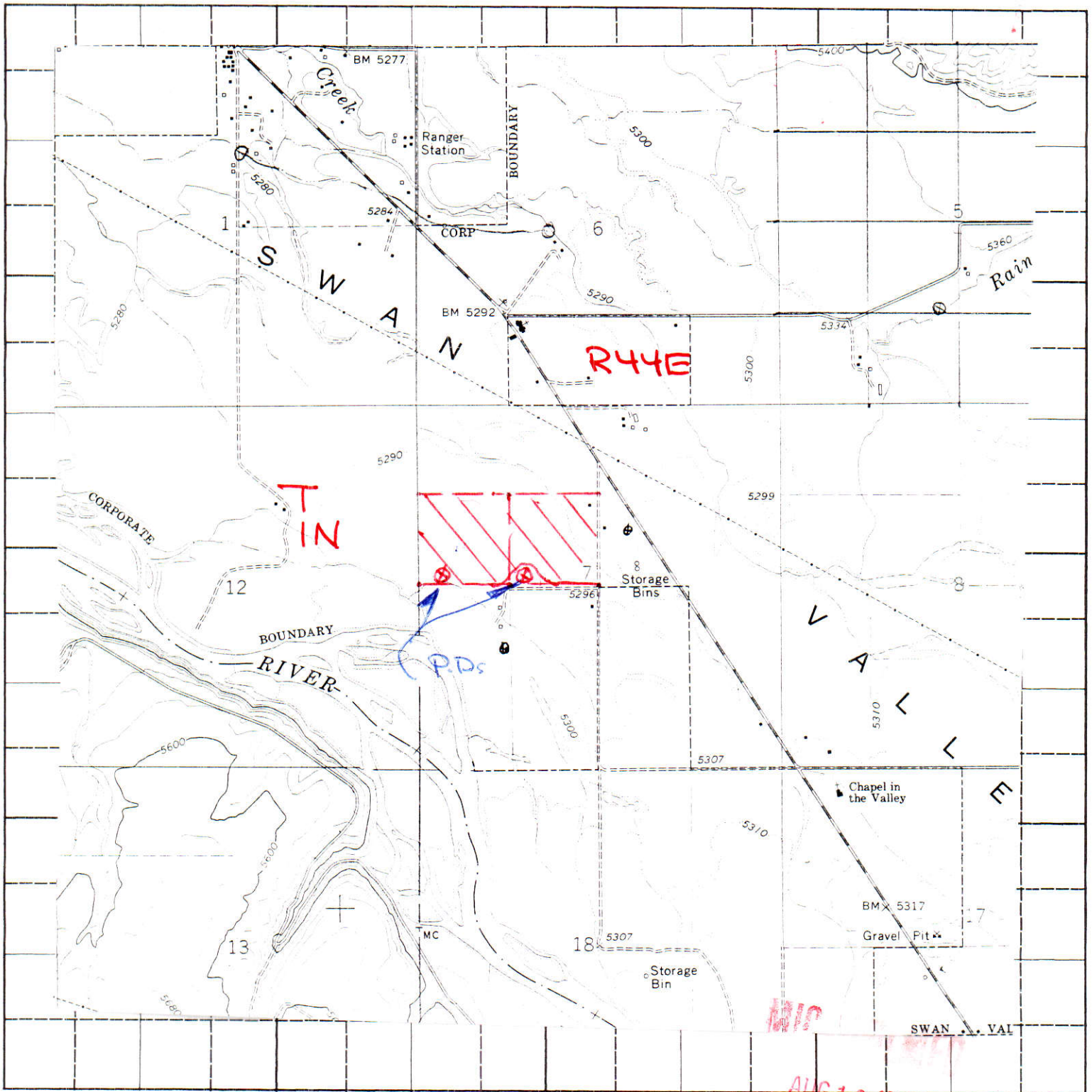


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

E. R. Sittler
(Applicant)

November 26, 1999

For Office Use Only
\$25 filing fee 25.00
Receipt # 055281
Date 8-2-01
→ Payable to:
IDWR

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG - 2 2001

ASSIGNMENT OF PERMIT
To change the ownership of a permit

Department of Water Resources

I, E. R. Bithell, hereby assign to Troy + Tara Hicks
of, PO Box 4, Swan Valley ID 83449 (808) 483-2070
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 23-7151 to appropriate the public waters of the State of Idaho.

