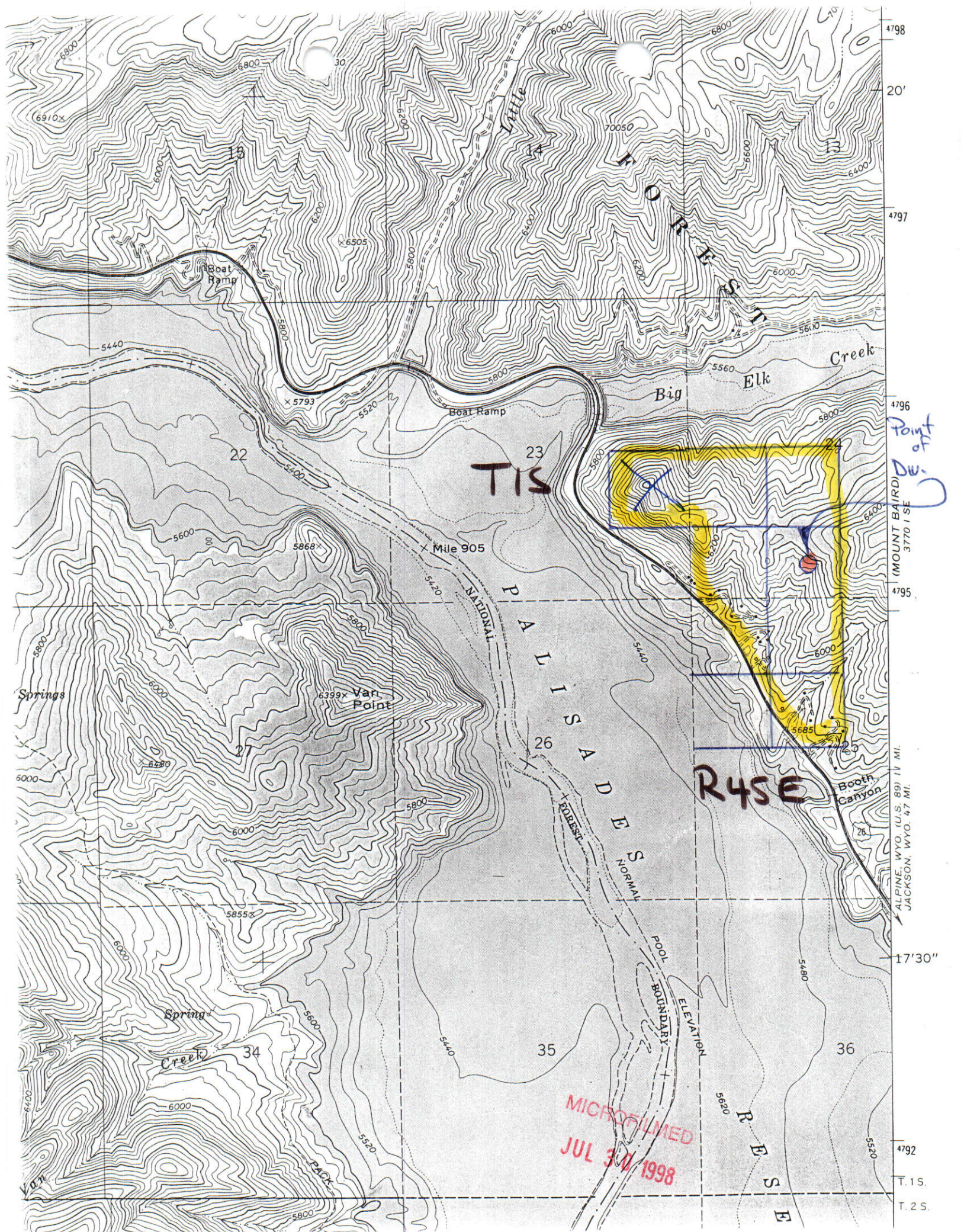




RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL - 3 2000

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. 23-07173 Telephone No. 208-523-0746 (work)
208-529-3110 (Home)
2. Name of Permit Holder(s): Lakeview Homeowners Assoc. c/o George Sparr
3. Mailing Address: 4760 S Wackerli
City Idaho Falls State Id Zip 83406
4. Source of Water: _____ If GROUNDWATER (well), Date Drilled: mo. 9 / yr. 98
- a. Well Driller: Vollmer Drilling Permit Number: 23-98-E-OW-7
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 139 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.50 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes ✓ or No _____
Has the measuring device been installed? Yes ✓ or No _____
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: George Sparr Telephone Number: 208-523-0746
Address: 4760 Wackerli Id. Falls, Id. 83406
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: Lakeview Homeowners Assoc. Date: 6-15-00
(include your title, if on behalf of company or organization)

George Sparr (Pics.)

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JUL 12 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSE EXAMINATION FEE SCHEDULE

(C.F.S. = cubic feet per second AF = acre feet)

<u>CFS</u>	<u>AF</u>	<u>FEE</u>
0 - 0.20	0 - 20	\$50.00*
.21 - 1.00	21 - 100	100.00
1.01 - 2.00	101 - 200	125.00
2.01 - 3.00	201 - 300	150.00
3.01 - 4.00	301 - 400	175.00
4.01 - 5.00	401 - 500	200.00
5.01 - 6.00	501 - 600	225.00
6.01 - 7.00	601 - 700	250.00
7.01 - 8.00	701 - 800	275.00
8.01 - 9.00	801 - 900	300.00
9.01 - 10.00	901 - 1000	325.00
10.01 - 11.00	1001 - 1100	350.00
11.01 - 12.00	1101 - 1200	375.00
12.01 - 13.00	1201 - 1300	400.00
13.01 - 14.00	1301 - 1400	425.00
14.01 - 15.00	1401 - 1500	450.00
15.01 - 16.00	1501 - 1600	475.00
16.01 - 17.00	1601 - 1700	500.00
17.01 - 18.00	1701 - 1800	525.00
18.01 - 19.00	1801 - 1900	550.00
