

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08228

Proposed Priority: October 23, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **ROLAND HULL**

LILA HULL

PO BOX 777

LAVA HOT SPRINGS ID 83246-0777

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

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

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

**SENWSE , Sec. 15, Township 09S, Range 37E
BANNOCK County**

PLACE OF USE: DOMESTIC

TWN RGE SEC

09S 37E 15

SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 2004**.
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. Domestic use is for 1 home.

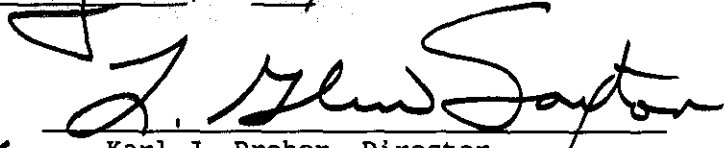
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

14

day of

January

1999


for **Karl J. Dreher, Director**

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FEB 11 1999

Ident. No. 29-08228

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

DEC 02 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Roland or Lila Hull Phone (208) 776-5115
Mailing address Box 777 Lava Hot Springs ID 83246
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is Township 9S Range 37E Sec. 15 in the SE 1/4, NW 1/4, SE 1/4, Govt. Lot _____, B.M., Banneck County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.04 cfs for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 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) 0.04 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 Collection box with
either gravity or pump system to one home
- 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 5 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. one
- e. Other; describe fully. _____

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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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	37E	15															D		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

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

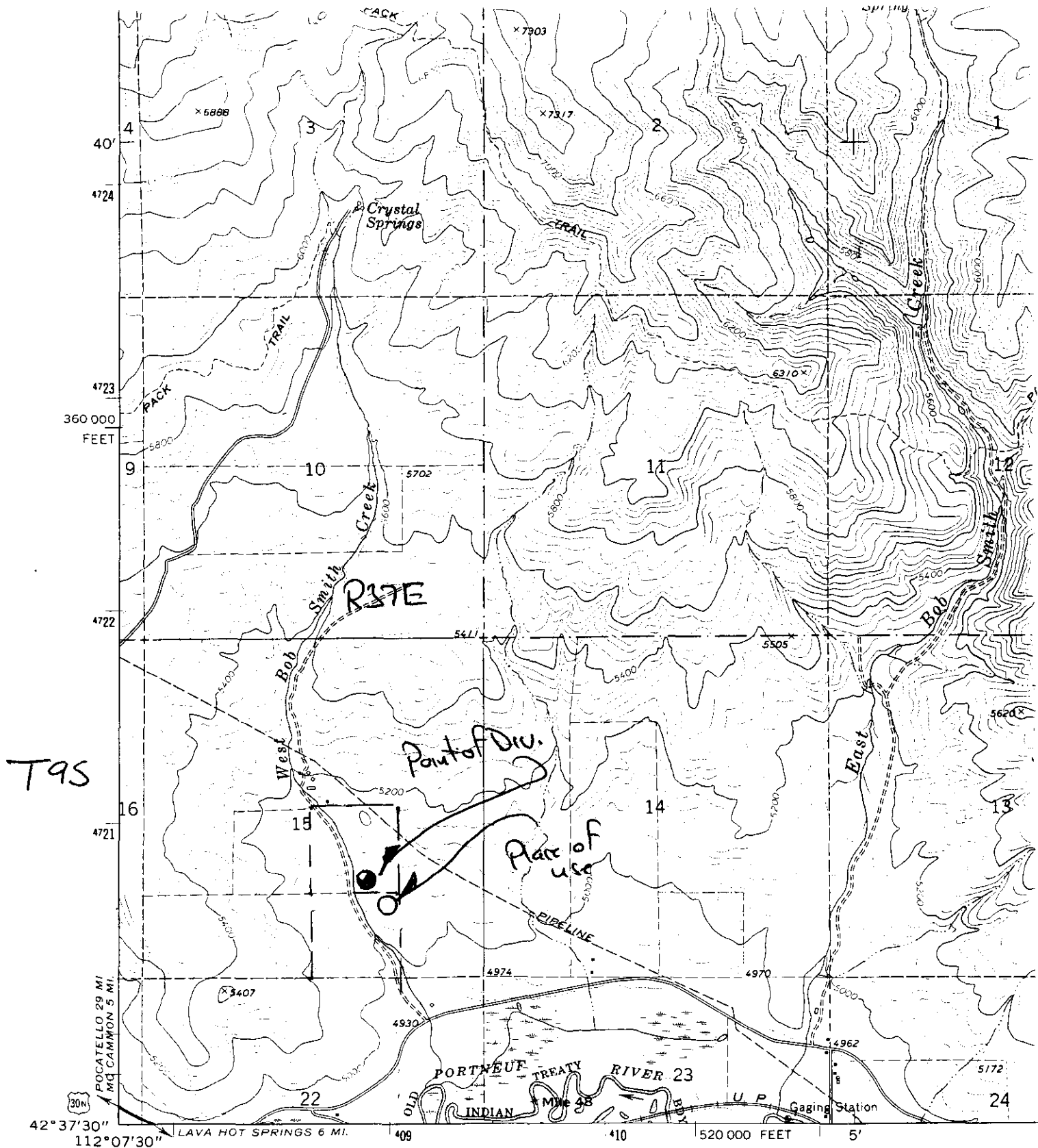
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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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FEB 11 1999

Patricia J. Hall
Signature of Applicant (and title, if applicable)

Received by AWJ Date 10-23-98 Time _____ Preliminary check by _____
 Fee \$ 50.00 Received by AWJ # E034562 Date 10-23-98
 Publication prepared by SC Date 11/5/98 Published in ID State Journal
 Publication approved SC Date 11/12/98



(AR/IMO)
3569 II SW

Mapped, edited, and published by the Geological Survey

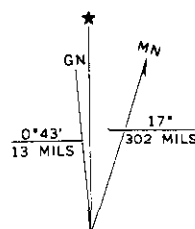
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1968

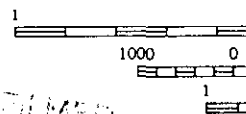
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone

1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

Fine red dashed lines indicate selected fence lines



UTM GRID AND 1968 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



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FEB 11 1999



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 www.idwr.state.id.us/idwr/idwrhome.htm

January 14, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROLAND HULL
LILA HULL
PO BOX 777
LAVA HOT SPRINGS ID 83246-0777

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08228

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.

