

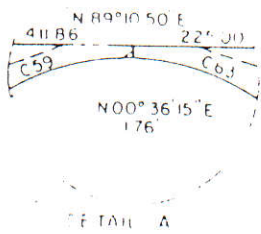
SOUTH FORK ESTATES
SUBDIVISION

PART OF
SE⁴NW⁴ & NE⁴SW⁴
SEC. 26, T.1N., R.44 E., B.M.
BONNEVILLE COUNTY, IDAHO



FORSGREN-PERKINS ENGINEERING, P.A.

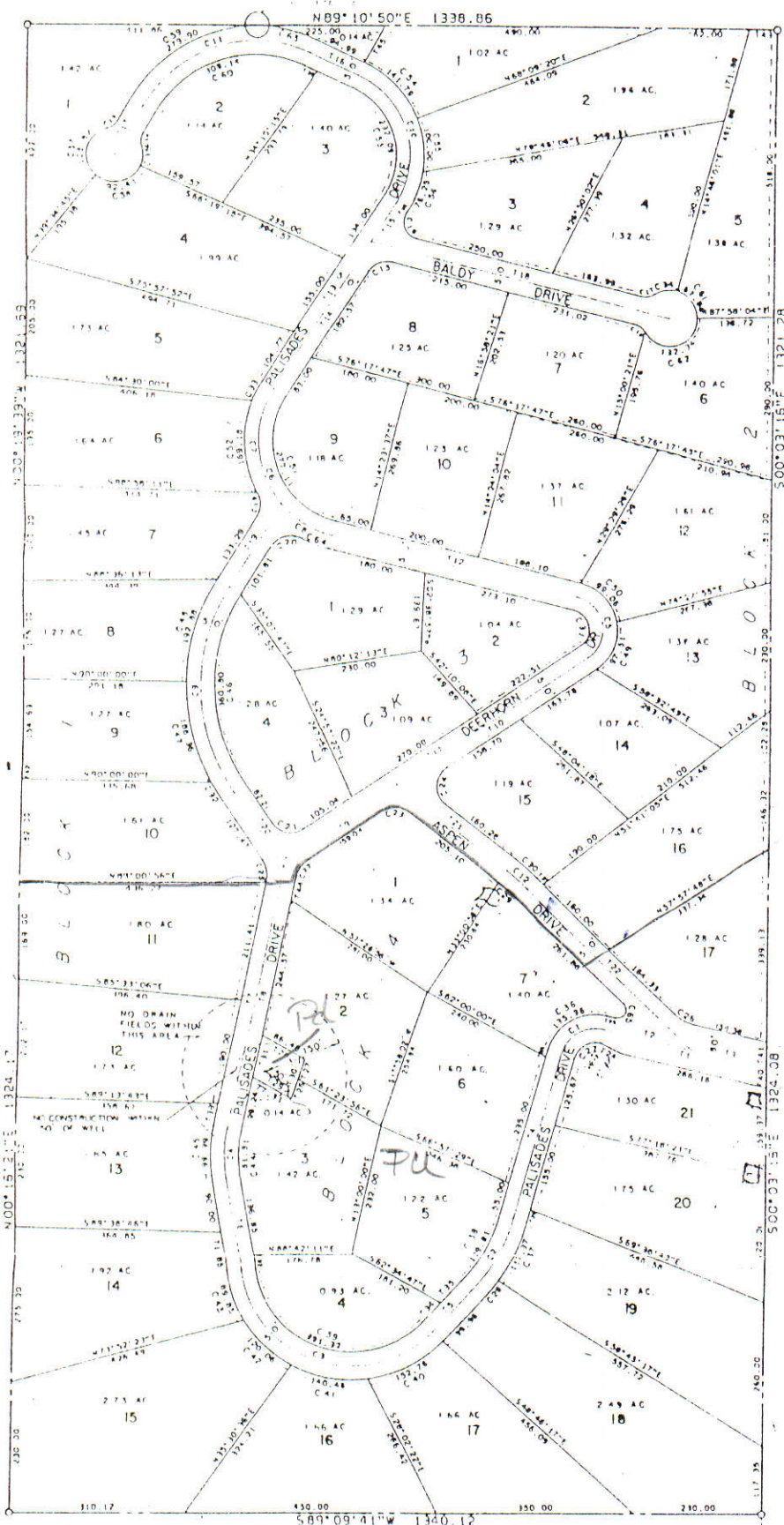
SHEET 1 OF 2



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of the recorded plat, the Company assumes
no liability for variations, if any, with a
re-survey.