19.01 - 20.00	1901 - 2000	575.00
20.01 - over	2001 - over	600.00

*Checks should be made payable to the
Idaho Department of Water Resources (IDWR.)

A license examination fee is not required in connection with
permits which use a ground water source AND have a total rate of **MICROFILMED**
diversion of 0.04 cfs or less or where the total volume stored is 4.0 AF per annum or less.
A license exam fee is required for ANY permit which uses surface water **12 2000**

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 23-07173

Proposed Priority: June 4, 1998

Maximum Diversion Rate:

0.50 CFS

This is to certify, that LAKEVIEW HOMEOWNERS ASSOC

C/O GEORGE SPARR

4760 S WACKERLI

IDAHO FALLS ID 83406

has applied for a permit to appropriate water from: GROUNDWATER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 24, Township 01S, Range 45E
BONNEVILLE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

01S 45E 23

24

25

NESE

NESW

SESW

NENW

SENW

NWSW

NWNW

SWSW

SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2000.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.

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JUL 30 1998

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

NO. 23-07173

CONDITIONS OF APPROVAL AND REMARKS

8. Point of diversion is located within Lot 23, Lakeview Estates, Division 1, Plat 1.
9. Places of use are located within Lots 1-6, 8-9, & 12-32, Lakeview Estates, Division 1, Plat 1; Lots 3-7, 9-13, & 15-17, Lakeview Estates, Division 1, Plat 2; Lots 1-11, Blk. 1, & Lots 1-5, Blk. 2, Lakeview Estates, Division 3; Lots 1-42, 45, & 49-60, Blk. 1, Rudd Subdivision; Lots 1-2, Blk. 1, Ramey Keller Subdivision; Lots 1-11, Blk. 1, & Lots 1-4, Blk. 2, Quaker Haven Estates; Lots 1-4, Blk. 1, Aspen Ridge Subdivision; and Lots 1-6, Blk. 1, Pixton Cove Subdivision.
10. Domestic use is for 139 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

