

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Bennington Water Users Association ^{System Inc} Phone 847-0341
Post office address 26 E. 2nd N., Bennington, Montpelier, Idaho 83254
2. Source of water supply Well which is a tributary of N/A
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 9 Township 12 S. Range 44 E. B.M. Bear Lake County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.40 ^{Domestic} for Culinary purposes from Jan 1 to Dec 31 ^{Allow 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) 0.40 ^{2cfs} and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. 12" DIA well with Submersible Pump -
Pump directly into Distribution System
- 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 12" inches; proposed depth of well is 200 feet.
- d. Is ground water with a temperature of greater than 90°F being sought? no
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 year years (minimum 1 year).

*kw 9/26/89

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. Bennington Water Users Association 70 Connections
- 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	
12 S.	44 E.	9								~~20~~	~~40~~	~~40~~	~~40~~	~~40~~					~~180~~
										D	D	D	D	D					

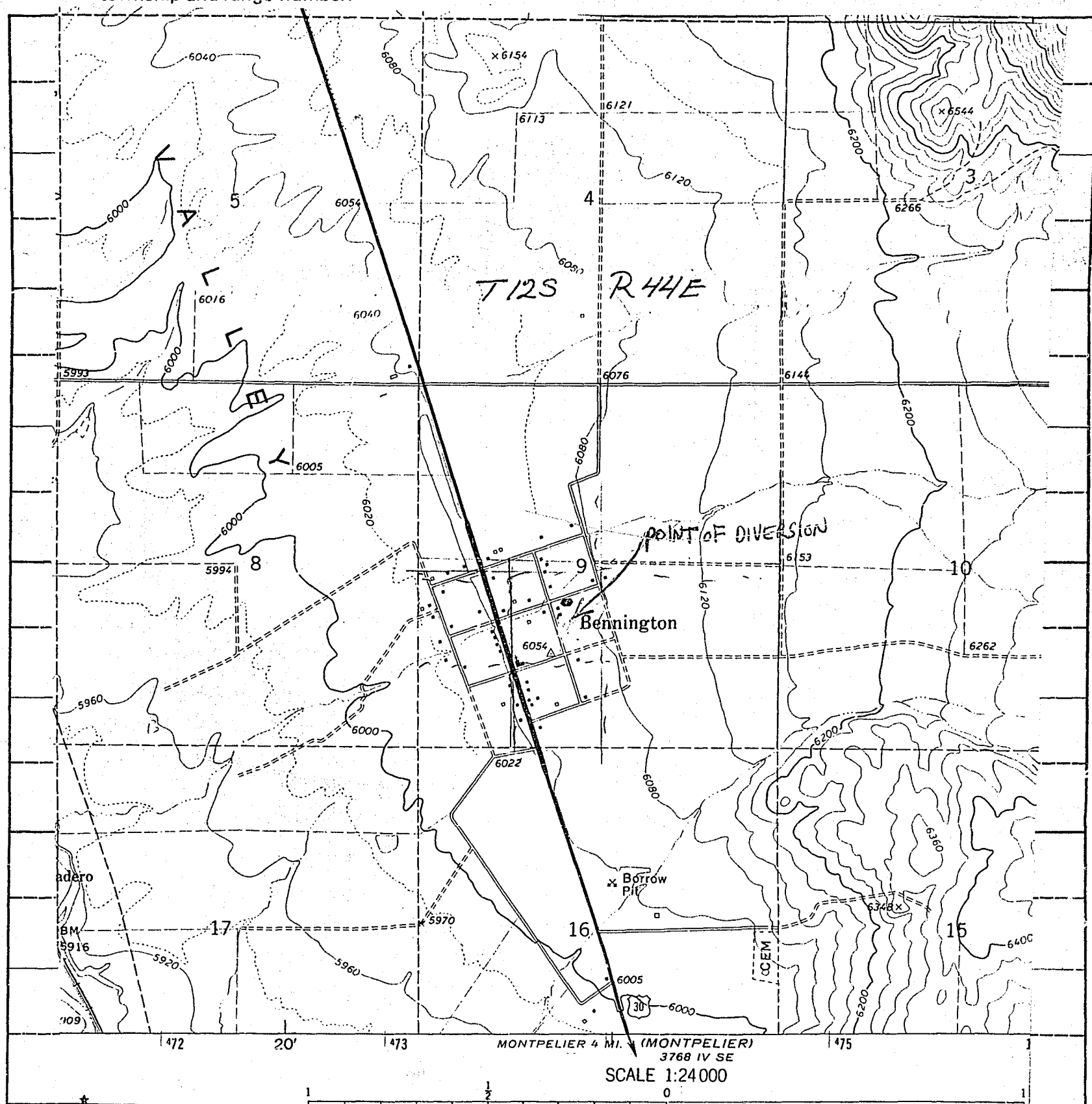
Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Will be owned by Bennington Water Users Assoc. ^{System Inc}
- b. Who owns the land to be irrigated or place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. In the process of purchasing the property.

12. Remarks: _____

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.

Ted S. Crane
 Ted Crane, President (Applicant)

Received by AW Date 6-27-89 Time 11:35 Preliminary check by AWD
Fee \$ 65.00 Received by HWS # E00 9290 Date 6-27-89
Publication prepared by RB Date 9-7-89 Published in News-Examiner
Publication approved AW Date 9-11-89

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:

No 3799

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa Maasman

being duly sworn,

deposes and says:

That he is the *Editor* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *2* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 17, 1989, and ending with the issue of *August 24, 1989*

Rosa S. Maasman
Fees, *\$26.60*

Subscribed and sworn to before me this *22* day of *Aug., 1989*

May Jensen
Notary Public, Residing at Montpelier, Idaho

My Commission Expires *11-30*, 19 *83*

RECEIVED

AUG 31 1989

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

11-07377
BENNINGTON WATER SYSTEM, INC.
26 E. 2nd N., BENNINGTON
MONTPELIER, ID 83254
Source: GROUNDWATER
Diversion Pt: SENESW Sec 9 T 12S
R 44E
Use: DOMESTIC (.400 CFS)
Date Filed: 6/27/1989
In: T12S R44E S09 SENW NESW
NWSW SWSW SESW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 4, 1989.

R. KEITH HIGGINSON, Director
Legal No. 3799 -28L- Publish Aug. 17, 24, 1989.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 13, 1989

RECEIVED

SEP 22 1989

Department of Water Resources
Eastern District Office

RECEIVED

SEP 26 1989

Department of Water Resources

Ted Crane
26 E. 2nd N.
Bennington, ID 83254

Dear Mr. Crane:

I will need you to send a list of officers that make up the Bennington Water System Inc. This will be included with Application for Permit No. 11-07377. Please send this list directly to me and I will forward it to Boise.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

Rid
10-20-89
msh

Directors of Bennington Water System Inc

Ted S. Crane	Pres.
Allyn Phelps	Vice Pres.
Marvin Sparks	Sec'y.
William Hunter	Director
Michael Merritt	Director

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07377

Proposed Priority: June 27, 1989 Maximum Diversion Rate: 0.40 CFS

This is to certify, that BENNINGTON WATER SYSTEM INC.
26 E. 2ND N.
MONTPELIER, ID 83254

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	0.40 CFS
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<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SENE SW	Sec. 9, Township 12S, Range 44E BEAR LAKE County
---	---------	---

PLACE OF USE: DOMESTIC

TWN RGE SEC

12S 44E 9	SENE SW SW	NESW SE SW	NWSW
-----------	---------------	---------------	------

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1990.
2. Subject to all prior water rights.
3. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The maximum rate of diversion for domestic purposes under this permit shall not exceed 0.40 cfs.
6. Domestic use is for 70 homes.

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

5th day of October, 1989

R. Keith Higginson
for R. Keith Higginson, Director

ACTION REQUIRED

FROM: H.W. Jones

TO: Ted Grant

RECEIVED

JUN 27 1969

Department of Water Resources
Eastern District Office

Attached is your applic. for Permit + Drilling Permit. Each have a required fee. \$65 is required for the applic. + \$100 required for the Drilling permit. Also the acres in each $\frac{1}{4}$ of $\frac{1}{4}$ are not necessary on line 9. If you have any questions please call me:

Hfj

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 4, 1989.

R. KEITH HIGGINSON, Director

Published 8/17/1989 & 8/24/1989

11-07377

BENNINGTON WATER SYSTEM, INC.
25 E. 2ND N., BENNINGTON
MONTPELIER, ID 83254

Source: GROUNDWATER

Diversion Pt: SENESW Sec 9 T 12S R 44E

Use: DOMESTIC (.400 CFS)

Date Filed: 6/27/1989

In: T12S R44E S09

SENW
SESW

NESW

NWSW

SWSW

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

11-07377

BENNINGTON WATER SYSTEM,
INC.

25 E. 2nd N., BENNINGTON
MONTPELIER, ID 83254

Source: GROUNDWATER

Diversion Pt: SENESW Sec 9 T 12S
R 44E

Use: DOMESTIC (.400 CFS)

Date Filed: 6/27/1989

In: T12S R44E S09 SENW NESW
NWSW SWSW SESW

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup
Avenue, Suite 15, Idaho Falls, Idaho
83402 on or before SEPTEMBER 4,
1989.

R. KEITH HIGGINSON, Director
Legal No. 3799 --28L-- Publish Aug.
17, 24, 1989.

NOTICE OF APPLICATION FOR WATER RIGHT

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

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

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 8, 1989

THE NEWS-EXAMINER
P.O. BOX 278
MONTPELIER, ID 83254

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 SEPTEMBER 4, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

August 9, 1989

Bennington Water System, Inc.
26 E. 2nd N., Bennington
Montpelier, ID 83254

RE: Application for Permit No. 11-7377

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the News Examiner. 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 Rights Supervisor

HWJ/rb

21-Aug-1989

Department of Health & Welfare
Division of The Environment
150 N. 3rd
Pocatello, ID 83201

RE: Application for Permit No. 11-7377

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received as soon as possible. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

Form 235-1
6/87

Drilling Permit No. 11-89-B-022
Water Permit No. -07377
Injection Permit No. _____

State of Idaho
Department of Water Resources

D R I L L I N G P E R M I T

(Authorizing Construction of a Well)*

1. Applicant Bennington Water Users Association
2. Address 26 E. 2nd N., Bennington, Montpelier, Idaho 83254
- ☒ Well Owner () Well Operator () Other, specify _____
3. Water right permit no. _____; Injection well permit no. _____
4. Proposed well location SE 1/4 NE 1/4 SW 1/4, or Gov't lot No. _____,
Sec. 9, Twp. 12 S., Rge. 44 E., County Bear Lake,
Lot, block and subdivision _____
5. Proposed use of well: (Check all that apply)
- | | | |
|--|--------------------------|----------------|
| ☒ Domestic | () Stockwater | () Monitoring |
| () Irrigation | () Industrial | () Municipal |
| () Injection | () Other, Specify _____ | |
6. Well construction information:
- | | | |
|--|------------|-------------|
| ☒ New well | () Deepen | () Replace |
|--|------------|-------------|
- Proposed surface diameter 12 inch Proposed depth 200 feet
- Anticipated bottom hole temperature:
- | |
|--|
| ☒ 85°F or less (Cold water well) |
| () 85°F to 212°F (Low temp. geothermal well) |
| () 212°F or more (Geothermal well) |
7. Anticipated construction start date June 1989
8. Well Driller (if known) _____
- Address _____
- Date June 16, 1989 Applicant's signature Ted Crane
Title President

* After other pre-requisite approvals have been obtained.