IDAHO TITLE & TRUST CO.

547 So. Capital Ave.
Idaho Falls, Idaho 83401
522-7895



SEMENTS SHOWN ARE 10' IN WIDTH.
IN ADDITION TO THE EASEMENTS SHOWN HERE, AN
EASEMENT 10' IN WIDTH IS RESERVED FOR UTILITIES
ADJACENT TO ALL LOT LINES, FRONT, SIDE, AND REAR.

BRASS CAP
1. 174. 001.
SEC. 26. 11N.
R44E, B.M.

CITY APPROVAL AND ACCEPTANCE

PRESENTED TO THE IDAHO CITY COUNCIL THIS 12TH DAY OF JULY
A.D. 1960, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND
ACCEPTED

ALL CITY CLERK *John L. O'Connell* MAYOR

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 23-11217

Priority: 07/26/2001

Maximum Diversion Rate: 0.18 CFS

This is to certify, that **FERRELL BUTIKOFER**
1964 RIRIE CIRCLE
IDAHO FALLS ID 83404

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.18 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NE¼SW¼ Sec. 26, Twp 1N, Rge 44E, B.M. BONNEVILLE County

PLACE OF USE: DOMESTIC

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	44E	26																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2005**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. Domestic use is for 14 homes and does not include lawn, garden, landscape, or other types of irrigation.
8. Place of use is located within Lots 1, 2, 4, and 7, Blk. 4; Lots 11-21, Blk. 1; and Lot 17, Blk. 2; South Fork Estates Phase I.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of January, 2002.

MICROFILMED
FEB 04 2002


KARL J DREHER, Director

for

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Ferrell Butikofer Phone 542-0373
Mailing address 1964 Pine Circle Idaho Falls, Idaho 83404.
2. Source of water supply GROUNDWATER which is a tributary of N/A
3. Location of point of diversion is Township 1 N. Range 44 E. Sec. 26, in the NW 1/4, NE 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 0.18 cfs for DOMESTIC purposes from 1 Jan to 31 Dec (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) 0.18 cfs 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 + 2 storage tanks
to 14 homes.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 6" inches; proposed depth of well is 864 feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? 1980; Drilling firm ANDREW WELL DRILLING;
Well was drilled for (well owner) CLARENCE REINHART; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 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.
☒ d. Domestic; show number of households. 14
e. Other; describe fully. _____

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SEP 11 2002

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	
1N	44E	26									D								

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Ferrell Buttkofer
- b. Who owns the land to be irrigated or place of use? 14 DIFFERENT LOT OWNERS (SEE ATT.)

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

12. Remarks: _____

13. **MAP OF PROPOSED 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.

Ferrell Buttkofer
 Signature of Applicant (and title, if applicable)

MICROFILMED
FEB 04 2002

Received by DMD Date 7-26-01 Time 9:52 AM Preliminary check by _____

Fee \$ 100.00 Receipted by SL # E026957 Date 7-26-01
 Publication prepared by SL Date 8/20 & 8/27/01 Published in Post Register
 Publication approved SL Date 10/5/01

Ferrell Butikofer
South Fork Estate Phase I

July 19, 2001

Benton Engineering
Attn: Mike
550 Linden Drive
Idaho Falls, ID 83401

Re: South Fork Estate Phase I

Dear Mike

Find below the list of lot owners in phase 1, who require connection to the water system in phase 1 and who require only one building permit.

1. Stacy Pascoe. Block 4 lot 7. Building permit granted, house was built and water connected in 1989.
2. David Butikofer. Water already present on Block 4, lot 2, where building permit will be requested. He also owns Block 4 lot 3, 5 and 6, for which he does not need a building permit nor water connections.
3. James Sweeney. Block 4 lot 4 and Block 1 lot 16. Requires one building and water permit for the two parcels.
4. Glenn McNelly. Block 2 lot 17. Requires one building and water permit.
5. Rod McNelly. Block 1, lot 11. One building and water permit.
6. Randy Huskey. Block 1, lot 12 One building and water permit.
7. Ferrell Butikofer. Block 1, lot 13 and 14. One building and water permit for lot 13, lot 14 contains cellular tower, does not require water.
8. Carl Carlson. Block 1, lot 15 Require one building and water permit.
9. Ralph Hamilton. Block 1, lot 17. One building and water permit.
10. Timothy Reynolds and Patricia Isaef. Block 1, lot 18. One building and water permit.
11. Janet Carlson. Block 1, lot 19. One building and water permit.
12. Zane Cutler. Block 1, lot 20. One building and water permit.
13. Robert Clemens Block 1, lot 21. One building and water permit.
14. To be sold to Teresha Parish Block 4, lot 1. One building and water permit.