23 rd day of July, 1998

Karl J. Dreher
for Karl J. Dreher, Director

JUL 30 1998

Ident. No. 23-07173

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JUL 13 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUN 03 1998

Department of Water Resources

Department of Water Resources
Eastern Region

1. Name of Applicant LAKEVIEW HOMEOWNERS ASSOC. Phone 208-529-3140
Mailing address 910 George Sparr 4760 S. Wackerli ID Falls, ID 83406
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 1S Range 4SE Sec. 24 in the _____ 1/4,
SE 1/4, SW 1/4, Govt. Lot _____, B.M., Bonneville County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|--|------------------------------|
| Amount <u>0.50</u> for <u>Domestic</u> purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) 0.50 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source well + pump to storage tanks to 150 lots
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. _____
- c. Municipal; show name of municipality. * 139
- d. Domestic; show number of households. 150 vacation homes
- e. Other; describe fully. _____

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k per telecom w/ George Sparr 7/20/98 cz.

JUL 30 1998

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	4SE	23																	
		24									D	D	D	D					
		25					D	D	D	D									

* port telecom w/ George Span 7/20/98 c3. Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Permit 23-07141

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Legal Paper's to have well on property

12. Remarks: This permit will be in addition to Permit 23-07141 which we are trying to get re-instated.

The water will be used for in-house use on vacation homes.

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.

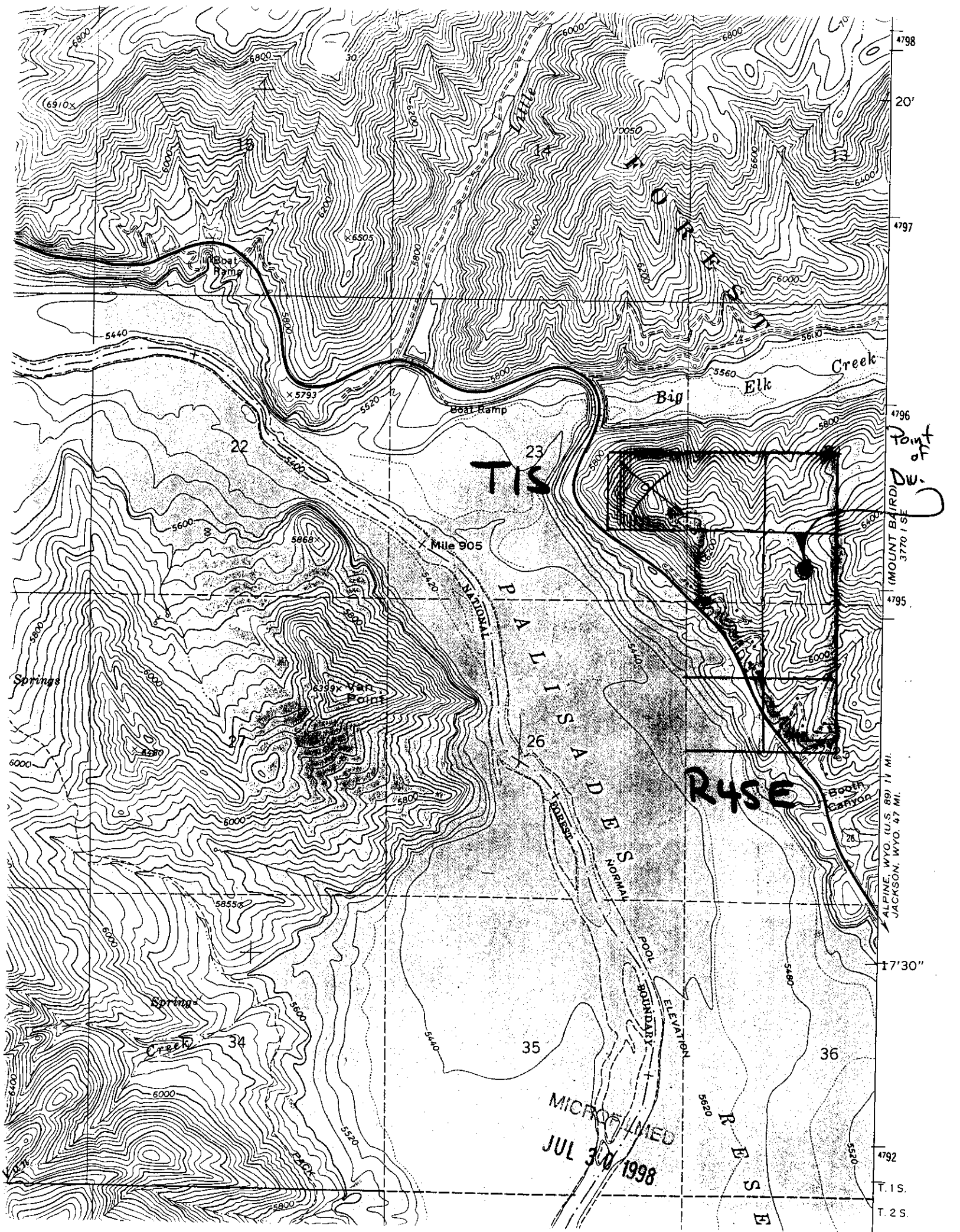
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JUL 30 1998

