

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 29-08152

Priority: October 13, 1994

Maximum Diversion Rate:

0.22 CFS

Maximum Diversion Volume:

28.8 AF

This is to certify, that MINK CREEK UTILITY ASSOC

2201 N JANA LN

POCATELLO ID 83204

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 13, 1994; and has submitted Proof of Beneficial Use on January 9, 1996. An examination indicates that the works have a diversion capacity of 0.460 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.22 CFS	28.8 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNW), Sec. 30, Township 07S, Range 35E
BANNOCK County

PLACE OF USE: DOMESTIC

TWN RGE SEC

07S 35E	19	SESE
	20	SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. 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.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

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MAY 14 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 29-08152

CONDITIONS OF APPROVAL AND REMARKS

8. Place of use includes Lots 3-10, Blk. 1; Lots 1-6, Blk. 2; Lots 1-7, Blk. 3; and Lot 1, Blk. 4; Mink Creek Mountain Estates.
9. Domestic use is for 24 homes.
10. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 8th day of MAY, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
MAY 14 1998

State of Idaho
Department of Water Resources

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MAY 08 1998

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 29-08152

Date of Priority: October 13, 1994 Maximum Diversion Rate: 0.22 CFS
Maximum Diversion Volume: 28.8 AF

Comes now MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO ID 83204 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 29-08152, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.22 CFS	28.8 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNW), Sec. 30, Township 07S, Range 35E
BANNOCK County

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
07S	35E	19 SESE
	20	SWSW

Permit holder asserts that no one will be injured by such change and that such change
will be made at permit holder's own risk.

Signed at Pocatello, ID, this 29TH day of April, 1998.

MICROFILMED

MAY 14 1998

Eric B. Bulinski
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-08152

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50⁰⁰ Receipted by KS # C042280 Date 5/8/98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 29-08152 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. 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.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Place of use includes Lots 3-10, Blk. 1; Lots 1-6, Blk. 2; Lots 1-7, Blk. 3; & Lot 1, Blk. 4; Mink Creek Mountain Estates. Domestic use is for 24 homes.
9. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.

Witness my hand this 7th day of MAY, 1998.

MAY 14 1998

Acting for Karl J. Dreher, Director

RECEIVED

RECEIVED

JAN 12 1996

FOR OFFICE USE ONLY
Amt. of Fee \$: 160.00
Receipt No. E021825
Receipt By: HWS
Date Received: 1-9-96

JAN 09 1996

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

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 who has been appointed by the department.

1. Permit No. 29-08152 Telephone No. 232-7570
2. Name(s) of Permit Holder(s): MINK CREEK UTILITI ASSOC.
3. Mailing Address: 2201 NO. JANA - POCAHONTO, ID 83204
4. Source of Water: WELL If GROUNDWATER (well), Date Drilled: mo. 6 / yr. 95
 - a. Well Driller: CUSHMAN DRILLING Drilling Permit Number: 29-95-E-034
 - b. **OPTIONAL:**
Pump Horsepower: 3/4 Pressure (psi): _____ Dynamic pumping level (ft): 130'
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 24 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .22 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 <u>X</u>	or	No _____
	Has the measuring device been installed?	Yes <u>X</u>	or	No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No _____
	Has the measurement port been installed?	Yes _____	or	No _____
8. Fee Enclosed: \$ 160.00 (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: SCOTT MacBETH Telephone Number: 208. 232-7570
Address: 2201 NO. JANA LANE
10. The information given on this form 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.
JAN 30 1996
Signature of permit holder: Scott MacBeth - PRESIDENT Date: 11.2.95
(include your title, if on behalf of company of organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-08152

Proposed Priority: October 13, 1994 Maximum Diversion Rate: 0.22 CFS

This is to certify, that **MINK CREEK UTILITY ASSOC**
2201 N JANA LN
POCATELLO ID 83204

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>
DOMESTIC	01/01 to 12/31	0.22 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNENW , Sec. 30, Township 07S, Range 35E
BANNOCK County

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
07S	35E	19	SESE
		20	SWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1996.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
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. Construction of the well must comply with Idaho well construction standards.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another.
8. Place of use includes Lots 3-10, Blk. 1; Lots 1-6, Blk. 2; Lots 1-7, Blk. 3; and Lot 1, Blk. 4; Mink Creek Mountain Estates. Domestic use is for 24 homes.
9. The domestic use authorized under this right shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
10. The irrigation use occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.

APR 13 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08152

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

6th day of April, 1995

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED

APR 13 1995

\$100 Fee

RECEIVED
MAR 22 1995

Ident. No. 29-8152

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

- Name of applicant MINK CREEK UTILITY ASSOCIATION Phone (208) 232-7510
Post office address C/O SCOTT MACBUTCH 2201 N JANA LANE, POCA TELLO, ID 83204
- Source of water supply GROUNDWATER which is a tributary of _____
- Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 30 Township 7S Range 35E B.M. Bonneck County; additional
points of diversion if any: _____
- Water will be used for the following purposes:
Amount 0.22 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)
- Total quantity to be appropriated is (a) 0.22 cfs and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP TO 23 LOTS

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 8 inches; proposed depth of well is 280 feet;
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
- Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year).

APPROPRIATED
MAR 13 1995

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. 23 24 * Changed as per applicant request
34-95 HWT
- 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	
7S	35E	19																D	
		20											D						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 29-00275B;

TRANSFER PENDING AND PROTESTED

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

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

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

12. Remarks: SEE ATTACHED SHEET WITH ASSOCIATION MEMBERS

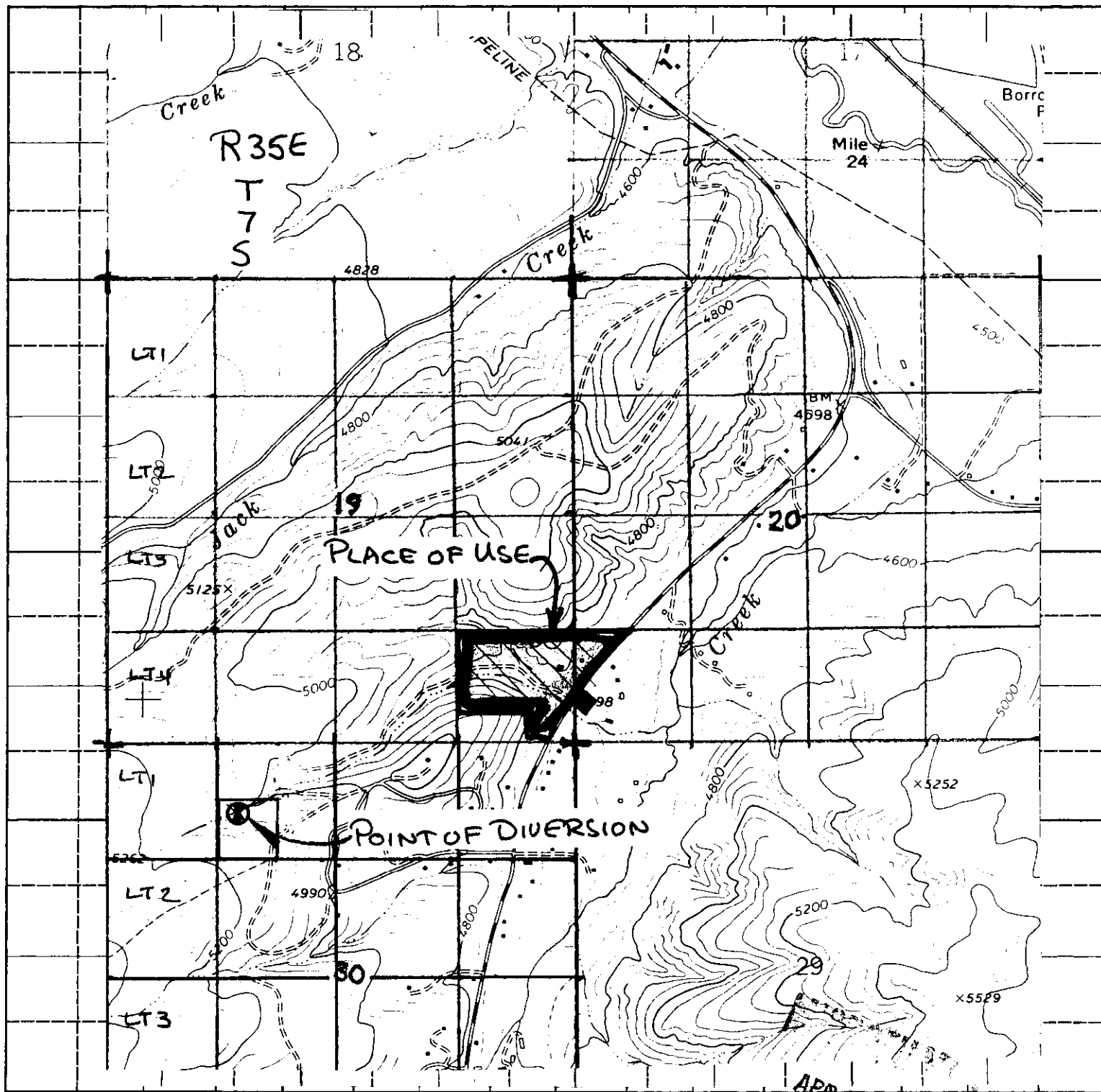
SCOTT MACBUTCH - SECRETARY

CAROL MANN - PRESIDENT

MARK HURLBUTT - VICE PRESIDENT

MAR 13 1995

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.

[Signature]

(Applicant)

Title — SEL / THASARRA

Received by WM Date 10/13/94 Time 2:05 pm Preliminary check by ck#248 \$100.00
Fee \$ 100 ⁰⁰/₁₀₀ Receipted by HWT # EQ0393 Date 10-14-94
Publication prepared by RB Date 11-3-10-94 Published in Id State Journal
Publication approved _____ Date _____

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 _____.