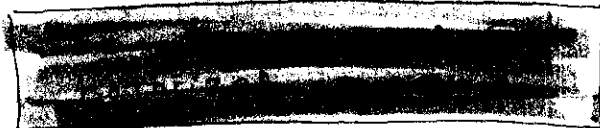
OR (for partial assignments)

The following described portion of my right, title, and interest in and to for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this _____ day of _____, 20____.

Permit Holder(s)

State of Idaho)
County of _____)ss



On this _____ day of _____, 20____, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at _____

SEAL

My commission expires: _____

MICROFILMED

AUG 08 2001

WARRANTY DEED

THIS INDENTURE, made this 23rd day of June, 2000, between REMON BITHELL and GOLDA BITHELL, husband and wife, of 124 Cottonwood Road, Swan Valley, County of Bonneville, State of Idaho, the Grantor, and TROY HICKS and TARA HICKS, husband and wife, of Box 4, Swan Valley, County of Bonneville, Idaho, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Bonneville, State of Idaho, to-wit:

The South Half (1/2) of the Northwest Quarter (1/4) of Section 7, Township 1 North, Range 44 E.B.M.

TOGETHER with the following water rights:

Water Right No. 23-07151, an undivided one-half (1/2) interest in Water Right No. A23-02065A, Water Right No. 23-10119, and 50 shares of stock in the Swan Valley Irrigation Company, Inc., now known as the Palisades Irrigation Company, Inc.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

ELDON

REMON BITHELL

GOLDA BITHELL

STATE OF IDAHO)

County of ^{Bonneville} Jefferson) SS

MICROFILMED

AUG 08 2001

ELDON

REMON BITHELL

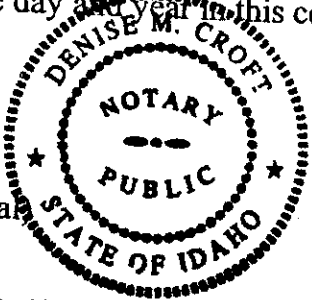
GOLDA BITHELL

STATE OF IDAHO)

County of ^{Bonneville} Jefferson) SS

On this 23rd day of June, 2000 before me, the undersigned, a Notary Public in and for said State, personally appeared ^{ELDON} REMON BITHELL and GOLDA BITHELL, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal) 
Residing in Bonneville County
Commission Exp. 2-27-04


Notary Public for Idaho
Residing at:
Commission Expires: June 23, 2004
I hereby certify that the within instrument was recorded.
Ronald Longmore,
County Recorder
By [Signature] Depu
Request of [Signature]

INSTRUMENT NO.	1025296
DATE	6-23-00
INST. CODE	205
IMAGED PGS	1
FEE	3-
STATE OF IDAHO	
COUNTY OF BONNEVILLE	SS
I hereby certify that the within instrument was recorded.	
Ronald Longmore,	
County Recorder	
By	<u>[Signature]</u> Depu
Request of	<u>[Signature]</u>

MICROFILMED

AUG 08 2001

RECEIVED

SEP 23 1992

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

Permit No. 23-07151 Telephone No. 483-3085

Name(s) of Permit Holder(s): E. R. Bithell

Post Office Address: 124 Cottonwood Rd. Swan Valley, Idaho 83449

Source of Water: Ground Water

If ground water, well driller's name: E. R. Bithell Date drilled: Dec. 1991

Extent of Use:

Domestic _____ (No. of households)

Irrigation 65 (No. of acres)

Stockwater 100 Rous (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted 0.67 cfs ~~acre/feet~~

Show date water was first diverted and beneficially used under this permit: 7-31-92

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

E. R. Bithell
Name

483-3085
Telephone No.

124 Cottonwood Rd Swan Valley ID 83449
Address

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

9-18-92
Date

E. R. Bithell
Signature (and title if on behalf of a company or organization)

OCT 23 1992

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single ownership
domestic use or stockwater use of
less than 13,000 gallons per day.

RECEIVED

Form 204

11-91 JUL 20 1992

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 Fee Received by KCW
Date 20 July 1992
Receipt No. 6017628

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 23-7151

Name(s) of Permit Holder: E. R. Bitthell

Mailing Address: 124 Cottonwood Rd, Swan Valley, ID 83449

Date Proof is Due Aug 1, 1992 Telephone No. 483-3085

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Pounded two sand points, irrigation laterals with sprinklers

Costing \$ 125⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Injured back and has been unable to complete pumping sand out of the wells. (wells are complete)

Permit holder(s) request an extension to January 1, 1993

FEE: \$15.00

E. R. Bitthell
(Signature)

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 1993.

