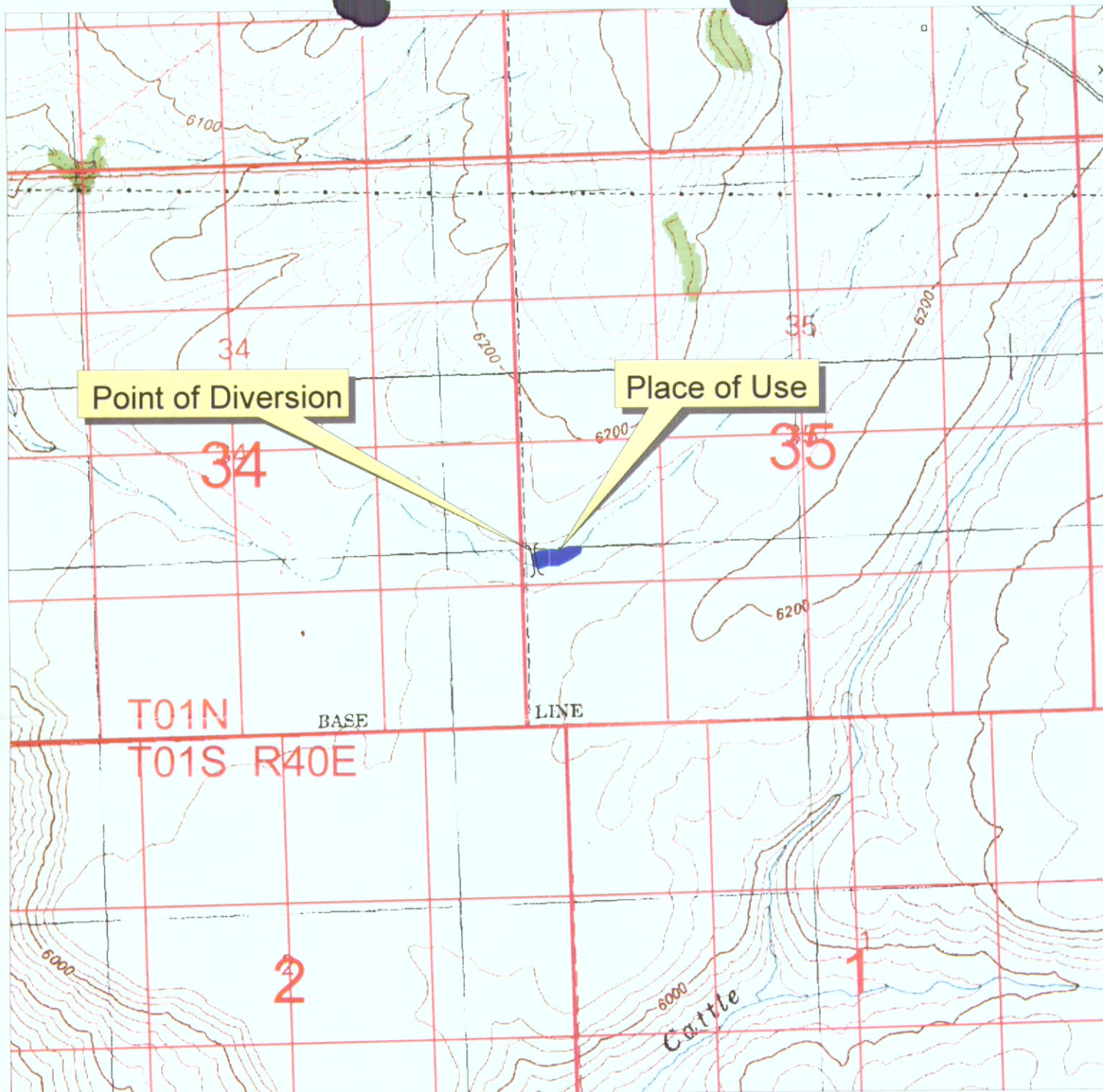


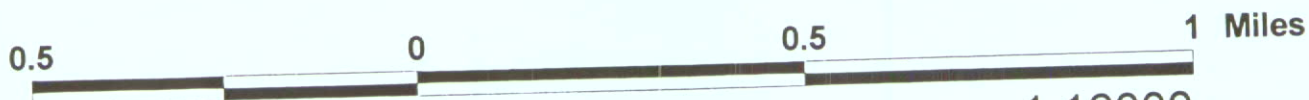
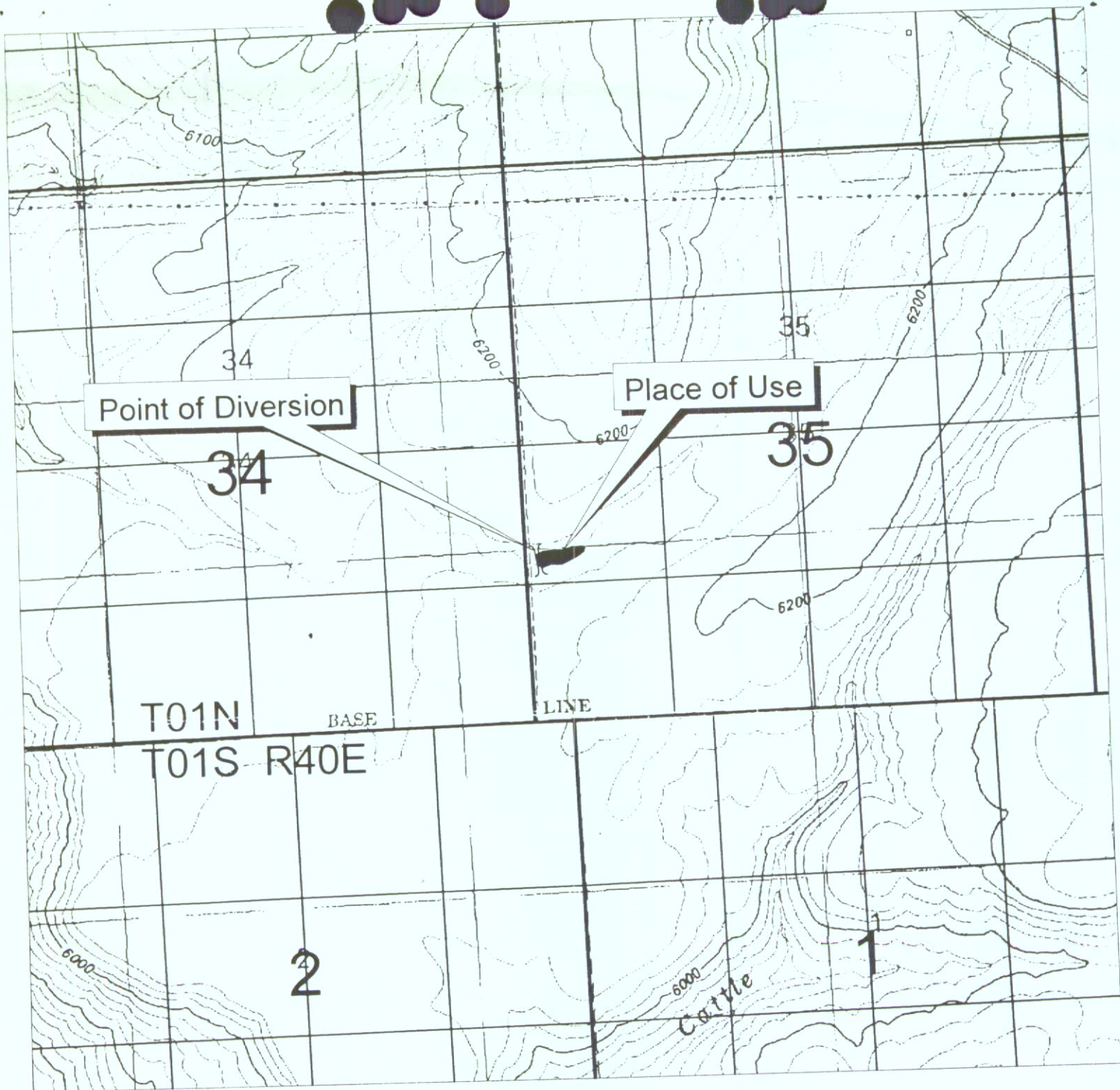