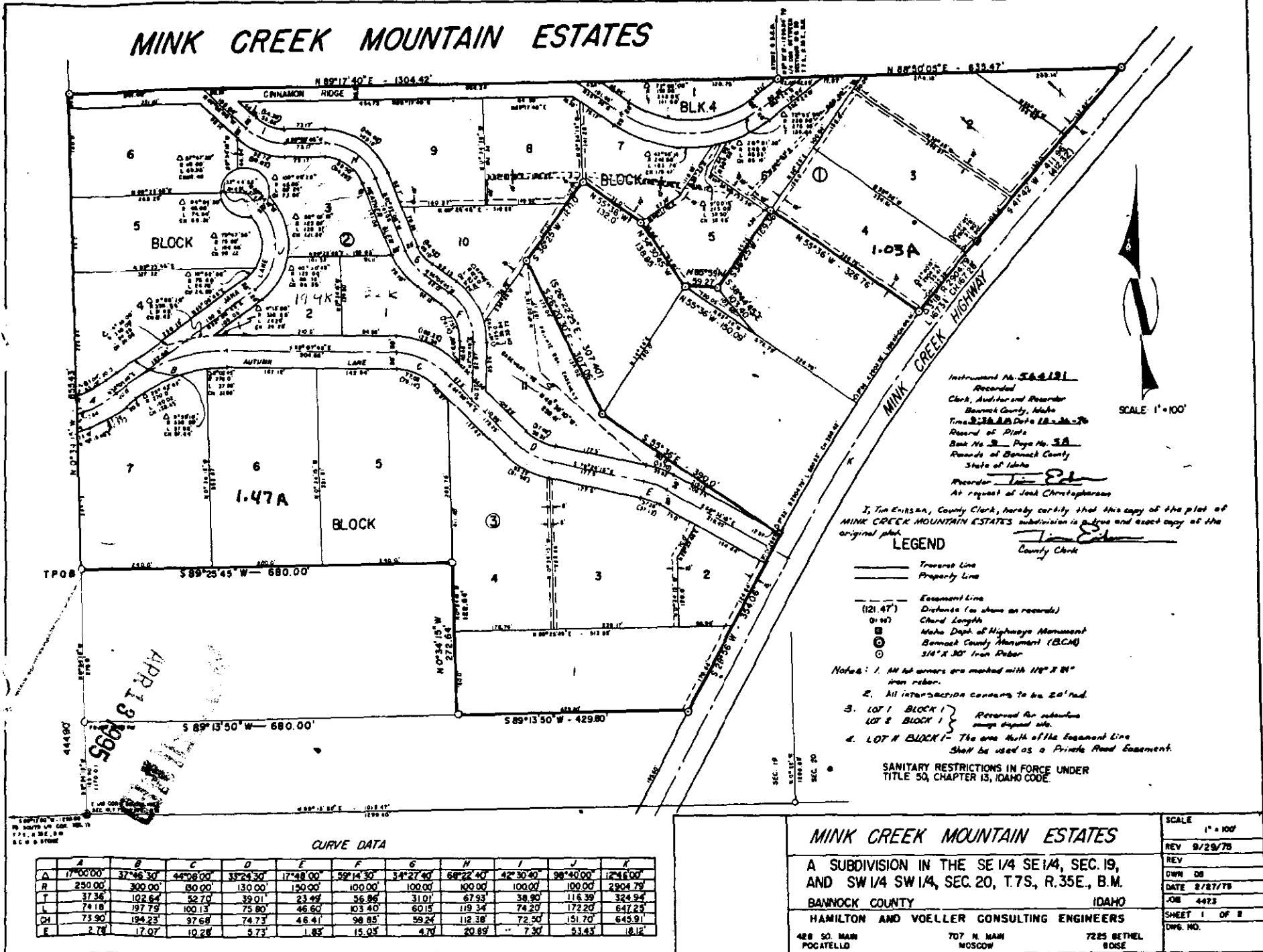
1. Approval of said application is subject to the following limitations and conditions:

- 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:

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MINK CREEK MOUNTAIN ESTATES



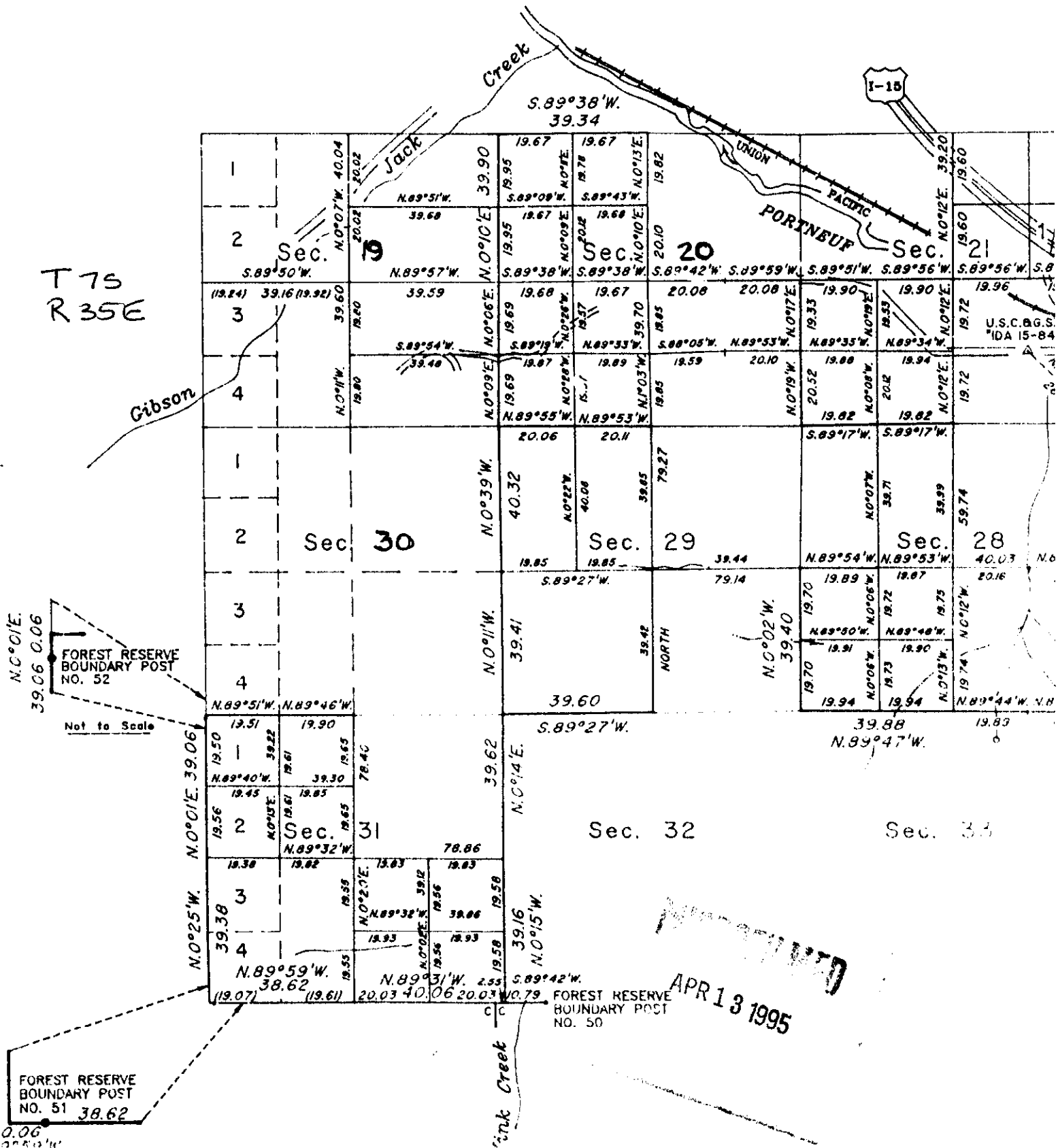
While this is a scale reproduction of the recorded plat, this company assumes no liability for variations, if any, with a re-survey.

AMERICAN LAND TITLE CO.

Sec. 18

Sec. 17

Sec. 16



MINK CREEK MOUNTAIN ESTATES HOMEOWNERS

TWELVE HOMEOWNERS CURRENTLY ON WATER SYSTEM:

HERM & FRANCIS ASHCROFT 2179 N MINK CREEK RD POCATELLO, ID 83204	BLOCK 1 LOT 3
IRENE ENGLAND 2169 MINK CR RD POCATELLO, ID 83204	BLOCK 1 LOT 4
MARK & ARLENE HURLBURT 9059 W CINNAMON RIDGE RD POCATELLO, ID 83204	BLOCK 1 LOT 5 & 6
MIKE & MARTY WADE 9115 W CINNAMON RIDGE RD POCATELLO, ID 83204	BLOCK 1 LOT 8
EARL & CAROL MANN 9101 WEST CINNAMON RIDGE RD POCATELLO, ID 83204	BLOCK 1 LOT 7
ERIC BIELINSKI 9167 W CINNAMON RIDGE RD POCATELLO, ID 83204	BLOCK 1 LOT 9
SCOTT MACBUTCH 2201 N JANA LANE POCATELLO, ID 83204	BLOCK 3 LOT 2
JERRY & ANNE KEELY 2183 N. JANA LANE POCATELLO, ID 83204	BLOCK 2 LOT 4
GLEN & JEWEL HARRIS 2187 N JANA LANE POCATELLO, ID 83204	BLOCK 3 LOT 5 & 6
KIM & KELLY HIERNING 2041 N MINK CREEK RD POCATELLO, ID 83204	BLOCK 3 LOT 1
TERRY & MARY TAYSOM 9087 W AUTUMN LANE POCATELLO, ID 83204	BLOCK 3 LOT 2 & 3
** KEN COVERT 9344 W AUTUMN LANE POCATELLO, ID 83204	

****NOTE:** Ken is not in Mink Cr Mtn Estates, but Jack allowed that lot to be hooked up when the water system was installed. Our By-Laws, Mink Cr Utility Corp, were amended to prevent any one in the future outside of the existing development, from ever receiving water. The development as plated had 24 lots, with 2 being reserved & used for the sewer drain field.

APR 13 1995



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

May 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08152

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action 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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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 the 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 the 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.

