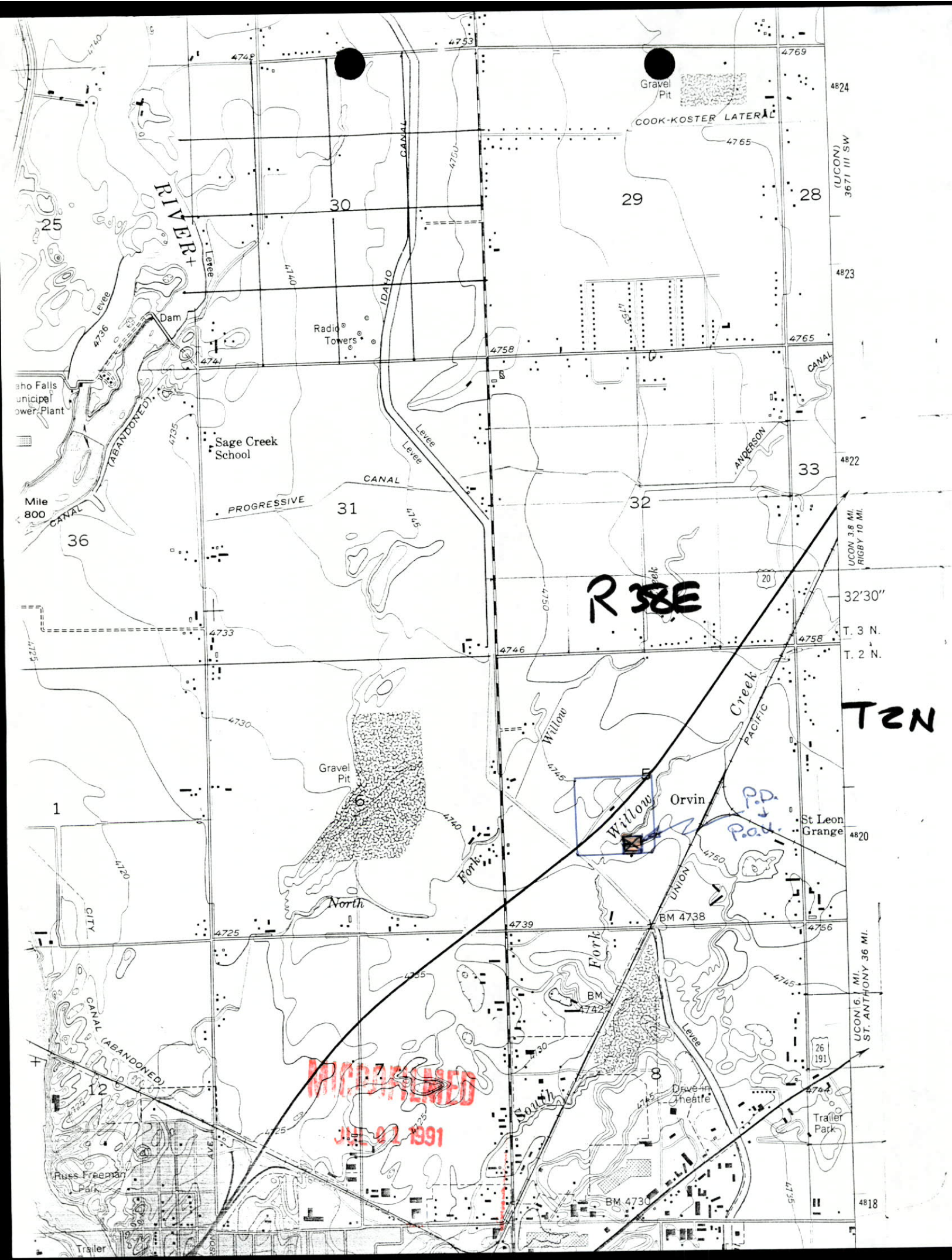
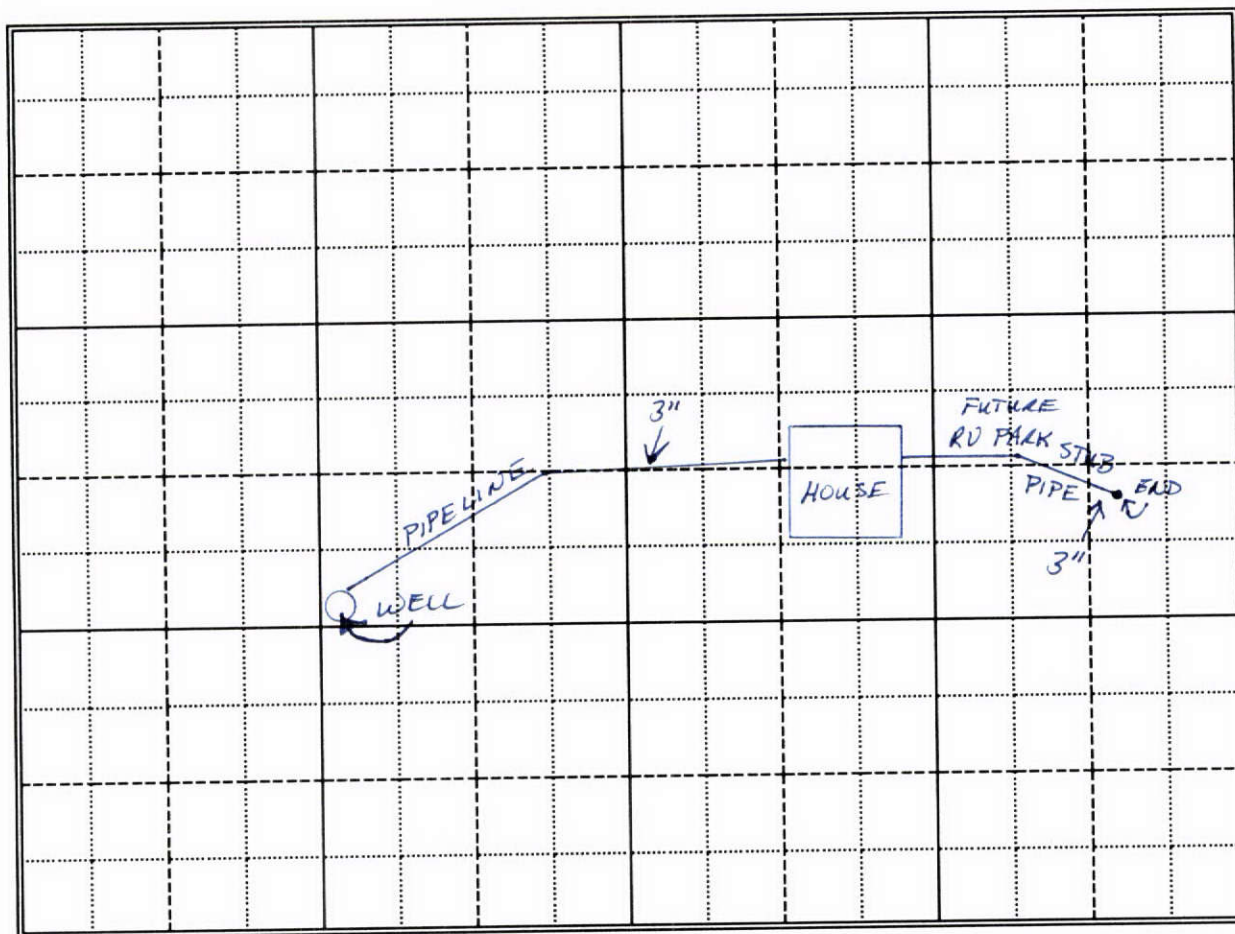




