☒ Air    ☐ Flowing Artesian

| Yield gal./min. | Drawdown | Pumping Level | Time |
|-----------------|----------|---------------|------|
| 160             |          |               |      |
|                 |          |               |      |
|                 |          |               |      |

Water Temp. 64.0 Bottom hole temp. \_\_\_\_\_

Water Quality test or comments:

**12. LITHOLOGIC LOG: (Describe repairs or abandonment)**

| Bore Dia. | From | To  | Remarks: Lithology, Water Quality & Temperature | Y | N |
|-----------|------|-----|-------------------------------------------------|---|---|
| 10"       | 0    | 5   | TOP SOIL & GRAVEL                               |   |   |
|           | 5    | 12  | FILL- BROKEN CEMENT                             |   |   |
|           | 12   | 15  | BROWN CLAY                                      |   |   |
|           | 15   | 55  | GRAY BASALT                                     |   |   |
|           | 55   | 65  | BROWN CLAY                                      |   |   |
|           | 65   | 110 | GRAY BASALT                                     |   |   |
|           | 110  | 132 | BROWN CLAY                                      |   |   |
|           | 132  | 143 | GRAY BASALT                                     |   |   |
|           | 143  | 145 | BROWN SANDSTONE CLAY - &                        |   |   |
|           |      |     | BROKEN BASALT                                   |   |   |
|           | 145  | 162 | GRAY BASALT                                     |   |   |
|           | 162  | 180 | BROKEN GRAY BASALT WITH                         |   |   |
|           |      |     | BROWN CLAY                                      |   |   |
|           | 180  | 184 | HARD GRAY BASALT                                |   |   |

RECEIVED

NOV 18 1934

NOV 14 1934

Division of Water Resources

Department of Water Resources

Eastern District Office

Completed Depth 184

Date: Started 9-26-94

(Measurable)

Completed 10-10-94

### 13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name INDEPENDENT DRILLING Firm No. 343  
 Firm Official Bruce Henderson Date 10-19-94  
 Supervisor or Operator \_\_\_\_\_ Date \_\_\_\_\_

(Sign once if Firm Official & Operator)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 21, 1993

BRP INC  
385 LARIAT LN  
IDAHO FALLS ID 83404

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 25-07622

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and increasing your well

MAY 25 1993

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,



JIM JOHNSON  
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

MAY 25 1993

# APPLICATION FOR PERMIT REVIEW

Application #: 25-7622 Date: 5/17/93 Reviewer: Cindy Zimmerman

## SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - N/A

AREA OF CONCERN? Yes

ESR P. Monotermium  
Non Trust Area

## GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01C-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- LT. 0.2 cfs - No measurement required <flow chart>

## Drilling Permit:

- Approved w/permit - P99 Permit No. 046-46A-46B-P23 (after 7/1/87), N/A
- Not included -

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

## LOCATION:

- Water Districts / - WD No. 01
- Surface water - 005, 005-01H-P01(LT.2 w/pump)
- 005-01J-P08(GT.2), NMR <flow chart>
- Groundwater - P05 (if well has not been drilled)
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - 1 (1, Blank or Other)
- Trust - 051-052-053-P74(Consumptive Uses)
- Non Trust <1> - 048-049

## RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

## USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
- 042 (req), 002-P06(MD), 07A(Special),
- 044(Policy 5G)
- Power - 08A, 17K, 025, 027 (req); 01F-P19; 09E-P10;
- <25 cfs-P18; 17G or 17M; 18B-P09
- Mining - 06A, 010, or 09E-P10 & 054 (req)
- Storage - 18A-for multiple measuring devices(In WD);
- 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) 27A (Payette River & main tributaries)

## OWNERSHIP:

- (Non land owner) - 004

## PROTESTED:

- Agreement - 020
- Beneficial Use Due Date - 6-1-1998
- Other Conditions/Remarks: - W01(45), W04

also ① There are two points of diversion...

② Place of use is located within Gem Lake Harbor Subdivision.