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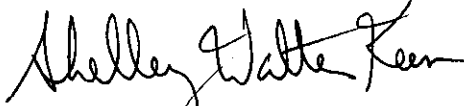
MAY 14 1998

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of May, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-08152

MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO ID 83204


Kari Lynn Townsend
Secretary

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MAY 14 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 16 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-08152

1. Owner: HINK CREEK UTILITY ASSN. Phone No. (208) 232-7510

Current Address: 2201 N JANA LANE, POCATELLO, ID 83204

2. Accompanied by: SCOTT MAC BUTCH EXAM DATE: 2/21/96

Address: SAME Phone No. _____

Relationship to Permit Holder: PRIOR ASSN. PRESIDENT

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 29-00275 (SURFACE IRR)

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	L-1	SE	NW	NW	30	07S	3SE	BANNOCK	U.S.G.S. TOPO MAP

2. Place(s) of Use:

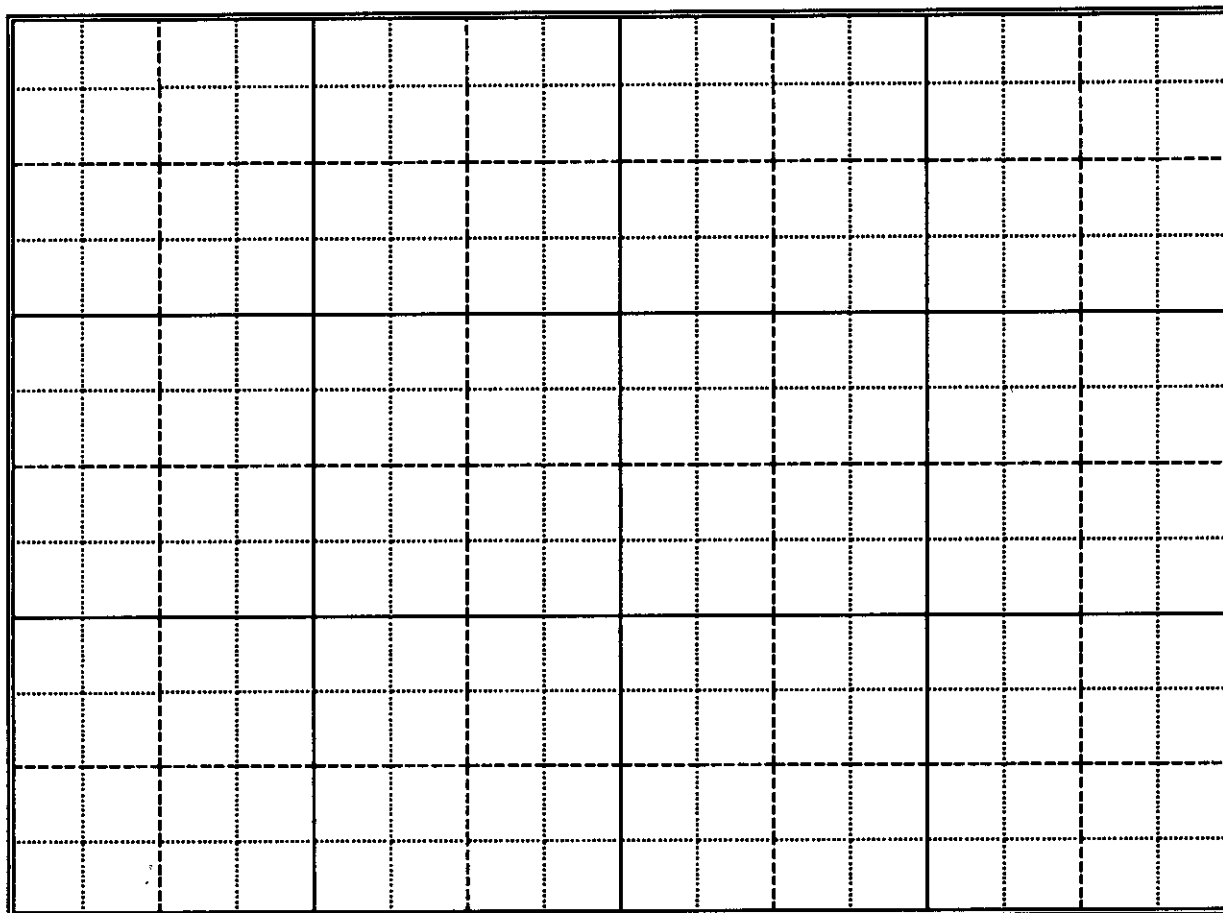
Indicate Method of Determination ON SITE INSPECTION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	3SE	19																D	
		20											D						

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable. *SEE PHOTOS + ATTACHMENTS*



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GRUNDFOSS	3/4			1 1/4"

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: WHEN WELL DRILLED / 6 GPH ARTESIAN FLOW

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THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

Hp = Horsepower = .75

Eff = Efficiency = .7 (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = 0 ft. ARTESIAN

Assumed Draw down = + 10 ft. DUE TO PUMP OP.

Lift = 10

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 0 psi

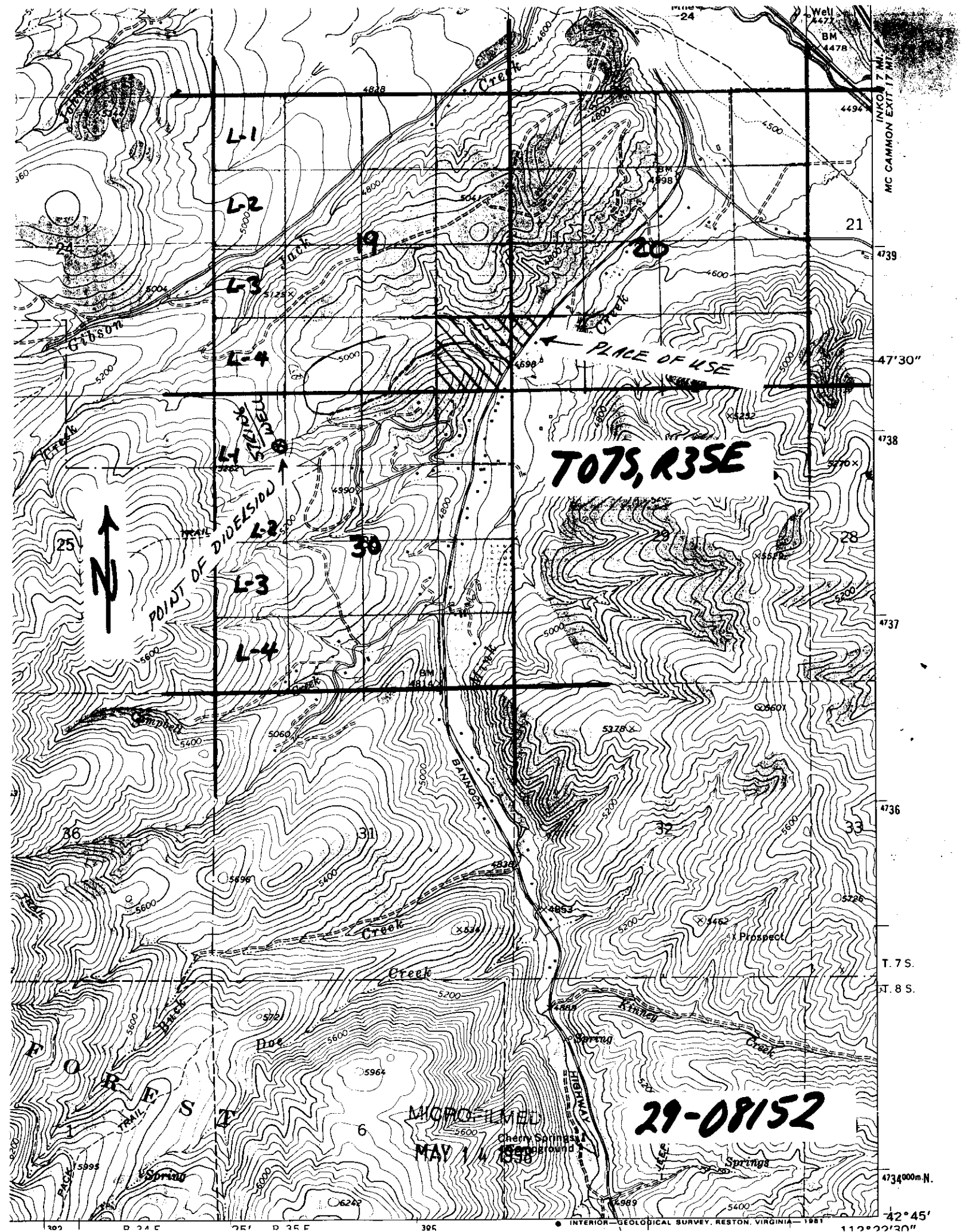
$$Q_{cfs} = \left[\frac{.75}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{10}{Lift} + \left(\frac{\quad}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{4.627}{\quad} \right] \div \left[\frac{10}{\quad} \right]$$

$$Q_{cfs} = \underline{0.46} \text{ cfs}$$

MICROFILMED PERMIT NO. 29-08152

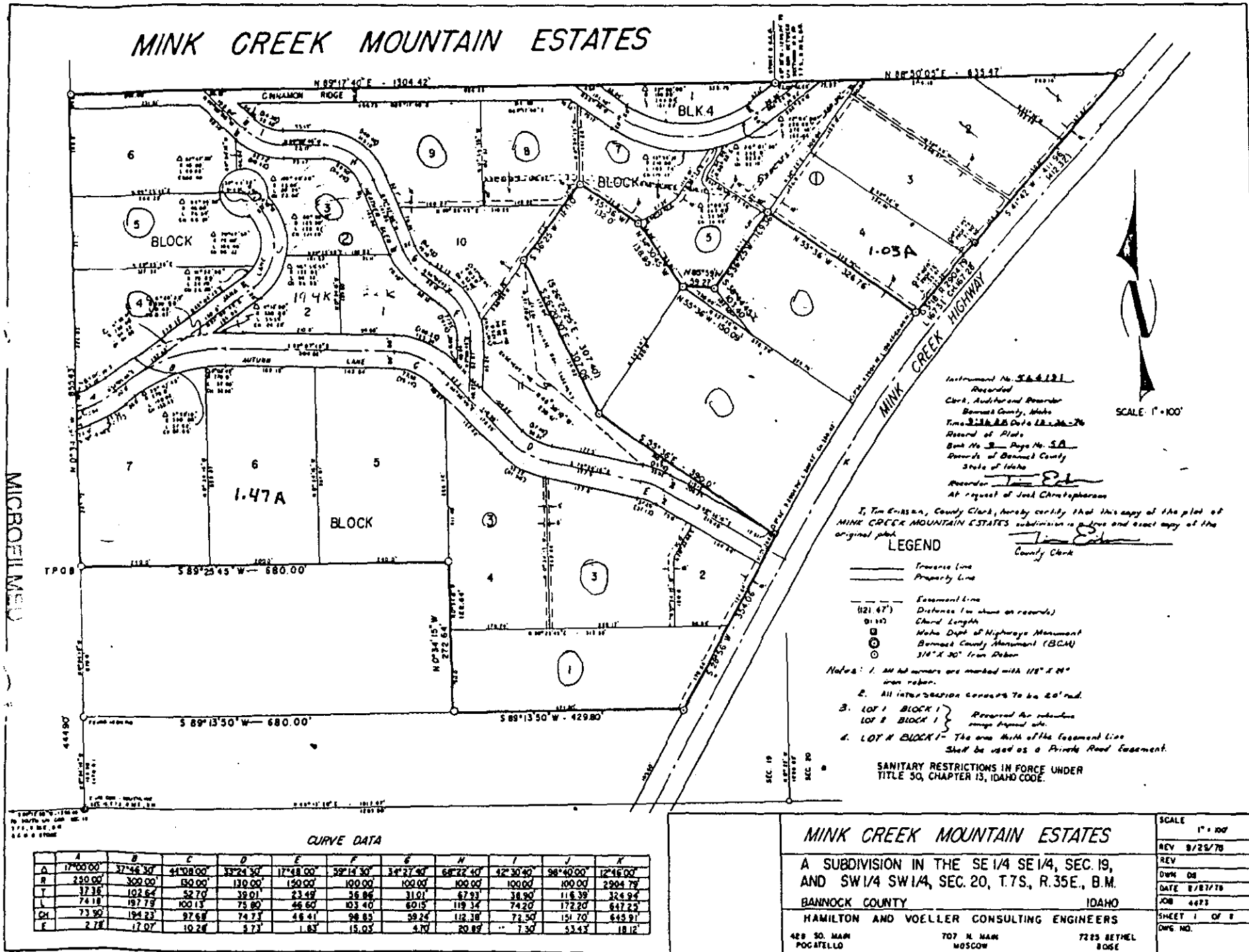
MAY 14 1998



MAY 14 1998

MICROFILMED

29.08/52



While this is a scale reproduction of the recorded plat, this company assumes no liability for variations, if any, with a re-survey.

