

CEDAR ESTATES SUBDIVISION

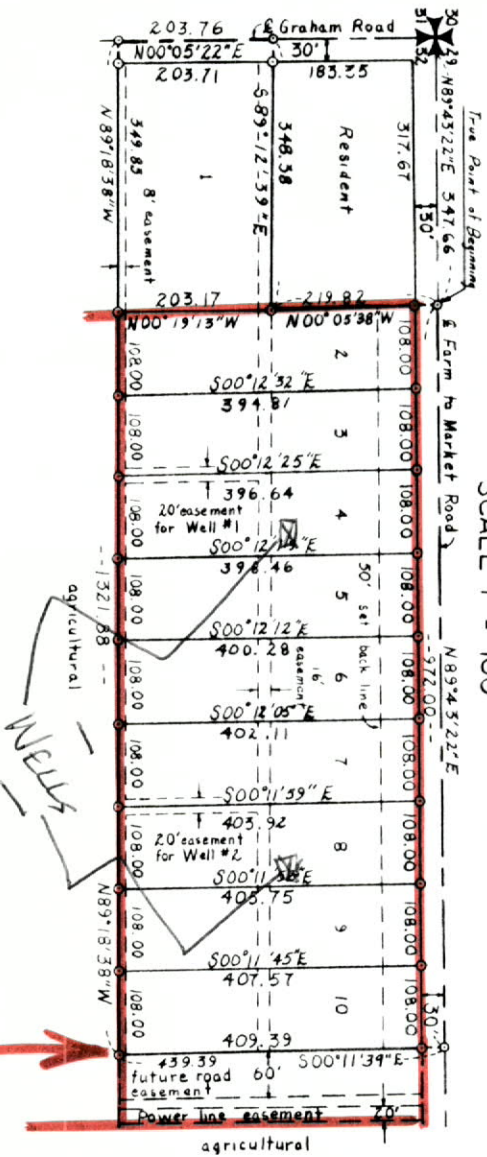
Jefferson County, Idaho
Township 4 North, Range 39 East, B. M., Section 32

Division No. 1

SCALE 1" = 100'

Lyle I. Thompson
Rigby, Idaho

Consulting Engineer
Idaho



Note:
The distance between any sewer drain field or sewer system and the existing wells must be at least 150' feet unless otherwise approved by the State Health Department.



RECORDED

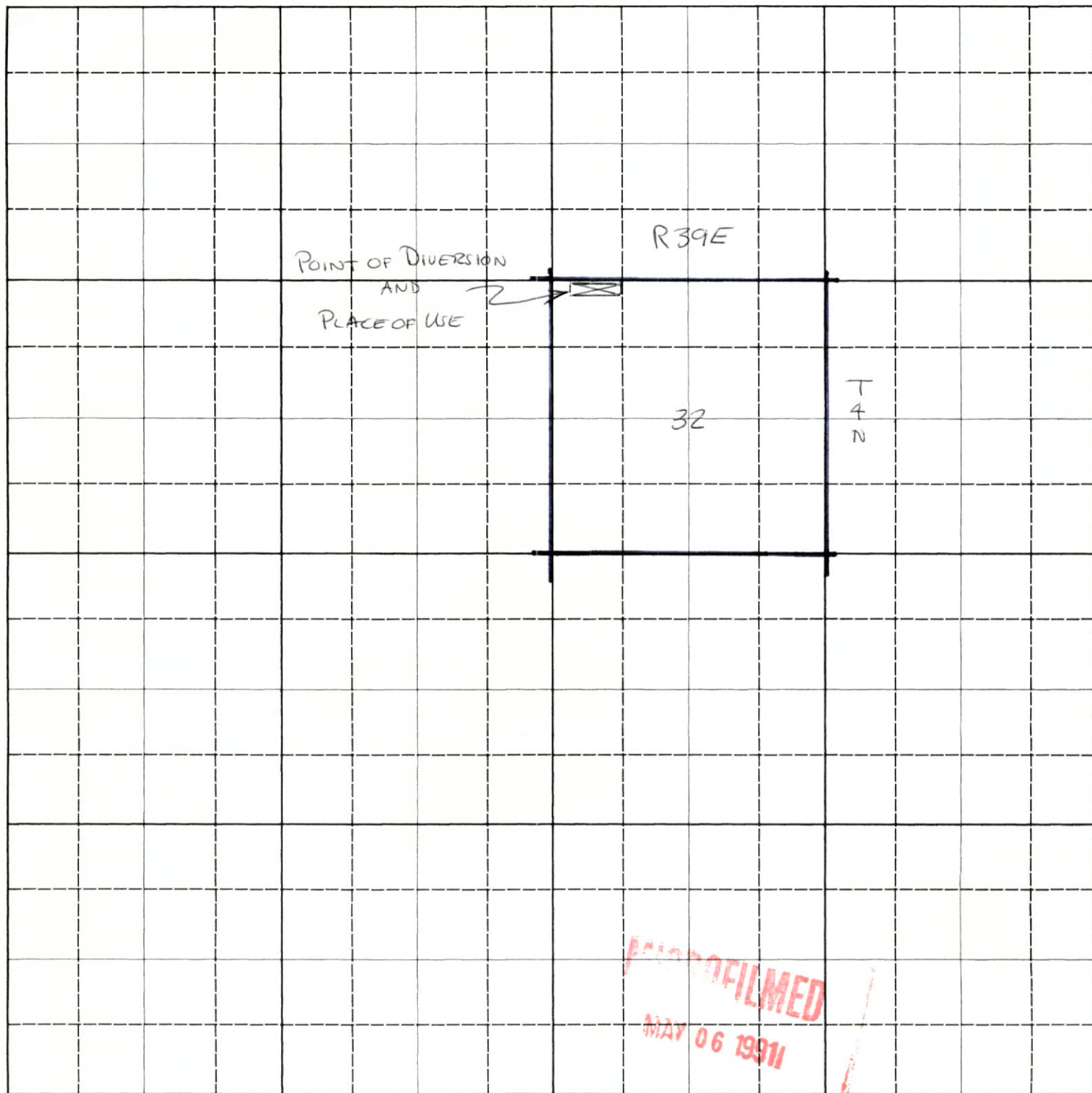
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While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

RIGBY TITLE & DEVELOPMENT
COMPANY, INC.
RIGBY, IDAHO

P/u 2

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.