☒ Approved () Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. The permit holder or his representative shall notify the Department ten (10) days prior to the start of construction unless good cause for later notification can be shown.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

SPECIFIC CONDITIONS:

Dated this 8th day of Sept, 1989.

Signed

Title

R. D. Cook
REGIONAL MANAGER

Received by AWJ Fee 100.00 Date 6-27-89

Receipt No. E009290 Construction start date _____

Construction start extension to _____

Extension approved by _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 13, 1989

Ted Crane
26 E. 2nd N.
Bennington, ID 83254

Dear Mr. Crane:

I will need you to send a list of officers that make up the Bennington Water System Inc. This will be included with Application for Permit No. 11-07377. Please send this list directly to me and I will forward it to Boise.

Sincerely.

Harold W. Jones
Water Resource Supervisor

HWJ:lk

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
October 6, 1989

BENNINGTON WATER SYSTEM INC.
26 E. 2ND N.
MONTPELIER, ID 83254

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P11-07377

Dear Permit Holder:

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

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

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

We have enclosed 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 for your convenience is a form entitled "Proof of

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

130338

August 31, 1990

BENNINGTON WATER SYSTEM INC.
26 E. 2ND N.
MONTPELIER, ID 83254

PROOF DUE NOTICE

RE: PERMIT NO. 11-07377

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

November 5, 1990

BENNINGTON WATER SYSTEM INC.
26 E. 2ND N.
MONTPELIER, ID 83254

LAPSE NOTICE

RE: PERMIT NO. 11-07377

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated August 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 11-8-90
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/13/91 05:20:50
Page 1

Water Right Number - 11-07377

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BENNINGTON WATER SYSTEM INC.

1 - 26 E. 2ND N.

2 -

3 -

City- MONTPELIER

State- ID Zip- 83254

Phone - 208-847-0341

+ - - Priority Date - - +
06/27/1989

+ - - Region - - - +
15 EASTERN

+ - - Stage - - - +
P - PERMIT

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

12S 44E 9 SE NE SW (7) BEAR LAKE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.400

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.400

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

12S	44E	9	SE NW			43	DOMESTIC	(7) BEAR LAKE
12S	44E	9	NE SW			43	DOMESTIC	(7) BEAR LAKE
12S	44E	9	NW SW			43	DOMESTIC	(7) BEAR LAKE
12S	44E	9	SW SW			43	DOMESTIC	(7) BEAR LAKE
12S	44E	9	SE SW			43	DOMESTIC	(7) BEAR LAKE

+ - - Diversion Means - 12" DIA WELL WITH SUBMERSIBLE PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SPRING SUPPLY

+ - - - - Remarks - - - - - +

The maximum rate of diversion for domestic purposes under this
permit shall not exceed 0.40 cfs.
Domestic use is for 70 homes.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/13/91 05:20:50
Page 2

Water right number - 11-07377

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +

- 004 - The issuance of this permit in no way grants any right-of-way or
- easement across the land of another.
- 046 - Permit holder shall comply with the drilling permit requirements
- of Section 42-235, Idaho Code.
- 016 - See remarks for additional conditions of approval.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - 08/04/89 BODELL 08/17/89 CURTIS 09/28/89 CURTIS 10/03/89 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 11/01/1990	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 10/05/1989	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 06/27/1989	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

I certify that file No. 11-7377

has been reviewed and is ready to be MICROFILMED
and DESTROYED.

Sam Skaggs
Signature

6-13-91
Date

The attached proof report is the water right as it appeared in the database prior to the final status and deletion from the database.

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. 0028952
Receipt By: TLO
Date Received: 5/22/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 22 1997

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. 11-07377 Telephone No. (208) 847-2843
2. Name(s) of Permit Holder(s): Bennington Water Systems, Inc.
3. Mailing Address: 38 North Second East Montpelier ID. 83254
4. Source of Water: Well If GROUNDWATER (well), Date Drilled: mo. Sept. / yr. 1990
 - a. Well Driller: Westlake Drilling Drilling Permit Number: 11-90-E-009
 - b. OPTIONAL:
Pump Horsepower: 15hp Pressure (psi): 80 Dynamic pumping level (ft): 120
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 70 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.40 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No _____
	Has the measuring device been installed?	Yes _____	or	No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No _____
	Has the measurement port been installed?	Yes _____	or	No _____
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Robert Holjeson Telephone Number: (208) 847-2843
Address: 38 North Second East Montpelier ID. 83254
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.

Signature of permit holder:

Wayne Stahl, Bennington Engineer
(include your title, if on behalf of company or organization)

Date:

May 13, 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-07377)
IN THE NAME OF BENNINGTON WATER SYSTEM) ORDER OF
INC.) REINSTATEMENT
_____)

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On October 5, 1989, the Department issued Permit No. 11-07377 in the name of Bennington Water System, Inc. (permit holder) with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before November 1, 1990.

2. On August 31, 1990, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On November 8, 1990, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof of beneficial use statement or extension of time.

4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

5. On May 22, 1997, the permit holder submitted a proof of beneficial use statement along with a license examination fee of

\$100.00. Additionally, the permit holder submitted an affidavit, minutes from several board meetings and an invoice from the well driller for the installation of the pump. The documents confirm that the well was put to beneficial use prior to the permit lapsing. The permit holder further stated that at the time proof was due, there was a change of leadership within the water company and the proof was not filed due to the confusion.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

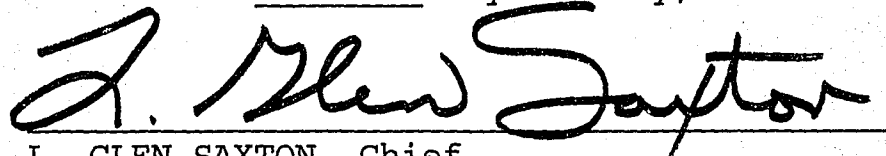
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 11-07377 is REINSTATED.

IT IS FURTHER ORDERED that the priority date is advanced to May 22, 1997.

Dated this 7th day of July, 1997.



L. GLEN SAXTON, Chief
Water Allocation Bureau

Post-It Fax Note 7672

To Mitch Greer
 Company Shepherd Eng.
 Location Pocatello
 Fax # 233-9806
 Comments

Telephone # 233-9793

No. of Pages

Fax Date

5-16-97

Time

From Robert Holjeson
 Company Bennington Water
 Location
 Dept. Charge
 Telephone #
 Fax #
 Original Disposition: ☐ Destroy ☐ Return ☐ Call for pickup

STATEMENT OF CONSENT/AFFIDAVIT

TOWN OF BENNINGTON, IDAHO
 CULINARY WATER SYSTEM
 C/O ROBERT HOLJESON
 Phone: (208) 847-2843

I, Robert I. Holjeson - Bennington Culinary Water Board President, as current President of the Bennington Culinary Water System, which owns the property described as, the Culinary Well established in 1989 and is currently being used to supply the town of Bennington it's culinary water do hereby swear that this well is the official culinary well for the town of Bennington and was indeed established and put into service in the year of 1989-1990.

Robert I. Holjeson
 Robert I. Holjeson
 President, Bennington Culinary Water System

Subscribed and sworn to (or affirmed) before me this 16th day of

May, A.D. 1997 by:
Robert I. Holjeson - Bennington Culinary Water Board Presi

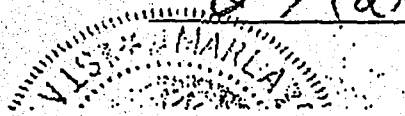
who is personally known to me and/or has produced drivers license

STATE OF IDAHO, COUNTY OF BEAR LAKE,

Marla P. Johnson Notary Public, Commission No. _____

Commission Expires 7-7-98

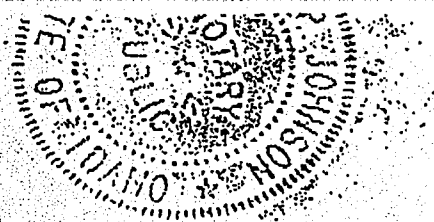
Marla P. Johnson



05/16/97 11:30

TX/RX NO.1250

P.001



05/16/97 11:30 TX/RX NO.1250 P.001

continued.

Nominations opened for 3 two year directors. Bill Hunter nominated, but declined because of other commitments. Mick Merritt, John Allemen and Marvin Sparks nominated and elected.

Motion made by Kennon Crane that Secretary of the Board to receive compensation of \$120⁰⁰ credit of fees and sum of \$130⁰⁰ for work involved by the raising of fees. MaryAlene Hansen, seconded. Motion carried, with 1 person representing 3 shares opposing. Meeting adjourned.

Board Meeting July 5, 1990.

Ted Crane, Pres. Allyn Phelps, Vice Pres. Marvin Sparks Secy. Mick Merritt, John Allemen. Continue with Mouritsen Spring easement procurement. Will call attorney to go ahead with negotiations. El. Ray Westlake will drill a test hole on Allyn Phelps property. Discussed legal fees of attorney.

Board Meeting Oct 31 1990

Allyn Phelps, Marvin Sparks and Mick Merritt met at Home of Marvin Sparks to sign contract papers for Utah Power & Light Co. for installation of power and breaker box at well site for pump use. Also for Allyn Phelps to take over as president of Bennington Water System after the death of President Ted Crane on October 26, 1990.

July 11, 1991

Bank balance
Cash

\$5792⁷¹
6⁷⁸
5799⁴⁹

Paid out last year
Roy Mouritsen

3500⁰⁰ easement,

Dept of Health & Welfare	170 ⁰⁰	
Burdick Occasion	227 ⁰⁰	put in spring
Mountain Irrigation	1299 ¹⁴	pipe
Utah Power & Light	922	
AD Electric	31 ¹⁶	pump service
Postage & Statements	71 ⁶⁸	

60

Stock holders meeting Thurs. July 11, 1991

Convened 8:07 p.m. Bennington Ward Classroom

Allyn Phelps, Mavin Sparks, Mick Merritt
discussed well and springs installation.

Discussed contamination of springs, etc.