George Span
Signature of Applicant (and title, if applicable)

Pres Takeview Homeowner's Assoc

Received by HWJ Date 6-4-98 Time _____ Preliminary check by _____
Fee \$ 100.00 Received by HWJ # E024159 Date 6-4-98
Publication prepared by SC Date 6-18 & 6-25 1998 Published in East Register
Publication approved by Date 7-7-98





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 10, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LAKEVIEW HOMEOWNERS ASSOC
C/O GEORGE SPARR
4760 S WACKERLI
IDAHO FALLS ID 83406

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 23-07173

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 meets the permitted beneficial use.

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

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

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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JUL 12 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 23-07173 Reviewed by D. Ellis Date 7/10/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?

Groundwater - Domestic

Yes Address same as permit?

Yes Proof timely received?

Correct Uses? Yes

If not, complete calculation below.

SOURCE OF WATER

 Surface water source

Yes Ground water source

Yes Drilling permit required?

No Copy in the file?

Drilling Permit No. 23-98-E-OW-7

 Amount paid for permit

 Correct?

Yes Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?

\$100 Amount Submitted

Yes Correct?

MEASURING DEVICE

No Required?

Yes Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received

7/3/00

Date proof due

8/1/00

No. of days late

=

Priority Date

+

New Priority Date

DEFICIENCIES OR ACTION ITEMS

Acknowledge Proof

DATA ENTRY

New Address No

Proof Made 7/3/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0049663

Date:

Time:

7/12/2000
12:40:41

Received

From: LAKEVIEW HOMEOWNERS

Type of Payment	Program A cct	Amount
BENEFICIAL USE # 23-07173	56104 229 21 1125	1004.90
CHECK	B32	
Total		\$ 1004.90

Region: STATE

Signature: J. Smasi

MICROFILMED

JUL 12 2000

May 31, 2000

LAKEVIEW HOMEOWNERS ASSOC
C/O GEORGE SPARR
4760 S WACKERLI
IDAHO FALLS ID 83406

PROOF DUE NOTICE

RE: PERMIT NO. 23-07173

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

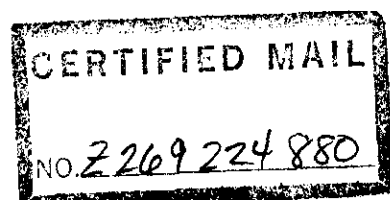
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

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JUL 12 2000



IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
1/4 _____		1/4 _____	
Lat. _____		Long. _____	