Harold V. Studebaker
(Applicant)
Jan R. Widdiger

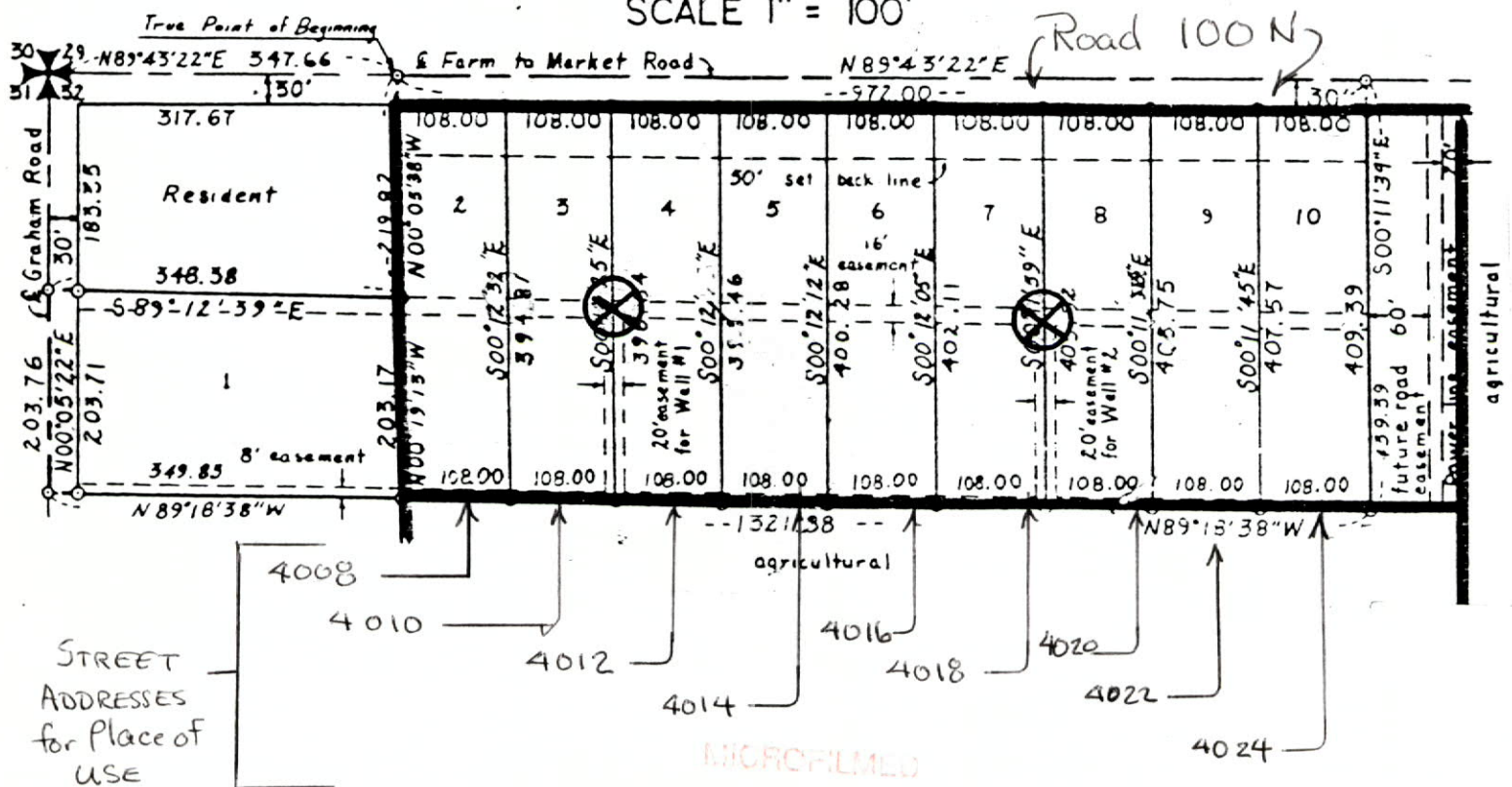
CEDAR ESTATES SUBDIVISION

Jefferson County, Idaho

Township 4 North, Range 39 East, B. M. , Section 32

Division No. 1

SCALE 1" = 100'



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OCT 29 1997

25-07432

30 29

31 32

③
13.7 HEL

④
21.3 HEL

NON-FARM

29

32

PLACE OF USE

NON-FARM

HOUSING
POINTS OF DIVERSION

②
12.3 HEL

③
19.5 HEL

④
11.1 HEL

#2881
① 9753

① HEL
19.3

TRANSFERED TO
BONNEVILLE CO.

① #2882
5.4 HEL 9754

② HEL
3.8

T
4
N
R39E

② HEL
20.2

#2774
① 1397

①
12.5 HEL

32

③
12.2 HEL

②
9.8 HEL

#2639

① 1393

#2579 (1396)

②
10.6 HEL

①
18.5 HEL

②
20.5 HEL

③
35.3 HEL

⑦
9.9 HEL

TRANSFERED TO
BONNEVILLE CO.

25-07432

31 32

6 5

③
37.2 HEL

③
32.9 HEL

32

5



WEST WELL
5/76 drilled



EAST WELL
6/76 drilled

25-7432

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07432

Priority: July 19, 1988

Maximum Diversion Rate:

0.24 CFS

Maximum Diversion Volume:

25.4 AF

This is to certify, that JUNIPER & CEDAR ESTATES WATER ASSN

4014 E 100 N

RIGBY ID 83442

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 19, 1988; and has submitted Proof of Beneficial Use on July 3, 1991. An examination indicates that the works have a diversion capacity of 0.390 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.10 CFS	20.0 AF
DOMESTIC	01/01 to 12/31	0.14 CFS	5.4 AF
	Totals	0.24 CFS	25.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 32, Township 04N, Range 39E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	39E	32	NWNW	5		5

Total number of acres irrigated: 5

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

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 that 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Irrigation use under this right is authorized only in connection with a domestic use.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07432

CONDITIONS OF APPROVAL AND REMARKS

6. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
7. Two points of diversion located within NWNW, S32, T4N, R39E.
8. Points of diversion are located between Lots 7 and 8 and between Lots 3 and 4.
9. Place of use known as Lots 2-10, Cedar Estates Subdivision.
10. Domestic use is for 9 homes and does not include lawn, garden, landscape, or other types of irrigation.