3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *SEE ATTACHED PHOTOS + MAP*



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
8" WELL		1½	SUBMERSIBLE		3"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESSURE GAGE		U.S.G.			0-100	

2. Measurements: PRESSURE "ON" 30 PSI

MICROFILMED
FEB 24 1967

WILLOW CREEK RESORT
COMMERCIAL

1 of 2

POINT OF
DIVERSION
8" WELL



PARTIAL
VIEW OF
PLACE OF
USE



← PIPE
LINE
FROM WELL

WELL
→

25-07589

MICROFILMED
FEB 24 1997

COMMERCIAL

OUT
TO RV PACK
DOWNSTAIR

2012



PRESSURE
TANK IN
BASEMENT
OF HOUSE

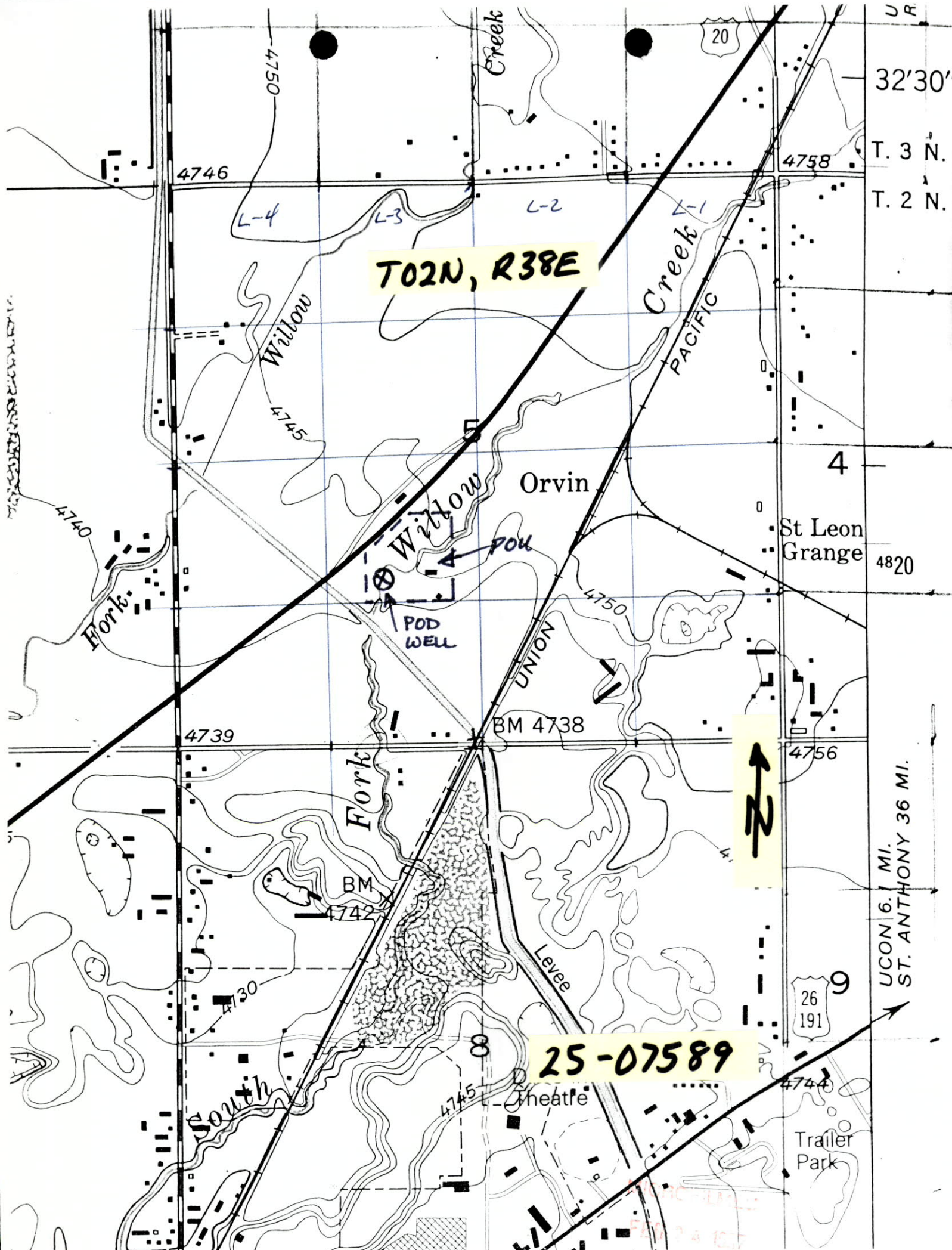


PLACE OF
USE

25-07589

RECORDED

FEB 24 1987



T02N, R38E

25-07589



UCON 6.1 MI.
ST. ANTHONY 36 MI.