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Application for Permit
Blaine Simmons

MICROFILMED
JUN 12 2001



MICROFILMED

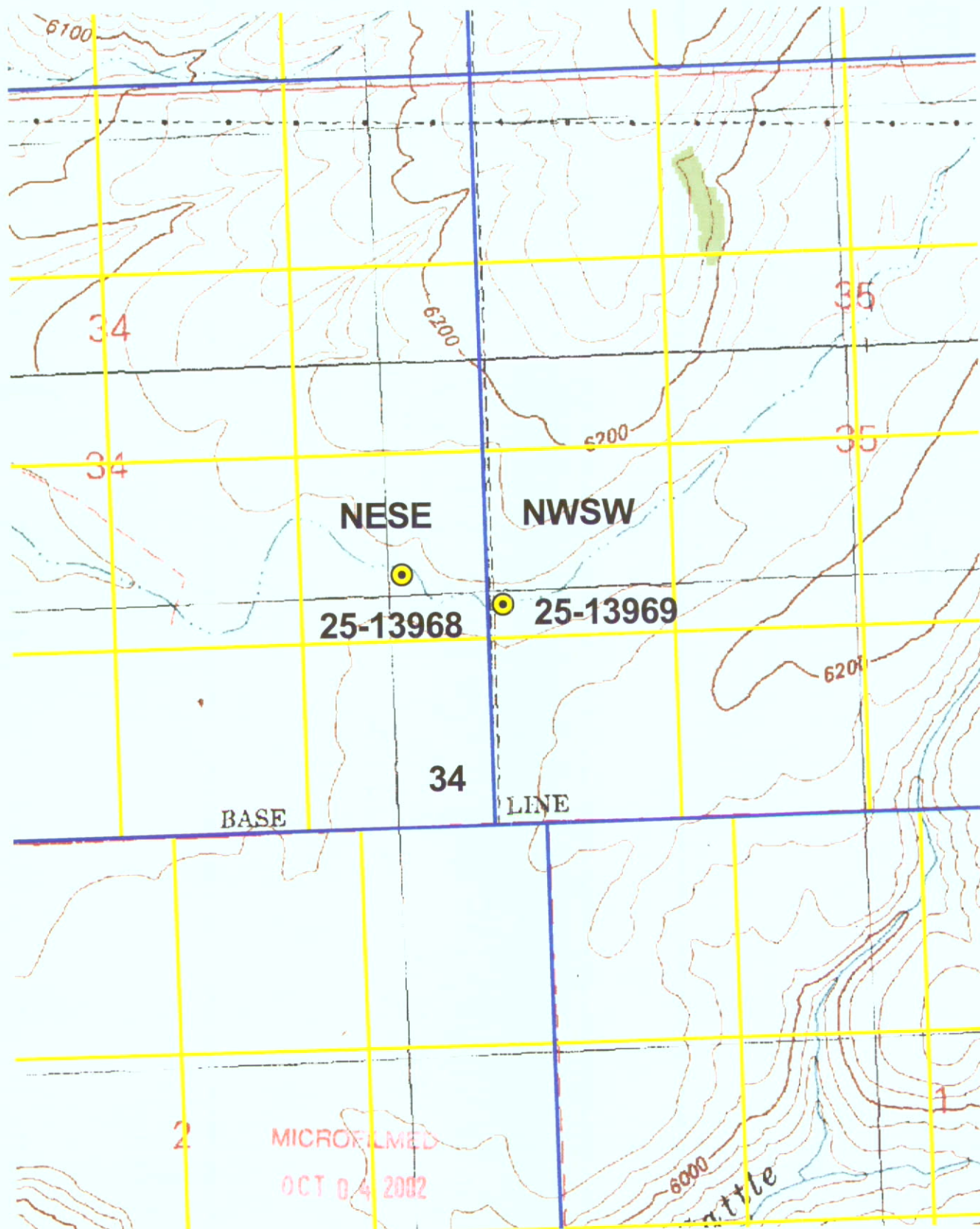
OCT 04 2002

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**Application for Permit --
Blaine Simmons**