Diversion ditches around springs and fences.

Allyn discussed money problems.

Delsa Tippetts motioned that the easements
be paid for current well. Seconded by
Bruce Brown. \$500.00 to be paid to
Allyn Phelps. Unanimous. Stuart Crane's
easement to be checked into to see
if his ground will be affected.

Motion made that fees be reduced
to \$2.00 per month for Shareholders who
do not use any culinary water during
the month. John Tippetts made the motion.
Seconded by Lyona Burdick. Motion carried.

Carryover board members who have
one year left to serve are
Mick Merritt

Lyman John Alleman

To complete Mavin Sparks' term is
Lyona Burdick

Mavin had one year left on his
2-year term.

Put in as 2-year directors were:

Allyn Phelps

Clinton Dunn

Meeting adjourned.

Lyona Burdick, Sec.

approved
April 14, 1993

05/16/97 11:30

TX/RX NO.1250

P.003

July 17, 1991

Board of Directors Meeting held at Mick Merritt's home. Convened at 8:00 p.m.

present were: Allyn Phelps, Clinton Dunn, Mick Merritt, Lyman John Alleman, Lyona Burdick
Allyn Phelps installed as President.

Discussed water samples.

Morton Hunter's strip of land with old well on it, one of two options at his choice

1. give it back to him as-is and he will assume liability.

2. Cave old well in, haul in fill and topsoil at water company's expense

Discussed Aaron Tarbet's new hook-up. It is at his expense that the pipe goes across the road and to his property line. Also, don't issue a certificate until the \$500⁰⁰ fee is paid in full.

(Allyn Phelps was given a check for \$500⁰⁰ for easement to his land where the new well sits.)

Someone needs to cut off the standpipe on the well-casing that dry-holed on William Hunter's property.

Shut off water on Wayne Kunz's property as no fees have been paid.

At the next shareholders meeting, a fee needs to be recommended for a re-hook-up to the culinary after it has been turned off for non-payment.

This policy is effective

Send out letters informing all shareholders of the \$2.⁰⁰ per month assessment for

1st Aug. 1, 1991
and is
not
retroactive

non-users of culinary water. This would include vacant houses or lots where water isn't used during the month.

Meeting adjourned at 9:22 p.m.

Lyona Burdick

Also, Lyona is to check with Mary Burdick on higher-interest bearing certificates.



SHEPHERD ENGINEERING INC.

Civil/Municipal, Transportation, Industrial
Recreation & Land Development Services

203 South Garfield, Pocatello, Idaho 83204
Phone (208) 233-9793 Fax (208) 233-9806

RECEIVED

MAY 22 1997

Department of Water Resources

May 19, 1997

Julie L. Yarlorough
Department of Water Resources
1301 North Orchard Street, Statehouse Mail
Boise, ID 83720-9000

RE: LAPSED PERMIT NO. 11-070377 (BENNINGTON WATER SYSTEM INC.)

Dear Ms. Yarlorough:

? did not receive gy

Enclosed are form No.217 Proof of Beneficial Use, Well Drillers Report and test pump, a Presidents Affidavit, and Minutes of the Bennington Water System. The well drillers report has a typing error in the permit No.11-07377 it is 11-07577 on the form. A permit has never been issued for No. 11-07577. The minutes taken from board meetings on July 5, 1990, October 31, 1990, July 11, 1991, and July 17, 1991 show expenditures for pump service, Utah Power pipe and easements to hook up new well to the existing system.

The reason the proof is being filed late is because the time the new well was installed, there was a change in leadership in the Bennington Water Company. The new water board fired their old engineering company because they had a lot of difficulty with the well. Amid the confusion of the new water board the taking over and the loss of their engineering representation, it appears that the proof of beneficial use was not completed as required. The town had no idea that proof had never been filed, and it only discovered after S.E.I. began work on design of water system improvements for the town.

Bennington is asking for the permit to be reinstated. If you need anything else please call us at (208) 233-9793.

Sincerely,

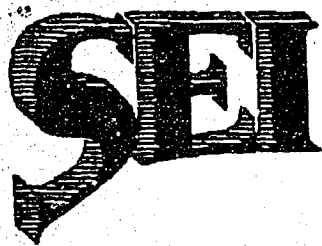
J. Mitchell Greer, E.I.T.
Project Engineer

C:\ENDALEWATE.WPD

06/24/97 13:28 FAX 2082339806

SHEPHERD ENG

001



SHEPHERD ENGINEERING INC.

Civil/Municipal, Transportation, Industrial
Recreation & Land Development Services

203 South Garfield, Pocatello, Idaho 83204
Phone (208) 233-9793 Fax (208) 233-9806

FAX: 1-(208)-233-9806

DATE: JUNE 24, 1997

TO: DEPT OF WATER RESOURCES

ATTN: JULIE YARBOROW

FAX: 208-327-7866

PAGES: 2 (Including Transmittal)

FROM: MITCHELL GREER

SUBJECT / MESSAGE:

JULIE, THIS IS ANOTHER PIECE OF EVIDENCE
FOR THE BENNINGTON APPLICATION FOR REINSTATEMENT
ON WATER RIGHT APPLICATION # 11-07377. IT IS
A BILL FROM ELLAY WESTAKE, THE DRIVER, FOR
THE INSTALLATION OF THE PUMP IN THE WELL.
WE WOULD APPRECIATE YOUR ATTENTION TO THE
REINSTATE THE WATER RIGHT APPLICATION A.S.A.P.
AS WE ARE ATTEMPTING TO PROCEED WITH AN
IMPROVEMENT PROJECT ON THE WATER SYSTEM
AND THIS IS THE LAST REMAINING ITEM TO CLEAN
UP BEFORE THE FUNDING IS RELEASED IF YOU
HAVE QUESTIONS OR REQUIRE ADDITIONAL INFO —
PLEASE LET ME KNOW.

THANK YOU

Mitchell Greer

IF YOU DO NOT RECEIVE ALL PAGES, OR HAVE ANY QUESTIONS OR PROBLEMS WITH
RECEIVING THIS TRANSMITTAL PLEASE CONTACT US.

06/24/87 13:28 FAX 2082339808
06/23/1997 21:36 20885231

SHEPHERD ENG
WESTLAKE DRILLING

002
PAGE 01

APPLICATION FOR PAYMENT NO. 5

To Town of Bennington, Idaho (OWNER)
Contract for Westlake Drilling
OWNER's Project No. 1-89-150 ENGINEER's Project No. _____
For Work accomplished through the date of November 12, 1990 thru December 4, 1990

ITEM	CONTRACTOR'S Schedule of Values			Work Completed	
	Unit Price	Quantity	Amount	Quantity	Amount
1- 15 HP, 460V, 3ø, submersible pump & control panel. All labor, materials & equip- ment to install system. (Note- from Estimate Dated 9-20-90)			\$		\$
Non Bid Items	7,938.58				7,938.58
	283.65				283.65
Total (Orig. Contract)			\$		\$
C.O. No. 1					
C.O. No. 2					

Accompanying Documentation:

GROSS AMOUNT DUE \$ 8,222.23
LESS % RETAINAGE \$
AMOUNT DUE TO DATE \$
LESS PREVIOUS PAYMENTS \$
AMOUNT DUE THIS APPLICATION \$ 8,222.23

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 through _____ inclusive; and (2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances (except such as covered by Bond acceptable to OWNER).

Dated December 5, 1990

Westlake Drilling

By

E. Ray Westlake

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated December 10 1990

Forsgren Associates P.A.

By

William Forsgren



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
July 7, 1997

BENNINGTON WATER SYSTEM INC
38 N 2ND E
MONTPELIER ID 83254

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07377

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof was submitted after the proof due date of November 1, 1990. Please note that the priority date has been advanced to May 22, 1997.

Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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 the field examination, contact the **EASTERN** Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

State of Idaho
Department of Water Resources

RECEIVED

SEP 05 1997

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 11-07377

Date of Priority: May 22, 1997

Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume: 84.0 AF

Comes now
38 N 2ND E
MONTPELIER ID 83254

BENNINGTON WATER SYSTEM INC

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. 11-07377, 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	0.40 CFS	84.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW, Sec. 9, Township 12S, Range 44E
BEAR LAKE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

12S 44E 9

SWNE
NESW
SESW

SWNW
NWSW
NWSE

SENE
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 _____, this 2 day of Sep., 1997.

R. Halger
(Signature)

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 11-07377

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50⁰⁰ Receipted by KS # 6040662 Date 9/5/97

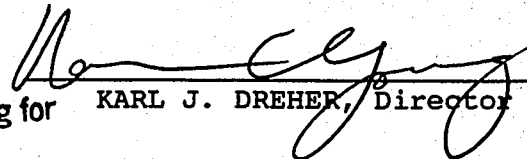
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 11-07377 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 70 homes.
6. Rights 11-07317 and 11-07377 when combined shall not exceed a total annual diversion volume of 84.0 af and shall not provide a domestic water supply for more than 70 homes.

Witness my hand this 22nd day of SEPTEMBER, 1997.


Acting for KARL J. DREHER, Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 11-07377

Priority: May 22, 1997

Maximum Diversion Rate:
Maximum Diversion Volume:

0.40 CFS
84.0 AF

This is to certify, that BENNINGTON WATER SYSTEM INC
38 N 2ND E

MONTPELIER ID 83254 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 27, 1989; and
has submitted Proof of Beneficial Use on May 22, 1997. An examination indicates
that the works have a diversion capacity of 0.420 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	0.40 CFS	84.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 9, Township 12S, Range 44E
BEAR LAKE County

PLACE OF USE: DOMESTIC

TWN RGE SEC
12S 44E 9

SWNE
NESW
SESW

SWNW
NWSW
NWSE

SENW
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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 70 homes.
6. Rights 11-07317 and 11-07377 when combined shall not exceed a total annual diversion volume of 84.0 af and shall not provide a domestic water supply for more than 70 homes.

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 11-07377

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 22ND
day of SEPTEMBER, 1992.