AMERICAN LAND TITLE CO

FIELD EXAM NOTES

EXAM # 29-08152

DATE OF EXAM 2/21/96

PERMITEE NAME PINK CREEK UTILITY ASSN.

OTHER WATER RIGHTS SAME POD 29-0275B

OTHER WATER RIGHTS SAME POU 11

PUMP #1 HP 3/4 MAKE Grundfos SERIAL # _____
COLOR AND DESCRIPTION 8/6 CASING
OUTPUT DIAMETER 1 1/4 SYSTEM PRESSURE _____ PSI WELL DEPTH 250'
STATIC H2O ACT. +1' WELL DEPTH 150-155 DYNAMIC PUMP _____
PSI GAGE TYPE + CHECK VALVE (Y) [N] GATE VALVE (Y) [N]
Near Pitkin

PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____
OUTPUT DIAMETER _____ SYSTEM PRESSURE _____ PSI WELL DEPTH _____
STATIC H2O _____ WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE _____ CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

BOOSTER PUMP #1 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

BOOSTER PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

CIRCLE PIVOT [Y] [N] NUMBER OF TOWERS _____ PIVOT LENGTH _____
PRESSURE [H] [L]

HAND LINES [Y] [N] NUMBER OF LINES _____ LENGTH OF LINES _____

RAIN BIRDS PER LINE _____ NOZZEL DIAMETER _____

SURFACE WATER TYPE OF MEASUREING DEVICE _____

AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH _____/_____

PERMIT 24 HOMES
WATER SYSTEM STUBS AT EACH LOT
4" PVC SUPPLY TO HOME STUB

MICROFILM OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

MAY 14 1998

29-08152

Pump & House to 2 Tanks (Rail Road Car Tank)
 1 1/4 Ritten

OPEN DISCHARGE TO TANKS
 GRAVITY FEED FROM TANKS

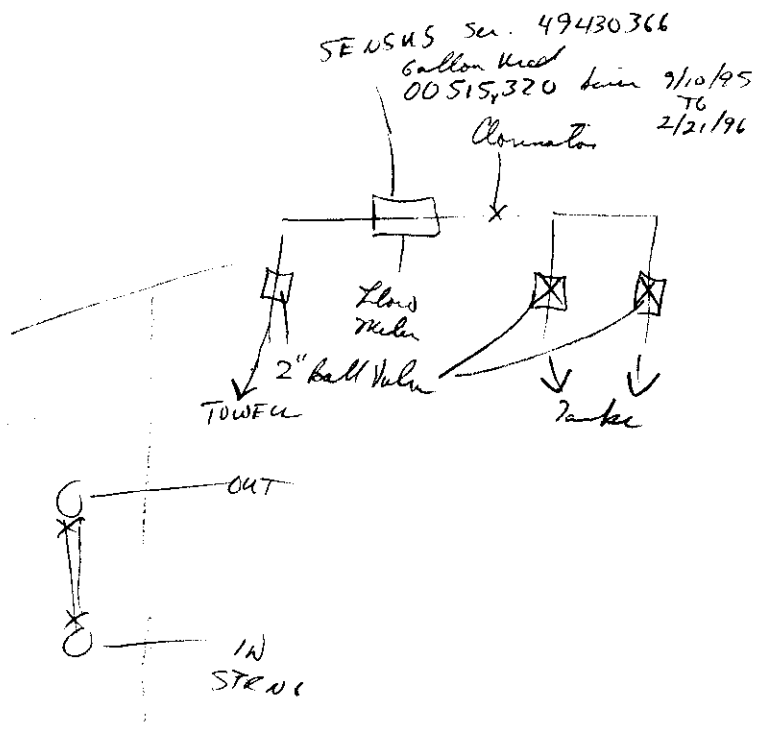
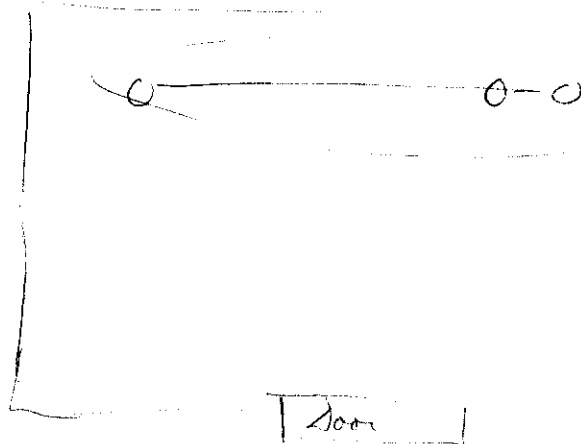
Can use water from spring - passes through pump house.

Pipe line follows road to individual houses.

Artesian flow will from 50' depth to surface.

Well log. 29-45E-034
 NE 1/4 S30 T7S R 35E
 Bol. Cushman 6/22/95

66 GPM Artesian Flow



MICROFILMED
 MAY 14 1998

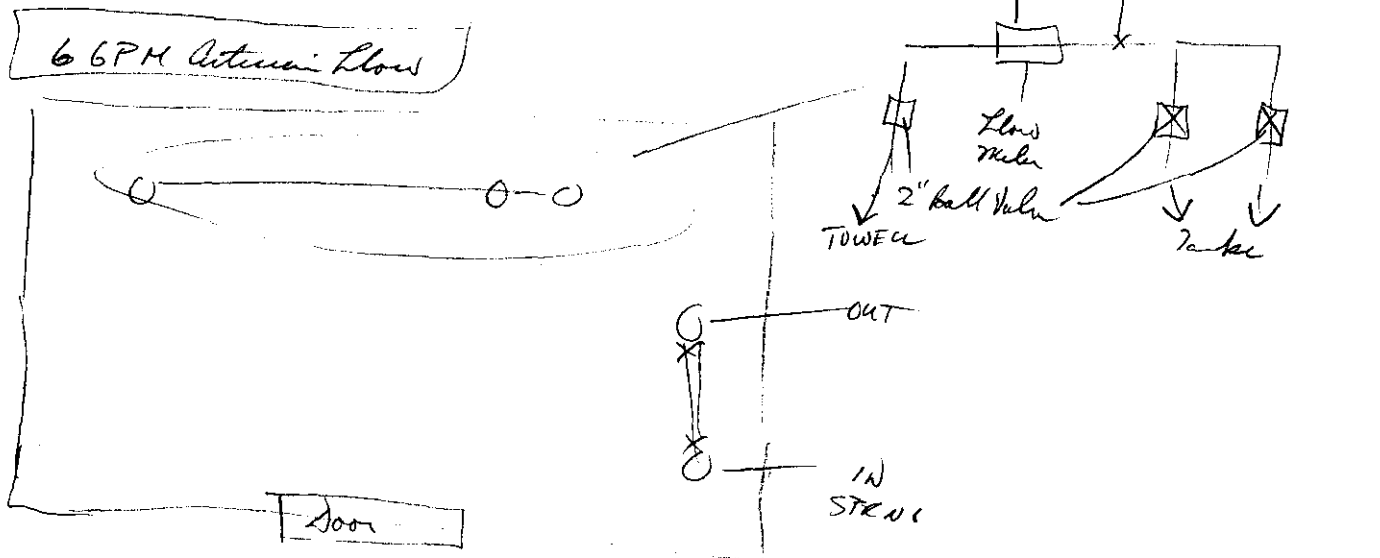
Pump. ^{Rail Road Car Tank}
Pump & House to 2 Tank (11,500 gal)
1 1/4 inches

OPEN DISCHARGE TO TANKS
GRAVITY FEED FROM TANKS

Can use water from spring - passes through pump house.

Pipe line follows road to individual houses.
Artesian flow well from 50' depth. & surface.