25-13968, 25-13969



01N, 40E, sec 34, 35



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AREA
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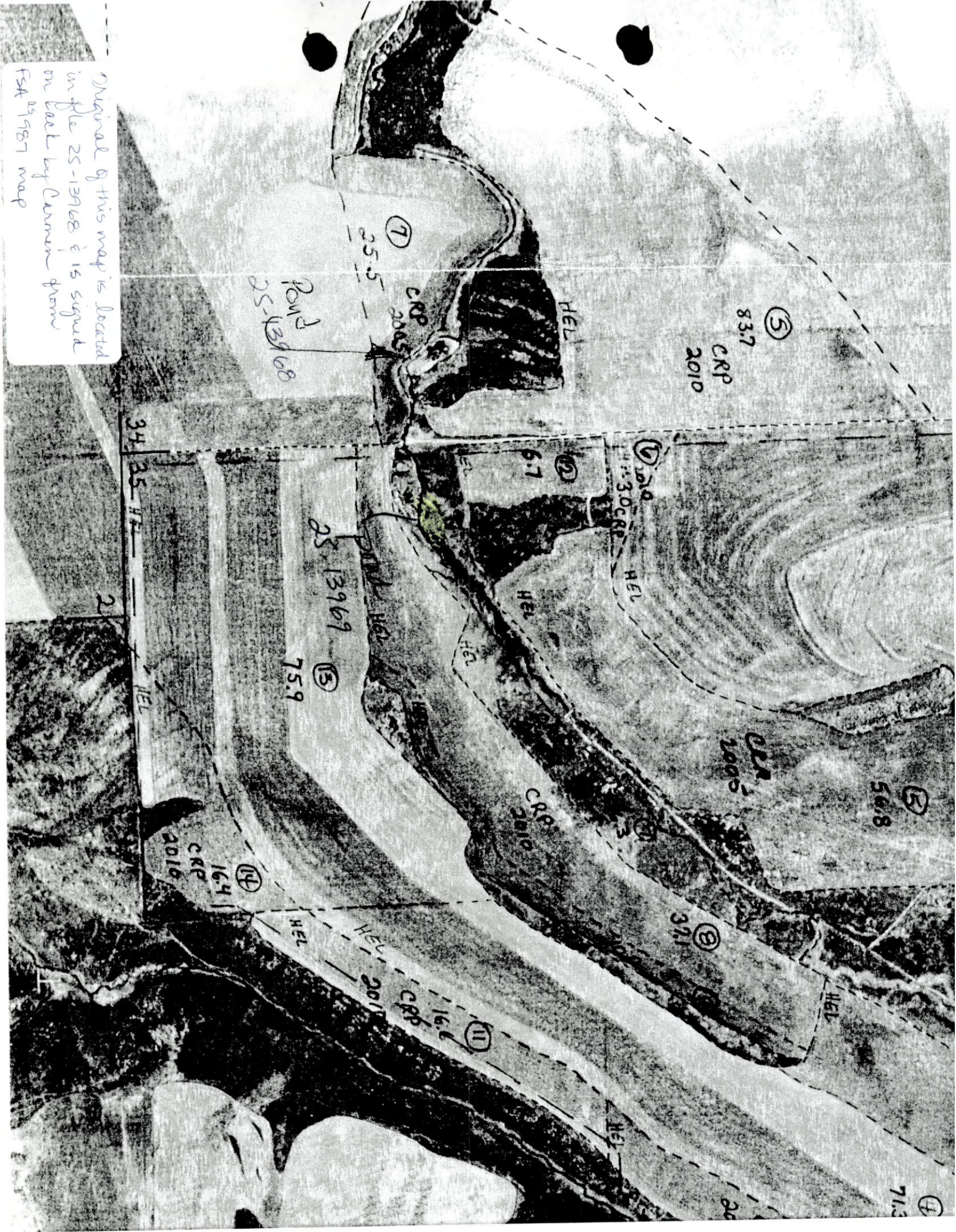
DCARLSON 9/4/2002

25-13969

DAM/RES

MICROFILMED
OCT 04 2002

Original of this map is located
in file 25-13968 & is signed
on back by Canner from
FSA 09/1987 map



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-13969

Priority: July 18, 2001

Maximum Diversion Volume: 4.0 AF

It is hereby certified that BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 18, 2001; and has
submitted Proof of Beneficial Use on November 21, 2001. An examination indicates that the works have
a storage capacity of 4.0 af of water from:

SOURCE

UNNAMED STREAM

Tributary: WILLOW CREEK

and a water right has been established as follows:

BENEFICIAL USE

RECREATION STORAGE

PERIOD OF USE

01/01 to 12/31

**ANNUAL
DIVERSION VOLUME**

4.0 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 01N, Rge 40E, B.M., BONNEVILLE County

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 40E 35											X						

CONDITIONS OF APPROVAL

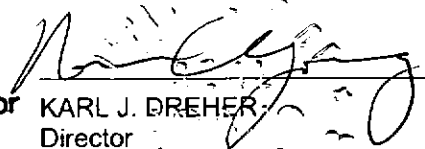
1. Recreation storage is for wildlife habitat.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
3. Upon specific notification by the Department, the right holder shall install lockable controlling works of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Upon specific notification by the Department, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 20th day of September, 2002.

MICROFILMED

OCT 04 2002

Acting for 
KARL J. DREHER
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 25-13969 IN THE NAME OF)
BLAINE SIMMONS)
_____)

**PRELIMINARY ORDER
GRANTING PETITION TO REMOVE
MEASURING DEVICE REQUIREMENT**

This matter having come before the Department of Water Resources (Department) as a petition to remove conditions of approval requiring the installation of a measuring device and lockable controlling works, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On November 14, 2001, the Department issued Permit 25-13969 (permit) to Blaine Simmons (permit holder) with conditions of approval requiring the installation of a measuring device and lockable controlling works at the point of diversion described in the permit.
2. On March 1, 2002, the Department received the permit holder's petition to remove the measuring device and lockable controlling works requirement.
3. On March 5, 2002, the Department received the recommendation of the watermaster of Water District No. 01 that the permit holder's petition be granted.
4. Installation of a measuring device and lockable controlling works for the permit are not necessary at this time but may be necessary in the future.

CONCLUSIONS OF LAW

1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device and lockable controlling works requirements until such time as they are necessary for regulation of the water right.

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SEP 22 2002

ORDER

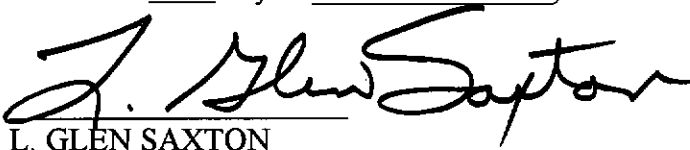
IT IS HEREBY ORDERED that approval condition no. 3, which requires the permanent installation of lockable controlling works for the permit, is **MODIFIED** as follows:

Upon specific notification by the Department, the right holder shall install lockable controlling works of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

IT IS FURTHER HEREBY ORDERED that approval condition no. 4, which requires the permanent installation of a measuring device, is **MODIFIED** as follows:

Upon specific notification by the Department, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

Dated this 5th day of March, 2002.