26
191

Trailer Park

Theatre

UNION

Orvin

St Leon
Grange

4820

4

T. 3 N.

T. 2 N.

32'30"

20

SR

4745

4742

4739

4750

4745

4746

4750

4758

4756

4744

L-4

L-3

L-2

L-1

Willow

Willow

Creek

PACIFIC

Levee

Fork

Fork

South

POD WELL

POU

BM 4738

BM

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07589

Priority: April 3, 1991

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that WILLOW CREEK RESORT

C/O GARRY TOLBERT

3970 N HAROLDSON DR

IDAHO FALLS ID 83401

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 3, 1991; and has submitted Proof of Beneficial Use on May 18, 1994. An examination indicates that the works have a diversion capacity of 0.090 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

DOMESTIC

01/01 to 12/31

0.04 CFS

1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 5, Township 02N, Range 38E
BONNEVILLE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

02N 38E 5

NESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. 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. MICROFILMED
7. Domestic use is for 1 home.

FEB 24 1997

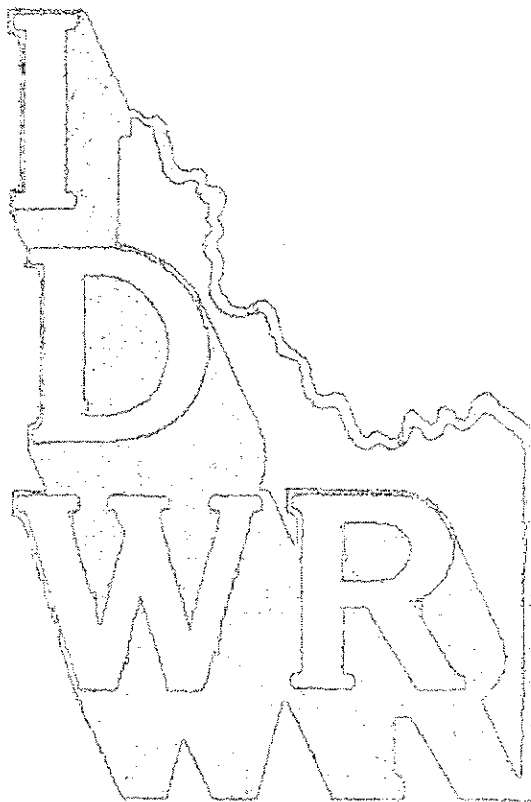
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07589

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 11th
day of FEBRUARY, 1997.


Acting for KARL J. DREHER, Director



MICROFILMED

FEB 24 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 25-07589

Date of Priority: April 3, 1991

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

Comes now

WILLOW CREEK RESORT

C/O GARRY TOLBERT
3970 N HAROLDSON DR
IDAHO FALLS ID 83401

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 25-07589, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 5, Township 02N, Range 38E
BONNEVILLE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

02N 38E 5 NESW

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FEB 24 1997

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 28 day of January, 1997.

Garry Tolbert
(Signature)

RECEIVED

JAN 31 1997

PAGE 2

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 25-07589

FOR DEPARTMENT USE ONLY

Preliminary check by Ket Fee = \$50.00 Received by Ket # C037882 Date 1-31-97

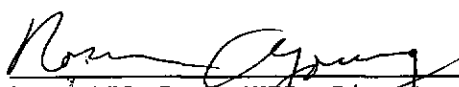
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 25-07589 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. 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.
7. Domestic use is for 1 home.

Witness my hand this 11TH day of FEBRUARY, 1997.


Acting for KARL J. DREHER, Director
MICROFILMED

FEB 24 1997

RECEIVED

MAY 18 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-07589 Telephone No. 208-524-5269
2. Name(s) of Permit Holder(s): Willow Creek Resort / Garry Tolbert
3. Post Office Address: 3790 No. Haroldson Dr, Idaho Falls, Id 83401
4. Source of Water: Ground water
- a. If ground water, well driller's name: Denning Well Drillers Date drilled: Nov. 18, 1991
- b. Pump horsepower: 75 now Pressure (psi): 10 cfs. Dynamic pumping level (ft.): 270'
5. Extent of Use: 510 when project complete
- Domestic 1 (No. of households) Irrigation _____ (No. of acres)
- Stockwater _____ (No. and type of stock) Other _____

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

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ___ Yes X No Installed? ___ Yes ___ No

OR

Flow Measurement Port: Required? ___ Yes X No Installed? ___ Yes ___ No

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Garry or Gloria Tolbert
Name

524-5269
Telephone No.

3790 No. Haroldson Dr, Idaho Falls, Id 83401
Address

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

5-4-94
Date

Garry Tolbert
Gloria Tolbert, co-owner
Signature (and title if on behalf of a company or organization)

JUL 21 1994

State of Idaho
Department of Water Resources

NO. 25-07589

Proposed Priority: April 3, 1991 Maximum Diversion Rate: 0.10 CFS
This is to certify, that **WILLOW CREEK RESORT**
C/O GARRY TOLBERT
12055 N. 45 E.
IDAHO FALLS, ID 83401

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>
COMMERCIAL	01/01 to 12/31	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION: NESW Sec. 5, Township 02N, Range 38E
BONNEVILLE County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

02N 38E 5 NESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1994.
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. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Commercial use is for a 40 unit recreational vehicle park.

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

12th day of June, 1991

REF FILMED

JUL 01 1991

A. Glen Saxton
for R. Keith Higginson, Director

Ident. No. 25-07589

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: WILLOW CREEK RESORT C/O GARRY TOLBERT 208-524-5269
Address: 12055 N. 45 E.
IDAHO FALLS, ID 83401
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NESW Sec. 5, Township 02N, Range 38E
BONNEVILLE County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
COMMERCIAL	01/01	12/31	0.100		
5. Total quantity to be appropriated is:
0.100 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL AND PUMP TO RV PARK
 - 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 240
feet.
 - d. Is groundwater with a temperature greater than 90F 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.
8. Description of proposed uses:
COMMERCIAL USE AT RV PARK
9. Place of Use: COMMERCIAL

TWN RGE SEC
02N 38E 5

NESW

MICROFILMED

10. Describe any other water rights used for the same purposes. JUL 01 1991
NONE

11. a. Who owns the property at the point of diversion?
APPLIC.
b. Who owns the land to be irrigated or place of use?
APPLIC.
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 point of diversion and place of use attached? ☒

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.