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 24TH day of OCTOBER, 1997.


Acting for KARL J. DREHER, Director

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RECEIVED

MAY 6 1991

No \$ received
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 100.00
Date 7-3-91
Receipt No. E916291
Received by jo

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. 25-07432 Telephone No. 745-7929
2. Name(s) of Permit Holder(s): Juniper & Cedar Estates Water Assoc.
3. Post Office Address: 4014 E. 100 N. Rigby, Ida. 83442
4. Source of Water: Ground Water
 - a. If ground water, well driller's name: ? Date drilled: ? 1976
 - b. Pump horsepower: 5 Hp - 3 Hp Pressure (psi): 50-60 Dynamic pumping level (ft.): ?
5. Extent of Use:

Domestic <u>9</u> (No. of households)	Irrigation <u>5</u> (No. of acres)
Stockwater _____ (No. and type of stock)	Other _____

6. Total rate and/or volume for which proof is submitted 0.24 ~~0.02~~ cfs ~~acre/feet~~

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

Measuring device: Required? Yes ☒ No Installed? Yes ☒ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No

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

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

Harold Studebaker 745-7929
Name Telephone No.
4014 E. 100 N. Rigby Idaho 83442
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.

5/1/91
Date

Harold Studebaker Pres.
Signature (and title if on behalf of a company or organization)

29 1997

Permit To Appropriate Water

Proposed Priority: July 19, 1988 Maximum Diversion Rate: 0.24 CFS
This is to certify, that JUNIPER & CEDAR ESTATES WATER ASSN.
4014 E. 100 N.
RIGBY, ID 83442

MAY 06 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Juniper + Cedar Estates ^{WATER} Association Phone 745-7929
Post office address 4014 EAST 100 North, Rigby Idaho 83442
2. Source of water supply Ground Water which is a tributary of —
3. Location of point of diversion is — $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot —
Sec. 32 Township 4N Range 39E B.M. Jefferson County; additional
points of diversion if any: (2 wells)
4. Water will be used for the following purposes:
Amount 0.10 for IRRIGATION purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.14 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.24 and/or (b) —
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 wells - Pumps -
Pressure Tanks and lines to 9 domestic homes.
- 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 6 inches; proposed depth of well is 120 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
1 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. 9
- 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	
4N	39E	32						5											5
								D											

Total number of acres to be irrigated 5

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? Applicants

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

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: Wells drilled in 5/76.

See Attached Well drillers Report.

We want to claim a 1976 claim of priority in the adjudication.

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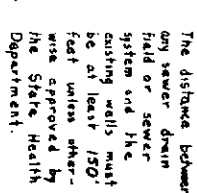
Jefferson County, Idaho

Division No. 1

True Point of Beginning

Lyle I. Thompson
Rigby ~

Consulting Engineer
Idaho



MADE IN U.S.A.

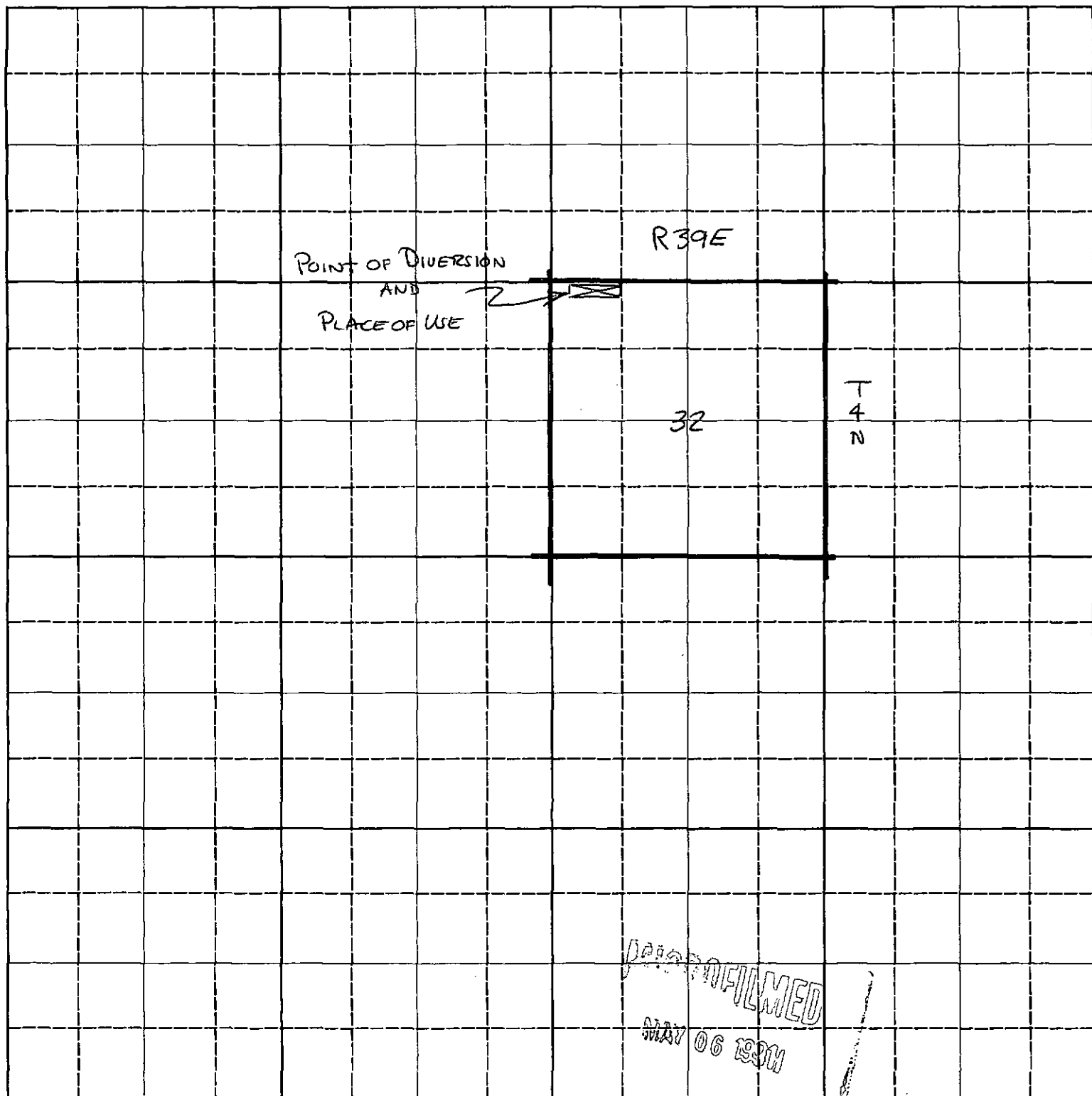
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While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

**RIGBY TITLE & DEVELOPMENT
COMPANY, INC.**

RIGBY, IDAHO

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.