Acting for KARL J. DREHER, Director



Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 25 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 11-07377

1. Owner: BENNINGTON WATER SYSTEM INC. Phone No. (208) 847-2843

Current Address: 38 N 2ND E BENNINGTON, MONTPELIER ID 83254

2. Accompanied by: ROBERT HOLJESON EXAM DATE: 7-30-97

Address: SAME Phone No. SAME

Relationship to Permit Holder: PRESIDENT

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 11-04226, 11-07317

2. Other water rights with the same point of diversion: _____

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
			SE	SW	9	12S	44E	BEAR LAKE	USGS, GPS, ONSITE

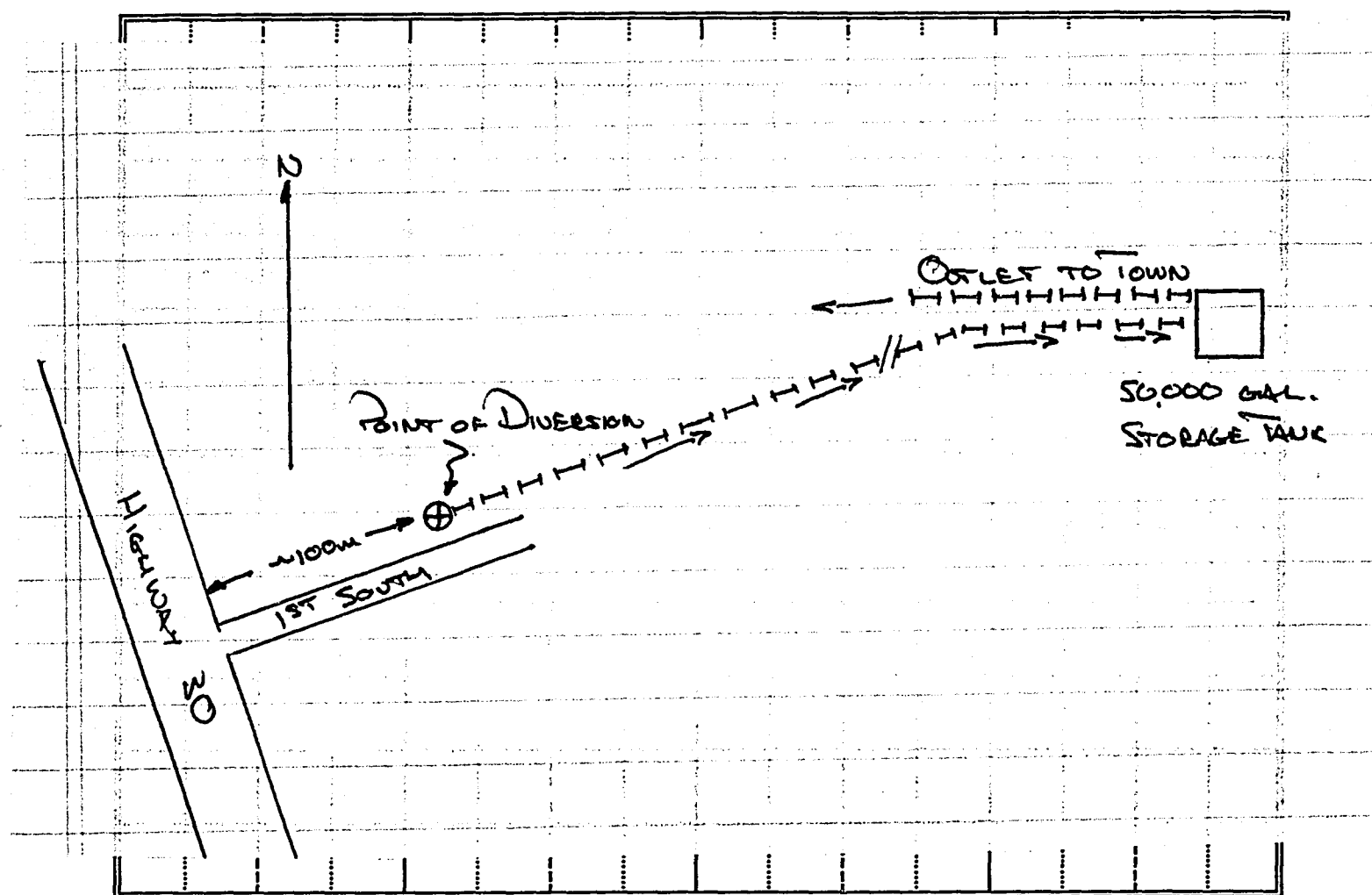
2. Place(s) of Use:

Indicate Method of Determination USGS, TRACT INFO

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	44E	9			2/3*				4/5*	12/5*	11/5*	14/5*	5/5*	14/5*			6/5*		70/5*

* NUMBER IN TRACT COLUMNS INDICATES # DOMESTIC HOOKUPS

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



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
	FRANKLIN	15	236 6136 020		

*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

2. Measurements: NO MEASUREMENT POSSIBLE. OPERATING PSI ~ 70-75 PSI
AS PER DISCUSSIONS WITH MITCH GREEK

V001 2 1981

11 OF 161

E. NARRATIVE/REMARKS/COMMENTS

WELL WITH SUB. PUMP TO MAINLINE TO 50,000 GAL TANK FOR
DISTRIBUTION TO 70 SMALL DOMESTIC HOMES WITHIN BOUNDARY
OF TOWNSHIP OF BENNINGTON. STORAGE TANK IS ALSO SUPPLIED
BY SPRING SOURCE AS PER LICENSE 11-07317.

ACCOMPANIED BY ROBERT HOLTESON, PRESIDENT OF COMPANY
AND MITCH GREER, SHEPARD ENGINEERING

GPS TAG NO. A0000205

FROM WELL LOG, STATIC WATER = 61'

* AMEND POINT OF DIVERSION AND PLACE OF USE AS NOTED.

* PLEASE NOTE THAT DUE TO INTERMITTENT FLOW FROM
WELL AND INACCESSIBILITY OF PIPELINES, NO FLOW
MEASUREMENT WAS POSSIBLE.

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

AS FLOW MEASUREMENT NOT POSSIBLE,

$$Q_{THEOR} = \frac{15 HP (8.814) \cdot 7 EFF}{61' LIFT + (70 PSI \cdot 2.308)} = 0.42 CFS$$

CFS LIMITED BY
PERMIT TO 0.40 CFS

ASSUME: 70% EFF, 70-75 PSI, STATIC H₂O @ 61', HP = 15

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

IDWR STD FOR SINGLE FAMILY DOMESTIC USE W/ LAWN
EQUALS 1.20 AFA

$$70 \text{ HOMES} \cdot 1.20 \text{ AFA} = \underline{84.0 \text{ AFA}}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1-1	12-31	0.40	84.0
Totals:			0.40	84.0

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. AUTHENTICATION

Field Examiner's Name [Signature] Date 8-13-97

Reviewer _____ Date _____

SEAL

Form 2ad-7
9/82

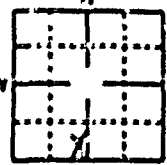
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