Harry T. Tolbert
Applicant

Received by HWT Date 4-3-91 Time 7:35 Preliminary check by _____

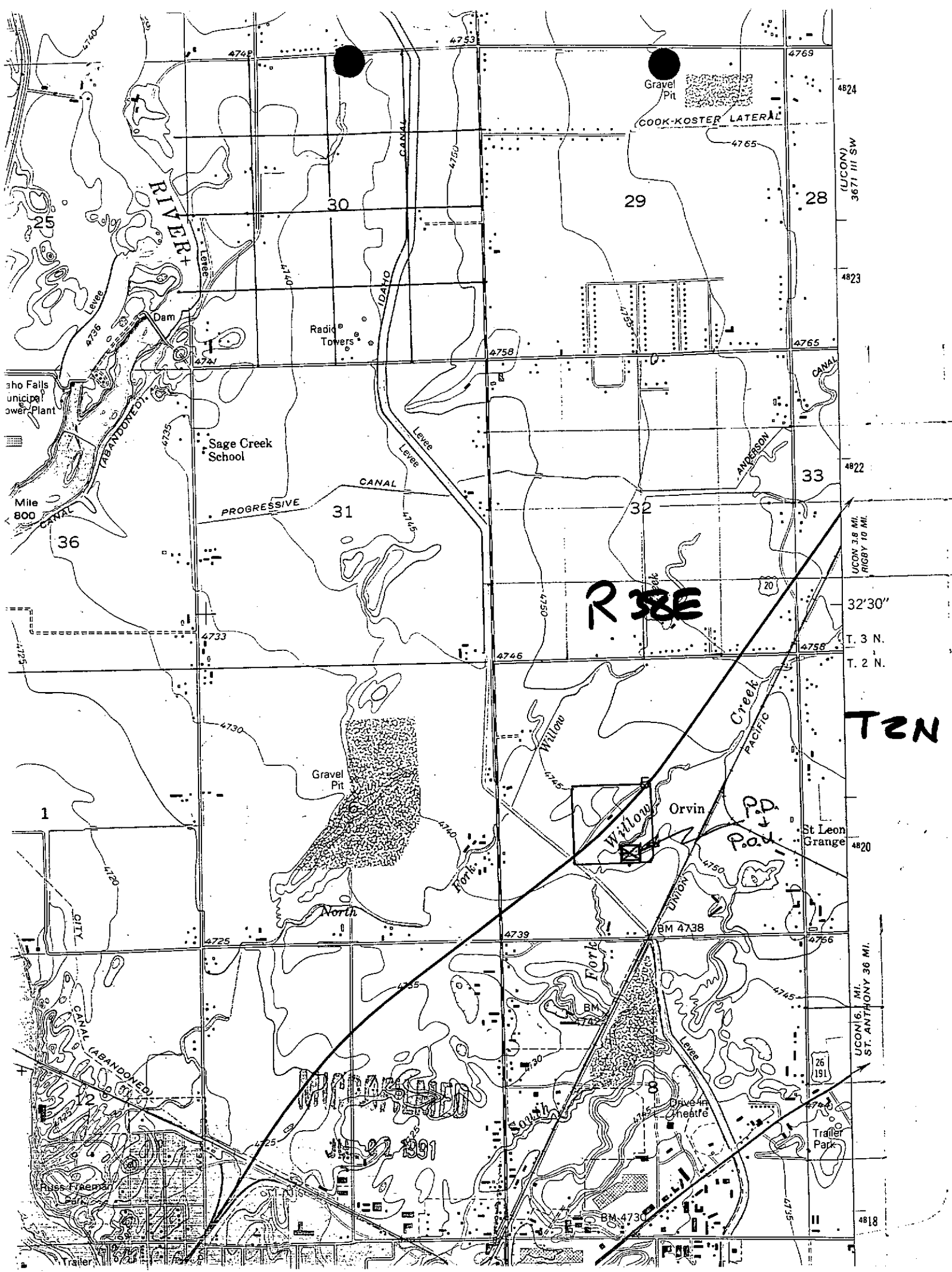
Fee \$ 30.00 Receipted by HWT # E015893 Date 4-3-91

Publication prepared by RB Date 5-2-91 Published in Last-Register

Publication approved RB Date 5-20-91

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JUL 01 1991



RECEIVED

MAY 16 1991

Department of Water Resources
Eastern District Office

23-07149
U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: SWSWNW Sec 5 T 03N R 41E

Use: DOMESTIC (.050 CFS)
Total Diversion: (.050 CFS)
Date Filed: 4/2/1991
In: T03N R41E S05 SWNW

23-07150
U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
940 LINCOLN RD.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: NWNW Sec 5 T 03N R 41E
Use: DOMESTIC (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 4/2/1991
In: T03N R41E S05 NWNW

25-07589
WILLOW CREEK RESORT C/O GARRY
TOLBERT
12055 N. 45 E.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: NESW Sec 5 T 02N R 38E
Use: COMMERCIAL (.100 CFS)
Total Diversion: (.100 CFS)
Date Filed: 4/3/1991
In: T02N R38E S05 NESW

25-07590
WILLOW CREEK RESORT C/O GARRY
TOLBERT
12055 N. 45 E.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: SESW Sec 5 T 02N R 38E
Use: IRRIGATION (.620 CFS)
Total Diversion: (.620 CFS)
Date Filed: 4/3/1991
In: T02N R38E S05 NESW SESW NWSE
SWSE

31.0 ACRES TOTAL
25-07592
FOSTER LAND & CATTLE CO.
P.O. BOX 308
RIGBY, ID 83442
Source: WILLOW CREEK
Tributary: SNAKE RIVER
Diversion Pt: SWSE Sec 16 T 03N R 40E
SESE Sec 16 T 03N R 40E, REDIVER-
SION FROM WILLOWCREEK
Use: IRRIGATION (.7900 CFS)
Total Diversion: (.7900 CFS)
Date Filed: 4/23/1991
In: T03N R40E S21 NWNW NESW
NWSW SWSW SESW

S22 NWSW SWSW
S27 SWNW NWSW SWSW
S28 SWNE SENE NESE NWSE SWSE
SESE
564.0 ACRES TOTAL

29-08061
ALLEN, BYRON K.
1361 E. DIXON RD.
MCCAMMON, ID 83250
Source: UNNAMED SPRING
Tributary: SINKS
Diversion Pt: SWNESE Sec 21 T 10S R 35E
Use: IRRIGATION (.500 CFS)
IRRIGATION STORAGE (1.50 AF)
IRRIGATION FROM STORAGE (1.50 AF)
Total Diversion: (.500 CFS)
Date Filed: 4/20/1990
In: T10S R35E S21 NESE