Well log. 29-95E-034
NE 1/4 S30 T7S R 35E
bbl. Cushman 6/22/95



MICROFILMED
MAY 14 1998

29-08152

MINK CREEK UTILITY

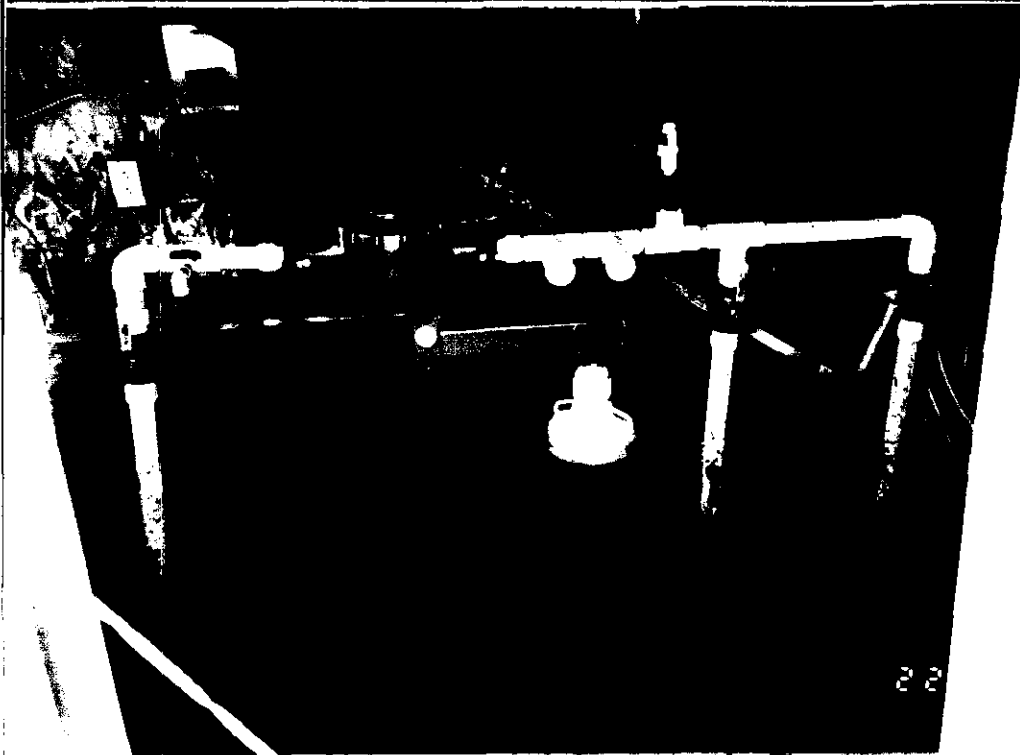
DOMESTIC

10/3

VIEW OF
WELL CONTROL
BUILDING
WELL HEAD



INTERIOR
OF WELL
HOUSE
CONTROLS



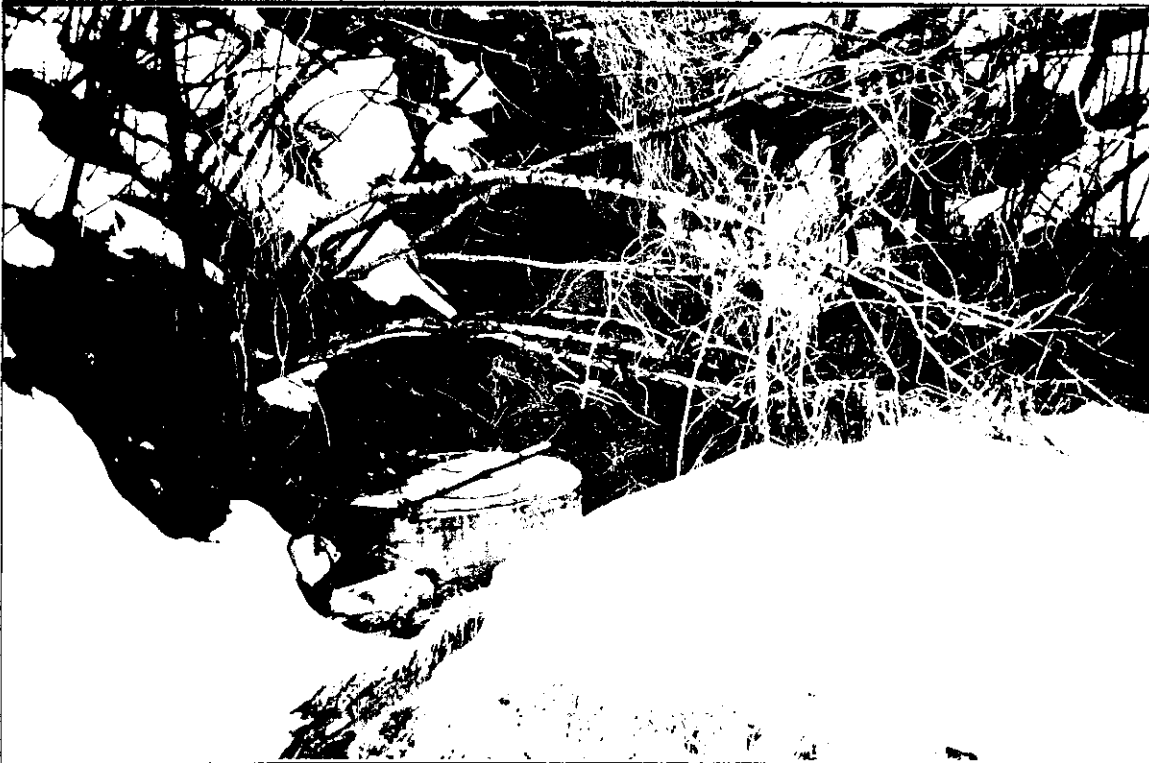
PERMIT
NUMBER

29-08152

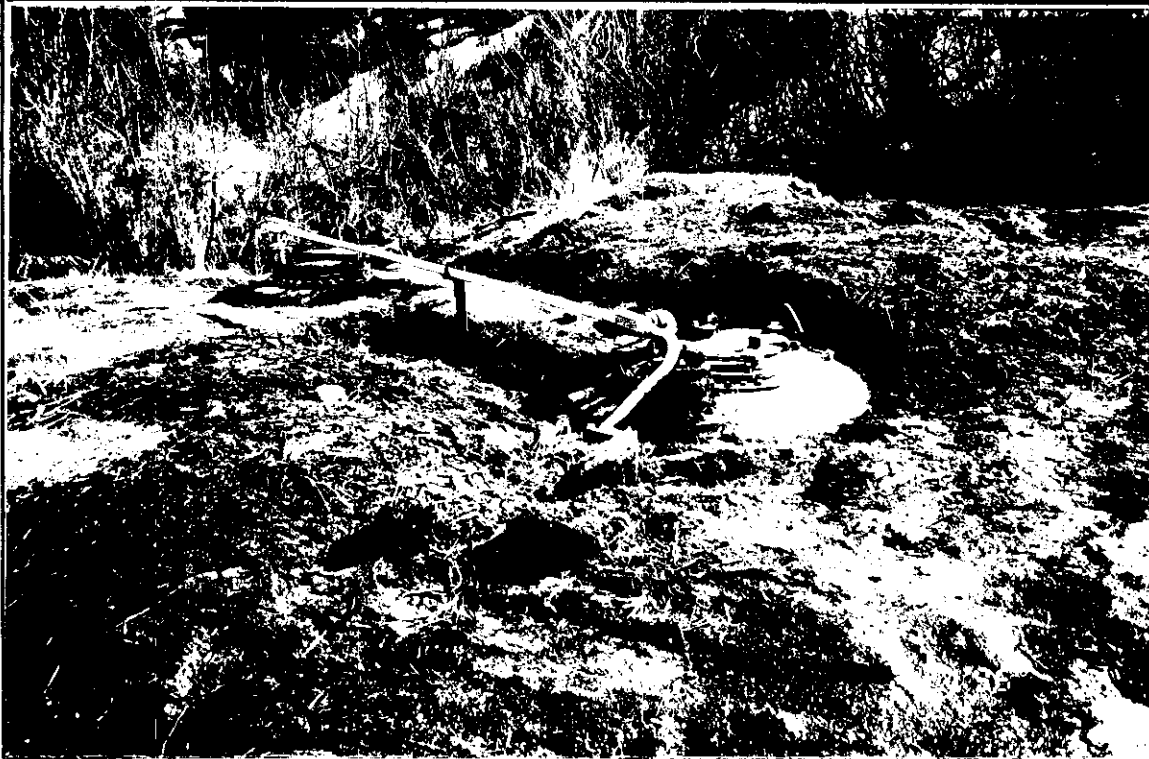
MINK CREEK UTILITY

DOMESTIC

2013



SPRING
POINT OF
DIVERSION



11,500 GL WATER
STORAGE
TANK

PERMIT
NUMBER

29-08152

MINK CREEK UTILITY

DOMESTIC

353



SPRING
SOURCE WATER
*OVERFLOW
BACK TO
CREEK

PERMIT
NUMBER

29-08152

E. NARRATIVE/REMARKS/COMMENTS

WATER IS PUMPED TO TWO STORAGE TANKS WITH A COMBINED CAPACITY OF 11,500 GALLONS (OPEN DISCHARGE). WATER IS GRAVITY FEED TO INDIVIDUAL HOME LOTS VIA A 4" PVC MAIN LINE. MAIN LINE STABS TO 24 HOME SITES. MAIN LINE FOLLOWS ROAD LAYOUT.

INSTALLED FLOWMETER INDICATES THAT 515,320 GALLONS HAVE BEEN PUMPED SINCE METER INSTALLATION ON 9/10/95.

WATER FROM SPRING CAN BE COMINGLED WITH WELL WATER IN PIPING IN WELL HOUSE.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

MAY 14 1998

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

*DOMESTIC USE CHART (24 HOMES) = 0.22 CFS**THEORETICAL Q = 0.46 CFS***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

*24 HOMES X 1.2 AFA = 28.8 AFA***H. RECOMMENDATIONS** *PERMIT LIMITS TO 0.22 CFS*

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>DOMESTIC</i>	<i>1/1</i>	<i>12/31</i>	<i>0.22</i>	<i>28.8</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<i>0.22 CFS</i>	<i>28.8 AFA</i>

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name *SIMPKINS* Date *3/27/97*

Reviewer _____ Date _____

MICROFILMED SEAL
MAY 14 1998

January 26, 1996

MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO ID 83204

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08152

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.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

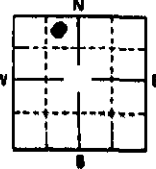
c: IDWR - Region

MAILED

JAN 30 1996

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Mink Creek Utility Association</u> Address <u>2201 N. Jana Lane Pocatello, Idaho</u> Drilling Permit No. <u>29-95-E-034-000</u> Water Right Permit No. <u>29-8152</u>	7. WATER LEVEL Static water level <u>+1</u> feet below land surface. Flowing? ☒ Yes ☐ No G.P.M. flow <u>9</u> Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☒ Cap ☐ Plug Temperature <u>57</u> °F. Quality <u>Good</u> Describe artesian or temperature zones below.																																																																									
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Modification ☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)	8. WELL TEST DATA ☒ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 33%;">Discharge G.P.M.</th> <th style="width: 33%;">Pumping Level</th> <th style="width: 33%;">Hours Pumped</th> </tr> <tr> <td style="text-align: center;">45</td> <td style="text-align: center;">130'</td> <td style="text-align: center;">1 Hour</td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	45	130'	1 Hour																																																																			
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Monitor ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td rowspan="5">12"</td> <td>0</td> <td>15</td> <td>Brown Clay</td> <td> </td> <td>X</td> </tr> <tr> <td>15</td> <td>20</td> <td>Clay & Gravel</td> <td> </td> <td>X</td> </tr> <tr> <td>20</td> <td>30</td> <td>Dark Brown Clay</td> <td> </td> <td>X</td> </tr> <tr> <td>30</td> <td>50</td> <td>Soft Wet Tan Clay</td> <td> </td> <td>X</td> </tr> <tr> <td>50</td> <td>90</td> <td>Soft Blue Sandstone</td> <td>X</td> <td> </td> </tr> <tr> <td rowspan="2">8"</td> <td>90</td> <td>120</td> <td>Hard Reddish Brown Sandy Clay</td> <td> </td> <td>X</td> </tr> <tr> <td>120</td> <td>123</td> <td>Red & White Quartz Boulders</td> <td> </td> <td>X</td> </tr> <tr> <td rowspan="5">6"</td> <td>123</td> <td>140</td> <td>Green Sandy Clay</td> <td> </td> <td>X</td> </tr> <tr> <td>140</td> <td>145</td> <td>White Waxy Clay</td> <td> </td> <td>X</td> </tr> <tr> <td>145</td> <td>240</td> <td>Red & White Quartz Boulders & Streaks of Red Clay</td> <td>X</td> <td> </td> </tr> <tr> <td>240</td> <td>250</td> <td>Red & White Quartz Boulders & Streaks of Red Clay</td> <td>X</td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	12"	0	15	Brown Clay		X	15	20	Clay & Gravel		X	20	30	Dark Brown Clay		X	30	50	Soft Wet Tan Clay		X	50	90	Soft Blue Sandstone	X		8"	90	120	Hard Reddish Brown Sandy Clay		X	120	123	Red & White Quartz Boulders		X	6"	123	140	Green Sandy Clay		X	140	145	White Waxy Clay		X	145	240	Red & White Quartz Boulders & Streaks of Red Clay	X		240	250	Red & White Quartz Boulders & Streaks of Red Clay	X						
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Auger ☐ Reverse rotary ☐ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)	RECEIVED JUL 11 1995 Department of Water Resources Eastern District Office RECEIVED AUG 23 1995 Department of Water Resources																																																																									
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table style="width: 100%; font-size: 0.8em;"> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> <tr> <td>.250 inches</td> <td>8" inches</td> <td>+ 1 feet</td> <td>147 feet</td> </tr> <tr> <td>.250 inches</td> <td>6" inches</td> <td>140 feet</td> <td>240 feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation? <u>1/4</u> inches by <u>6</u> inches <table style="width: 100%; font-size: 0.8em;"> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> <tr> <td>15 perforations</td> <td>150 feet</td> <td>155 feet</td> </tr> <tr> <td>15 perforations</td> <td>200 feet</td> <td>220 feet</td> </tr> <tr> <td>15 perforations</td> <td>230 feet</td> <td>240 feet</td> </tr> </table> Well screen installed? ☐ Yes ☒ No Manufacturer _____ Type _____ Top Packer or Headpipe _____ Bottom of Tailpipe _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>50'</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port _____ Well Cap _____	Thickness	Diameter	From	To	.250 inches	8" inches	+ 1 feet	147 feet	.250 inches	6" inches	140 feet	240 feet					Number	From	To	15 perforations	150 feet	155 feet	15 perforations	200 feet	220 feet	15 perforations	230 feet	240 feet	10. Work started <u>6/14/95</u> finished <u>6/22/95</u>																																													
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15 perforations	230 feet	240 feet																																																																								
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. <u>144</u> County <u>Bannock</u> Address of Well Site <u>Autumn Lane</u> (give at least name of road) NE <u>1/4</u> NW <u>1/4</u> Sec. <u>30</u> T. <u>7</u> N ☐ or S ☒ R. <u>35</u> E ☐ or W ☐	11. DRILLER'S CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Cushman Drilling</u> Firm No. <u>#94</u> <u>1405 South Broadway</u> Address <u>Blackfoot, Idaho</u> Date <u>6/22/95</u> Signed by Drilling Supervisor <u>Bob Cushman</u> and (Operator) <u>Monte Staples</u> (If different than the Drilling Supervisor)																																																																									