MICROFILMED

JUL 29 1992

Signed this 24th day July, 19 92

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 23-07151

Proposed Priority: June 24, 1991 Maximum Diversion Rate: 0.67 CFS

This is to certify, that **E. R. BITHELL**
124 COTTONWOOD RD.
SWAN VALLEY, ID 83449

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.67 CFS
STOCKWATER	01/01 to 12/31	0.03 CFS
	Totals	0.67 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNW Sec. 7, Township 01N, Range 44E
BONNEVILLE County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>				
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>	
01N 44E 7	LOT 2(SWNW) 40	SENW 25		65	
				Total number of acres irrigated:	65

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 3, 1992**.
2. Subject to all prior water rights.
3. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

AUG 19 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

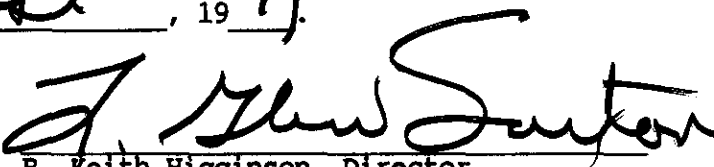
NO. 23-07151

CONDITIONS/REMARKS:

8. Stockwater use is for 100 range cattle.

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

12th day of August, 1991.

for 
R. Keith Higginson, Director

RECEIVED

AUG 19 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant E. R. Bithell Phone 483-3085
Post office address 124 Cottonwood Rd. Swan Valley, ID 83449

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 7 Township 1N Range 44E B.M. Bonneville County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.67 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.03 for Stock purposes from 5-1 to 10-01 (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) 0.67 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Two sandpoints driven less than 18' deep
with a portable pump to sprinkler lines (2) and water trough.

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

c. Proposed well diameter is 4 inches; proposed depth of well is 12 feet.

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

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

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AUG 19 1991

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. 100 head cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	44E	7							40	25									65
									S	S									
									L-2										

Total number of acres to be irrigated 65

10. Describe any other water rights used for the same purposes as described above. Shares in Palisades Irrigation Comp. AND A23-1049 A23-02065A

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

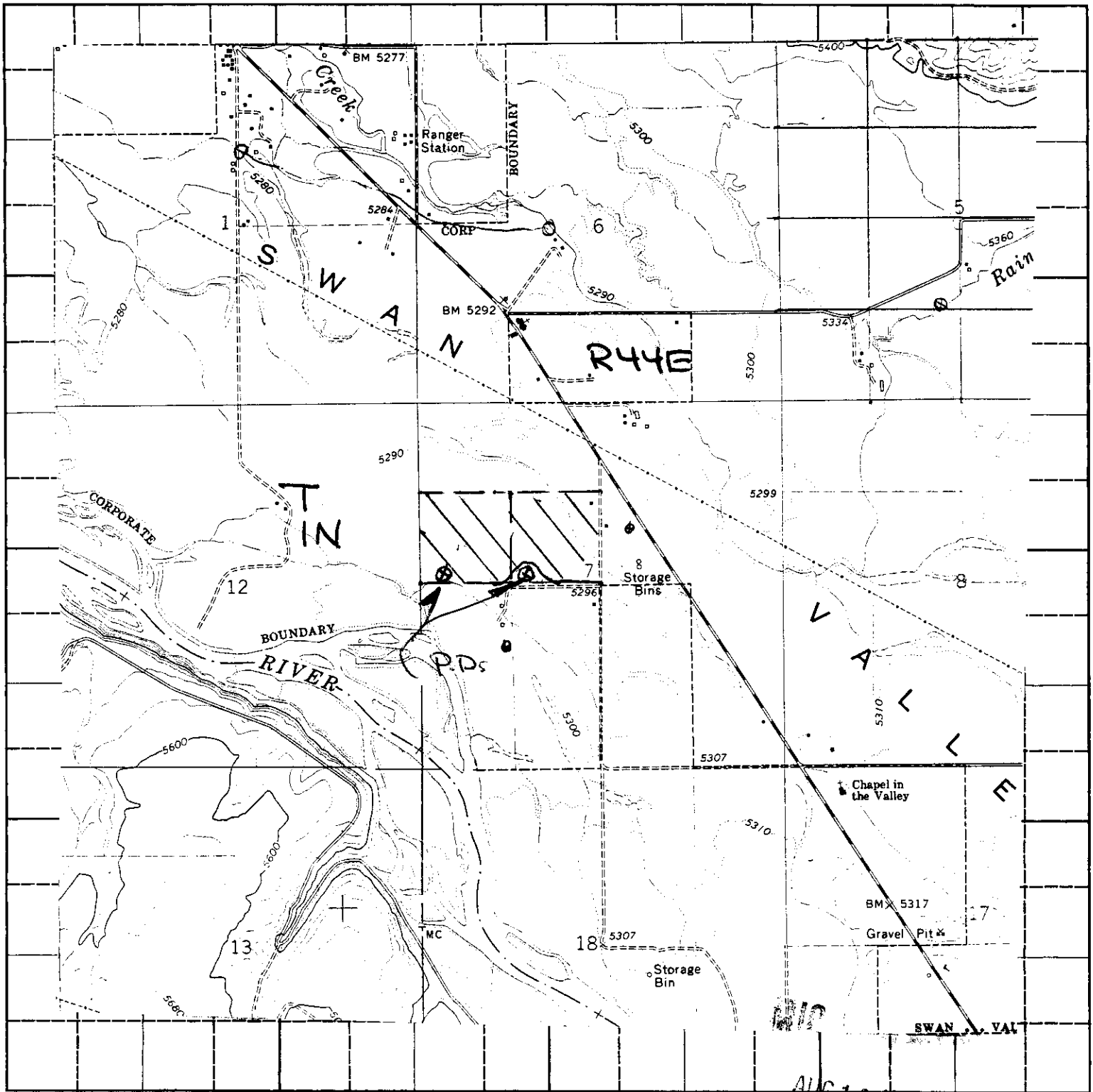
b. Who owns the land to be irrigated or place of use? Applicant