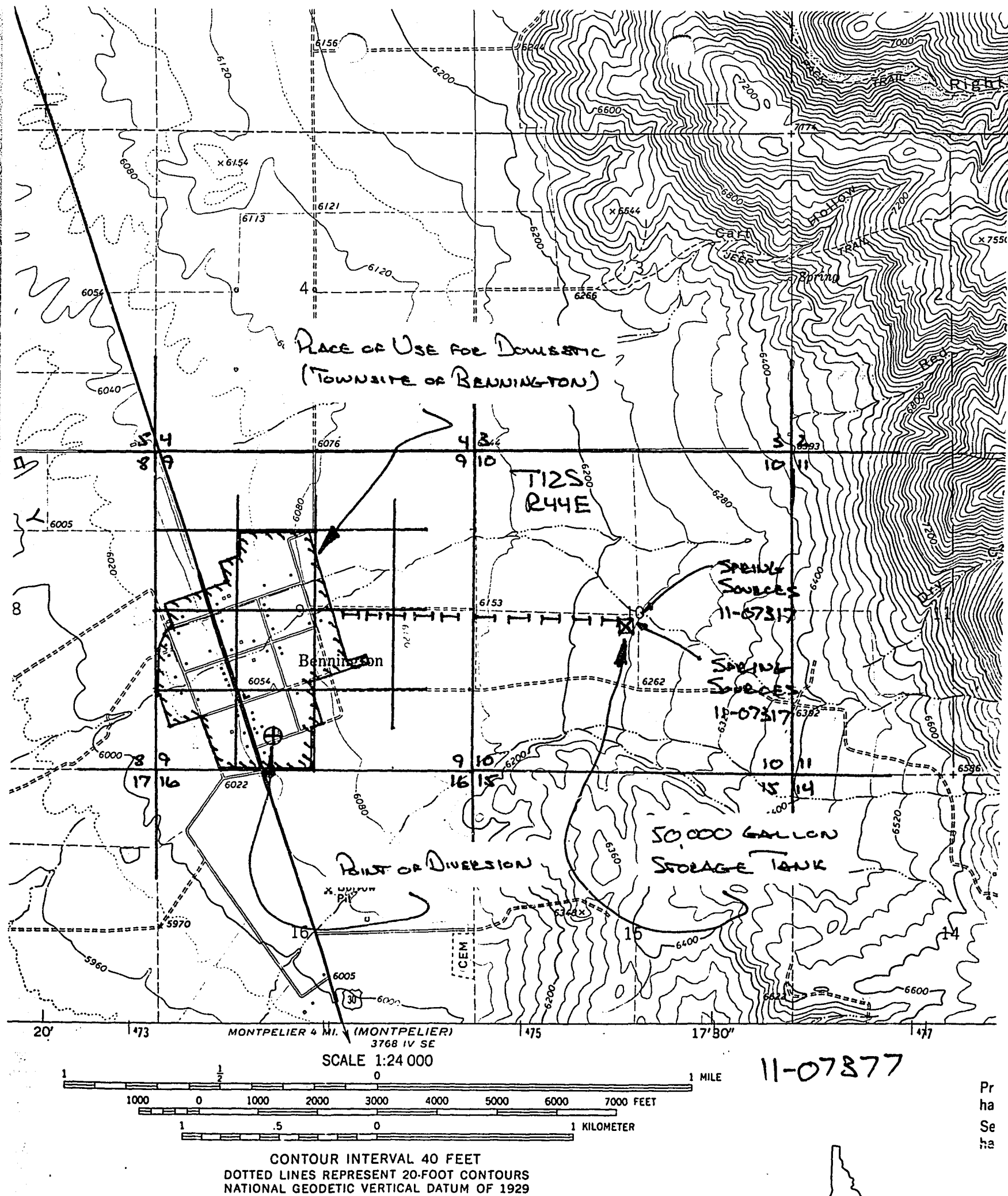
USE TYPEWRITER OR
RECEIVED
AUG 24 1990

WELL DRILLER'S REPORT

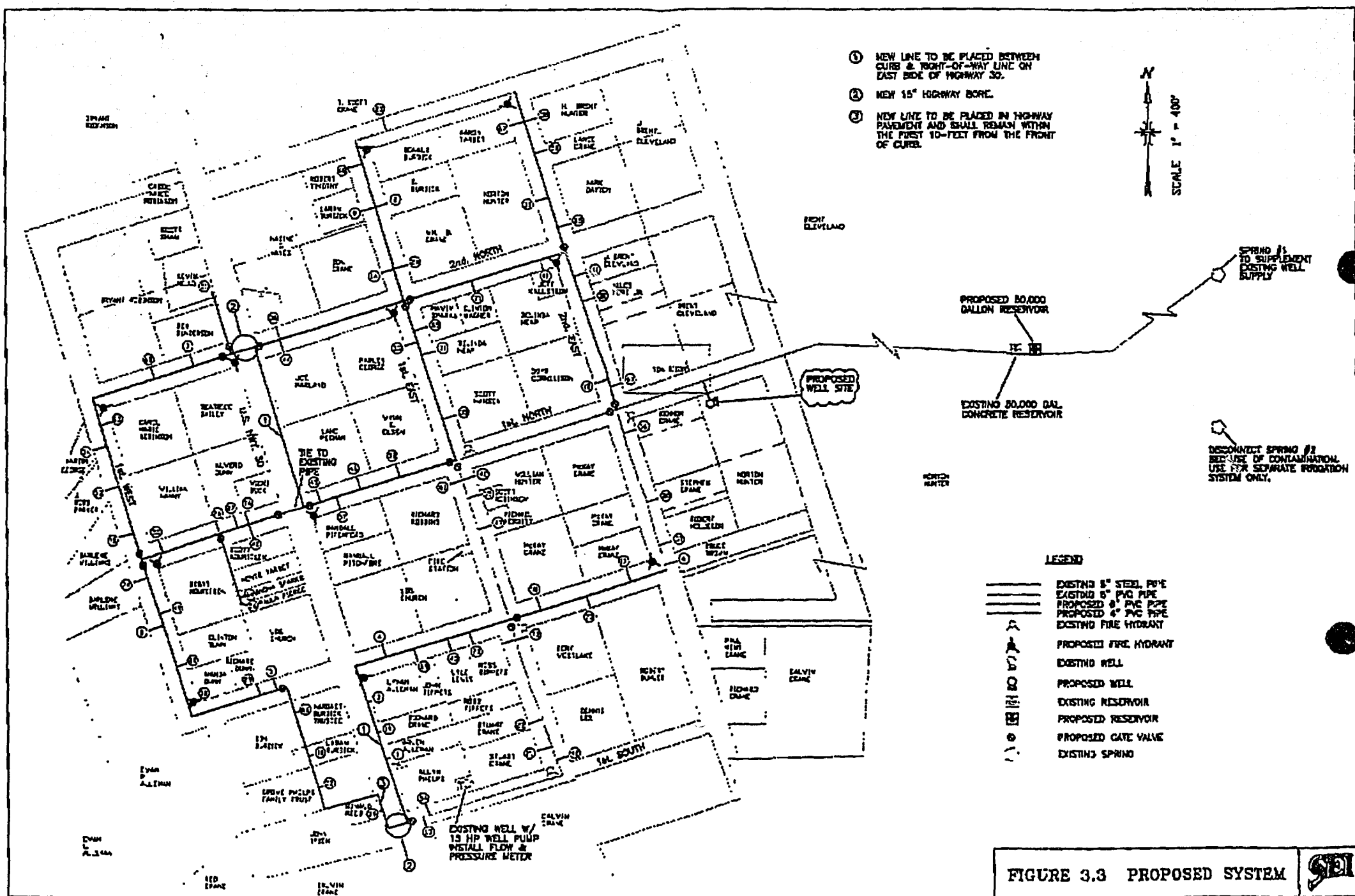
State law requires that this report be filed with the Director, Department of Water Resources
Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Town of Bonnington, Idaho</u> Address <u>26 E. 2 N.</u> <u>Montpelier, Idaho 83254</u> Owner's Permit No. <u>11-90-E-009</u> <u>11-07377</u>		7. WATER LEVEL Static water level <u>61</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____ Describe situation in temperature terms below																																																																																										
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☐ Pump ☐ Sailer ☒ Air ☐ Other _____ <table border="1"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Notes Pumping</th> </tr> <tr> <td><u>85</u></td> <td><u>120</u></td> <td><u>6</u></td> </tr> </table>		Discharge G.P.M.	Pumping Level	Notes Pumping	<u>85</u>	<u>120</u>	<u>6</u>																																																																																			
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3. PROPOSED USE ☐ Domestic ☐ Irrigation ☒ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <table border="1"> <thead> <tr> <th>Bore Diam.</th> <th>Depth From</th> <th>To</th> <th>Material</th> <th>Water Yes/No</th> </tr> </thead> <tbody> <tr><td></td><td>12</td><td>0</td><td>4</td><td>soil clay</td><td></td></tr> <tr><td></td><td>10</td><td>4</td><td>75</td><td>cobbles gravel clay</td><td></td></tr> <tr><td></td><td></td><td>75</td><td>83</td><td>gravel</td><td>X</td></tr> <tr><td></td><td>8</td><td>83</td><td>98</td><td>cobbles clay</td><td>X</td></tr> <tr><td></td><td></td><td>98</td><td>100</td><td>clay</td><td></td></tr> <tr><td></td><td>100</td><td>105</td><td></td><td>cobbles clay</td><td></td></tr> <tr><td></td><td>105</td><td>112</td><td></td><td>cobbles gravel clay</td><td>X</td></tr> <tr><td></td><td>112</td><td>132</td><td></td><td>clay cobbles</td><td>X</td></tr> <tr><td></td><td>132</td><td>140</td><td></td><td>gravel</td><td>X</td></tr> <tr><td></td><td>140</td><td>143</td><td></td><td>gravel clay</td><td></td></tr> <tr><td></td><td>143</td><td>147</td><td></td><td>gravel</td><td>X</td></tr> <tr><td></td><td>147</td><td>162</td><td></td><td>clay brown & white</td><td></td></tr> <tr><td></td><td>162</td><td>165</td><td></td><td>clay & gravel</td><td></td></tr> <tr><td></td><td>165</td><td>180</td><td></td><td>clay greenish</td><td></td></tr> </tbody> </table>		Bore Diam.	Depth From	To	Material	Water Yes/No		12	0	4	soil clay			10	4	75	cobbles gravel clay				75	83	gravel	X		8	83	98	cobbles clay	X			98	100	clay			100	105		cobbles clay			105	112		cobbles gravel clay	X		112	132		clay cobbles	X		132	140		gravel	X		140	143		gravel clay			143	147		gravel	X		147	162		clay brown & white			162	165		clay & gravel			165	180		clay greenish	
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		10. WORK DATES Work started <u>7/11/90</u> finished <u>7/12/90</u>																																																																																										
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>1</u> inches</td> <td><u>8-10</u> inches</td> <td><u>13</u> feet</td> <td><u>180</u> feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☒ Knife ☐ Torch Size of perforation <u>1/8</u> inches by <u>13</u> inches <table border="1"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>210</u> perforations</td> <td><u>105</u> inches</td> <td><u>112</u> feet</td> <td></td> </tr> <tr> <td><u>600</u> perforations</td> <td><u>120</u> inches</td> <td><u>150</u> feet</td> <td></td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Shot size _____ Set from _____ feet to _____ feet Gravel pack? ☐ Yes ☒ No ☐ Size of gravel _____ Taken from _____ feet to _____ feet Surface seal depth <u>80</u> Material used ☒ Seal ☐ Cement grout ☐ Bentonite ☐ Puttling etc. ☐ _____ Sealing procedure used ☐ Shure seal ☒ Temp. surface casing ☐ Overbase to seal depth Method of joining casing ☐ Threaded ☒ Welded ☐ Solvent Describe access point <u>Well cap</u>		Thickness	Diameter	From	To	<u>1</u> inches	<u>8-10</u> inches	<u>13</u> feet	<u>180</u> feet	Thickness	Diameter	From	To	<u>210</u> perforations	<u>105</u> inches	<u>112</u> feet		<u>600</u> perforations	<u>120</u> inches	<u>150</u> feet		11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Nestlake Drilling</u> Firm No. <u>114</u> <u>104 N. 7th</u> Address <u>Montpelier, Ida.</u> Date <u>7/27/90</u> Signed by (Firm Official) <u>Elroy Nestlake</u> and <u>Elroy Nestlake</u> (Operator)																																																																						
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Dear Lake</u> <u>SE 4 SW 4 Sec. 9 T. 12 S. R. 44 E.W.</u>		USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT																																																																																										

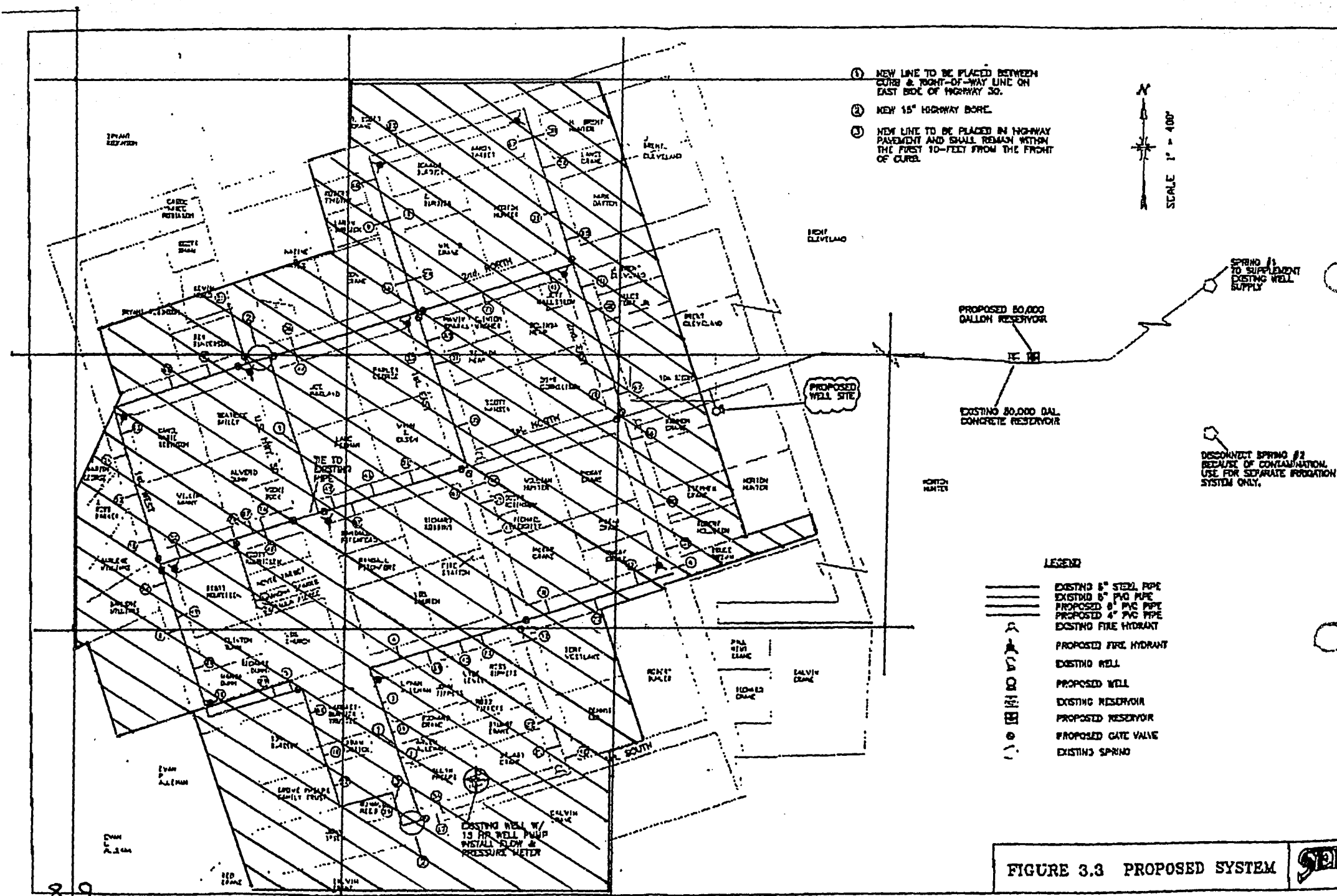
11-07377



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



11-07377



11-07377



Plate 1. - Point of diversion.