Cc.: Dep. of environmental quality. Ryan Urbanec

Anthonia Butikofer
Ferrell Butikofer
Anthonia and Ferrell Butikofer.

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FEB 04 2002

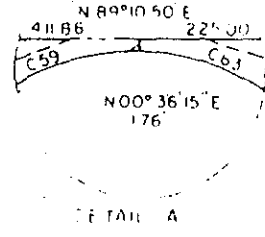
SOUTH FORK ESTA SUBDIVISION

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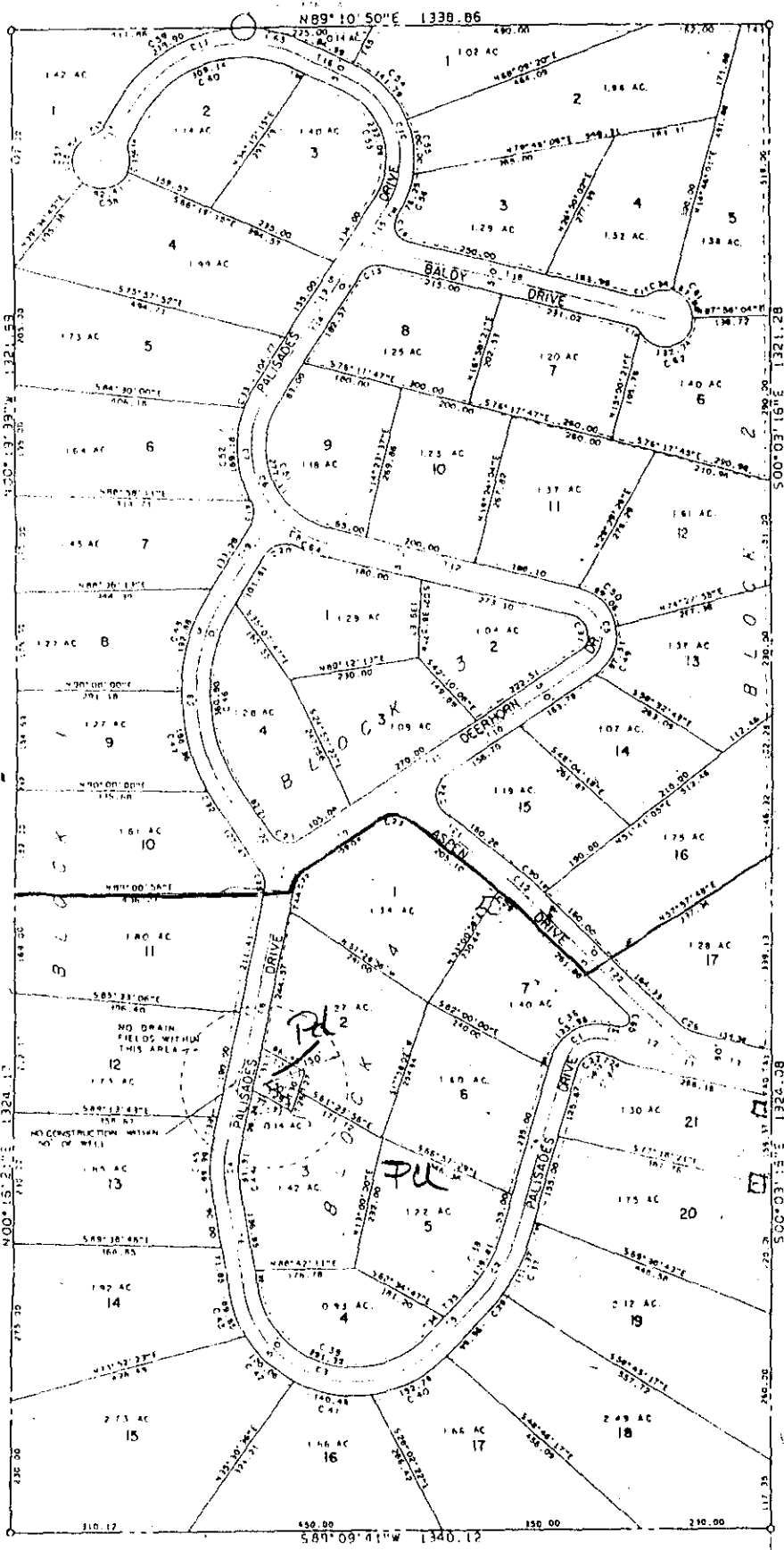
SHEET 1 OF 2