USE ADDITIONAL SHEETS IF NECESSARY. FORWARD THE WHITE COPY TO THE DEPARTMENT.



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

R. KEITH HIGGINSON
DIRECTOR

April 6, 1995

James and Bonnie Shaw
2072 N. Mink Creek Rd.
Pocatello, ID 83204

RE: Permit No. 29-08152
Mink Creek Utility Association

Dear Mr. and Mrs. Shaw:

The Department of Water Resources has recently approved Water Right Permit No. 29-08152 in the name of Mink Creek Utility Association. The Department's file shows that you withdrew your protest after Mink Creek Utility Association agreed to allow you to use water from its well if your water rights are impacted by diversions from the new well.

This letter is to remind you that while Permit No. 29-08152 was amended to include your domestic use, it authorizes no more than 1/2 acre of irrigation per subdivision lot. If you intend to use water from that source for irrigation of more than 1/2 acre around your home, you must file an application for permit to establish a new water right or, depending on local hydrologic circumstances, an application for transfer to add a point of diversion to your existing irrigation right.

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK

RECEIVED
APR 13 1995



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

R. KEITH HIGGINSON
DIRECTOR

April 6, 1995

MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO ID 83204

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08152

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED
APR 13 1995

March 14, 1995

MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO ID 83204

RECEIVED
MAR 22 1995
Department of Water Resources

RE: Application for Permit No. 29-08152

Dear Applicant:

This letter is to advise you that the protest filed by the James & Bonnie Shaw against approval of the above referenced application has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones
Harold W. Jones ^{rb}
Water Right Supervisor

HWJ/rb

RECEIVED
APR 13 1995

March 14, 1995

JAMES & BONNIE SHAW
2072 N MINK CREEK RD
POCATELLO ID 83204

RE: Application for Permit No. 29-08152
MINK CREEK UTILITY ASSOC.

Dear Mr. & Mrs. Shaw:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

APR 13 1995



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 28, 1995

RECEIVED
MAR 9 1995

MINK CREEK UTILITY ASSOCIATION
C/O SCOTT MACBUTCH
2201 N JANA LANE
POCATELLO ID 83204

Department of Water Resources
Eastern District Office

Mr. MacButch:

I received the withdrawal of protest from James Shaw and the agreement between the parties. With your permission, I am going to modify the application to include Dr. Shaw's hookup. That would then make 24 lots and would include the SWSW Sec. 20 T7S R35E as an additional place of use.

The specifics of the agreement are strictly between the parties and not within the Departments authority to enforce.

Please give me a call about this so I can modify the application.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

3.9.95

WE ARE IN AGREEMENT WITH THE
ABOUT.

SECRETARY/TREASURER
MINK CR UTILITY ASSN.

FILED
MAR 13 1995

February 20, 1995

Mr. Harold Jones
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

RECEIVED

FEB 22 1995

Department of Water Resources
Eastern District Office

RE: Application for Permit No. 29-08152

Dear Mr. Jones:

This letter is to inform you that we have come to an agreement with the Mink Creek Utility Association regarding the unnamed spring on Autumn Lane. Enclosed is a copy of the agreement which we would like included in the Department of Water Resources records. Based on this agreement we are withdrawing our protest of application No. 29-08152 by the Mink Creek Utility Association.

Thank you for your assistance in this matter.

Sincerely,

James F. Shaw
Bonnie Shaw

James and Bonnie Shaw
2072 N. Mink Creek Rd.
Pocatello, ID 83204

cc: Mink Creek Utility Association
Ed and Marsha DeSano

RECEIVED

APR 13 1995

AGREEMENT BETWEEN
MINK CREEK UTILITY ASSOCIATION, INC
AND JIM & BONNIE SHAW, EDWARD & MARSHA DESANO

RECEIVED
FEB 22 1995
Department of Water Resources
Eastern District Office

On December 5, 1995, a protest was filed by the Shaws against Mink Creek Utility Association's application for a permit to drill a community well.

As a result of a Pre-Hearing Conference held January 26, 1995 between the two parties & the Idaho Department of Water Resources, this agreement has been entered into, with the condition that the Shaws' protest be withdrawn.

It is recognized and documentation suggests, though there has been no current adjudication of the claimed rights, that quite possibly both the Shaws & Mink Cr Utility Assoc. have partial rights to the spring water that has its source located in the SW 1/4 of the NE 1/4 of the NW 1/4, Sec. 30, Township 7S, Range 35E, in Bannock County in the following amounts, based on the parties respective filings:

SHAW FILED ON .12 CFS (35%)

MINK CR UTILITY ASSN .22 CFS (65%)

It is further agreed that as a Temporary Solution, until the current drought ends, and over flow water from the spring reaches the Mink Cr Highway in a useful volume (ie equal to or greater than 9 gal per min), that the Shaws ^{Desanos} will be allowed to tap into the Mink Cr Utility Assn. main water line, near the highway, & that a 3/4 inch garden hose (having a maximum discharge of 9 gallons per minute) will be run through the culvert under the highway to the Shaws property. A valve & meter are to be installed. The Mink Creek Utility Assoc will allow a Maximum of 280,000 Gal during the watering season, provided that no more than a maximum of 70,000 Gal per any one month, will be used. It is also agreed that the Shaws & Desanos will use reasonable means to conserve the supplied water, especially during times of extreme drought.

RECEIVED
APR 13 1995

PAGE 2 OF 6

It is also acknowledged that water will not be used by the Shaws & Desanos during the winter months. ~~as~~
it will be used for irrigation & watering stock during the summer months only.

It is understood by the parties that the Shaws & Desanos will bear all expenses related to this temporary hookup & further that if it is determined that the electricity necessary to pump this extra water to the Shaws & Desanos is material, reimbursement to the Association by the Shaws & Desanos will be necessary.

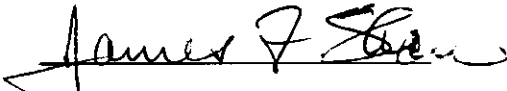
It is further agreed that the temporary hookup will only be allowed if water is found, and a productive well results, & that if the well ever becomes inadequate in terms of volume of water produced for the associations domestic needs, that the Shaws & Desanos will stop taking water from this hookup.

It is also recognized, that if the Association ever re-trenches its main water line, that the Shaws & Desanos will be allowed, at their own expense, to drop in a line, with the intention being to hook up direct to any over flow that may arise from the spring. If this occurred, the Shaws & Desanos would cease taking water at the temporary hookup.

RECEIVED
APR 13 1966

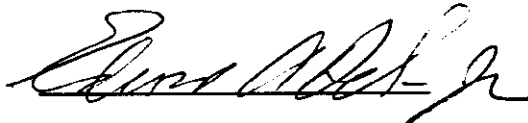
PAGE 3 OF 6

DATED this 14 day of Feb, 1995


JAMES SHAW

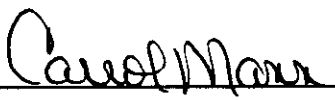
BONNIE SHAW

DATED this 14 day of FEB, 1995

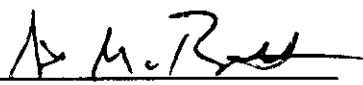

EDWARD DESANO

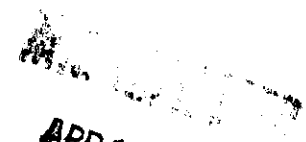
MARSHA DESANO

DATED this 10 day of February, 1995 MINK CREEK UTILITY ASSOCIATION, INC.

BY 
CAROL MANN, President

ATTESTED:

BY 
SCOTT MACBUTCH, Secretary


APR 13 1995

Prehearing Conf - Jan 26, 1995

Mink Creek Utility - 29-08125

Applicant

Spring Source ran out in July - Sept so rationing took place.

In Sept. the spring came back

Subd. has 23 lots but only 11 homes in area

(Aguilar ^{artesian} well) - 1989 showed a definite drop in Spring flows - 7-10 days before Doble could cap well.

Protestant

Dr. Shaw contends there are two aquifers available at his home site.

An original well exists on his homestead - probably age is 40-50 year old. This originally provided water to three homes.

* Implies spring + creek had water rights on it that came down to his property. ~~States that a~~ 60 gpm overflow was measured by us in the early 1980's.