L. GLEN SAXTON

Chief, Water Allocation Bureau

MICROFILMED
APR 22 2002

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0257976
Receipt By: J. Mass
Date Received: 11-21-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 21 2001

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 25-13969 Telephone No. (208) 524-2120
2. Name of Permit Holder(s): Blaine Simmons
3. Mailing Address: 6453 1st ST
City Idaho Falls State ID Zip 83401
unnamed creek
4. Source of Water: surface If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: recreation
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 4 acre-feet
7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Blaine Simmons Telephone Number: (208) 524-2120
Address: 6453 1st ST Idaho Falls ID 83401
10. **The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.**

Signature of permit holder: Blaine Simmons Date: 11-16-01
(include your title, if on behalf of company or organization)

MICROFILMED

DEC 12 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 25-13969

Priority: 07/18/2001

Maximum Diversion Volume: 4.0 AF

This is to certify, that **BLAINE SIMMONS**
6453 E 1ST ST
IDAHO FALLS ID 83401

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM Tributary: WILLOW CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW¼NW¼SW¼ Sec. 35, Twp 01N, Rge 40E, B.M. BONNEVILLE County

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	40E	35																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 1, 2002**.
2. Subject to all prior water rights.
3. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
4. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of November, 20 01.


for **KARL J DREHER, Director**

MICROFILMED
DEC 12 2001

RECEIVED

SEP - 4 2001

Department of Water Resources

Ident. No.

25-13969

RECEIVED

JUN 29 2001

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant **Blaine Simmons**

Phone (208) 524-2120

Mailing address **6453 1st St, Idaho Falls, ID**

2. Source of water supply **Unnamed Stream** which is a tributary of **Willow Creek**

3. Location of point of diversion is Township **01N** Range **40E** Sec. **35**, in the **SW** $\frac{1}{4}$,
NW $\frac{1}{4}$, **SW** $\frac{1}{4}$, Govt. Lot _____, B.M., **Bonneville** County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount **4.0 afa** for **Recreation** *stern* purposes from **01/01** to **12/31** (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) **4.0 afa**
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source.

Earthen dam in creek bed with pond (approx. 140' x 460') for recreational use.

b. Height of storage dam **6** feet; active reservoir capacity **4.0** acre-feet;
total reservoir capacity **4.0** acre-feet

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

d. Is ground water with a temperature of greater than 85°F being sought?

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

Municipal; show name of municipality.

c. Domestic; show number of households.

d. Other; describe fully. **Recreational use to improve wildlife habitat.**

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DEC 12 2001

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	40E	35										R							

Total number of acres to be irrigated

- Describe any other water rights used for the same purposes as described above. **None**
- Who owns the property at the point of diversion? **Applicant**
 - Who owns the land to be irrigated or place of use? **Applicant**
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: —
- Remarks: **Pond and dam were constructed in 1972.**

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

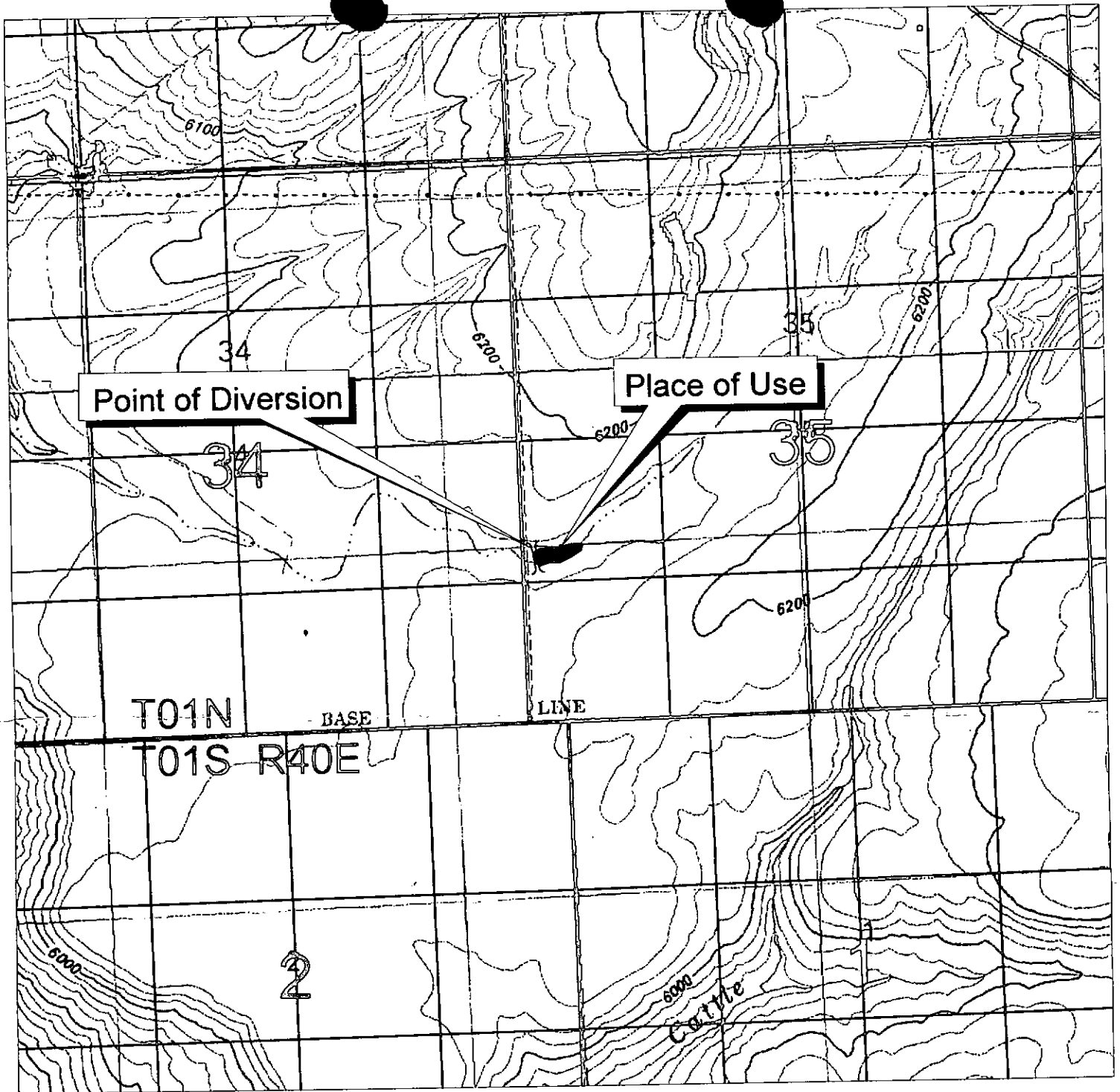
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Blaine Simmons owner
Signature of Applicant (and title, if applicable)