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

12. Remarks: _____

RECEIVED
AUG 19 1991

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



Scale: 2 inches equal 1 mile.

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

E. R. Sittell
(Applicant)

AUG 19 1991

Received by HWT Date 6-24-91 Time _____ Preliminary check by JRM
Fee \$ 45.00 Received by HWT # E016253 Date 6-24-91
Publication prepared by LB Date 7-4-91 Published in Last-Register
Publication approved LB Date 7-29-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

MAILED
AUG 19 1991

RECEIVED

JUL 19 1991

Department of Water Resources
Eastern District Office

Proof of Publication The Post-Register

State of Idaho, }
County of Bonneville } ss

I, S. BOB BRIGHT or TED. DELEZENE, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for TWO ISSUE ~~XXXXXXXXXX~~, first publication having been made on the 4th day of July, 1991, last publication having been made on the 11th day of July, 1991, 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.

S. Bob Bright

Subscribed and sworn to before me, this 17th day of July, 1991.

Susan Thayer
Notary Public

My commission expires July 1, 1997.

B10

23-07151
BITHELL, E.R.
124 COTTONWOOD RD.
SWAN VALLEY, ID 83449
Source: GROUNDWATER
Diversion Pt: SWNW Sec 7 T 01N R 44E
Use: IRRIGATION (.670 CFS)
STOCKWATER (.030 CFS)
Total Diversion: (.670 CFS)
Date Filed: 6/24/1991 In: T01N R44E S07
Lot 2 (SWNW) SENW
65.0 ACRES TOTAL
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JULY 22, 1991.
R. Keith Higginson, Director
Published: July 4, 11, 1991.

FILED
AUG 19 1991



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

August 3, 2001

TROY HICKS
TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449

RE: Change of Ownership for Water Right Permit 23-7151

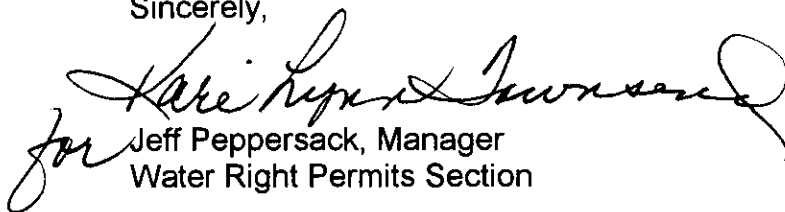
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

AUG 08 2001

September 25, 1992

E. R. BITHELL
124 COTTONWOOD RD.
SWAN VALLEY ID 83449

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 23-07151

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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

SEP-25-1992
OCT 23 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 23-07151

Reviewed by Klg Date 9/23/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? irrigate - 65
yes Address same as permit? Stock - 100
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

2 sand point wells NA ~~yes~~ Drilling permit required?