Plate 2. - 50,000 gallon storage tank
for Townsite of Bennington.

11-07377

***FOR CLARITY
OF ANY
PHOTOGRAPHS
MICROFILMED,
SEE FILE.***



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

August 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BENNINGTON WATER SYSTEM INC
38 N 2ND E
MONTPELIER ID 83254

RE: WATER RIGHT NO. 11-07377

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure



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

September 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BENNINGTON WATER SYSTEM INC
38 N 2ND E
MONTPELIER ID 83254

RE: WATER RIGHT NO. 11-07377

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.

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.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

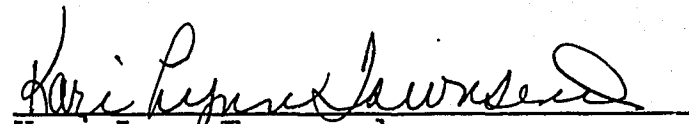
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of September, 1997, 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. 11-07377

BENNINGTON WATER SYSTEM INC
38 N 2ND E
MONTPELIER ID 83254


Kari Lynn Townsend
Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5155

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

NOV 18 1997

PART 1

OCT 03 1997

Department of Water Resources
Eastern Region

Department of Water Resources

Name of applicant BENNINGTON WATER SYSTEM INC Phone (208) 847-2843Post Office address c/o ROBERT HOLJESON 38 N 2ND E BENNINGTON, MONTPELIER ID 83254**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes ADDITIONAL WELL IS REQUIRED BY DEQ FOR PUBLIC WATER SUPPLY.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|--------------------|-----------------|----------------------------|
| <u>11-07377</u> | <u>5-22-1997</u> | <u>0.40 CFS</u> | <u>DOMESTIC</u> | <u>1-1</u> to <u>12-31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	9	12S	44E	BEAR LAKE	EXISTING POINT OF DIVERSION
		NW	NW	9	12S	44E	BEAR LAKE	ADDITIONAL POINT OF DIVERSION

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12S	44E	9			D				D	D	D	D	D	D		D			

Total acres _____

PART 1

6. General Information:

a. Description of diversion system TWO WELLS TO PIPELINE TO 50,000 GALLON STORAGE TANK TO
PUBLIC WATER SUPPLY TO SUPPLY 70 SINGLE FAMILY DOMESTIC HOMES WITHIN TOWNSITE
OF BENNINGTON.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes N/A No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

PART 2

TRANS NO. 5155

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-07377

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.40 CFS	84.0 AF

SOURCE

GROUNDWATER

Priority: 05/22/1997

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 9, Township 12S, Range 44E
BEAR LAKE CountyPLACE OF USE: DOMESTICTWN RGE SEC

12S 44E 9

SWNE

NESW

SESW

SWNW

NWSW

NWSE

SENE

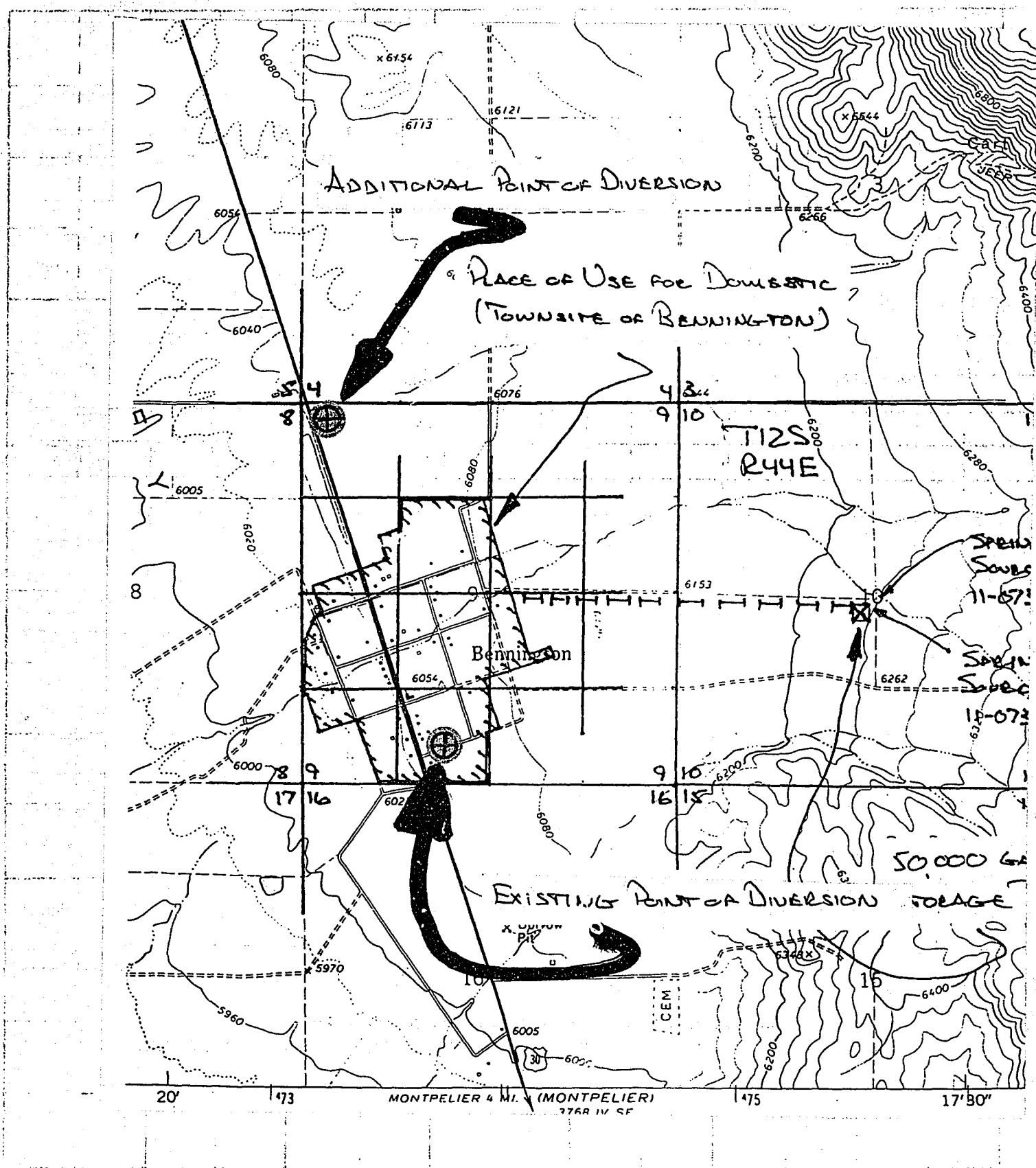
SWSW

CONDITIONS/REMARKS:

1. Domestic use is for 70 homes.
2. Rights 11-07317 and 11-07377 when combined shall not exceed a total annual diversion volume of 84.0 af and shall not provide a domestic water supply for more than 70 homes.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert Halpin

(Signature of Applicant)

Subscribed and sworn to before me this 29 day of September, 19 97.Delroy M. Beckman

(Notary Public)

My commission expires Feb 28, 2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by PEM/KS (S.O.) Date 9-18-97

Protest filed by _____

Prelim. check by HWT Fee \$100Receipted by K. STANLEY #040177 Date 9-18-97Published in News Examiner

Copies of protest forwarded by _____

Pub. dates Oct. 26 & 30 '97

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

MAKE CHECK PAYABLE TO:
NOLA JONES, TREASURER
P. O. BOX 55
PARIS, ID 83261-0055
(208) 945-2130

X YEAR 1996 CODE AREA 1
PROPERTY TAX RECEIPT
COUNTY OF BEAR LAKE
STATE OF IDAHO

PARCEL #: 3041.00
STATE #: 12S44E090000
REAL PROPERTY
VALUATION
LAND 6,090
IMPRVMNTS
PERS. PROP.
MOBILE HM
SUBTOTAL 6,090
-HM EXEMP
TOTAL 6,090

1ST TAX 34.56
HALF PEN
INT
COST
TOT

2ND TAX 34.56
HALF PEN
INT
COST
TOT

HAYES, MADINE G
26 E. 2 N. BENNINGTON
MONTPELIER, ID 83254

TAXING DISTRICT	**RATE**	**AMOUNT**
COUNTY	.004739969	28.87
COUNTY LIBRARY	.000432013	2.63
SCHOOL DISTRICT #33	.003526983	21.48
BENNINGTON CEM.	.000164196	1.00
SCHOOL #33 BOND	.001862430	11.34
B.L. COUNTY FIRE	.000623539	3.80

★ ★ ★ COLLECTION OF TAXES ★ ★ ★

NOTE: A 2% PENALTY IS CHARGED ON LATE PAYMENTS MADE BETWEEN DECEMBER 21 AND DECEMBER 31. BEGINNING JANUARY 1, INTEREST ON THE DELINQUENT TAX AND PENALTY IS CALCULATED AT THE RATE OF 1% PER MONTH ON THE DELINQUENT TAX AND PENALTY.

Payment of a tax delinquency.

When a tax becomes delinquent, payments are posted to the roll and applied to costs, interest, penalty and delinquent tax in the proportion each bears to the total amount due.

See IDAHO CODE 63-1119.

Filing of material by mail. Date effective.

A post office cancellation is considered the filing date. A postage meter is not an acceptable post office cancellation mark.

See IDAHO CODE 63-2221.

Effect of failure to receive notice.

If you do not receive a tax notice on property, this does not excuse the penalty and interest for non-payment.

See IDAHO CODE 63-1104.