Received by CS Date 7/17/01 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by CS # E026920 Date _____
Publication prepared by SC Date 8/24/01 Published in Post Register
Publication approved SC Date 8/17/01

MICROFILMED

DEC 12 2001



MICROFILMED

DEC 2 2001

Application for Permit
Blaine Simmons



Thomas R. L. Blaine Postcard DATE 1906 IN FAVOR OF

Thomas R. L. Blaine Postcard DATE 1906 IN FAVOR OF

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Thomas R. L. Blaine Postcard DATE 1906 IN FAVOR OF



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 24, 2002

BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401

RE: License No. 25-13969 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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OCT 04 2002

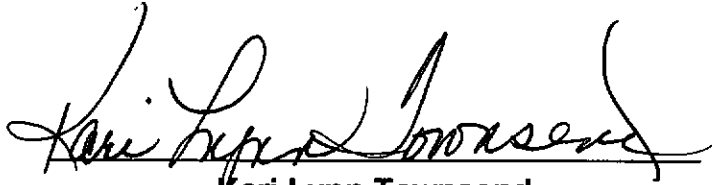
CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

25-13969

**BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 04 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

25-13969

1. dcarlson 9/4/2002 Field Report Narrative

Comment: dam in unnamed stream holds back spring melt water. dam low and pond shallow. 2-3 feet deep at the deepest

2. kwalker 9/13/2002 Use of water

Comment: Examiner recommended that we add a recreation from storage use to this right. I have not added this use since the water is not diverted out of the pond. The wildlife go to the pond to drink.

3. scox 7/24/2001 10:34:14 AM Additional Information Notes

Comment: Send copy of applicaton to Id Fish & Game, 1515 Lincoln Rd, Idaho Falls ID 83401

4. scox 7/24/2001 remark

Comment: Pond and dam were constructed in 1972.

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OCT 04 2002

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SEP 10 2002

Permit No: 25-13969

Page 1 Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 25-13969

Exam Date: 9/4/2002

1. Current Owner: BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401
(208) 524-2120

2. Accompanied by: NONE

Phone No:

Address:

Relationship to Permit Holder:

3. SOURCE

UNNAMED STREAM

TRIBUTARY

WILLOW CREEK

B. OVERLAP REVIEW

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

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM

SW1/4NW1/4SW1/4

Sec. 35, Twp 01N, Rge 40E, B.M.

BONNEVILLE County

Method of Determination: GPS / FE

2.

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	40E	35											X						

PLACE OF USE: RECREATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	40E	35											X						

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OCT 04 2002

Method of Determination:

3. ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☐ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☐ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

2. Measurements:

Reservoir dry

2-3 feet deep covering 2-3 acres

4 AF/A would be possible

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

Measured Method:

estimate ~~deep~~ 2-3' deep x 2-3 acres = 4 AF/A

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OCT 04 2002

F. 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:**G. NARRATIVE/REMARKS/COMMENTS**

dam in unnamed stream holds back spring melt water, dam low and pond shallow. 2-3 feet deep at the deepest

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		4.00 AF
RECREATION FROM STORAGE	01/01 to 12/31		4.00 AF
<u>Totals:</u>			4.00 AF

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

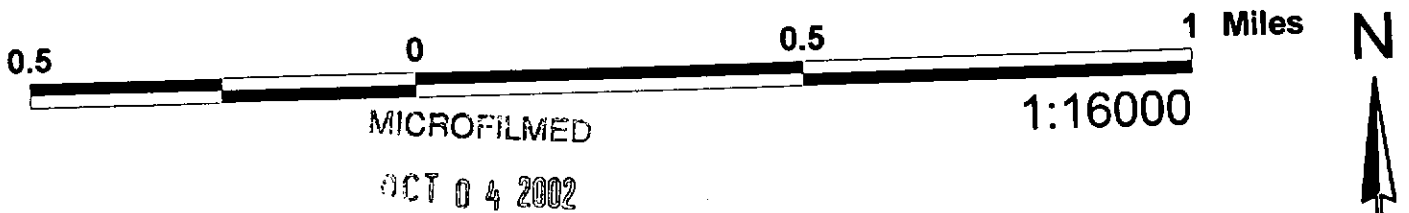
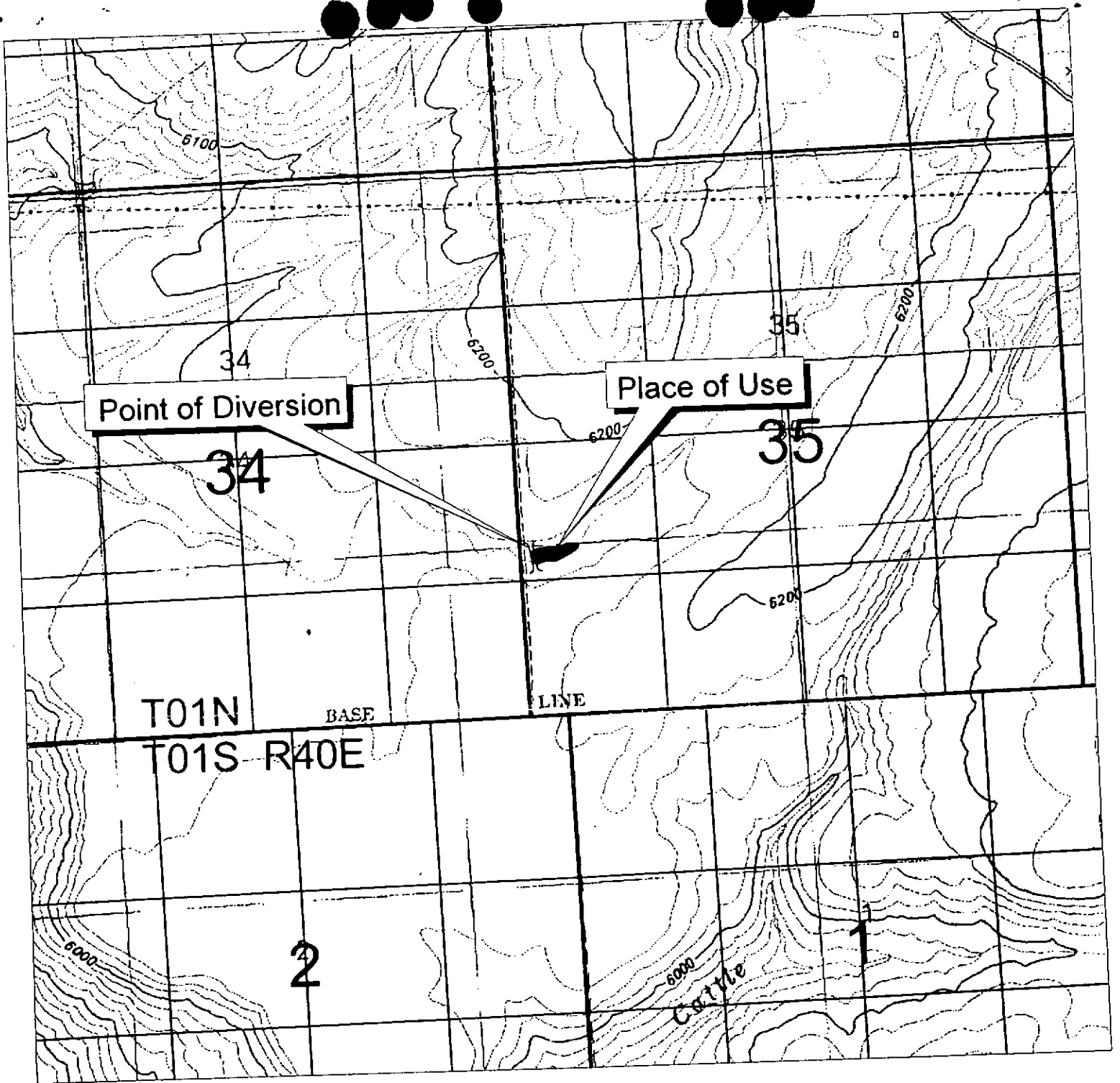
I. AUTHENTICATION