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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FEB 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of January, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

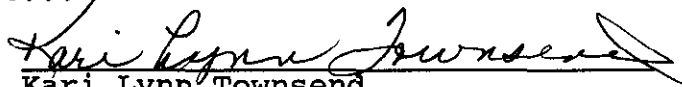
Water Right No. 29-08228

ROLAND HULL

LILA HULL

PO BOX 777

LAVA HOT SPRINGS ID 83246-0777


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 11 1999

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.

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.



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

December 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Dept. of Fish & Game
Southeast Region
1345 Barton Rd.
Pocatello ID 83204-1819

RE: Application for Permit No. 29-08228

To Whom It May Concern:

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for the above application. Before proceeding, IDWR would appreciate receiving your comments, if any, on the proposed diversion and use of surface water. I have enclosed copies of the application for your review. Please respond with your comments by December 28, 1998. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permit.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

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FEB 11 1999

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

ALISA RANDALL

**NOTICE OF
APPLICATION FOR
WATER RIGHT**
The following applica-
tion(s) have been filed
to appropriate the public
waters of the State of
Idaho:

HULL, ROBERT
HULL, LILA
BOX 777
LAYA HOT SPRINGS, ID
83246

Source: SPRINGS
Tributary: SINKS
Diversion: FT. BENWSE
Sec 15 T 09S R 37E in
BANNOCK County.

Use: DOMESTIC
Total Diversion:
(0.040 CFS)
(0.040 CFS)

Date Filed: 10/23/1998

In: BANNOCK County
T09S R37E S15 SWSE

Any protest against the
proposed application
must be filed with the
Department of Water
Resources, 900 N Sky-
line Dr., Ste A, Idaho
Falls, ID 83402, togeth-
er with a protest fee of
\$25.00 on or before
NOVEMBER 23, 1998,
to be considered by the
Department in its deci-
sion to grant or deny
any part of the pro-
posed application. The
protestant must also
send a copy of the pro-
test to the applicant.

Karl J. Greber

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

NOVEMBER 3	19 98	19
NOVEMBER 10	19 98	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

Alisa Randall

STATE OF IDAHO

COUNTY OF BANNOCK

On this 10TH day of NOVEMBER in the year of 1998
before me, a Notary Public, personally appeared
ALISA RANDALL

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

Lori A. Schot
Notary Public for Idaho

RECEIVED

Residing at POCATELLO

MICROFILMED

NOV 12 1998

My commission expires: FEBRUARY 2003

FEB 11 1999

Department of Water Resources
Eastern Region

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock }

ss.

NOTICE OF
APPLICATION FOR
WATER RIGHT
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tion(s) have been filed
to appropriate the public
waters of the State of
Idaho:

29-08228

HULL, ROLAND
HULL, LILA
BOX 777
LAVA HOT SPRINGS, ID
83246

Source: SPRINGS
Tributary: SINKS
Diversion Pt: SENWSE
Sec 15 T 09S R 37E in
BANNOCK County.

Use: DOMESTIC
Total Diversion:
(0.040 CFS)
(0.040 CFS)
Date Filed: 10/23/1998
In: BANNOCK County
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Department in its deci-
sion to grant or deny
any part of the pro-
posed application. The
protestant must also
send a copy of the pro-
test to the applicant.

Karl J. Dreher
Director
November 5, 12, 1998
LN4134

ALISA RANDALL

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
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That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

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NOVEMBER 10	19 98	19
	19	19
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That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

STATE OF IDAHO

COUNTY OF

BANNOCK

On this 10TH day of NOVEMBER in the year of 1998

before me, a Notary Public, personally appeared ALISA RANDALL

known or identified to me

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

Lori A. Schot
Notary Public for Idaho

RECEIVED

Residing at POCATELLO

NOV 12 1998

My commission expires: FEBRUARY 2003

Department of Water Resources
Eastern Region



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

October 27, 1998

KARL J. DREHER
DIRECTOR

ROLAND OR LILA HULL
BOX 777
LAVA HOT SPRINGS ID 83246

RE: Application for Permit #29-08228

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho State Journal on November 5 and 12, 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

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FEB 11 1999



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

OCTOBER 28, 1998

Legal Notices Department
IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

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 NOVEMBER 23, 1998.

Yours truly,

Sharla Cox
Secretary

Encl.



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FEB 11 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-08228

HULL, ROLAND
HULL, LILA
BOX 777
LAVA HOT SPINGS, ID 83246

Source: SPRINGS

Tributary: SINKS

Diversion Pt: SENWSE Sec 15 T 09S R 37E in BANNOCK County.

Use: DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 10/23/1998

In: BANNOCK County
T09S R37E S15 SWSE

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before NOVEMBER 23, 1998. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/ 5/1998 & 11/12/1998

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FEB 11 1999