APR 13 1995

Claim A29-04268 is not used for Domestic.
(Dr. Shaw says his predecessor had a home + 12 acres on-site)

* Several Ponds developed prior to Dr. Shaw's Purchase 21 years ago. Ponds dry since 1987.
(Purchased 1973 with home + 1 1/2 acres)

(3 family)

Domestic well had problems in ~~late~~^{early} 1980's + other two families got their own wells. In early 1990's problems continued + a new well was drilled (265') (Static level ~ approx 60').

~~Response~~ Response by Feb 15th on possible Solution between parties

RECEIVED

APR 13 1995

Scott Macbutal
Spring has historically been the
source of water for the subdivision.
original development by Jack Christoferson
currently there are only 11 homes.
Development in 1976.
Jack filed application to transfer
Mink Creek water.

Jim Shaw -

Probably two or (more) aquifers.
Initially owned $1\frac{1}{2}$ acres now has 10
initially had a 90 ft well on property.
was a good well. - 1973 -
Provided water to three homes -
water rights - from crayfish
Year round water ran from spring.
60 gpm overflow $\rightarrow$ 30 gpm at Shaws

Claim #29-04268 -

Domestic

Irrigation

Shaw had a series of ponds

Ponds have been dry since 87

\$500/year for Mink Creek water

Has a domestic well.

Thapson drilled their own well
Neil Gardner got ok well in early 80's
Shaws started having problems w/ well

94 drilled 265' produces 15 gpm.
60' pumping level.

7/21/89 well hit artesian ~~ran~~ open ~~water~~ back

APR 13 1995

FEB 15, DEADLINE

RECEIVED
APR 13 1995

PREHEARING
FOR
MINK CREEK UTILITY ASSOCIATION

10:00 A.M.
JANUARY 26, 1995
CONFERENCE ROOM
POCATELLO AIRPORT
POCATELLO, ID

NAME

REPRESENTING

ADDRESS

James F. Shaw	self	2072 N-Mink Cr. Rd.
	+ Ed. DeSano	Pocatello, ID 83204
SCOTT MACBUTCH	MINK CR UTILITY ASSN	2201 NO JANA POC, ID 83204
Lynda MacButch	" "	" "
Marty Wade	self	9115 Cinnamon Ridge
JERRY KEELY	SELF	2183 NORTH JANA LANE

RECEIVED

APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 29-08152)	NOTICE OF
IN THE NAME OF MINK CREEK)	PREHEARING CONFERENCE
<u>UTILITY</u>)	

On October 13, 1994, Mink Creek Utility Association filed with the Department of Water Resources application for permit of water right No. 29-08152.

The Department has scheduled the matter for prehearing conference on Thursday, January 26, 1995, at 10:00 a.m. in the conference room at the Pocatello Airport, Pocatello, ID, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.

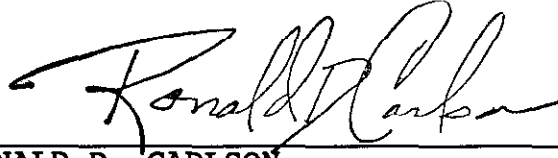
The hearing will be conducted in a facility which meets the accessibility requirements of the American with Disabilities Act. If you require special accommodations in order to attend,

NOTICE OF PREHEARING CONFERENCE 1

RECEIVED
APR 13 1995

participate in or understand the conference, please advise the Department within ten (10) days prior to the conference.

Dated this 12 day of 1995.

A handwritten signature in cursive script, appearing to read "Ronald D. Carlson", written over a horizontal line.

RONALD D. CARLSON
Eastern Regional Manager

RECEIVED
APR 13 1995

I hereby certify that on the 12 day of, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:

Lita Badell
Secretary

CERTIFIED MAIL

SCOTT MACBUTCH
MINK CREEK UTILITY ASSOCIATION
2201 N. JANA LN.
POCATELLO, ID 83204

JAMES AND BONNIE SHAW
2072 N. MINK CREEK RD.
POCATELLO, ID 83204

NOTICE OF PREHEARING CONFERENCE 3

APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 29-08152	)	
IN THE NAME OF MINK CREEK	)	ORDER FOR
<u>UTILITY ASSOCIATION</u>	)	STATEMENTS

In order to prepare and schedule the above captioned
contested matter for hearing before the Department of Water
Resources,

IT IS HEREBY ORDERED, pursuant to Rule of Procedure IDAPA
37.01.01510 (Rule 510) that each party file with the Hearing
Officer and serve upon the other parties of record a Prehearing
Statement responding to the following items:

- 1) The issues to be resolved, and the statutes, rules, and legal
precedent involved;
- 2) A brief statement of the facts and reasons supporting your
position on each matter in dispute;
- 3) A list of proposed witnesses together with a request for any
requested subpoenas to be issued as authorized in IDAPA Rule
37.01.01525 (Rule of Procedure 525).
- 4) Whether you wish to pursue discovery as authorized in IDAPA
Rule 37.01.01521 (Rule of Procedure 521) and, if so, the
estimated length of time required;
- 5) Requested location of hearing;
- 6) Estimated length of hearing;
- 7) The date by which you will be ready to have a hearing in this
matter; and
- 8) If you do not have an attorney, your home and business

APR 13 1995

addresses and telephone numbers;

9) Other related matters.

IT IS FURTHER ORDERED that you must file the Statement with the hearing officer and serve it upon all parties of record within fourteen (14) days prior to any hearing scheduled in the above captioned matter.

Dated this 12th day of January, 1995



RONALD D. CARLSON
Eastern Regional Manager

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APR 13 1995

James and Bonnie Shaw
2072 N. Mink Creek Rd.
Pocatello, ID 83204

December 5, 1994

Harold W. Jones
Water Resource Supervisor
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

RECEIVED

DEC 07 1994

Department of Water Resources
Eastern District Office

Dear Mr. Jones:

We would like to identify four categories which apply to our protest of application 29-08152, under the name of Mink Creek Utility Association.

- a.) This permit will reduce the quantity of water under existing water rights. We have existing water rights to this spring which have already been jeopardized by the Mink Creek Utility Association.
- b.) The spring itself is insufficient for the purpose of supplying water to the Mink Creek Utility Association. The water users on the existing system have had numerous instances of "running out of water" even when they have voluntarily rationed the use of water.
- e.) The use of this spring has resulted in the loss of surface water flow from the unnamed tributary of Mink Creek, which in turn has caused several conflicts of local public interest. Specifically, the mile of former creekbed is now choked with dry vegetation and presents a serious fire hazard. Numerous homes are present in this drainage. Several properties are now without surface water for livestock and four ponds on our own property are now dry. This has resulted in the loss of habitat for a variety of fish and wildlife.
- f.) Finally, the appropriation of this spring by the Mink Creek Utility Association is contrary to conservation of water resources within the State of Idaho. This spring is an important tributary to Mink Creek and its consumptive appropriation contributes to the degradation of the Mink Creek aquifer.

Sincerely,



James and Bonnie Shaw

cc: Mink Creek Utility Assoc.

254-1756

APR 13 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

SCOTT MACBUTCH
MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO ID 83204

4a. Article Number

1259

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1/7

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JAMES AND BONNIE SHAW
2072 N MINK CREEK RD
POCATELLO ID 83204

4a. Article Number

1260

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1/7

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

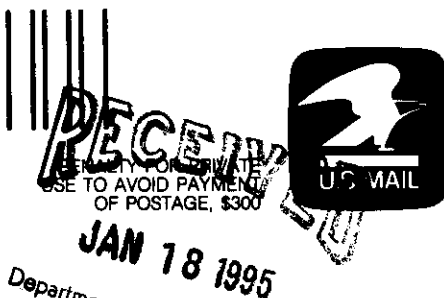
PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



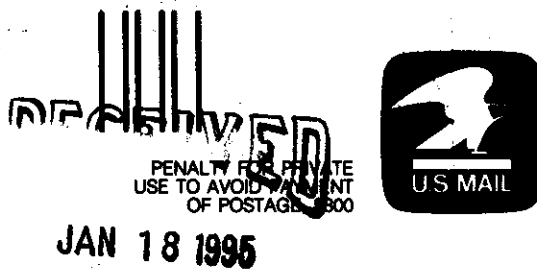
Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

RECEIVED
APR 13 1995
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

UNITED STATES POSTAL SERVICE

Official Business



Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

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APR 13 1995
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

**Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.**

Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee
											Remarks
12	Scott Macbuteh, Mink Creek Utility 2201 N. Tona Ln. Pocatello ID 83204	.32	\$1.10								
1260	James and Bonnie Shaw 2023 N. Mink Creek Rd Pocatello ID 83204	.32	\$1.10								

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$500 for COD and \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels.

two

John Walsh

— FILL IN WITH INK OR BALL POINT PEN —

U.S. GOVERNMENT PRINTING OFFICE: 1990-255-306



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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 12, 1994

JAMES AND BONNIE SHAW
2072 N MINK CREEK RD
POCATELLO ID 83204

RE: Application for permit No. 29-08152

Dear Mr. and Mrs. Shaw:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

APR 13 1995

James and Bonnie Shaw
page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
pc: IDWR - State Office

APR 13 1995



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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 12, 1994

SCOTT MACBUTCH
MINK CREEK UTILITY ASSOCIATION
2201 N JANA LN
POCATELLO ID 83204

RE: Application for permit No. 29-08152
Mink Creek Utility

Dear Mr. MacButch:

Enclosed is a copy of a protest filed against the issuance of a permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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APR 13 1995

Scott MacButch
Mink Creek Utility Association
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones, rb
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

pc: IDWR - STATE OFFICE
enc

APR 13 1995

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

LORI A SEKOT

The following application was filed with me to be published in the public waters of the State of Idaho:

29-08152

BANK CREEK UTILITY ASSOC
2801 N. JANA LN
POCATELLO, ID 83204

Source: GROUNDWATER
Division Pt: SW 1/4 Sec 30 T 07S R 35E in
BANNOCK County
Use: DOMESTIC (220 CFS)
Total Diversion: (220 CFS)
Date Filed: 10/13/1994
In: BANNOCK County
T07S R35E S19 SESE
S90 SWSW

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 NOVEMBER 01, 1994.

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 94	19
NOVEMBER 10	19 94	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.

Lori A. Sekot

STATE OF IDAHO

COUNTY OF Bannock

On this 10TH day of NOVEMBER in the year of 1994, before me, a Notary Public, personally appeared LORI A SEKOT

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.

Jean L. Larsen
Notary Public for Idaho

Residing at POCATELLO

My commission expires: JULY 1997

APR 13 1995

RECEIVED
NOV 11 1994

Department of Water Resources
Eastern District Office

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-08152
MINK CREEK UTILITY ASSOC
2201 N. JANA LN
POCATELLO, ID 83204

Source: GROUNDWATER
Diversion Pt: SWNENW Sec 30 T 07S R 35E in
BANNOCK County.
Use: DOMESTIC (.220 CFS)
Total Diversion: (.220 CFS)
Date Filed: 10/13/1994
In: BANNOCK County
T07S R35E S19 SESE
S20 SWSW

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 NOVEMBER 21, 1994.