Field Examiner's Name DAVE CARLSON Date 9/5/2002

Reviewer [Signature] Date 9-5-2002

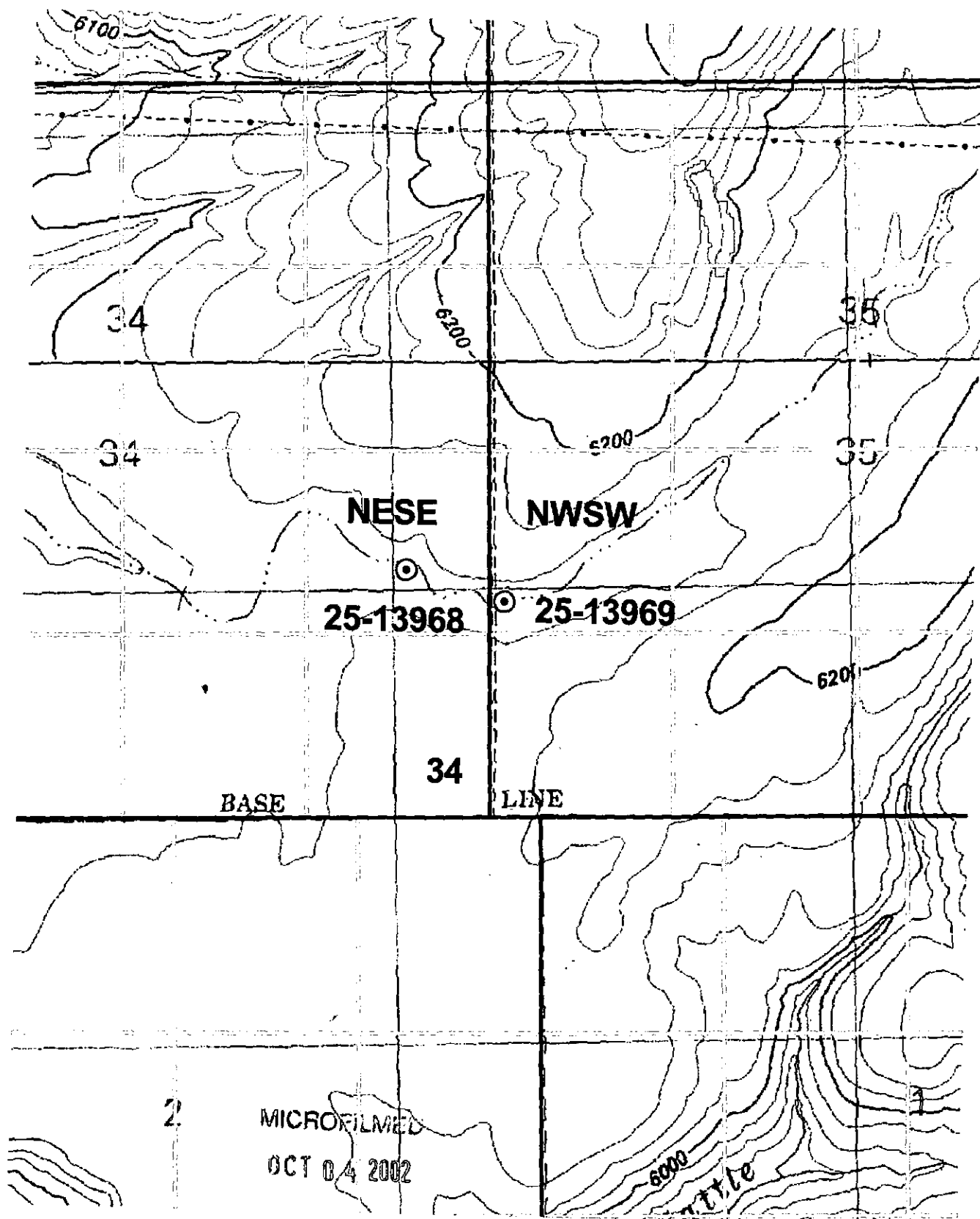
MICROFILMED

OCT 04 2002



**Application for Permit --
Blaine Simmons**

25-13968, 25-13969



01N, 40E, sec 34, 35



DAM
AREA
→

DCARLSON 9/4/2002

25-13969

DAM/RES

MICROFILMED

OCT 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 6, 2002

BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401

RE: Water Appropriation Permit No. 25-13969
Order Granting Petition to Remove Measuring Device Requirement

Dear Water Right Holder(s):

I have enclosed an order granting your petition to remove the measuring device requirement for Water Appropriation Permit No. 25-13969. The order is a preliminary order of the department. Please see the enclosed information sheet for a description of the process for appealing a preliminary order.