1. WELL TAG NO. D 000 6168
DRILLING PERMIT NO. 23-98-E-0007
Other IDWR No. _____

2. OWNER: WRE 23-07179
Name Lakeview Homesites c/o George Spurr
Address 4760 South Nackerli Ave
City Ammon State ID Zip 83406

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N W E S		Twp. <u>1</u>	North ☐ or South ☒
		Rge. <u>45</u>	East ☒ or West ☐
		Sec. <u>24</u>	<u>S1/4</u> 1/4 <u>S1/4</u> 1/4 _____ 1/4
		Gov't Lot _____	County <u>Bonneville</u>
		Lat. _____	Long. _____
Address of Well Site _____		City <u>Paisley, Idaho</u>	

(Give at least name of road + Distance to Road or Landmark)

Lt. 23 Blk. _____ Sub. Name Div. 1, Plat 1
Lakeview Estates

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other Multi-Ownership

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From To	Sacks or Pounds		
Bentonite	1 60'	45 bags		viobore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 410'
Was drive shoe seal tested? ☒ Y ☐ N How? Pressure

8. CASING/LINER:

Diameter	From To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	42 410'	20	Steel	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
Screens _____ Screen Type _____

From To	Slot Size	Number	Diameter	Material	Casing	Liner
					☐	☐
					☐	☐
					☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

260 ft. below ground Artesian pressure _____ lb
Depth flow encountered _____ ft. Describe access point or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

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

Bore Dia.	From To	Remarks: Lithology, Water Quality & Temperature	Y	N
10"	0 60'	Brownish Red Clay / Pebbles		☒
6"	60' 80'	Brownish Red Clay / Pebbles		☒
6"	80' 125'	Grayish Clay		☒
6"	125' 130'	Red Clay / Grayish Clay		☒
6"	130' 155'	Red Clay		☒
6"	155' 165'	Grayish Clay		☒
6"	165' 175'	Grayish Rock		☒
6"	175' 211'	Brownish Rock & Clay		☒
6"	211' 240'	Grayish Brown Clay		☒
6"	240' 245'	Brownish Rock		☒
6"	245' 270'	Brownish Clay		☒
6"	270' 275'	Grayish Brown Sandstone		☒
6"	275' 280'	Gray Clay		☒
6"	280' 320'	Brownish Gray Sand & Clay		☒
6"	320' 330'	Brown Clay		☒
6"	330' 340'	Brown Clay w/ Sand		☒
6"	340' 345'	Gray Mn. Rock		☒
6"	345' 350'	Brown Rock		☒
6"	350' 395'	Brownish Green Rock		☒
6"	395' 410'	Gray Rock		☒
6"	410' 500'	Fractured Mn Rock w/ Brownish clay streaks & Gray Rocks		☒

per Scotts-Vollmer Well Drilling
10-20-98

RECEIVED	
SEP 23 1998	
OCT 19 1998	
Department of Water Resources Eastern Region	
Department of Water Resources	
Completed	Depth <u>500' 600'</u> (Measurable)
Date: Started <u>8/26/98</u>	Completed <u>9/20/98</u>

13. DRILLER'S CERTIFICATION

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

Company Name Vollmer Well Drilling Firm No. 383
Firm Official Randy Helt Date 09/21/98
Driller or Operator Randy Helt Date 09/21/98
(Sign once if Firm Official & Operator)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 23, 1998

LAKEVIEW HOMEOWNERS ASSOC
C/O GEORGE SPARR
4760 S WACKERLI
IDAHO FALLS ID 83406

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 23-07173

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

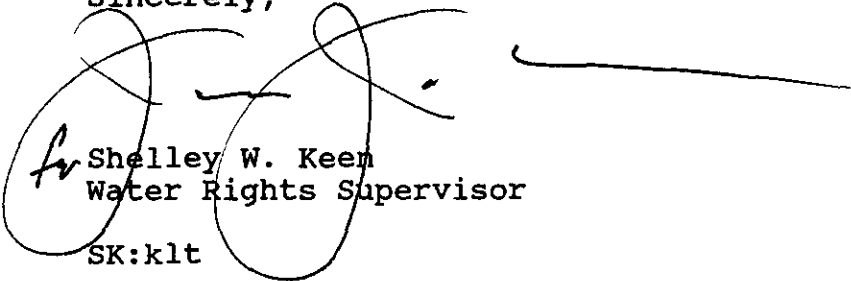
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JUL 30 1998