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT  
(REGIONAL)

| OWNER<br>CODE    | NAME & ADDRESS                                                     | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | BRP INC<br>385 LARIAT LN<br>IDAHO FALLS ID 83404<br>(208) 529-9797 | 03/25/1993       | DOMESTIC  | 01-01 12-31           | 0.33 CFS          |                     |
| TOTAL DIVERSION: |                                                                    |                  |           |                       | 0.33 CFS          |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T02N R37E S34 SE NE SE

Place of use Legal Description for: DOMESTIC

|     |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |   |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |
|     |     |    | : | Lt   | Ac   | Lt   | Ac   | :  | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | : |
| 02N | 37E | 34 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | : |
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Pou County: BONNEVILLE

Other Water Rights Listing Overlapping Place(s) of use:  
01-00265A 01-00265B

Conditions of Approval:

- 26A - 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.
- 01G - Prior to the diversion of water under this right a flow
  - measurement port or other device as specified by the Department
  - shall be installed to provide for the installation of measuring
  - equipment and the determination of the rate of diversion by the
  - Department.
- 046 - Right holder shall comply with the drilling permit
  - requirements of Section 42-235, Idaho Code.
- 46B - Construction of the well must comply with Idaho well
  - construction standards.
- 048 - 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.
- 049 - 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.
- 021 - Use of water for domestic purposes under this right shall be
  - limited to in-house use and watering of household stock.
- 004 - The issuance of this right in no way grants any right-of-way
  - or easement across the land of another.

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT  
(REGIONAL)

=====

Remarks: Domestic use is for 45 homes.  
Two points of diversion are located within SE~~1~~NE~~1~~SE~~1~~, S34, T02N,  
R37E.  
Place of use is located within Gem Lake Harbor Subdivision.

Dates: App. Received: 03/25/1993 Priority Date: 03/25/1993  
Proof Due Date: 06/01/1998 Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 05/17/1993 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION  
This permit falls within the acceptable parameters of the East  
Snake River Plain Moratorium.

Date: 05/18/1993 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS  
Corporate officers are Douglas Raymond, President; Doyle Beck,  
Secretary; Wayne Peterson, Treasurer.

Audit: 05/18/93 ZIMMERMA

Snd copy to DEQ

Dist. for staffing 3-29-93  
Submitted for advertising 3-31-93

Form No. 202a  
4/87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HLW DATE 3-29-93 APPLICATION NO. 257622

BAP, Inc.

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.) Not list of officers  
☒ 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 signator 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 \_\_\_\_\_

RECEIVED  
MAY 11 1993

Department of Water Resources

|                       |                                                                     |                                              |
|-----------------------|---------------------------------------------------------------------|----------------------------------------------|
| <u>SEND COPIES TO</u> | <input checked="" type="checkbox"/> Idaho Dept. of Health & Welfare | <input type="checkbox"/> U.S. BLM            |
|                       | <input type="checkbox"/> Idaho Dept. of Fish & Game                 | <input type="checkbox"/> U.S. Forest Service |
|                       | <input type="checkbox"/> Idaho Dept. of Lands                       | <input type="checkbox"/> Water District      |
|                       | <input type="checkbox"/> Adjudication Bureau Unit                   | <input type="checkbox"/> Other               |

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

|                                         |                                        |                                                                  |
|-----------------------------------------|----------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | Publication dates & paper, recorded on application               |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | Protests received                                                |
|                                         |                                        | Final date for protest <u>4-26-93</u>                            |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | Protests, dates, resolution of protest, recorded on application  |
| <input type="checkbox"/> Yes            | <input type="checkbox"/> No            | Recommendations, attached                                        |
| <input type="checkbox"/> Yes            | <input type="checkbox"/> No            | Measuring device required                                        |
| <input type="checkbox"/> Yes            | <input type="checkbox"/> No            | Access port required                                             |
| <input type="checkbox"/> Yes            | <input type="checkbox"/> No            | Will water be delivered by watermaster? If yes, what Dist. _____ |
| <input type="checkbox"/> Yes            | <input type="checkbox"/> No            | Special conditions of approval or cover letter below.            |

See below for additional information

Date of priority recommended 3-25-1993

By HWS Date 5-6-93

By \_\_\_\_\_ See below for additional information  
Date \_\_\_\_\_

### ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

|                     |                                     |                            |
|---------------------|-------------------------------------|----------------------------|
| <u>City</u>         | <u>Idaho Fish &amp; Game</u>        | <u>Irrigation District</u> |
| <u>County</u>       | <u>X Idaho Health &amp; Welfare</u> | <u>Canal Company</u>       |
| <u>Reservations</u> | <u>Division of Environment</u>      | <u>Other</u>               |

Project impacts/implications report

COMMENTS

X See attached report from DEQ



IDAHO DEPARTMENT  
OF HEALTH AND WELFARE

DIVISION OF  
ENVIRONMENTAL QUALITY

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224 South Arthur, Pocatello, ID 83204-3202, (208) 236-6160

APR 12 1993

Cecil D. Andrus, Governor

Department of Water Resources  
Eastern District Office

April 9, 1993

Department of Water Resources  
900 N. Skyline Dr.  
Idaho Falls, ID 83402-1718  
ATTN: Harold W. Jones  
Water Right Supervisor

RE: Application for Permit-Identification No. 25-7622  
Per BRP, Inc.