S22 NWSW
25.0 ACRES TOTAL
29-08062
ALLEN, BYRON K.
1361 E. DIXON RD.
MCCAMMON, ID 83250
Source: DEADWOOD CREEK
Tributary: YELLOWDOG CREEK
Diversion Pt: NWNWNW Sec 27 T 10S R 35E
Use: IRRIGATION (.200 CFS)
IRRIGATION STORAGE (1.50 AF)
IRRIGATION FROM STORAGE (1.50 AF)
Total Diversion: (.200 CFS)
Date Filed: 4/20/1990
In: T10S R35E S27 NENW NWNW

12.0 ACRES TOTAL
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MAY 20, 1991.
R. Keith Higginson, Director
Published: May 2, 9, 1991

MICROFILMED

JUL 01 1991



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

February 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLOW CREEK RESORT
C/O GARRY TOLBERT
3970 N HAROLDSON DR
IDAHO FALLS ID 83401

RE: WATER RIGHT NO. 25-07589

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance 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 this 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 this 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, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

MICROFILMED

FEB 24 1997

ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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,

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2

FEB 24 1997

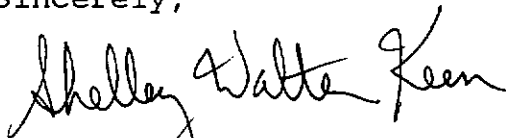
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:pah

Enclosures

c: Eastern Region

MICROFILMED
FEB 24 1997

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of February, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 25-07589

WILLOW CREEK RESORT
C/O GARRY TOLBERT
3970 N HAROLDSON DR
IDAHO FALLS ID 83401

Patti Harrell

Patti Harrell
Secretary

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4
FEB 24 1997



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 21, 1997

WILLOW CREEK RESORT
C/O GARRY TOLBERT
3970 N HAROLDSON DR
IDAHO FALLS ID 83401

RE: WATER RIGHT NO. 25-07589

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the actual use of water found by a representative of our department at the time of the field examination. The enclosed Application for Amendment contains this information. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur or have any questions with this information, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED
FEB 24 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 25-07589

DATE 1/16/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void NO

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

NO GOVT. LOTS

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .10 cfs

Fee limit .20 cfs \$5000

Measured — cfs

Theoretical .09 cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/
NATURE OF USES ✓

Use Dom

Volume Calculation

1x1.2=1.2 af

— af

— af

— af

SUBTOTAL 1.2 af

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af

Total volume recommended — af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

DI Home.

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

Overlap

Use-specific conditions 048,049

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
Adjustment Memo —

1st Amend Letter P4, P38
2nd Amend Letter P47

Survey map P46

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 8 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 25-07589

1. Owner: WILLOW CREEK RESORT (P. GARRY TALBERT) Phone No. (208) 524-5269

Current Address: 3970 N. HAROLDSON DR., IDAHO FALLS, IDAHO 83401

2. Accompanied by: OWNER EXAM DATE: 6/5/95

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 01-00241, 25-07590

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SW	5	2N	38E	BONNEVILLE	U.S.G.S TOPO MAP

2. Place(s) of Use:

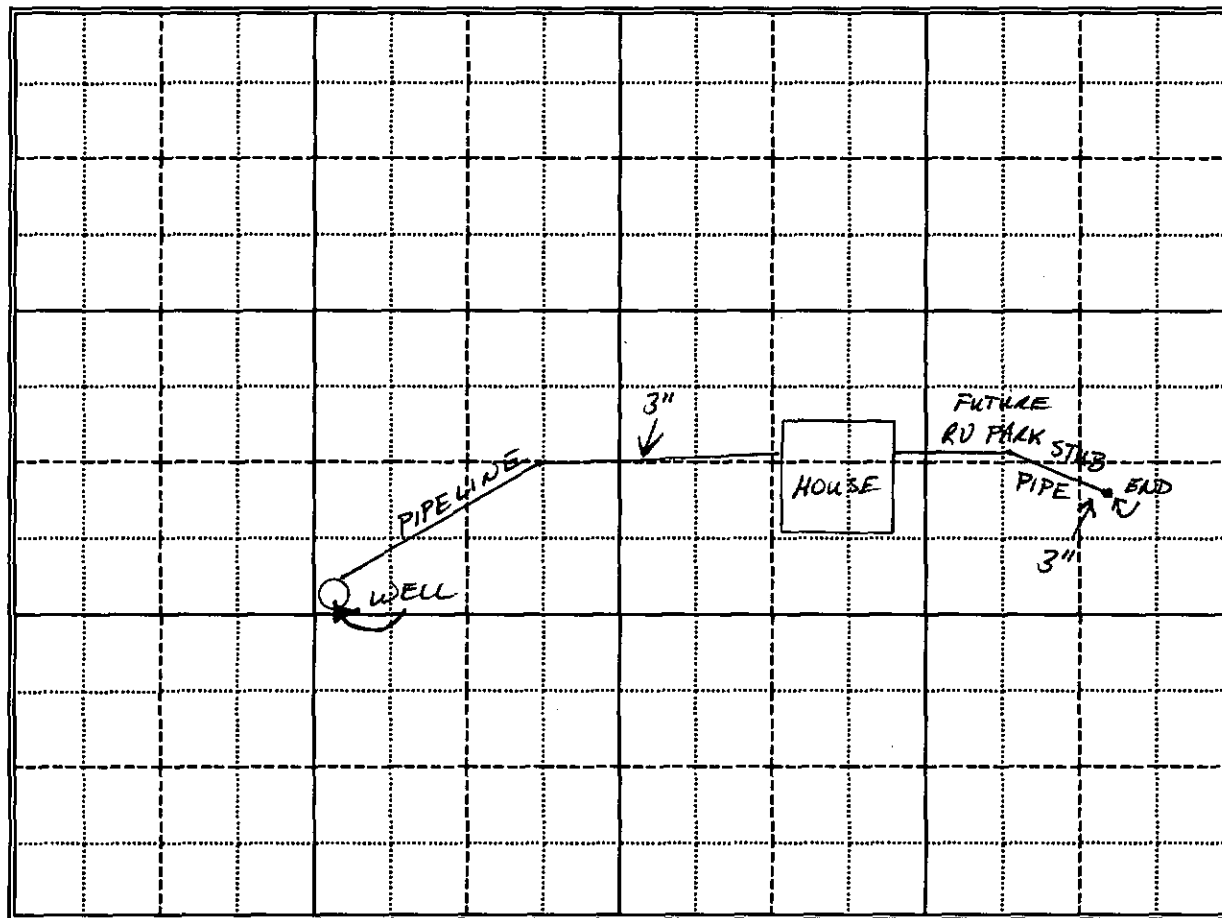
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	38E	5																	