Harold V. Studebaker
(Applicant)
Jan R. Widdow

assisted by JCW

Received by Jo Date 7-19-88 Time 16:54 Preliminary check by ~~SS~~ SS
Fee \$ 45.00 Receipted by Jo # E000800 Date 7-19-88
Publication prepared by AB Date 3-21-91 Published in T Jefferson Star
Publication approved AB Date 3-20-91

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:

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Juniper & Cedar Estates
Water Association.

Officers:

Harold Stuberaker

4014 E. 100 N.

Rigby, Id 83442

Phone 745-7929

Dan R. Widdison

4016 E. 100 N.

Rigby, Id 83442

Phone 745-7500 or work 745-7500

Jim Auten

4020 E. 100 N

Rigby, Id 83442

Phone 745-6368

Mike Pruett

4024 E. 100 N.

Rigby, Id 83442

Phone 745-8856

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DECLARATION OF COVENANTS

THIS INDENTURE, made and executed the 21st day of June, 1976, witnesseth:

WHEREAS, the undersigned is the owner in fee of the following described real estate, to-wit:

Lots 2 through 10 inclusive in Block 1, Cedar Estates Subdivision, Division No. 1 of the County of Jefferson, lying and being in Section 32, Township 4 North, Range 39 E.B.M.

the plat of said Subdivision having been duly filed and recorded in the office of the recorder of Jefferson County, Idaho, in Book 2 of Plats at Page 23, records of said county, and,

WHEREAS, it is deemed necessary and desirable for the protection of the undersigned and of all future purchasers and owners of said lots that certain reasonable restrictions be placed upon the use of said lots in the County of Jefferson, aforesaid, by the undersigned, and by all future purchasers, owners, and occupants thereof, for a reasonable period of time:

NOW THEREFORE, in consideration of the premises and in further consideration of the purchase price to be paid by each and every future purchaser and owner of said lots, the undersigned owner, for itself and its successors and assigns, does hereby covenant and agree to, and with each and all of the lots in said Cedar Estates Subdivision, and all heirs, executors, administrators and assigns as follows:

1. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No building shall be erected, altered, place or permitted to remain on any lot other than one detached single family dwelling or one duplex two family dwelling not to exceed two and one-half stories in height and a private garage for not less than two cars.

2. ARCHITECTURAL CONTROL: No building shall be erected, placed or altered on any lot until the construction plans and specifications, and a plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and material, harmony of external design with existing structures, and as to locations with respect to topography and finish grade elevation. No fence or wall shall be erected, place or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in Paragraphs 15.

3. DWELLING COST, QUALITY AND SIZE: No dwelling shall be permitted on any lot at a cost of less than \$25,000.00, based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same, or be of a quality of workmanship and materials better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size, viz., if the cost levels at a

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subsequent date raise or lower so that it would require more money or less money to construct a dwelling of a quality of workmanship and materials which would presently cost \$25,000.00, then it is intended that the cost at such subsequent date shall vary accordingly. The ground floor area of the main structure, exclusive of one story open porches and garages, shall not be less than 1,100 square feet for a one-story dwelling, nor less than 2,080 square feet for a dwelling of more than one story. Split entry or Bi-level construction is to be permitted with a minimum of 950 feet on each level.

4. BUILDING LOCATION: No building shall be located on any lot nearer to the front line or nearer to the side street line than 20 feet to the front lot line or nearer than 20 feet to any side street line. No building shall be located nearer than 10 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 3 feet or more from the minimum building set back line. No dwelling shall be located on any interior lot nearer than 5 feet to the rear lot line. For the purpose of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided however, that this shall not be construed to permit any portion of a building on a lot to encroach upon other lots.

5. LOT AREA AND WIDTH: No dwelling shall be erected or placed on any lot having a width of less than feet at the minimum building setback line or shall any dwelling be erected or place on any lot having an area of less than 950 square feet.

6. EASEMENTS: Easements for installation and mainatenance of utilities and drainage facilities are reserved as shown on the recorded plat.

7. NUISANCES: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No commercial or industrial enterprise of any kind or character may be maintained or conducted on any of the lots. Provided however, Lot 1 shall have an extra two-car garage which shall be used as a shop and storage facility in connection with the development of the other lots in said subdivision.

8. TEMPORARY STRUCTURES: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporary or permanent.

9. LIVESTOCK AND POULTRY: No animals, livestock or poultry of any kind, shall be raised, bred or kept on any lot, except that dogs, cats and other household pets and a maximum of one horse and one cow may be kept provided that they are not kept, bred or maintained for any commercial purpose.

10. SIGNS: No sign of any kind shall be displayed to the public

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view on any lot except one professional sign of not more than 5 square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

11. GARBAGE AND REFUSE DISPOSAL: No lot shall be used for or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

12. WATER SUPPLY: No individual water supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the architectural control committee, as herein defined, and the Department of Health and Welfare.

13. SEWAGE DISPOSAL: No individual sewage disposal shall be permitted on any lot except as permitted by the architectural control committee and the Department of Health and Welfare.

14. SIGHT DISTANCE AT INTERSECTIONS: No fence, wall, ledge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at a point 25 feet from the intersections of the street lines, or in the case of rounded property corner from the intersections of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstructions of such sight lines.

15. ARCHITECTURAL CONTROL COMMITTEE: The architectural control committee is composed of Nolan Gneiting, Norma Gneiting and Bill Gneiting all of 740 Park Avenue, Idaho Falls, Idaho. In the event of death or resignation of any member of the committee, the remaining members of the committee shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of the majority of the lots shall have the power through a duly recorded instrument, to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

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16. PROCEDURE: The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

17. TERM: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

18. ENFORCEMENT: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

19. SEVERABILITY: Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, We have set our hands the day and year in the acknowledgment hereinafter set forth.