REAL PROPERTY

All taxes extended on the real property assessment roll or subsequent real roll are payable on or before December 20. The taxes may be paid in two equal halves. If the first half is not paid on or before December 20, that half becomes delinquent and a 2% penalty must be added. Interest on the delinquent tax and penalty is calculated

The county tax collector may issue a demand for payment on any personal, manufactured housing, or subsequent tax which becomes due and payable on the demand date. If the tax is not paid, it becomes delinquent the day following the demand date.

When any part of a tax becomes delinquent, a warrant of distraint is issued to the county sheriff for its collection.

Before the tax becomes delinquent, the board of county commissioners may grant up to a four month extension to pay the tax, penalty and interest. A warrant of distraint is not issued until the extended time expires. There are no extensions given on the second half.

See IDAHO CODE 63-1302 through 63-1308, 63-307A.

TRANSIENT PERSONAL PROPERTY

Taxes on transient personal property are due in full on demand. If no demand is made, the taxes are due and payable on or before December 20. If the tax is not paid on or before December 20 or the demand date, the full tax becomes delinquent and a 2% penalty must be added. Interest on the delinquent tax and penalty is calculated at the rate of 1% per month beginning January 1 of the following year. If the tax has been paid in part, penalty and interest are calculated on the remaining tax.

When any part of a tax becomes delinquent, a warrant of distraint is issued to the

MAKE CHECK PAYABLE TO:
NOLA JONES, TREASURER
P. O. BOX 55
PARIS, ID 83261-0055
(208) 945-2130

X YEAR 1996 CODE AREA 1
PROPERTY TAX RECEIPT
COUNTY OF BEAR LAKE
STATE OF IDAHO

PARCEL #: 3039.00
STATE #: 12S44E092100
REAL PROPERTY
VALUATION
LAND 5,230
IMPRVMTS
PERS. PROP.
MOBILE HM
SUBTOTAL 5,230
-HM EXEMP
TOTAL 5,230

1ST TAX	29.68	2ND TAX	29.68
HALF PEN		HALF PEN	
INT		INT	
COST		COST	
TOT		TOT	

HAYES, NADINE G
26 E. 2 N. BENNINGTON
MONTPELIER, ID 83254

TAXING DISTRICT	**RATE**	**AMOUNT**
COUNTY	.004739969	24.79
COUNTY LIBRARY	.000432013	2.26
SCHOOL DISTRICT #33	.003526983	18.45
BENNINGTON CEM.	.000164196	.86
SCHOOL #33 BOND	.001862430	9.74
B.L. COUNTY FIRE	.000623539	3.26

★ ★ ★ COLLECTION OF TAXES ★ ★ ★

NOTE: A 2% PENALTY IS CHARGED ON LATE PAYMENTS MADE BETWEEN DECEMBER 21 AND DECEMBER 31. BEGINNING JANUARY 1, INTEREST ON THE DELINQUENT TAX AND PENALTY IS CALCULATED AT THE RATE OF 1% PER MONTH ON THE DELINQUENT TAX AND PENALTY.

Payment of a tax delinquency.

When a tax becomes delinquent, payments are posted to the roll and applied to costs, interest, penalty and delinquent tax in the proportion each bears to the total amount due.

See IDAHO CODE 63-1119.

Filing of material by mail. Date effective.

A post office cancellation is considered the filing date. A postage meter is not an acceptable post office cancellation mark.

See IDAHO CODE 63-2221.

Effect of failure to receive notice.

If you do not receive a tax notice on property, this does not excuse the penalty and interest for non-payment.

See IDAHO CODE 63-1104.

REAL PROPERTY

All taxes extended on the real property assessment roll or subsequent real roll are payable on or before December 20. The taxes may be paid in two equal halves. If the first half is not paid on or before December 20, that half becomes delinquent and a 2% penalty must be added. Interest on the delinquent tax and penalty is calculated

The county tax collector may issue a demand for payment on any personal, manufactured housing, or subsequent tax which becomes due and payable on the demand date. If the tax is not paid, it becomes delinquent the day following the demand date.

When any part of a tax becomes delinquent, a **warrant of distraint is issued** to the county sheriff for its collection.

Before the tax becomes delinquent, the board of county commissioners may grant up to a four month extension to pay the tax, penalty and interest. A warrant of distraint is not issued until the extended time expires. There are **no extensions given on the second half.**

See IDAHO CODE 63-1302 through 63-1308, 63-307A.

TRANSIENT PERSONAL PROPERTY

Taxes on transient personal property are due in full on demand. If no demand is made, the taxes are due and payable on or before December 20. If the tax is not paid on or before December 20 or the demand date, the full tax becomes delinquent and a 2% penalty must be added. Interest on the delinquent tax and penalty is calculated at the rate of 1% per month beginning January 1 of the following year. If the tax has been paid in part, penalty and interest are calculated on the remaining tax.

When any part of a tax becomes delinquent, a warrant of distraint is issued to the

MAKE CHECK PAYABLE TO:
NOLA JONES, TREASURER
P. O. BOX 55
PARIS, ID 83261-0055
(208) 945-2130

X YEAR 1996 CODE AREA 1
PROPERTY TAX RECEIPT
COUNTY OF BEAR LAKE
STATE OF IDAHO

PARCEL #: 3040.00
STATE #: 12S44E091800
REAL PROPERTY
VALUATION
LAND 5,230
IMPRVMTS
PERS. PROP.
MOBILE HM
SUBTOTAL 5,230
-HM EXEMP
TOTAL 5,230

1ST TAX 29.68
HALF PEN
INT
COST
TOT

2ND TAX 29.68
HALF PEN
INT
COST
TOT

HAYES, MADINE G
26 E 2 N. BENNINGTON
MONTPELIER, ID 83254

TAXING DISTRICT	**RATE**	**AMOUNT**
COUNTY	.004739969	24.79
COUNTY LIBRARY	.000432013	2.26
SCHOOL DISTRICT #33	.003526983	18.45
BENNINGTON CEM.	.000164196	.86
SCHOOL #33 BOND	.001862430	9.74
B.L. COUNTY FIRE	.000623539	3.26

★ ★ ★ COLLECTION OF TAXES ★ ★ ★

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When any part of a tax becomes delinquent, a warrant of distraint is issued to the

VOID

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

RECEIVED
SEP 18 1997
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

847-3163

Department of Water Resources
Name of applicant NORTH PIPELINE CO., INC. % SCOTT CRANE Phone 208-347-1743
Post Office address 2476 HIGHWAY 30N, MONTPELIER, ID 83254

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other CHANGE OF OWNERSHIP
2. Describe the reason for the proposed changes TRANSFER AGRICULTURAL WELL TO
THE BENNINGTON WATER SYSTEMS, INC. FOR USE AS A
CULINARY WELL FOR THE CITY OF BENNINGTON.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 11-07119 Priority Sept 97 Amount (cfs/ac-ft) 3.26 Nature of Use IRRIGATION Period of Use APRIL 1 to Nov 1

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
				9	12S	44E	BEAR LAKE	CRANE FARM

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
12S	44E	4											40	
12S	44E	5												
12S	44E	8	40	40		40								
12S	44E	9					40	40	30					

REPLACED
10-6-97

Total acres 310.0

VOID
Replaced 10-06-97

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
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Post Office address 2476 HIGHWAY 30N, MONTPELIER, ID 83254

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<u>11-07119</u>	<u>Sept 97</u>	<u>3.26</u>	<u>IRRIGATION</u>	<u>April 1</u> to <u>Nov 1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
				<u>9</u>	<u>12S</u>	<u>44E</u>	<u>BEAR LAKE</u>	<u>CRANE FARM</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
12S	44E	4											40					40.0	
12S	44E	5																40.0	
12S	44E	8	40	40		40												120.0	
12S	44E	9					40	40	30									110.0	
VOID under 10-06-97																			

Total acres 310.0

Page _____ of _____

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system WELL & VERTICLE TURBINE PUMP TO
IRRIGATION MAIN SYSTEM

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

THIS WELL HAS BEEN USED TO SUPPLEMENT EXISTING
IRRIGATION RIGHTS. THE PROPERTY MAY BE IMPACTED DURING
HOT SUMMER MONTHS AND DURING PERIODS OF HIGH
WATER DEMANDS THROUGH DECREASED WATER SUPPLIES.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

Page _____ of _____

Transfer No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 11-07119 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 1972

5. Water is used for the following purpose:

amount 3.26 CFS for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.26 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
				9	12S	44E	BEAR LAKE	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	44E	4											40						40
12S	44E	5															40		40
12S	44E	8	40	40		40													120
12S	44E	9					40	40	30										110

Total acres 310

9. Describe any other water rights used for the same purpose as described above 1640 SHARES B.I. Co.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

2 If yes, describe WELL HAS BEEN USED AS A SUPPLEMENT TO OTHER WATER SOURCES. THE WELL HAS BEEN USED AS NEEDED

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.26 CFS for CULINARY purposes from JAN 1 to DEC 31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	9	12S	44E	BENDE LAKE	CRANE FARM

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12S	44E	9			20				10	30	40	40	30	30		15	20		235

Total acres 235

Page _____ of _____

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	CULINARY	3.26	24 HOURS/DAY / 365/YR JAN 1	to DEC 31
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

NO NEGATIVE IMPACTS KNOWN. WELL WILL BE USED TO PROVIDE CULINARY WATER TO THE COMMUNITY OF BENNINGTON.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Northside Pipeline Co.
by Scott Crow

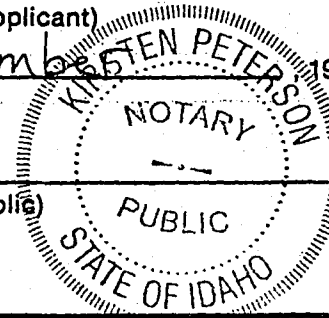
(Signature of Applicant)

Subscribed and sworn to before me this Ninth day of September 19 97.