Please contact this office if you have any questions regarding this matter.

Sincerely,

Shelley W. Keen
Water Right Permits Section

Enclosure

MICROFILMED
APR 22 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
APR 22 2002

FINAL ORDER

The Director 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 Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, March 05, 2002 3:34 PM
To: Jones, Harold (Skip)
Subject: Request to remove measuring and locking requirements on 25-13969

Skip,

I received a request to remove measuring and locking requirements on 25-13969. It's a 4.0 AF reservoir in an intermittent stream tributary to Willow Creek. Can you get a quick reaction from Water District 01 for me?

Thanks.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

This afternoon Skip Jones called to tell me that Water District 01 has no need for control over this reservoir at this time.

*Shelley Keen
2/5/2002*

MICROFILMED

APR 22 2002

RECEIVED

MAR - 1 2002

Department of Water Resources

2 - 27 - 02

State of Idaho,

This letter pertains to permit no 25-13969
The location and nature of this water right
is such that on wet years the intermittent
stream flows almost all summer. On dry
years like the last two it may only flow
a month. It doesn't flow in the winter,
that I have seen.

If I was required to drain
the pond it could be done with
a hand shovel in an hour. I
would put a simple measuring device in
the stream if necessary. Removing the
dike would only remove duck habitat.

Blaine Simmons

6453 E 1st ST

Idaho Falls, ID

83401

(208) 589-2120

MICROFILMED

APR 22 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 4, 2001

BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-13969

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.

Upon my review of your proof of beneficial use I find that a measuring device and a lockable device is required for this water right according to the Conditions of Approval on your permit. According to paragraph 3 of the Conditions of Approval it states, "Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion." Paragraph 4 states, "Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir." I recommend that these conditions be completed prior to the field examination in order to avoid delay of the examination and the licensing of this right.

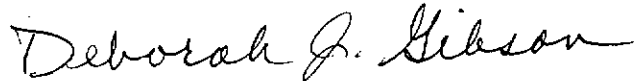
Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any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

MICROFILMED

Page 2

If you have any questions regarding this letter or the proof, you can contact me at (208)327-7953. If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

DEC 12 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 25-13969

Reviewed By: dgibson

Date: December 4, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E026920, C057976		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		X

Priority Calculation

Date proof received		11/21/2001
Date proof due	-	04/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	07/18/2001
New priority date	=	07/18/2001

Deficiencies of Actions Items

Acknowledge proof. Instruct permit holder to install measurement device prior to field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 14, 2001

BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401

RE: Permit No. 25-13969

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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 into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

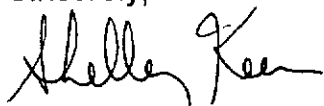
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

DEC 12 2001

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

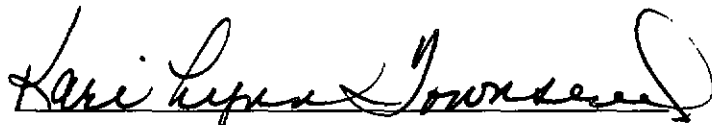
DEC 12 2001

CERTIFICATE OF MAILING

I hereby certify that on November 14, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 25-13969

**BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

DEC 12 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
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The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 9/10/01

No. 25-13969 Name: Simmons Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes SL Moratorium pre 1987 dev OK ~~CWMA~~ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr/irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust

Non-Trust

~~051~~ (consumptive uses)
~~048-049~~ (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

BENEFICIAL USE DUE: 1/01/2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

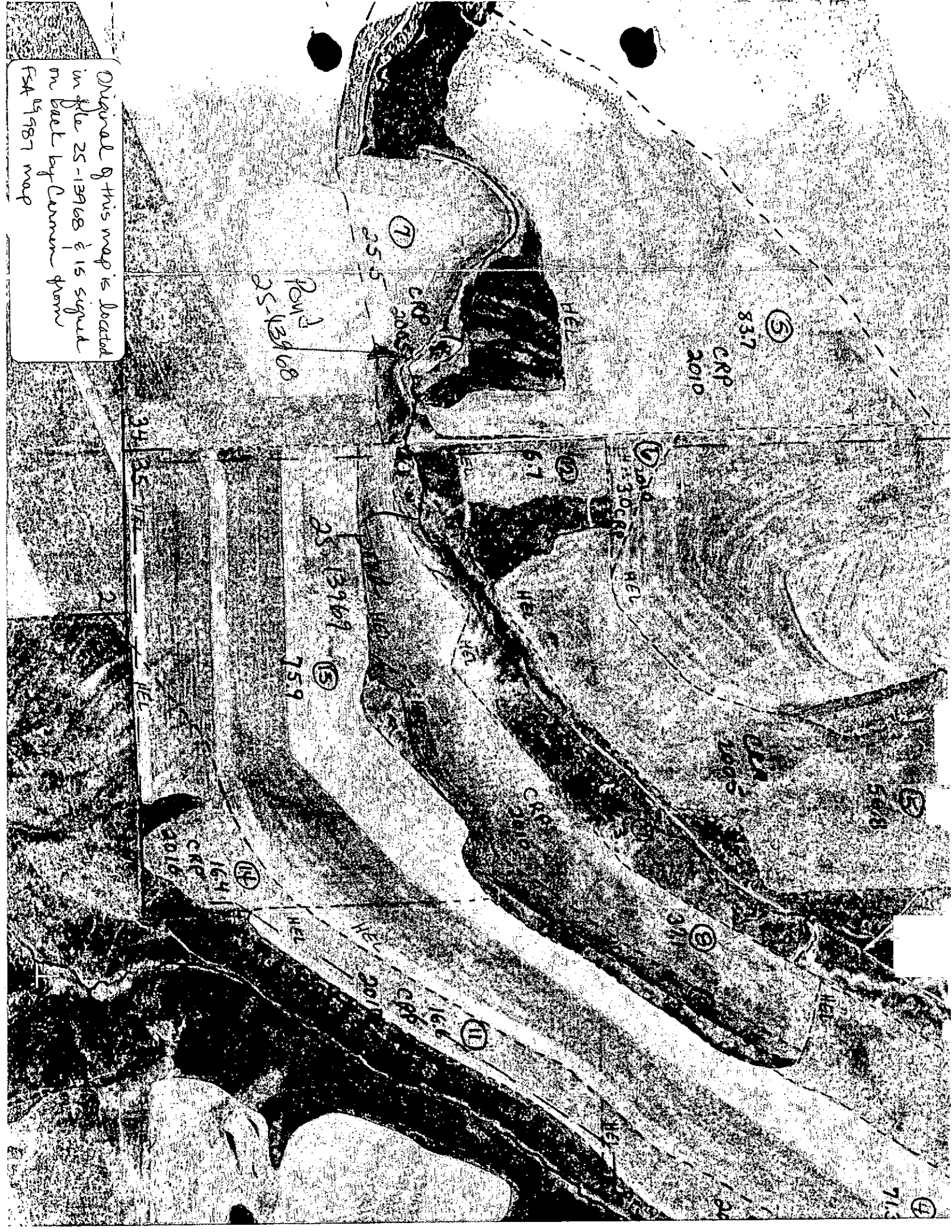
IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS Ab