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *SEE ATTACHED PHOTOS + MAP*



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
8" WELL		1 1/2	SUBMERSIBLE		3"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESSURE GAGE		U.S.G.			0-100	

2. Measurements: PRESSURE "ON" 30 PSI

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E. NARRATIVE/REMARKS/COMMENTS

THIS SYSTEM IS BEING DESIGNED FOR COMMERCIAL USE FOR
A FUTURE RV PARK. PARK AND HOOKUP FOR PARK DO
NOT EXIST AT THIS TIME. CURRENTLY EXISTING: 8" WELL
WITH 3" ^{PIPE} LINE TO HOUSE (PRESSURE TANK [HOUSE SIZED] AND
CONTROL SYSTEM) LINE PASSES UNDER HOUSE AND CONTINUES
EAST OF HOUSE SEVERAL 100 FEET. NO OTHER EVIDENCE OF
COMMERCIAL USE EXISTED THIS DATE 6/5/95.

* SYSTEM IS CURRENTLY USED ONLY FOR DOMESTIC USE.
RECOMMEND PERMIT BE AMENDED TO DOMESTIC USE.

Have conditions of permit approval been met? ☐ yes ☒ no

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F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$Q = 0.09 \text{ CFS}$
PUMP CAPACITY

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

DOMESTIC = 1.2 AFA

H. RECOMMENDATIONS AMEND PERMIT TO DOMESTIC USE.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1/1	12/31	0.04	1.2
Totals:			0.04	1.2 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other AMEND TO DOMESTIC USE.

I. AUTHENTICATIONField Examiner's Name SIMPKINS Date 1/17/97Reviewer [Signature] Date 2-26-96

SEAL

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FEB 24 1997

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{1.5}$$

$$Eff = \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%)$$

Lift: (Static Level + Assumed Draw down)

$$\text{Static Water Level} = \underline{20} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{10} \text{ ft.}$$

$$\text{Lift} = \underline{30}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \frac{30}{\text{PUMP ON}} \text{ psi}$$

$$Q_{cfs} = \left[\frac{1.5}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{30}{Lift} + \left(\frac{30}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{9.2547} \right] \div \left[\underline{99.24} \right]$$