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

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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JUL 30 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 23-07173

LAKEVIEW HOMEOWNERS ASSOC
C/O GEORGE SPARR
4760 S WACKERLI
IDAHO FALLS ID 83406


Kari Lynn Townsend
Secretary

JUL 30 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JUL 30 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Remarks: GEN Point of diversion is located within Lot 23, Lakeview Estates, Division 1, Plat 1.
Places of use are located within Lots 1-6, 8-9, & 12-32, Lakeview Estates, Division 1, Plat 1; Lots 3-7, 9-13, & 15-17, Lakeview Estates, Division 1, Plat 2; Lots 1-11, Blk. 1, & Lots 1-5, Blk. 2, Lakeview Estates, Division 3; Lots 1-42, 45, & 49-60, Blk. 1, Rudd Subdivision; Lots 1-2, Blk. 1, Ramey Keller

WR0749NP
No. P23-07173

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/23/98
PAGE: 2

Remarks: Subdivision; Lots 1-11, Blk. 1, & Lots 1-4, Blk. 2, Quaker Haven
Estates; Lots 1-4, Blk.1, Aspen Ridge Subdivision; and Lots 1-6,
Blk. 1, Pixton Cove Subdivision.
Domestic use is for 139 homes and does not include lawn, garden,
landscape, or other types of irrigation.

Dates: App. Received: 06/04/1998 Priority Date: 06/04/1998
Proof Due Date: 08/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 07/15/98 CZIMMERM 07/22/98 CZIMMERM 07/23/98 CZIMMERM

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

05/98

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*
 No.: 23-7173 Name: Lakeview HOA Date: 7/15/98 Ad OK? ☒ 7/22/98 ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: ESRP Mor / GWMA / Trust / Non-trust

PROTESTED:

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

SYSTEM COMPLETED:

> 1 year

- 264P17

≤ 1 year/no proof

- P18

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

- North / East / West

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

All wells (✓ WDAQ3)

- 016P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-079

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req) -081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

- 1

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- 01WB5/450139

BENEFICIAL USE DUE:

- 8/1/2000

COMMENTS:

- requested sublet plate 7/15/98 received



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jerry B Reese, Forest Supervisor
USDA-FS Targhee National Forest
PO Box 208
St Anthony ID 83445-0208

Re: 23-07173, Lakeview Homeowners Association
23-07174, Royal Vacation Homes Water Association

Dear Mr. Reese,

Today I received your letter to Shelley Keen dated July 20, 1998, concerning the above referenced applications. Mr. Keen is out of the office until next week; consequently, I am responding to your letter in his stead.

The period for filing a formal protest against these applications ended July 6, 1998. However, we have taken your concerns on these applications into consideration when issuing the permits by including the following condition of approval to each permit:

"The issuance of this right does not grant any right-of-way or easement across the land of another."

Please be aware that neither application identifies any proposed point(s) of diversion be located on federal lands. Application 23-07173 identifies the proposed point of diversion be located on land owned by Steve Eldridge. Application 23-07174 identifies the proposed point of diversion be located on land owned by Royal Vacation Homes Water Association.

I trust adding the above condition to each permit addresses your concerns. If you have any questions or require assistance, you may contact me directly at (208) 327-7944.

Respectfully,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'.