COMMENTS No dam safety records, no aerial photography @ dept.
copied map from file 25-13968 dated 1987. ledgers records
are dated 1974. acceptable

Original of this map is located
in file 25-13968 & is signed
on back by Corman from
FSA 05987 map



Send Copy to Fish & Game Dept.

Dist. for staffing _____
Submitted for advertising _____

Form No. 202
4/87

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

RECEIVED

SEP -4 2001

Blaine Simmons

INITIAL REVIEW BY HWS DATE 7-8-01 APPLICATION NO. 25-13969
#69280 Department of Water Resources

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION

- _____ Overlapping place of use (Describe source & relationship to present application on the back.)
_____ Overlapping point of diversion
_____ Yes _____ No Field check required
_____ Yes _____ No Field check by _____
_____ Yes _____ No Field report attached
_____ Yes _____ No Critical groundwater area
_____ Yes _____ No Groundwater management area
_____ Yes _____ No Send dam safety information
_____ Yes _____ No Send power requirement letter
_____ Yes _____ No Send fish farm requirement letter
_____ Yes _____ No Power residency affidavit
_____ Yes _____ No Power efficiency form
_____ Yes _____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
_____ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ☒ ID Falls ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations, attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01
☐ Yes ☒ No Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 7-17-2001
By Thuf Date 8-28-01

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

Applicant has provided a farm payment sheet he
contends shows expenditures for the pond
construction prior to 1987.

Thuf

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

Project impacts/implications report

COMMENTS

[illegible]

Proof of Publication

RECEIVED

AUG 17 2001

Department of Water Resources
Eastern Region

The Post Register

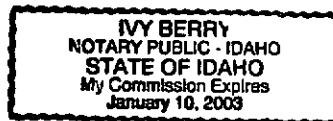
State of Idaho
County of Bonneville

I, ~~Danae Jacobsen~~ or Robert Park, first being duly sworn, depose and say: That I am the ~~Production Supervisor or~~ Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 2ND day of AUGUST, 2001, last publication having been made on the 9TH day of AUGUST 2001 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 15TH day of AUGUST 2001



Ivy Berry
Notary Public

My commission expires January 10, 2003

MICROFILMED
DEC 12 2001

PUBLIC NOTICE

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

25-13969

BLAINE SIMMONS

6453 E 1ST ST

IDAHO FALLS ID 83401

Point(s) of Diversion SWNWSW S35

T01N R40E, BONNEVILLE County

Source UNNAMED STREAM

Tributary to WILLOW CREEK

Use: RECREATION 01/01 To 12/31

4 AFA

4 AFA

Total Diversion:

Date Filed: 07/18/2001

Place Of Use: RECREATION

T01N R40E S35 NWSW

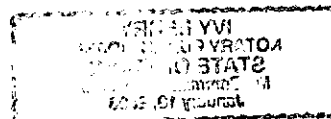
Pond and dam were constructed in 1972.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 20, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published: August 2, 9, 2001



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DEC 12 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

July 24, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Fish & Game
1515 Lincoln Rd
Idaho Falls ID 83401

RE: Applications for Permits #25-13168 and 25-13169

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is August 20, 2001, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

July 24, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
POST-REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

RE: Application for Permit No. 25-13968 and 25-13969

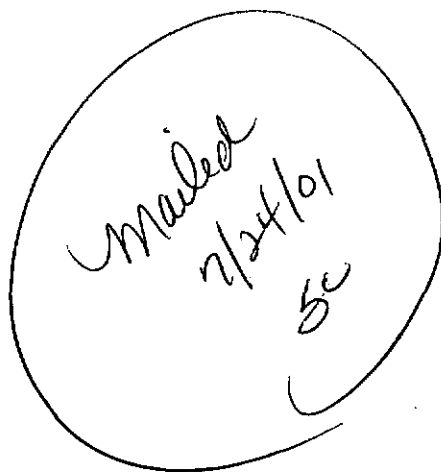
Dear Cathy Von Borstel:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before August 20, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistance



NO FILMED
JUL 24 2001

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

25-13969

BLAINE SIMMONS

6453 E 1ST ST

IDAHO FALLS ID 83401

Point(s) of Diversion SWNWSW S35 T01N R40E, BONNEVILLE County

Source UNNAMED STREAM

Tributary To WILLOW CREEK

Use: RECREATION 01/01 To 12/31 4 AFA

Total Diversion: 4 AFA

Date Filed: 07/18/2001

Place Of Use: RECREATION

T01N R40E S35 NWSW

Pond and dam were constructed in 1972.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 20, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 2 and 9, 2001

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

July 24, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
PRESTON CITIZEN
PO BOX 472
PRESTON ID 83263

RE: Application for Permit No. 13-7599

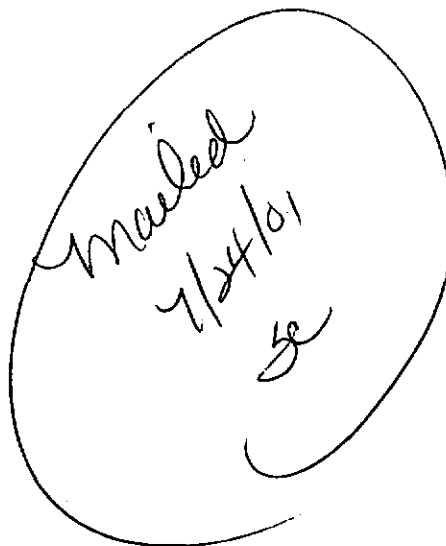
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before August 20, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



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DEC 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 24, 2001

BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401

RE: Application for Permit No 25-13969

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Post Register on August 2 and 9, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

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DEC 12 2001