LANDCO OF EASTERN IDAHO

by Nolan Gneiting
president

ATTEST:

Norma Gneiting
Secretary

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MAY 06 1991

STATE OF IDAHO)
: ss
County of Jefferson)

On this day of , 1976, before me, the undersigned a Notary Public in and for said County, personally came Nolan Gneiting, president of the corporation, Landco of Eastern Idaho, and Norma Gneiting secretary of the corporation, Landco of Eastern Idaho, to me personally known to be the president and secretary and the identical persons whose names are affixed to the above conveyance, and acknowledged the execution thereof to be their voluntary act and deed as such officers and the voluntary act and deed of said corporation and that the Corporate seal of the said Corporation was thereto affixed by its authority.

Witness my hand and Notarial seal at Rigby in said county the day and year last above written.

Larry R. Carn

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, LaReena Lydon
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Notice Application
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for two
consecutive issues, the first publication
having been made on 3/6/91
and the last publication having been made
on 3/13/91.
Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

On this 15th day of March
in the year of 1991, before me, a Notary
Public, personally appeared

LaReena Lydon
known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements therein
are true, and acknowledged to me that he
executed the same.

Shelly
Notary Public of Idaho
Residing at Shelly

My commission expires: Dec. 24, 1994

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 25-07432

JUNIPER & CEDAR EST. WATER
ASSN.
4014 E. 100 N.
RIGBY, ID 83442
Source: GROUNDWATER
Diversion Pt: NWNW Sec 32 T 04N R
39E
Use: IRRIGATION (.100 CFS)
DOMESTIC (.140 CFS)
Total Diversion: (.240 CFS)

Date Filed: 7/19/ 1988
In: T04N R39E S32 NWNW
5.0 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests may be sub-
mitted based on the criteria of Sec. 42-
203A, Idaho Code and/or the new pub-

lic 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 MARCH 25,
1991.

R. Keith Higginson, Director
Published in the Jefferson Star,
Rigby, Idaho, March 6 and 13, 1991.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNIPER & CEDAR ESTATES WATER ASSN
4014 E 100 N
RIGBY ID 83442

RE: WATER RIGHT NO. 25-07432

Dear Water Right Holder(s):

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 or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of 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.

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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,
- 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.

RECORDED

OCT 29 1957

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.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

RECORDED

OCT 29 1987

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of October, 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. 25-07432

JUNIPER & CEDAR ESTATES WATER ASSN
4014 E 100 N
RIGBY ID 83442


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 29 1997

MEMORANDUM

TO: File 25-07432

FROM: Sharla

DATE: October 23, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 25-07432 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	0.10 cfs	20.0 afa
Domestic	1/1 - 12/31	0.14 cfs	5.4 afa
TOTALS		0.24 cfs	25.4 afa

The examiner did not fill in the recommendations portion of the exam, however, sufficient documentation exists to license the right.

Examiner: Keith Wilson
Exam Date: August 1, 1997

MICROFILMED

OCT 29 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 25-07432

DATE 10/22/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>—</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.24</u> cfs
Fee limit	<u>1.0</u> cfs \$100 ⁰⁰
Measured	<u>—</u> cfs
Theoretical	<u>.39</u> cfs

Recommended Total Div Rate .24 cfs

ANNUAL VOLUME/ NATURE OF USES

each lot is approx 1.25 ac.

4/1-10/31 Season

Use	cfs	Volume Calc
<u>Gr.</u>	<u>.10</u>	<u>5 X 4.0 = 20.0</u> af
<u>Dom.</u>	<u>.14</u>	<u>9 X 4.0 = 36.0</u> af
		<u>.6 = 40.85.4</u> af
		<u>—</u> af
SUBTOTAL	<u>.24</u>	<u>36.8</u> af

Flow rate .10 cfs X 214 days X 1.98 = 42.4 af

Total volume recommended 20.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

14 Lots 2-10, Cedar Estates Subd.
19 homes (WB5)

CONDITIONS — Watermaster Control WD# —

131 GW Measurement/Measuring Device

— Overlap

0411

— Use-specific conditions

Advancement of Priority Date Required — yes — no

SRBA Claim Filed N/A
Adjustment Memo blanks

1st Amend Letter N/A
2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 23 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 25-07432

1. Owner: JUNIPER & CEDAR ESTATES WATER ASSOCIATION Phone No. 745-6368

Current Address: 4020 E 100N, Rigby, ID 83442

2. Accompanied by: JIM AUTEN EXAM DATE: 8-15-1997

Address: 4020 E 100N Rigby, Id 83442 Phone No. 745-6368

Relationship to Permit Holder: Home owner

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: NO GOV. LOTS

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NN	32	4N	39E	Jefferson	USGS QUAD / FSA Aerial / ON SITE

2. Place(s) of Use: NO GOV LOTS

Indicate Method of Determination FSA Aerial

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	39E	32						9D											
								5											5

RECEIVED

OCT 29 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

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	Model # Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
EAST WELL	Franklin Electric	5	2821132201	—	—
WEST WELL	Franklin Electric	5	2821139310	—	—

*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
Gage		Ashcroft			0-100	

2. Measurements: 36-55 1/2 psi operating pressure

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OCT 23 1987

E. NARRATIVE/REMARKS/COMMENTS

Two wells to distribution system to mine SINGLE DOMESTIC HOMES
and irrigation system.

P/U AKA Lots 2,3,4,5,6,7,8,9, and 10 CEDAR ESTATES SUBDIVISION

STREET ADDRESSES OF LOTS SERVED BY SYSTEM

4008 E 100 N

4010 E 100 N

4012 E 100 N

4014 E 100 N

4016 E 100 N

4018 E 100 N

4020 E 100 N

4022 E 100 N

4024 E 100 N

P/D EAST LOCATED BETWEEN LOTS 7 & 8 CEDAR ESTATES SUBDIVISION

P/D WEST LOCATED BETWEEN LOTS 3 & 4 CEDAR ESTATES SUBDIVISION

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

MICROFILMED
OCT 29 1997

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

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:**H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC (9-units)	1/1	12/31	_____	_____
IRRIGATION	4/1	11/1	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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