R. KEITH HIGGINSON, Director
Nov. 3, 10, 1994
LN 390

LORI A SEKOT

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 94	_____	19 _____
NOVEMBER 10	19 94	_____	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.

Lori A. Sekot

STATE OF IDAHO

COUNTY OF Bannock

On this 10TH day of NOVEMBER in the year of 1994,
before me, a Notary Public, personally appeared
LORI A SEKOT

_____, 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.

Jan L. Larson
Notary Public for Idaho

Residing at POCATELLO

My commission expires: JULY 1997

RECEIVED
NOV 11 1994

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 27, 1994

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 21, 1994.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Encl.

*Faxed
10-27-94*

RECEIVED
APR 13 1995

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED
APR 13 1995

29-08152

MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: SWNENW Sec 30 T 07S R 35E in BANNOCK County.

Use: DOMESTIC (.220 CFS)
Total Diversion: (.220 CFS)

Date Filed: 10/13/1994

In: BANNOCK County
T07S R35E S19 SESE
S20 SWSW

RECORDED
APR 13 1995

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 NOVEMBER 21, 1994.

R. KEITH HIGGINSON, Director

Published: 11/ 3/1994 & 11/10/1994

APR 13 1995

November 22, 1994

James and Bonnie Shaw
2072 N Mink Creek Rd
Pocatello ID 83204

Mr. and Mrs. Shaw:

I received your protest of application 29-08152 in the name of Mink Creek Utility Association. To address a protest, we must require that it fits one of six categories the legislature has deemed acceptable. Enclosed is a list of those six areas highlighted for your use.

Please advise me which area your protest would address at a pre-hearing conference on this application and I will need the reply in writing for inclusion in the current file.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

Enclosure

RECEIVED
APR 13 1995

E020511

\$25.00 filing fee
Remained 11/21/94
Receipt # E020511

James and Bonnie Shaw
2072 N. Mink Creek Road
Pocatello, ID 83204
208-234-1758

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NOV 21 1994

Department of Water Resources
Eastern District Office

November 17, 1994

Department of Water Resources
Eastern Region
900 N. Skyline
Idaho Falls, ID 83402

Dear Mr. Higginson:

Please accept this letter as our official protest of the water right #29-08152 being filed by the Mink Creek Utility Association, 2201 N. Jana Lane, Pocatello, ID.

This application concerns the unnamed spring that flowed between our property and Edward DeSano's property as a tributary to Mink Creek. The tributary has ceased to flow because of alterations made by the Mink Creek Utility Association. Past attempts to resolve this issue with Mr. Jack Christopherson, developer of the Mink Creek Mountain Estates area have been unsuccessful. Therefore we again protest this application until the matter can be resolved to the satisfaction of all parties involved. Thank you.

Sincerely,


James and Bonnie Shaw

cc: Mink Creek Utility Assoc.

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APR 13 1995

November 7, 1994

ID DEPT OF HEALTH & WELFARE
POCATELLO FIELD OFFICE
224 S ARTHUR
POCATELLO ID 83204

RE: Application No. 29-08152

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 November 21, 1994, 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/rb
enc.

APR 13 1995

November 7, 1994

SCOTT MACBUTCH
MINK CREEK UTILITY ASSOC
2201 N JANA LN
POCATELLO ID 83204

RE: Application for Permit No. 29-08152

Dear Mr. MacButch:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho State Journal on November 3 & 10, 1994. 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 W. Jones
Water Right Supervisor

HWJ/rb

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ASSIGNMENT, EASEMENT AND USE AGREEMENT

AGREEMENT made and entered into by and between JACK T. CHRISTOPHERSON and JANET A. CHRISTOPHERSON, whose address is 1022 East Sorenson, Mesa, Arizona 85203 (hereinafter "Christopherson") and MINK CREEK UTILITY ASSOCIATION, INC., an Idaho nonprofit corporation, in care of Scott MacButch, Secretary, 2201 N. Jana Lane, Pocatello, Idaho 83204 (hereinafter "Association").

R E C I T A L S:

WHEREAS, Christopherson was the original developer of Mink Creek Mountain Estates, a subdivision in the Southeast Quarter of the Southeast Quarter of Section 19 and the Southwest Quarter of the Southwest Quarter of Section 20, Township 7, Range 35 East, B.M., Bannock County, Idaho, which was platted; and recorded on October 26, 1976, Record of Plats, Book No. 9, Page 58, Records of Bannock County, Instrument No. 564121; and

WHEREAS, Christopherson was one of the original incorporators of Mink Creek Utilities Association, Inc., an Idaho nonprofit corporation, incorporated on or about November 16, 1977, organized to maintain sewer and water services to the Mink Creek Mountain Estates and to collect fees or assessments for the same; and

WHEREAS, the Association is presently composed of members who have improved properties served by the Association, being Lots 3, 4, 5, 7, 8 and 9 of Block 1, Lots 3, 4, and 5 of Block 2, and Lots 1, 2 and 3 of Block 3, Mink Creek Mountain Estates, together with certain property adjacent to the subdivision owned by Ken Covert to which water only is provided, and by Bernie Judge, to which sewer only is provided; and

WHEREAS, the water which supplies the Association arises and is diverted from certain unnamed springs in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 30, Township 7 South, Range 35 East, B.M., Bannock County, Idaho, owned by Christopherson, upon which certain storage tanks and a portion of the water distribution system are located. Said water rights are evidenced by State of Idaho Department of Water Resources ("IDWR") Right No. 29-00275B decreed to Arthur Say in

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the case of Sam P. Smith, et al., Plaintiffs, vs. City of Pocatello, et al., Defendants, dated June 5, 1926, in the Fifth District Court, County of Bannock, and IDWR Transfer No. 1715 filed by Christopherson on June 8, 1987, together with IDWR Snake River Basin Adjudication Claim No. A29-0275B, filed by the Association; and

WHEREAS, the Association desires to develop a new well to augment the supply of water available to its members; and

WHEREAS, the parties desire to enter into this Agreement for the purpose of transferring to the Association all of Christopherson's water rights in the spring, diversion and collection facilities and pipelines located upon his property, together with a permanent right-of-way and easement for the operation, maintenance, and repair of the same, together with a power line to be installed, which responsibilities the Association agrees to assume; and, further, to enable the Association to develop a new well to provide a supplemental source of water to augment flows from said springs.

NOW, THEREFORE, in consideration for the mutual covenants and agreements contained herein, the parties covenant and agree as follows:

1. **ASSIGNMENT:** Christopherson hereby assigns, transfers and conveys to the Association all of his right, title and interest in and to that certain unnamed spring, together with all water arising therefrom, which is located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 30, Township 7 South, Range 35 East, B.M., Bannock County, Idaho, together with State of Idaho Department of Water Resources License No. 29-0275B, Transfer No. 1715, and the Association's Claim No. A29-0275B.

2. **WELL DEVELOPMENT:** The Association agrees to file an Application with the IDWR seeking a permit to drill a well; and, if granted, will attempt to drill and develop a well to provide a source of supplemental water to augment the existing spring flows for the benefit of the Association.

3. **ADDITIONAL HOOKUPS:** The existing lots in Mink Creek Mountain Estates Subdivision that are not hooked up to the water system will be allowed by the Association to hook up to the water system upon payment of a hook-up fee of \$1,500, and installation

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of a water meter, subject to all existing and future rules and regulations pertaining to the use, operation and maintenance of the system established by the Association.

4. **EASEMENTS:** Christopherson hereby grants and conveys to the Association a permanent right-of-way and easement to own, operate, maintain, repair and replace, if necessary, any and all of the existing water diversion and collection structures, together with the pipeline and distribution system, located upon the described property of Christopherson to permit the continued transportation of water to Mink Creek Mountain Estates Subdivision for use by the Association's members for domestic and culinary purposes.

Christopherson further hereby grants and conveys to the Association a permanent right-of-way and easement to drill, construct, own, operate, maintain, repair and replace if necessary, a new well, with any necessary pump, motor, collection structure and pipeline, together with a power line, on any adjacent property owned by Christopherson as may be reasonable and necessary to the Association to develop the new well described in paragraph 2 above and deliver any water therefrom to the Association.

5. **MAINTENANCE AND REPAIR:** The Association hereby assumes all future responsibility for the operation, maintenance, repair, and replacement as necessary of all water and sewer lines, the well, pump, motor, and related facilities for the benefit of the Association and its members and in accordance with the Association's By Laws, Policies and Procedures.

6. **BINDING EFFECT:** This Agreement is for the benefit of the Association and its members, is appurtenant to Mink Creek Mountain Estates Subdivision and the real property described above and shall be binding upon the parties hereto, their heirs, administrators, successors and assigns.

7. **RECORDATION AND FILING:** The parties agree that this Agreement will be recorded in the Bannock County Recorder's Office and shall be filed with the State of Idaho Department of Water Resources for the purpose of giving notice of this Assignment and Easement.

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DATED this 23 day of Sept., 1994.

Jack T. Christopherson
JACK T. CHRISTOPHERSON

Janet A. Christopherson
JANET A. CHRISTOPHERSON

DATED this 20 day of Sept., 1994.

MINK CREEK UTILITY ASSOCIATION, INC.

By Carol Mann
CAROL MANN, President

ATTESTED:

By Scott MacButch
SCOTT MACBUTCH, Secretary

RECORDED

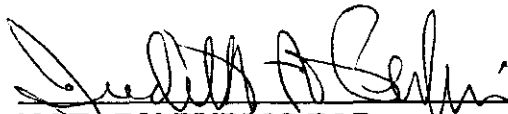
APR 18 1995

STATE OF AZ)

County of MARICOPA) : SS

On this 23 day of SEPT., 1994, before me, a Notary Public in and for said County and State, personally appeared JACK T. CHRISTOPHERSON and JANET A. CHRISTOPHERSON, husband and wife, 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.


NOTARY PUBLIC FOR
Residing at: MESA, AZ 80208, MCKENZIE
My Commission Expires: Feb. 14, 1996

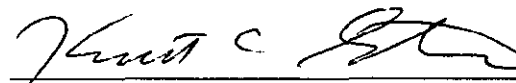
(SEAL)

STATE OF IDAHO)

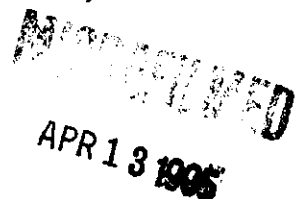
County of Bannock) : SS

On this 20 day of Sept., 1994, before me, a Notary Public in and for said County and State, personally appeared CAROL MANN and SCOTT MACBUTCH, President and Secretary respectively of the Mink Creek Utility Association, Inc., known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of the Association.

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


NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires: Oct. 15, 1994

(SEAL)


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