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BRASS CAP
1/2" DIA.
SEC. 26, T.1N.,
R.44 E., B.M.

CITY APPROVAL AND ACCEPTANCE

PRESENTED TO THE IDAHO CITY COUNCIL THIS 12TH DAY OF MAY
A.D. 1960, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND
ACCEPTED

John A. Thompson CITY CLERK
John A. Thompson MAYOR



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

January 7, 2002

FERRELL BUTIKOFER
1964 RIRIE CIRCLE
IDAHO FALLS ID 83404

RE: Permit No. 23-11217

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.

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 water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

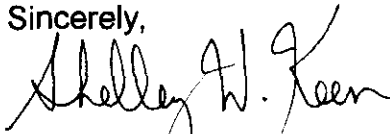
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FEB 04 2002

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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
FEB 04 2002

CERTIFICATE OF MAILING

I hereby certify that on January 7, 2002 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. 23-11217

**FERRELL BUTIKOFER
1964 RIRIE CIRCLE
IDAHO FALLS ID 83404**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
FEB 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.

MEMORANDUM

To: File 23-11217

From: Sharla

Date: January 4, 2002

Re: Telecon

On this date, Mr. Butikofer called me in response to my recent letter. He told me that he was the original owner of the entire subdivision property; he now owns 3 of the 14 lots; the rest of the lots were sold to other individuals. The real estate agent who worked for them in selling the lots ended up creating a covenant that made Mr. Butikofer (as the subdivider) responsible for putting in the water system.

in-house confirmed

MICROFILMED
FEB 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

December 13, 2001

FERRELL BUTIKOFER
1964 RIRIE CIRCLE
IDAHO FALLS, ID 83404

RE: Application for Permit 23-11217

Dear Mr. Butikofer:

The above referenced application is being reviewed for final approval and there is some information that I need to collect before I can proceed with that process.

The application proposes diversion and use of water for 14 homes in South Fork Estates Phase I. There is documentation in the file which lists the names of the lot owners. Under what authority do you make this water right application filing on behalf of these multiple owners? Are you the developer/subdivider? Was this well always intended to be the only source of water supply for these lots?

I have attempted to call you several times to get this information, but I was unable to reach you at the number provided on the application form and an answering machine never picked up, so I would appreciate hearing from you at your earliest convenience. You can either provide this information in writing or you can give me a call at 327-5452. As soon as I get the information, I will route the file for permit approval.

Thank you for your assistance in this matter.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

MICROFILMED
FEB 04 2002

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 10/24/01

No. 23-11217 Name: Butikofer Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes ESPA Moratorium GWMA 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 - 051 (consumptive uses)
Non-Trust - 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

BENEFICIAL USE DUE: 11/01/2004

MISC CONDITIONS/REMARKS:

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

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 WD

≤ 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 - ~~071-075~~ (no parks/common areas)
Irr separate or none allowed - WB5 (14)
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

IRRIGATION SEASON - (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS

COMMENTS

Assessor's office
Dot 1, Blk 1
" Blk 10 Butikofer Trust

Copx to DRG

Dist. for staffing
Submitted for advertising

Form No. 202
4/87

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

Butkefor
INITIAL REVIEW BY *HWT* DATE *7-30-01* APPLICATION NO. *23-11217*
#69310

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 ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☒ Adjudication Bureau Unit ☒ Other DEQ at ID Falls

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. _____

_____ See below for additional information
Date of priority/recommended 7-26-01
By Huf Date 10-12-01

STATE OFFICE REVIEW

_____ See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

This use is to be in-house only. Huf

Proof of Publication

The Post Register

RECEIVED

OCT 05 2001

Department of Water Resources
Eastern Region

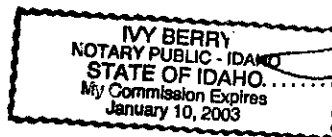
State of Idaho
County of Bonneville

I, ~~Danae Jacobson~~ 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 uninterrupted,
prior to consolidation, for more than twelve consecutive months and said Post Register having been published
continuously and uninterrupted 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 20TH day of SEPTEMBER,
2001, last publication having been made on the 27TH day of SEPTEMBER 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 3RD day of OCTOBER 2001