I. AUTHENTICATION

Field Examiner's Name KEITH C WILSON Date 8-15-1997

Reviewer _____ Date _____

SEAL

MICROFILMED

OCT 29 1997

THEORETICAL PUMP FLOW CALCULATIONS

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

SYSTEM: EAST

Hp = Horsepower = 5
Eff = Efficiency = 70% (Usually 70%)
Lift: (Static Level + Assumed Draw down)
Static Water Level = 60 ft.
Assumed Draw down = + 15 ft.
Lift = 75

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 36 psi

$$Q_{cfs} = \left[\frac{5}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{75}{Lift} + \left(\frac{36}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{30.849}{ } \right] \div \left[\frac{158.088}{ } \right]$$

$$Q_{cfs} = \underline{0.20} \text{ cfs SYSTEM } \underline{EAST}$$

SYSTEM: WEST

Hp = Horsepower = 5
Eff = Efficiency = 70% (Usually 70%)
Lift: (Static Level + Assumed Draw down)
Static Water Level = 68 ft.
Assumed Draw down = + 15 ft.
Lift = 83

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = _____ psi

$$Q_{cfs} = \left[\frac{5}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{83}{Lift} + \left(\frac{36}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{30.849}{ } \right] \div \left[\frac{166}{ } \right]$$

$$Q_{cfs} = \underline{0.19} \text{ cfs SYSTEM } \underline{WEST}$$

PERMIT NO. 25-07432

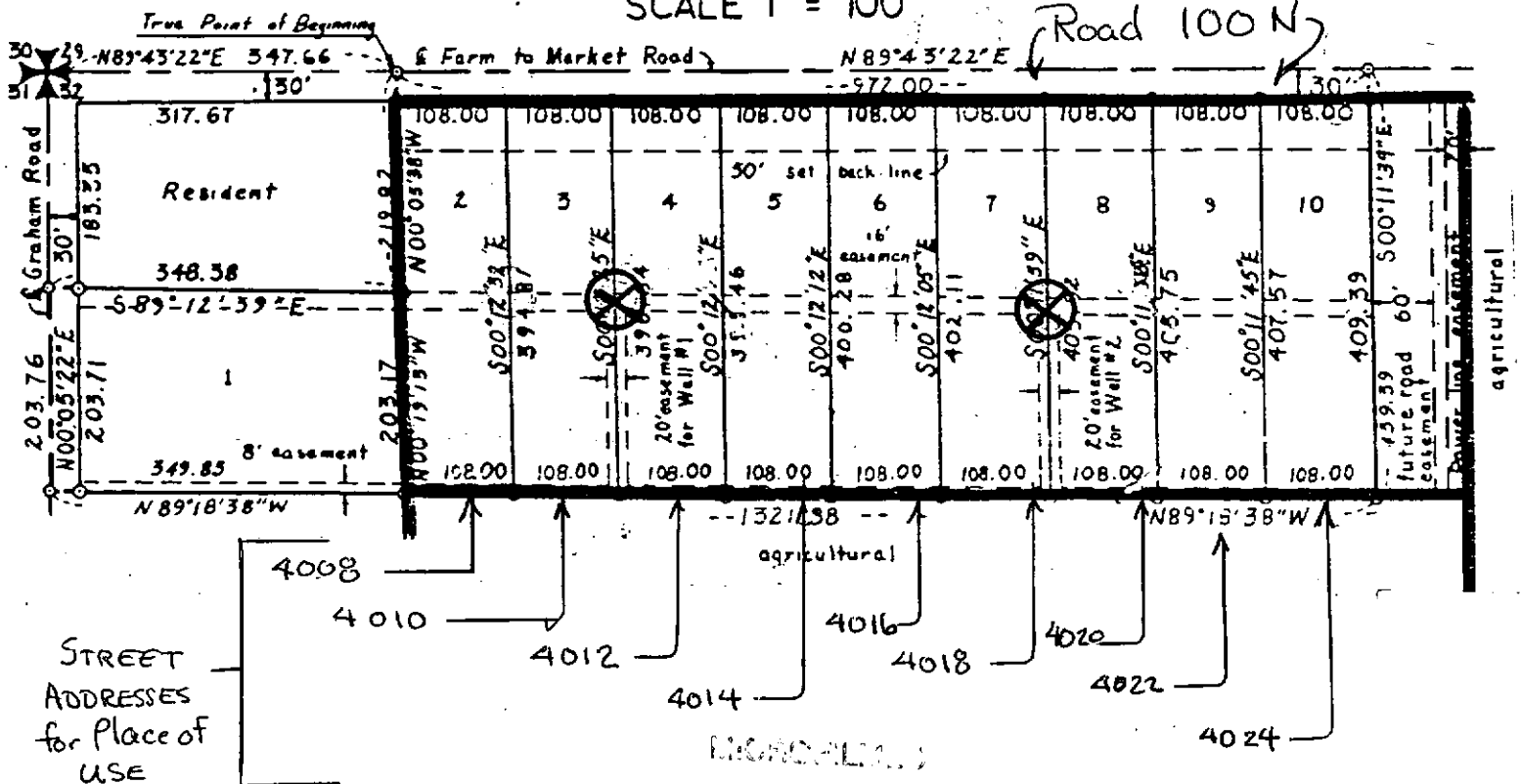
CEDAR ESTATES SUBDIVISION

Jefferson County, Idaho

Township 4 North, Range 39 East, B. M., Section 32

Division No. 1

SCALE 1" = 100'



OCT 29 1987

25-07432

NON

29

30

29

31

32

32

PLACE OF USE

NON-FARM

POINTS OF DIVERSION

TRANSFERED TO
BONNEVILLE CO

T
4
N

R39E

32

#2881
(9753)

1
19.3

#2862
5.4 HE (9754)

2 HEL

8 HEL

1
9.5 HEL

3
11.1 HEL

2 HEL
26.2

(1397)