$$Q_{cfs} = \underline{0.09} \text{ cfs}$$

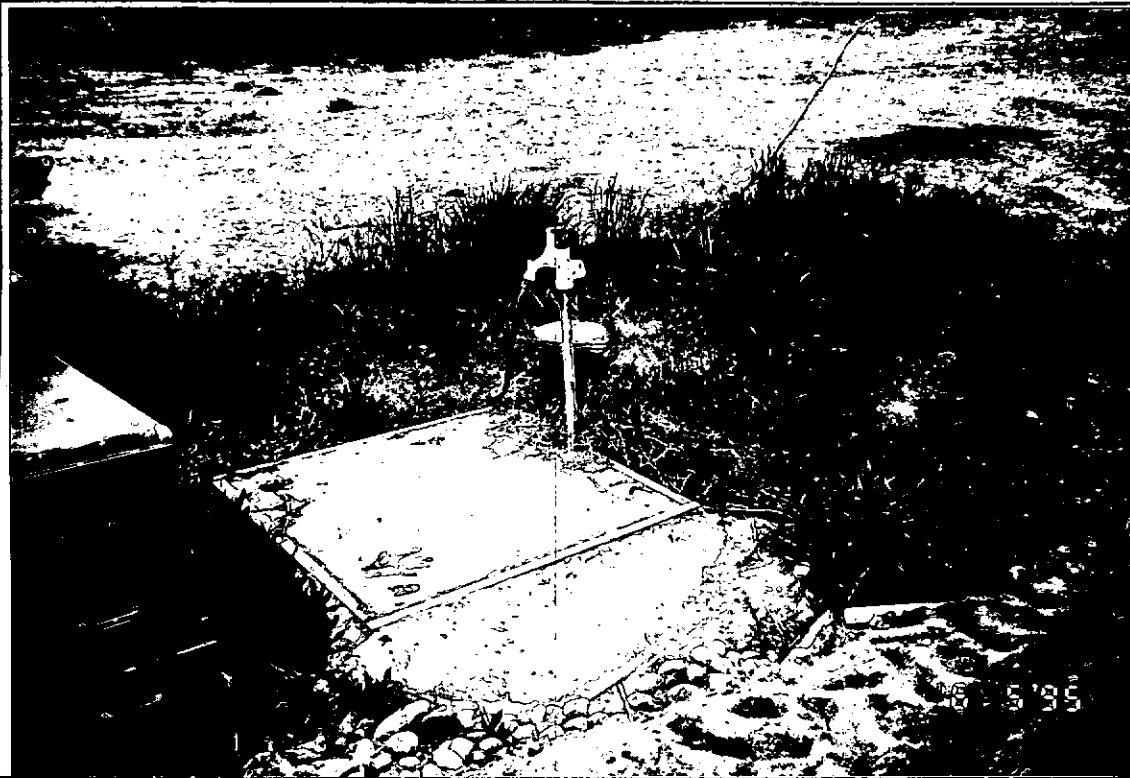
MICROFILMED
FEB 24 1957

PERMIT NO. 25-07589

WILLOW CREEK RESORT
COMMERCIAL

1 of 2

POINT OF
DIVERSION
8" WELL



PARTIAL
VIEW OF
PLACE OF
USE



← PIPE
LINE
FROM WELL

25-07589

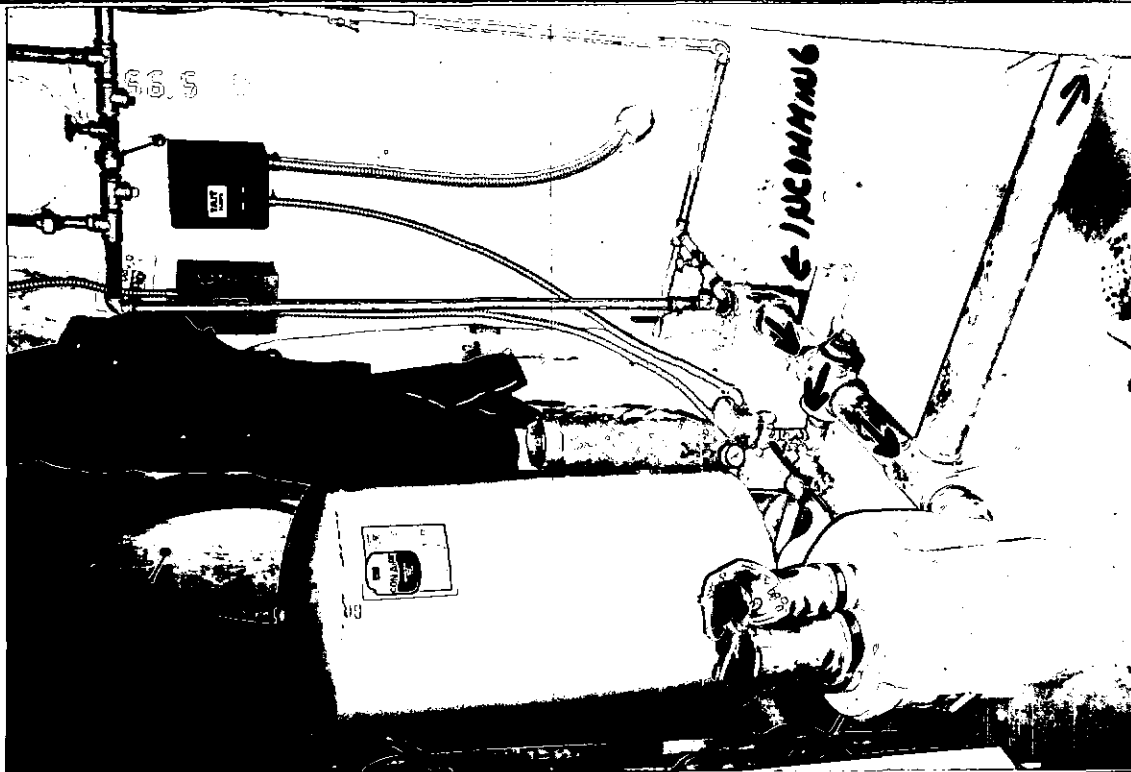
RECORDED

FEB 24 1997

COMMERCIAL

OUT
TO RUPAC
ADJUTANT

2012



PRESSURE
TANK IN
BASEMENT
OF HOUSE

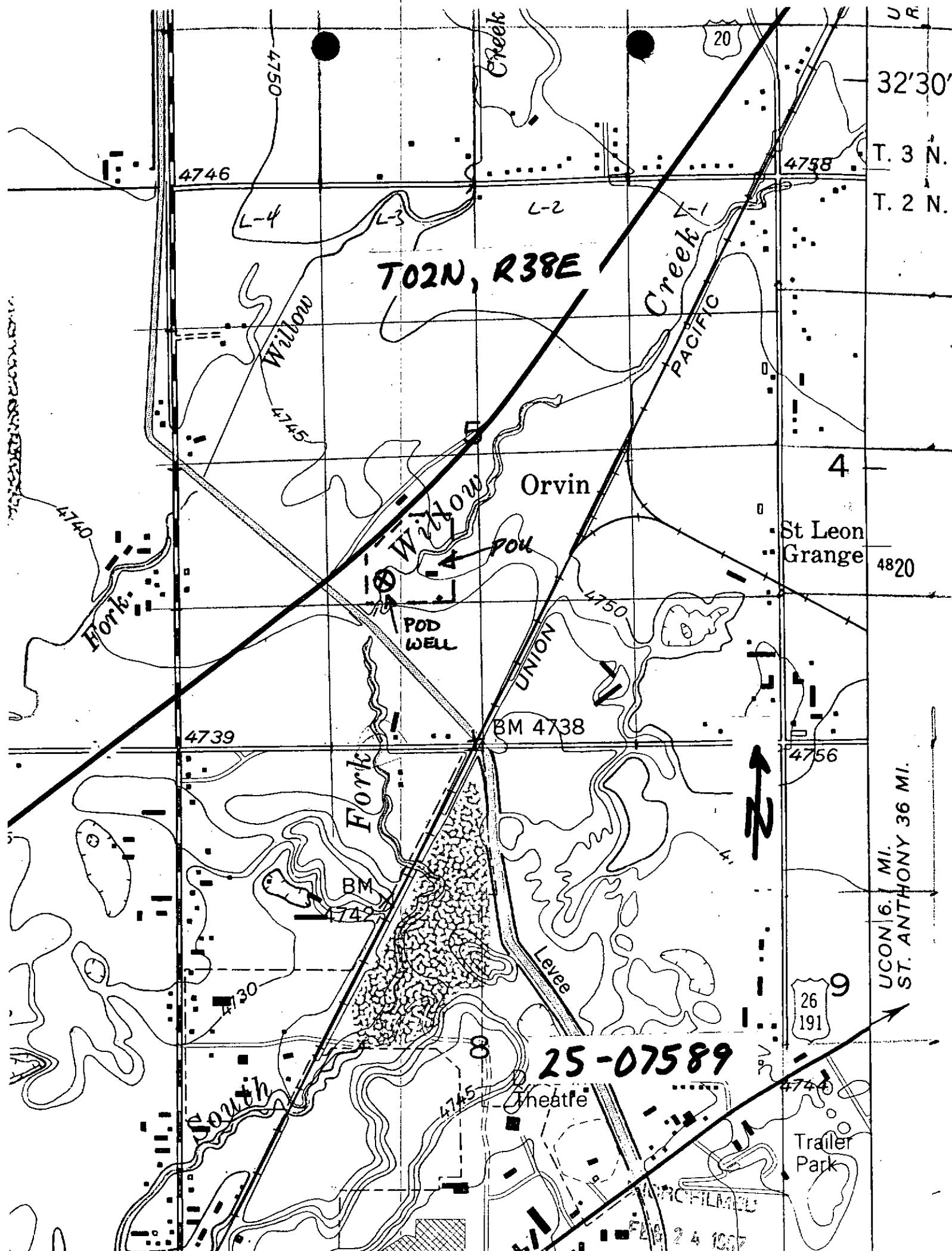


PLACE OF
USE

25-07589

RECORDED

FEB 24 1967



T02N, R38E

Orvin

St Leon
Grange

BM 4738

BM

Theatre

Trailer
Park

25-07589

Ucon 6.1 MI.
ST. ANTHONY 36 MI.