Cindy Zimmerman
Water Resource Agent

MICROFILMED
JUL 30 1998



United States
Department of
Agriculture

Forest
Service

Targhee NF

420 North Bridge Street
P. O. Box 208
St. Anthony, ID 83445

File Code: 2530

Date: July 20, 1998

RECEIVED

JUL 23 1998

Department of Water Resources

Mr. Shelley Keen
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Protest 23-07173 Lakeview Homeowners Association
23-07174 Royal Vacation Homes Water Association

Dear Mr. Keen:

The June 18, 1998, new water right filings distributed by IDWR include two filings that very likely could involve National Forest System land. The new filings we are concerned about are 23-07173 by Lakeview Homeowners Association, and 23-07174 by Royal Vacation Homes Water Association.

Both of these claims are for recreation home areas on private land on the north side of Palisades Reservoir. There are multiple places of use identified for each filing. Many of these legally described tracts, the 40-acre parcels or quarter-quarters, include both private and federal lands.

Our concern is that a lot of private land in these areas is intermingled with National Forest System land. The Lakeview proponent has not contacted the Forest Service about drilling a well on the National Forest. However, their intentions are not clear given the ambiguity of the legal description. The Royal Association has contacted the Forest about drilling a well on National Forest System lands, but has not submitted a formal request to drill. They have, however, been informed that they must prove that alternatives on private land are infeasible before the proposal will be considered. In addition, consideration of such a request could take a year or more, and approval of the request is not guaranteed.

The present situation is that:

1. The new filings might involve National Forest system land. If they do we have a need to protest these filings. If they don't we have no concern.
2. There are no requests for occupancy of the National Forest being considered for these purposes at this time.
3. Requests back to the applicants to better identify this information and possibly refine survey or provide more precise land ownership descriptions might be desirable as a part of their applications.



Caring for the Land and Serving People

MICROFILMED

JUL 30 1998

Printed on Recycled Paper



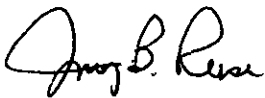
Mr. Shelley Keen, 7/20/98

Page 2

In lieu of making any additional work for IDWR, the applicants, or the Forest Service (including filing formal protests to these new water right filings that would result in IDWR having to hold administrative hearings and perform the associated ancillary business) we offer the following course of action. Simply adding a statement similar to *"This water use does not involve the use or occupancy of any National Forest system land,"* would alleviate our concerns with these filings and any subsequent water rights issued by IDWR.

Thank you for your consideration on these matters. If you have any questions about this business, please contact Ronna Simon at (208) 652-7442.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry B. Reese".

JERRY B. REESE
Forest Supervisor

MIDWEST
JUL 30 1998

MEMORANDUM

DATE: July 15, 1998
TO: File No. 23-07173
FROM: Cindy Zimmerman *CJ*.
SUBJECT: Additional Information Request

This application proposes to divert groundwater for domestic use for in-house use for 150 vacation homes. The subdivision plat in the file identified 56 lots. I called George Sparr this morning requesting subdivision plats identifying the location of all 150 lots. Mr. Sparr agreed to mail the plats either today or tomorrow.

I will hold processing on this application for one week pending receipt of the plats.

Received 7/17/98.

NOT RECORDED

JUL 30 1998

RECEIVED

JUL 13 1998

DEPARTMENT OF WATER RESOURCES

Send copy to
JESG

Dist. for staffing 6-4-98
Submitted for advertising 6-4-98

Form No. 202
4/87

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

INITIAL REVIEW BY HWT DATE 6-4-98 APPLICATION NO. 23-07173

Lakeview, Hemlock, Absc
REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE
APPLICANT * Same Place of Use as Permit 23-07141

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

DEQ-IF

☒ 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

FINAL REGIONAL PROCESSING REVIEW

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

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

Date of priority recommended 6-4-1998
By: [Signature] Date: 7-7-98

STATE OFFICE REVIEW

By: _____ Date: _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

[illegible]

Proof of Publication

The Post Register

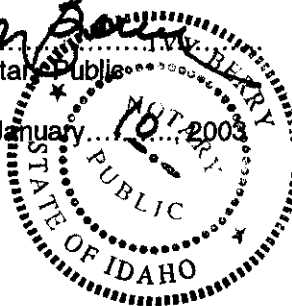
State of Idaho
County of Bonneville

I, S. Bob Bright 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 two consecutive (days) weeks, first publication having been made on the 18th day of June, 1998, last publication having been made on the 25th day of June, 1998, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park
.....