Kirsten Peterson

(Notary Public)

My commission expires 6-30-2001

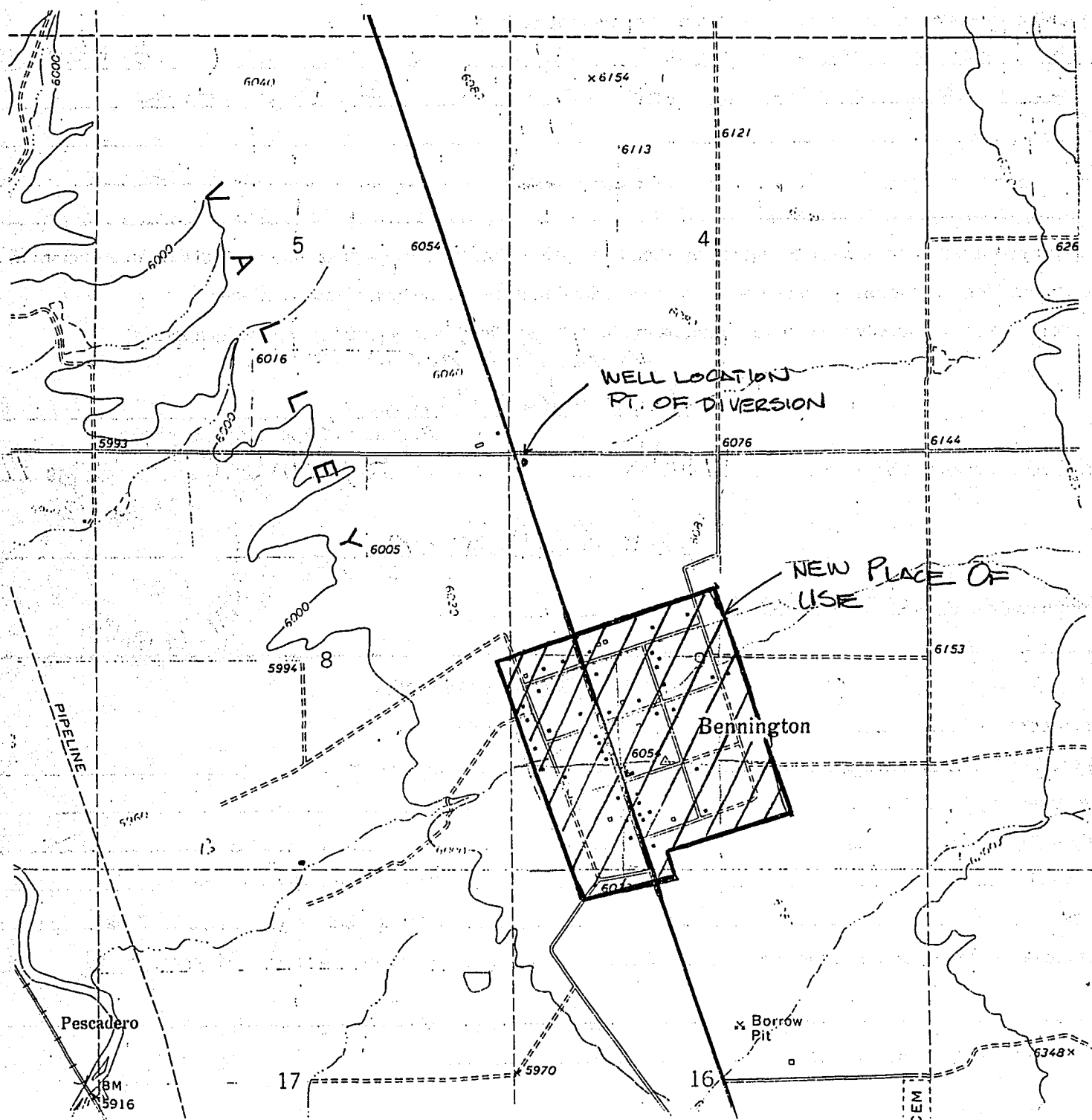


FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments	
Received by _____ Date _____	Protest filed by _____
Prelim. check by _____ Fee _____	
Receipted by _____ Date _____	
Published in _____	Copies of protest forwarded by _____
Pub. dates _____	Hearing held by _____ Date _____
Watermaster recommendation requested on _____	Recommended for ☒ approval ☐ denial
_____ rec'd. _____	by <u>RDC</u>
Copy of transfer sent to lien holder _____	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5155
WATER RIGHT NO. 11-07377

This is to certify that: BENNINGTON WATER SYSTEM INC
C/O ROBERT HOLJESON
38 N 2ND E
MONTPELIER ID 83254

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.40 CFS	84.0 AF

SOURCE

GROUNDWATER

Priority: 05/22/1997

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 9, Township 12S, Range 44E
SESW , Sec. 9, Township 12S, Range 44E
BEAR LAKE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

12S 44E 9

SWNE
NESW
SESW

SWNW
NWSW
NWSE

SENW
SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. The total instantaneous diversion of water from all points of diversion under Transfer 5155 shall not exceed 0.40 cfs, nor total combined annual volume of 84.0 af.

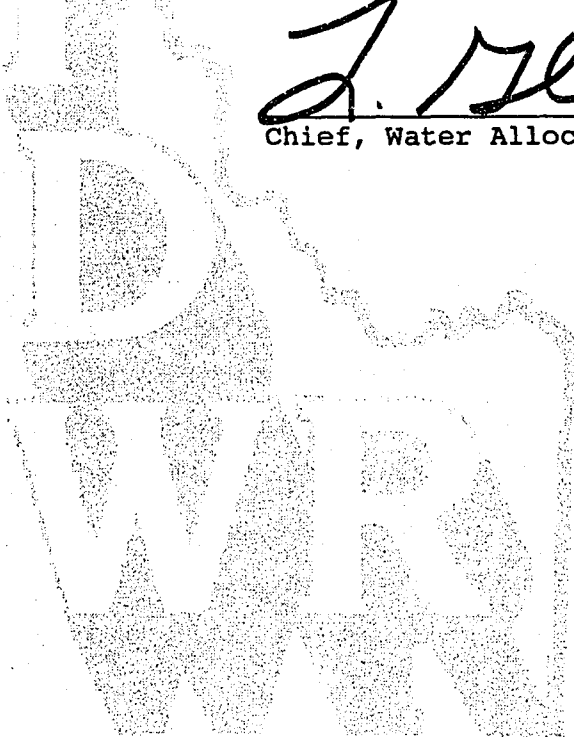
PAGE 2

TRANSFER NO. 5155
WATER RIGHT NO. 11-07377

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of Transfer 5155 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Domestic use is for 70 homes.
7. Rights 11-07317 and 11-07377 when combined shall not exceed a total annual diversion volume of 84.0 af and shall not provide a domestic water supply for more than 70 homes.

Dated this 19th day of November, 1997.


J. Glen Saylor
Chief, Water Allocation Bureau



SHEPHERD ENGINEERING INC.

Civil/Municipal, Transportation, Industrial
Recreation & Land Development Services

203 South Garfield, Pocatello, Idaho 83204
Phone (208) 233-9793 Fax (208) 233-9806

RECEIVED
SEP 18 1997

Department of Water Resources

LETTER OF TRANSMITTAL

Mr. Jim Johnson
Idaho Dept. of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

DATE: 9-15-97
PROJECT: Bennington Water Systems
ATTENTION: Jim
REFERENCE: Water Right Application

WE ARE ENCLOSING:

COPIES	DISTRIBUTION
1	Application for Transfer of Water Right Packet
1	Check in the amount of \$100.00

REMARKS: Please Process.


Talal Liftawi, Project Manager

If enclosures are not as noted, please notify us.

To whom it may concern.

I was married to Ted S. Grane until the time of his death. I have remarried and my name is now Hayee.

Any transactions concerning the land or water permits may be in either the name Grane or Hayee.

I have authorized I. Scott Grane to handle any correspondence and act in my behalf in these matters.

Nadine S. Hayee

RECEIVED

SEP 18 1997

Department of Water Resources

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 5155

Notice is hereby given that BENNINGTON WATER SYSTEM, c/o Robert Holjeson, 38 N. 2ND E. Bennington, Montpelier, ID 83254 has applied to the Department of Water Resources to add a diversion point. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 11-07377 Source: groundwater
Amount: .40 cfs Priority: 05/22/1997
Point(s) of Diversion: SESW SEC 9 T12S R44E, Bear Lake County
The water is used for domestic purposes from 01/01 to 12/31
within the SWNE S1/2NW1/4 SW1/4 NWSE SEC 9 T12S R44E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add an additional point of diversion (well) in the NWNW SEC 9 T12S R44E. This second well is required by the Division of Environmental Quality to meet public water supply requirements.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before November 10, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the News Examiner on October 23 & 30, 1997.



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

October 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NEWS EXAMINER
CLASSIFIED ADS
PO BOX 278
MONTPELIER ID 83254

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 10, 1997.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.

Forwarded Oct. 17, 97



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 17, 1997

ROBERT HOLJESON
38 N 2ND E BENNINGTON
MONTPELIER ID 83254

RE: Notice of Application for Transfer No. T5155

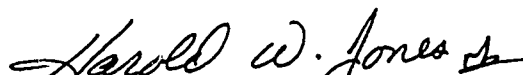
Dear Applicant:

This office is currently in the process of advertising the application in the News Examiner on Oct. 23 & 30, 1997. 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/rb

No 5472

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa L. Moosman
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

October 22, 1997, and ending

with the issue of Oct 29, 1997

Rosa L. Moosman

Fees, 67.92

Subscribed and sworn to before me this 29th day

of October, 1997

Sherry Brown

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. 5155

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KATHLEEN DREHER
Director

Legal No. 5472 -- Publish Oct. 22 and Oct. 29, 1997.

MEMORANDUM

TO: FILE 11-07377

FROM: PAM SKAGGS/^{PS}STATE OFFICE

SUBJECT: TRANSFER 5155

DATE: November 19, 1997

off for

=====

Transfer 5155 adds a second point of diversion under Right 11-07377 as required by DEQ for public water supply. The new point of diversion has been identified as an existing irrigation well.

Recommended conditions include multiple points of diversion/measuring devices, right-of-way, licensing combined limits and standard transfer conditions.



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

November 20, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BENNINGTON WATER SYSTEM INC
C/O ROBERT HOLJESON
38 N 2ND E
MONTPELIER ID 83254

RE: Water Right 11-07377 (Transfer 5155)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5155). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

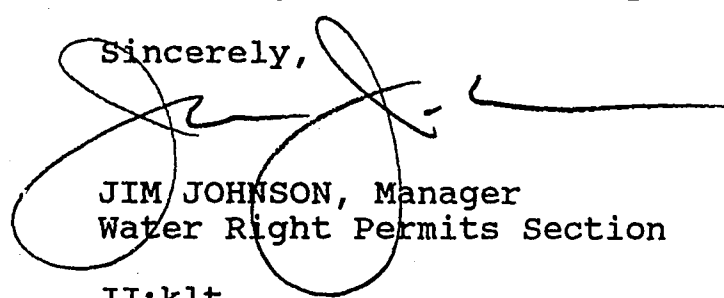
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

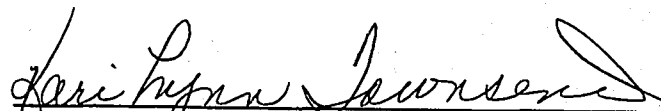
JJ:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of November, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 11-07377 (Transfer 5155)

BENNINGTON WATER SYSTEM INC
C/O ROBERT HOLJESON
38 N 2ND E
MONTPELIER ID 83254


Kari Lynn Townsend
Secretary