ARCHIVED
FEB 24 1967

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 25-07589

Reviewed by [Signature]

Date 5-25-94

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

Dom.

no Address same as permit?

yes Proof timely received?

Correct Uses?

yes

If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

yes Drilling permit required?

no Copy in the file? Drilling Permit No. 25-91-E-0147-000

35.00 Amount paid for permit yes Correct?

no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

no Required?

50.00 Amount Submitted

1 Installed?

yes Correct?

1 Waiver requested?

PRIORITY CALCULATION

Date proof received			
Date proof due		-	
No. of days late		=	
Priority Date		+	
New Priority Date			

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 3790 N. Haroldson Dr.

Proof Made 5-18-94

IF, 83401

May 26, 1994

WILLOW CREEK RESORT
C O GARRY TOLBERT
3790 N HAROLDSON DR
IDAHO FALLS ID 83401

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 25-07589

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.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
JUL 21 1994



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

April 28, 1994

Willow Creek Resort
c/o Garry Tolbert
3790 N. Haroldsen Dr.
Idaho Falls, ID 83401

RE: Permit No. 25-07589

Dear Permit Holder:

Enclosed are the forms needed to file proof of beneficial use on water right permit no. 25-07589. The forms were originally sent by certified mail on March 31, 1994, to the name and address listed on the water right permit, but they were returned undelivered by the postal service.

Please read the original enclosed letter, complete the necessary forms and return them to this office on or before the proof due date of June 1, 1994.

If you have any questions or I can be of any assistance, please do not hesitate to call.

Sincerely,

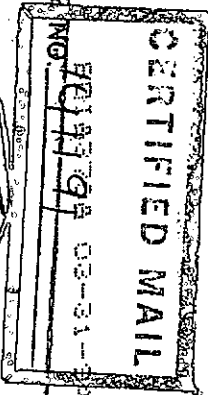
A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MAILED 7
JUL 21 1994

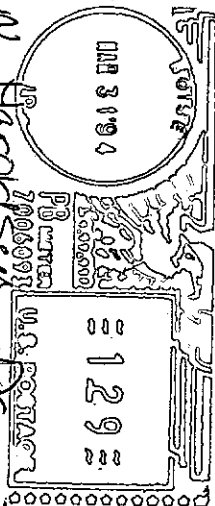
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237



213A

NOT DELIVERABLE AS ADDRESSEE
NO RETURNING ORDER ON FILE

3790 W. Haroldson Dr.
I.F. 8340125-7589



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APR 06 1994

Department of Water Resources

JUL 21 1994

83401-5310 08

March 31, 1994

WILLOW CREEK RESORT
C/O GARRY TOLBERT
12055 N. 45 E.
IDAHO FALLS ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 25-07589

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, 1994. (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.

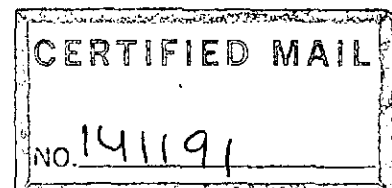
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MAILED

JUL 21 1994





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

June 19, 1991

WILLOW CREEK RESORT
C/O GARRY TOLBERT
12055 N. 45 E.
IDAHO FALLS, ID 83401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 25-07589

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.

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 casing your well

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JUL 01 1991

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:blm

Enclosures

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APPLICATION FOR PERMIT REVIEW

Application #: 25-7589
Date: 5-30-91

Reviewer: Pam Skaggs *CS*

- ✓ Existing:
 - ✓ No - 26A-P17
 - Complete in 1 year - P16
 - Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
- ✓ Groundwater:
 - GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)
 - ✓ LT. 0.2 cfs - N/A
- ✓ Drilling Permit:
 - Approved w/permit - P99
 - Not included - 046-P23 (All GW, even existing wells)
- ✓ Location:
 - ✓ Water Districts - WD No. 01
 - Surface water - 005, 005-01H-P01(LT.2 w/pump)
 - 005-01J-P08(GT.2)
 - ✓ Groundwater - P05
 - 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(Cons.), 041(DCMI, w/Irr
 - ✓ Non Trust - 048-049 or Irr & Dom)
- 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(Spec.),
044(Policy 5G)
 - Power - Use Power Review
 - Mining - 06A or 010, 09E-P10 & 054(req.)
 - Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)
 - Rec. & Aesthetic - 027(Non-Consumptive)
 - Domestic - 021(restricted areas)
- Ownership:
 - Non land owner - 004
- Protested:
 - Agreement - 020

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JUL 01 1991

✓ Beneficial Use Due Date: - 06-01-1994
Other Conditions Recommended

Dist. for staffing 4-16-91
submitted for adv. 4-17-91 HWS

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWS DATE 4-17-91 APPLICATION NUMBER 25-2589

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 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
- ☐ 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 MAY 23 1991

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Department of Water Resources

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

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

☒ 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 9-20-91
☐ 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 4-3-91
By HWJ Date 5-21-91

By _____ ☐ See below for additional information
Date _____

[illegible]

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

25-Apr-1991

GARRY TOLBERT
12055 N 45 E
IDAHO FALLS ID 83401

RE: Application No. 25-7589, 25-7590

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 Post-Register on May 2 & 9, 1991. 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
Water Rights Supervisor

HWJ/rb

MAILED

JUL 01 1991

25-07589

WILLOW CREEK RESORT C/O GARRY TOLBERT
12055 N. 45 E.
IDAHO FALLS, ID 83401

Source: GROUNDWATER

Diversion Pt: NESW Sec 5 T 02N R 38E

Use: COMMERCIAL (.100 CFS)
Total Diversion: (.100 CFS)

Date Filed: 4/ 3/ 1991

In: T02N R38E S05 NESW

RECEIVED

JUL 01 1991