18' deep Copy in the file? Drilling Permit No.

Amount paid for permit Correct?

Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

100 Amount Submitted

yes Correct?

MEASURING DEVICE

yes Required?

no Installed?

no Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due -

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

needs a flow

DATA ENTRY

New Address

Proof Made 9/23/92
9/25/92 Klg



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 24, 1992

E. R. Bithell
124 Cottonwood Road
Swan Valley, ID 83449

Re: Permit No. 23-07151

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to August 1, 1993. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

MICROFILMED

JUL 29 1992

**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 23-07151 Reviewed by Klg Date 7/23/92

BASIC INFORMATION

7/20/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*approve Based on due diligence
extend to 8/1/93*

PRIORITY CALCULATION

Date extension received	<u>NA</u>	=	
Proof due date		=	
Number of days late		=	
Priority date		=	
New Priority Date		=	

DATA ENTRY

New Address _____
Change Proof Due Date 7/24/92 Klg
Change Priority Date _____

May 31, 1992

E. R. BITHELL
124 COTTONWOOD RD.
SWAN VALLEY ID 83449

PROOF DUE NOTICE

RE: PERMIT NO. 23-07151

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, 1992. (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.

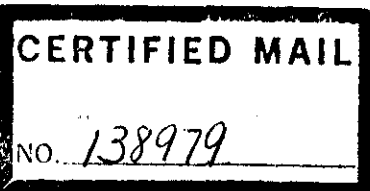
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MICROFILMED

JUL 29 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 16, 1991

E.R. BITHELL
124 COTTONWOOD RD.
SWAN VALLEY, ID 83449

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 23-07151

Dear Permit Holder:

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

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

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

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

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure

NOT RECORDED

AUG 19 1991

APPLICATION FOR PERMIT REVIEW

Application #: 23-7151
Date: 8-7-91

Reviewer: Pam Skaggs ²⁸

Existing:

☒ No - 26A-P17
☒ Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

☒ GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99

☒ Not included - 046-P23(All GW, even existing wells)

Location:

Water Districts - WD No. 01
Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

☒ Swan Falls Flag - / (1, Blank or Other)

Trust - 051-052-053-P74(Consumptive Uses)

☒ Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

RECEIVED

AUG 19 1991

☒ Beneficial Use Due Date: - 08-03-1992
Other Conditions Recommended

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 23-7151 and have the following comments objections to the approval of this application for permit:

By definition this may not be "ground water". However if it is not ground water I do not know what to call it on the application. I really wonder if the application will be successful in getting adequate water for 65 ac from a sand point. However, the potential impact on the river is not clear.

6/28/91

Date

RONALD D. CARLSON, WATERMASTER
Water District No. 01

Microfilm

AUG 19 1991

Dist. for staffing: 25-Jun-1991
submitted for advertising: 6-25-1991

Form No. 202a
4/87

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

23 7151

INITIAL REVIEW BY DM
APPLICANT NAME: E. R. BITHELL

DATE 6-25-91

APPLICATION NO. _____

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested

RECEIVED
AUG 02 1991

Department of Water Resources

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 ☐ 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 7-22-91
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations, attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 6-24-91
By HWS Date 7-30-91

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

P/O number: 23-02065, 23-00104

Contingency 05 CWD 01, Snake River, 11A

LOCAL PUBLIC INTEREST

Comments received from

<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 <u> </u>

Project impacts/implications report

COMMENTS



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

26-Jun-1991

E. R. BITHELL
124 COTTONWOOD
SWAN VALLEY ID 83449

RE: Application No. 23-07151

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Post-Register on July 4 & 11, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

Harold Jones RB
HAROLD W. JONES

Water Rights Supervisor

HWJ/rb

MICROFILMED

AUG 19 1991

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

Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 26, 1991

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 22, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED
AUG 19 1991

23-07151

BITHELL, E. R.
124 COTTONWOOD RD.
SWAN VALLEY, ID 83449

Source: GROUNDWATER

Diversion Pt: SWNW Sec 7 T 01N R 44E

Use: IRRIGATION (.670 CFS)
 STOCKWATER (.030 CFS)
 Total Diversion: (.670 CFS)

Date Filed: 6/24/ 1991

In: T01N R44E S07 Lot 2 (SWNW) SENW

65.0 ACRES TOTAL

RECORDED
AUG 19 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JULY 22, 1991.

R. Keith Higginson, Director

Published 7/ 4/1991 & 7/11/1991

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AUG 19 1991