Ivy Berry
Notary Public

My commission expires January 10, 2003

MICROFILMED

FEB 04 2002

PUBLIC NOTICE

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

22-11217
Ferrell Butkoter
1964 RIRIE CIRCLE
IDAHO FALLS, ID 83404
Point(s) of Diversion: NWNESW S26
T01N R44E, BONNEVILLE County
Source GROUND WATER
Use: DOMESTIC

01/01 To 12/31 0.18 CFS
Total Diversion: 0.18 CFS
Date Filed: 07/31/2001
Place Of Use: DOMESTIC
T01N R44E S26 NESW

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., Suite A., Idaho Falls ID 83402, together with a protest fee of \$25.00 for each application on or before September 4, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published September 20, 27, 2001

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SEP 04 2002



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

August 08, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Ferrell Butikofer
1964 RIRIE CIRCLE
IDAHO FALLS ID 83404

RE: Application for Permit No 23-11217

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 16 and 23, 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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FEB 04 2002



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

August 08, 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. 23-11217

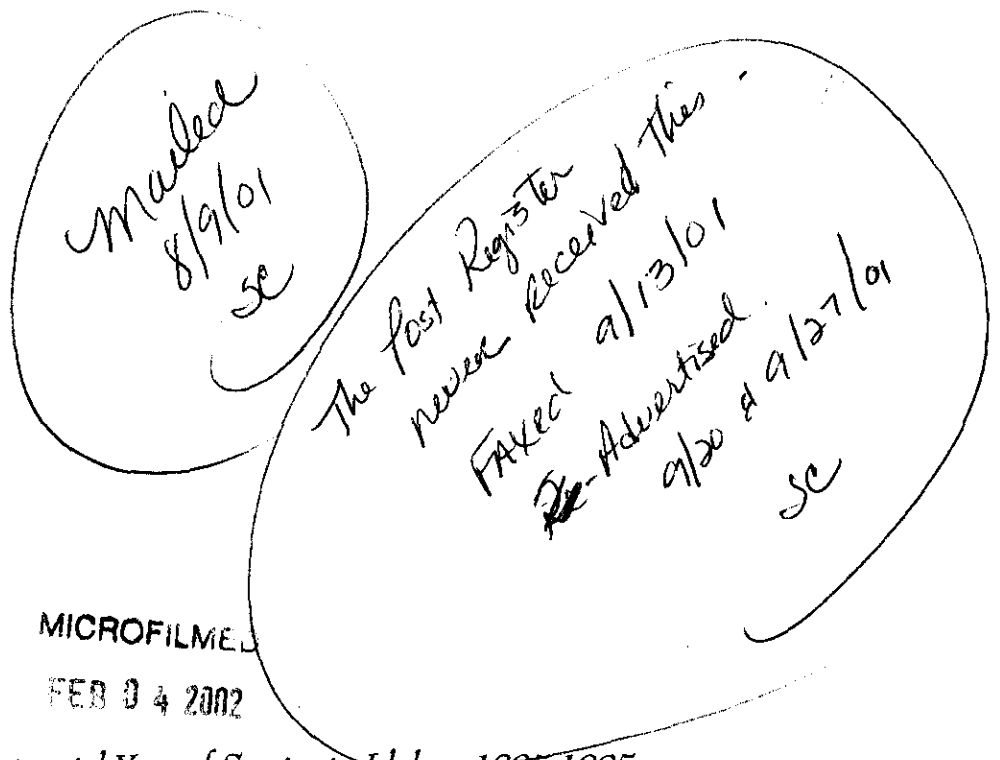
Dear LEGAL NOTICE DEPARTMENT:

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 September 4, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



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

23-11217

Ferrell Butikofer
1964 RIRIE CIRCLE
IDAHO FALLS ID 83404

Point(s) of Diversion: NWNESW S26 T01N R44E, BONNEVILLE County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 07/31/2001

Place Of Use: DOMESTIC

T01N R44E S26 NESW

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 September 4, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published September 20 and 27, 2001

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