Subscribed and sworn to before me, this 1st day of July, 1998

Jan B. Berry
.....
Notary Public
My commission expires January 10, 2003


MICROFILMED

JUL 30 1998

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

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

23-07173

LAKEVIEW HOMEOWNERS ASSOC

C/O GEORGE SPARR

4760 S WACKERLI

IDAHO FALLS, ID 83406

Source: GROUNDWATER

Diversion Pt: SESW Sec 24 T 01S R 45E

in BONNEVILLE County.

Use: DOMESTIC (0.500 CFS)

Total Diversion: (0.500 CFS)

Date Filed: 6/4/1998

IN: Bonneville COUNTY

T01S R45E S23 NESE

S24 NESW NWSW SWSW SESW

S25 NENW NWNW SWNW SENW

23-07174

ROYAL VACATION HOMES

WATER ASSOCIATION

1133 DICKSON AVE

IDAHO FALLS, ID 83402

Source: GROUNDWATER

Diversion Pt: SENE Sec 28 T 02S R 46E

in BONNEVILLE County.

Use: DOMESTIC (0.330 CFS)

Total Diversion: (0.330 CFS)

Date Filed: 6/8/1998

IN: BONNEVILLE County

T02S R46E S28 NENE NWNE SWNE

SENE NESE SESE

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the applicant and the Director, Dept. of
Water Resources, along with a \$25.00
filing fee, Eastern Region, 900 N Skyline,
Idaho Falls, Idaho 83402 on or before
JULY 6, 1998.

KARL J. DREHER, Director

Published: June 18, 25, 1998

MICROFILMED

JUL 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 10, 1998

Legal Notices Department
THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Gentlemen:

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

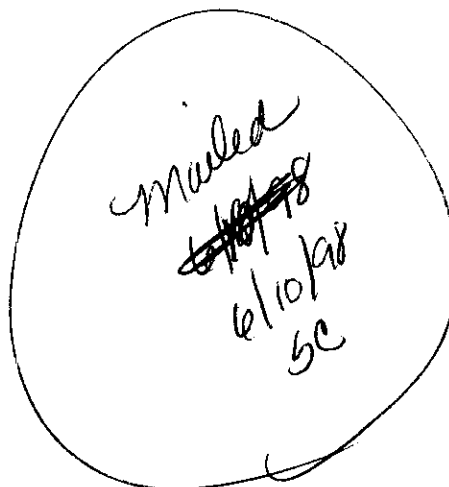
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 6, 1998.

Yours truly,

Rita Bodell
Secretary

Encl.



RECORDED

JUN 30 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

MAR 30 1968

23-07174

ROYAL VACATION HOMES WATER ASSOCIATION
1133 DICKSON AVE
IDAHO FALLS, ID 83402

Source: GROUNDWATER

Diversion Pt: SENE Sec 28 T 02S R 46E in BONNEVILLE County.

Use: DOMESTIC (0.330 CFS)

Total Diversion: (0.330 CFS)

Date Filed: 6/ 8/1998

In: BONNEVILLE County
T02S R46E S28

NENE
NESE

NWNE
SESE

SWNE

SENE

RECEIVED

JUL 30 1998

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JULY 6, 1998.

KARL J. DREHER, Director

Published: 6/18/1998 & 6/25/1998

ENCLOSURE

JUL 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LAKEVIEW HOMEOWNERS ASSOC
C/O GEORGE SPARR
4760 S WACKERLI
IDAHO FALLS ID 83406

RE: Application for Permit 23-07173

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register on June 18 and 25, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

REC'D - LAND
JUL 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

June 10, 1998

KARL J. DREHER
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS ID 83402

RE: Application for Permit No. 23-07173 and 23-07174

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 July 6, 1998, 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.

RECEIVED
JUL 30 1998