Dear Mr. Jones:

Please find enclosed DEQ's well site approval for Gem Lake Harbor. I have no further comments.

Sincerely,

Keith A. Bithell, P.E.  
Water Quality Engineer

KAB/kdo

Enclosure

MAILED  
MAY 25 1993



IDAHO DEPARTMENT  
OF HEALTH AND WELFARE

DIVISION OF  
ENVIRONMENTAL QUALITY

224 South Arthur, Pocatello, ID 83204-3202, (208) 236-6160

Cecil D. Andrus, Governor

March 9, 1993

BPR Corporation  
835 Lariate Lane  
Idaho Falls, ID 83401

RE: Proposed drinking water well for Gem Lake Harbor, part of the  
SE 1/4 of section 34 & part of the SW 1/4 of section 35  
T2N;R37E BM Bonneville County Idaho.

WELL SITE APPROVAL

Gentlemen:

Gary Marshall, of Mountain River Engineering, met me on Nov. 19, 1992 to look over the proposed well sites. Two locations were selected after field inspection, office layout & a preliminary plan & they were called option No. 1 & options No. 2. Each site would eventually hold two wells, & be the size of two well lots or more. A well lot must have boundaries at least 50' away from the well's center lines.

Option No. 1 is located between Lot 5 & Lot 6 in Block 2. Option No.2 is located on the west end of a park between Block 2 & Block 3. Both sites are approved because they equal or exceed the regulated distances to surface water (50') & drain fields (100'). Option No. 2 is the site of choice for the following reasons:

1. It is five feet above the 100 year flood plain rather than one foot.
2. It is 350' from high level surface water rather than 50'

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to 60'.

3. It does not require an access road.

Both sites are unique because they are located on an island that is made of pervious material to a depth of about 70 feet & the Island is surrounded by surface water that threatens to contaminate the pure ground water. To prevent this, the well driller must seal off the casing in a clay layer some 70'± below the surface. No matter which site is selected, the casing must be sealed. Also, you must send us a copy of the well drillers report, pumping test & sand production.

Before the water can be used, we must have lab reports for the following parameters:

1. Coliform Bacteria
2. Inorganic Primary Chemicals
3. Volatile Organic Chemicals
4. Radionuclides

If I can be of further service, please call 236-6160.

Sincerely,



Keith A. Bithell, P.E.

Water Quality Engineer

KAB/kdo

cc: Henry Moran, P.E. IDHW-DEQ, Poc.  
Richard Horne, Dist VII Health Dept.  
Matt Nelson, IDHW-DEQ, Idaho Falls  
Gary Marshall, Mountain River Engineering  
477 Shoup Ave. Suite 105  
Idaho Falls, ID 83402

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MAY 25 1993

07-Apr-1993

BRP INC  
385 LARIAT LANE  
IDAHO FALLS ID 83404

RE: Application No. 25-07622

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Post-Register on March 15 & 22, 1993. The advertisement will be published 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.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

*Harold W. Jones*  
Harold W. Jones <sup>rb</sup>  
Water Right Supervisor

HWJ:rb

REC  
MAY 25 1993

07-Apr-1993

DEQ-IDHW  
POCATELLO FIELD OFFICE  
224 S ARTHUR  
POCATELLO ID 83204

RE: Application No. 25-07622

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~~<sup>April</sup> 26, 1993, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

*Harold W. Jones*  
Harold W. Jones  
Water Right Supervisor

HWJ:rb  
enc

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MAY 25 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region  
900 N Skyline

---

Idaho Falls, Idaho 83402  
(208) 525-7161

APRIL 7, 1993

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 APRIL 26, 1993.

Yours truly,

Rita Bodell  
Secretary

Encl.

MICROFILMED

MAY 25 1993

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED

MAY 25 1993

25-07622

BRP INC  
385 LARIAT LN  
IDAHO FALLS, ID 83404

Source: GROUNDWATER

Diversion Pt:                SENESE   Sec 34 T 02N R 37E in BONNEVILLE County.

Use: DOMESTIC                                ( .330 CFS)  
Total Diversion: ( .330 CFS)

Date Filed: 3/25/1993

In: BONNEVILLE County  
T02N R37E S34  
S35

NESE  
NWSW

SESE  
SWSW

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MAY 25 1993

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before APRIL 26, 1993.

R. KEITH HIGGINSON, Director

Published: 4/15/1993 & 4/22/1993

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MAY 25 1993

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