#2579 (1396)
2
10.6 HEL

7
9.9 HEL

3
35.3

2
20.5 HEL

TRANSFERRED TO
BONNEVILLE CO

25-07432

3
32.9 HEL

31

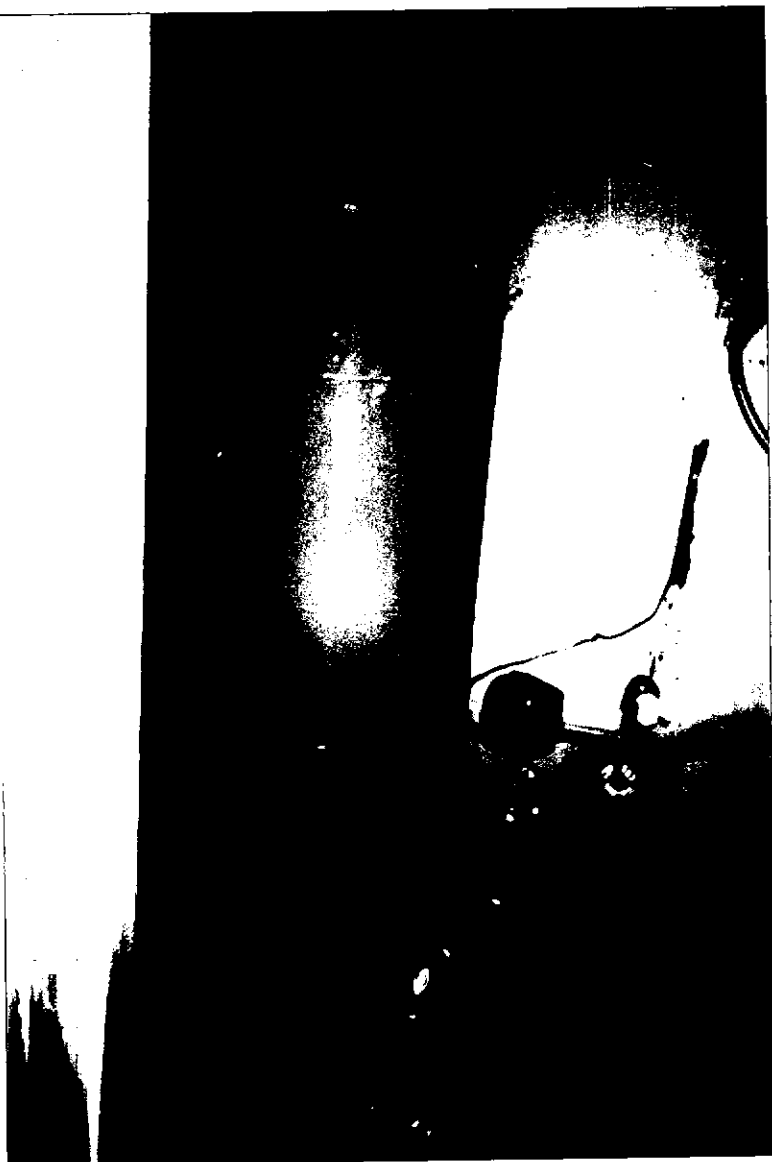
32

32

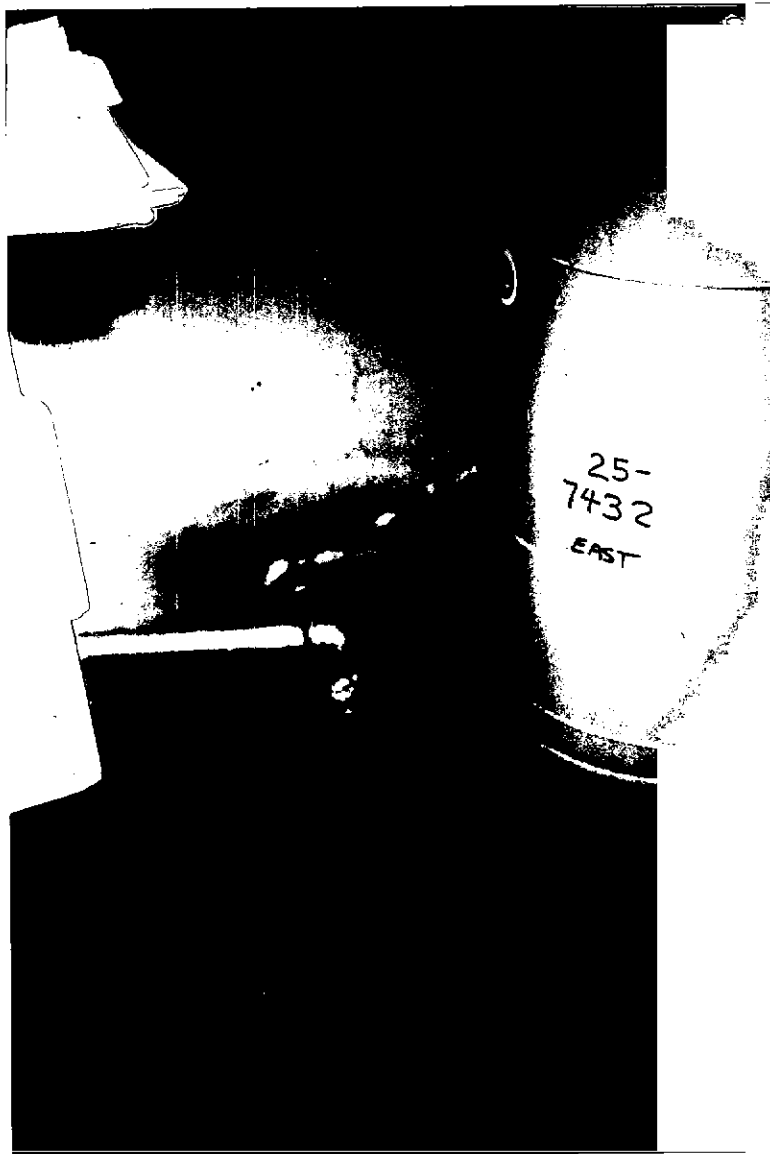
6

5

5



WEST WELL
5/76 drilled



EAST WELL
6/76 drilled

25-7432

MICROFILMED

SEP 29 1967

July 12, 1991

JUNIPER & CEDAR ESTATES WATER ASSN.
4014 E. 100 N.
RIGBY, ID 83442

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-07432

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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

DEC 20 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 25-7432

Date 7-11-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☐ Surface water source
☒ Ground water source
NA Drill permit req'd?
1976 Copy in file? Drill permit no. _____
1976 Amt paid for drilling permit? _____ Correct?
1976 Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
100.00 Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- NA Measuring device or access port required?
1 Installed?
1 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

*data input 1/27/92
Klg*

May 23, 1991

HAROLD STUDEBAKER, PRESIDENT
JUNIPER & CEDAR ESTATES WATER ASSOC.
4014 E. 100 N.
RIGBY ID 83442

Dear Mr. Studebaker:

Re: Permit No. 25-7432

Returned is the proof of beneficial use form submitted to this office on May 6, 1991. Under item 9, Extent of Use, you indicate there are 9 households and 5 acres of irrigation. Under item 6, the cumulative sum of water should be indicated and based on this amount a license exam fee paid. Note the enclosed instruction sheet/fee schedule to determine what the fee will be.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED
OCT 29 1997

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well. JUL 13 1977

1. WELL OWNER

Name Wolox Greeting
Address Bigay Idaho
Owner's Permit No. _____

7. WATER LEVEL

Department of Water Resources
Eastern District Office

Static water level 60 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 120 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>120</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☐ No

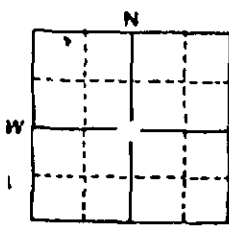
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☐ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal ☐ Cement grout
☐ Pudding clay ☒ Well cuttings
Sealing procedure used ☐ Sherry pit ☐ Temporary surface casing
☐ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Cedar Estate
Lot No. 8 Block No. _____

County Jefferson
N 1/4 Sec. 32, T. 4 N, R. 39 E/W

10.

Work started June 5-76 finished June 16-76

11. DRILLERS CERTIFICATION

Firm Name A.C. Morrison Firm No. 2d
Address Bigay Idaho Date June 16-76
Signed by (Firm Official) Warren Morris
and
(Operator) _____

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources
Eastern District Office

1. WELL OWNER

Name Jordan Greiting
Address Ridge Idaho
Owner's Permit No. _____

7. WATER LEVEL

Static water level 68 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 120 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>120</u> feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To

Well screen installed? ☐ Yes ☐ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

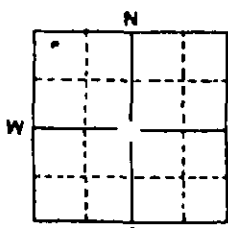
Gravel packed? ☐ Yes ☐ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal ☐ Cement grout☐ Pudding clay ☒ Well cuttingsSealing procedure used ☐ Sherry pit ☐ Temporary surface casing☐ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name Cedar EstatesLot No. 4 Block No. _____County JeffersonNW 1/4 NW 1/4 Sec. 32, T. 4 N. R. 39 E. N.

10.

Work started May 15-76 finished May 26-76

II. DRILLERS CERTIFICATION

Firm Name P. C. Morris & Son Firm No. 20Address Ridge Idaho Date May 26-76Signed by (Firm Official) Warr Morrisand
(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

April 19, 1991

JUNIPER & CEDAR EST. WATER ASSN.
4014 E. 100 N.
RIGBY, ID 83442

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 25-07432

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED

MAY 06 1991

APPLICATION FOR PERMIT REVIEW

Application #: 25-7432
Date: 4-10-91

Reviewer: Pam Skaggs *OS*

- ✓ Existing:
 - No - 26A-P17
 - Complete in 1 year - P16
- ✓ Yes
 - ✓ Proof not submitted - P16
 - Proof submitted - N/A
- ✓ Groundwater:
 - GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
 - ✓ LT. 0.7 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.7 w/pump)
 - 005-01J-P08(GT.7)
 - ✓ Groundwater *Existing* - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - C (1, Blank or Other)
 - ✓ Trust - 051-052-053-P74(Cons.), 041 (DCMI, w/Irr or Irr & Dom)
 - Non Trust - 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(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
- Minimum Stream Flow:
 - Overlapping uses - 029-P20
- ✓ Beneficial Use Due Date: - 04-01-1992
- Other Conditions Recommended

MAY 06 1991

[Signature]
4-11-91

27-Feb-1991

JUNIPER & CEDAR ESTATES WATER ASSOCIATION
4014 E 100 N
RIGBY ID 83442

RE: Application No. 25-07432

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 JEFFERSON STAR on March 7 & 14, 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

MICROFILMED

MAY 06 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 26, 1991

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 25, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED
MAY 06 1991

25-07432

JUNIPER & CEDAR EST. WATER ASSN.
4014 E. 100 N.
RIGBY, ID 83442

Source: GROUNDWATER

Diversion Pt: NWNW Sec 32 T 04N R 39E

Use: IRRIGATION (.100 CFS)
 DOMESTIC (.140 CFS)
 Total Diversion: (.240 CFS)

Date Filed: 7/19/ 1988

In: T04N R39E S32 NWNW

5.0 ACRES TOTAL

RECEIVED
MAY 06 1988

MAY 06 1988

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-20 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 MARCH 25, 1991.

R. Keith Higginson, Director

Published 3/ 6/1991 & 3/13/1991

UNRECORDED

MAY 06 1991

ACTION REQUIRED

FROM: Tim Luke 2-7-91

TO: H. W. Jones

SKIP;

This file is one that can be processed as
A DCM I (Subdivision of 9 Acres w/ 5 Acres ~~total~~ total)
I'm returning to you for routine processing.

RECEIVED

FEB 11 1991

Department of Water Resources
Eastern District Office

Thx
Tim
FEB 26 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 25-7432

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes X No

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

2 wells, supply 9 domestic homes 0.10 irrigation

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984.

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Harold V. Studebaker

President

Director of

Don Widdison

2 Jim Buten

Date 2/2/91

MICROFILMED

MAY 06 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 7, 1991

RE: APPLICATION FOR PERMIT NO. 25-2432

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

MAY 06 1991

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

RECEIVED
MAY 06 1991

Dist. for staffing dy 7-21-88
submitted for adv. AWT 7-25-88

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SWAN FALLS

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Ed DATE 7/21/88 APPLICATION NUMBER 25-7432

Sumner, Cedar
Estate.

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
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

SWAN FALLS
HOLD FILE

RECEIVED
MAR 29 1991

Department of Water Resources

RECEIVED
DEC 21 1988

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____
Department of Water Resources

☐ Yes ☒ No 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 3-25-91
☐ 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.

☐ See below for additional information

Date of priority recommended 7-19-1988

By HWT Date 7-24-91

By _____ ☐ See below for additional information
Date _____

ADDITIONAL INFORMATION

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 29, 1988

Juniper & Cedar Estates
Water Association
4014 East 100 North
Rigby, Idaho 83442

RE: Application for Permit #25-07432

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 25-07432. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

MICROFILMED

MAY 06 1991