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APR 01 1996

Department of Water Resources
Eastern District Office

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JUN 24 1996

Department of Water Resources

Ident. No. 11-07431

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: SCATTERED ACRES INC
Address: C/O GERALD BROWN
PO BOX 378
SODA SPRINGS ID 83276
208-547-3305
2. Source: BAILEY CREEK
Trib. to: BEAR RIVER
3. Location of Point of Diversion: Lot 3 (SW 1/4 Sec. 5, Township 10S, Range 42E
CARIBOU County
Bear Lake
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
RECREATION STORAGE	01/01	12/31			2.00
DIVERSION TO STORAGE	01/01	12/31	0.200		
5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
6 INCH PIPE IN CREEK TO POND WITH RETURN FLOW HEADWORKS
 - b. Height of storage dam 6 feet; active reservoir capacity 2.00
acre-feet; total reservoir capacity 2.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).
8. Place of Use: RECREATION STORAGE

TWN RGE SEC
10S 42E 5 Lot 3 (NENW)

Ident. No. 11-07431
Page 2

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Non-consumptive off stream use for recreational fish pond. Water
will flow from creek to pond and back to stream.

11. Map of proposed point of diversion and place of use attached? ☒

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.

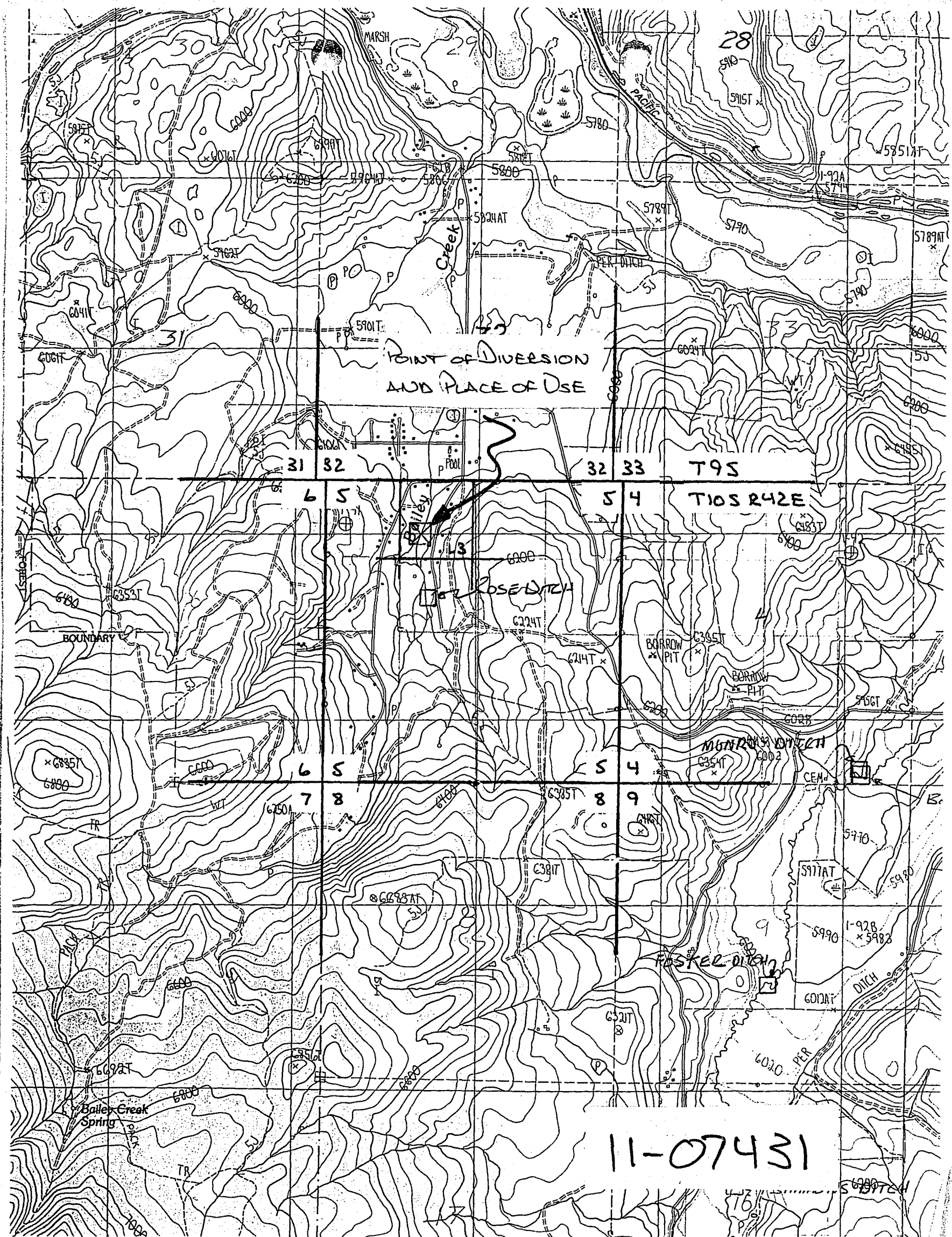
X M. J. Bean
Applicant

Received by PM Date 3-22-96 Time 13:40 Preliminary check by _____

Fee \$ 50%100 Receipted by PM # E021992 Date 3-22-96

Publication prepared by LB Date 5-29-96 Published in Caribou County Sun

Publication approved _____ Date _____



State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07431

Proposed Priority: March 22, 1996 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **SCATTERED ACRES INC**
C/O GERALD BROWN
PO BOX 378
SODA SPRINGS ID 83276-0378
has applied for a permit to appropriate water from:
BAILEY CREEK tributary of **BEAR RIVER**

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>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 5, Township 10S, Range 42E
CARIBOU County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

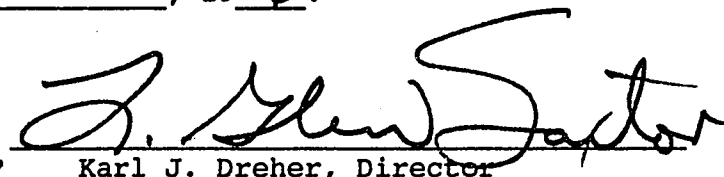
10S 42E 5 Lot 3(NENW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1998**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 11A.
5. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
6. Recreation storage use is for fishing.

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

9th day of July, 1996.


for Karl J. Dreher, Director



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

APRIL 22, 1996

Legal Notices Department
CARIBOU COUNTY SUN
P.O. BOX 815
SODA SPRINGS, ID 83276

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 MAY 20, 1996.

Yours truly,

Rita Bodell
Secretary

Encl.



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

May 1, 1996

JIM LUKENS
ID DEPT OF FISH & GAME
REGION 5
1345 BARTON RD
POCATELLO ID 83201

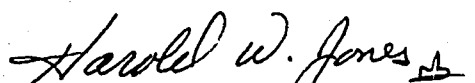
RE: Application No. 11-07431

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is May 20, 1996, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.



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

May 1, 1996

KEN MUNRO
WATER DIST 11-A
368 S MAIN
SODA SPRINGS ID 83267

RE: Application for Permit No. 11-07431

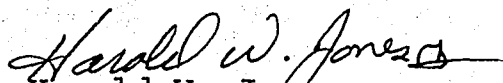
Dear Mr. Munro:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.



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

May 1, 1996

GERALD BROWN
SCATTERED ACRES INC
PO BOX 378
SODA SPRINGS ID 83276

RE: Notice of Application for Permit 11-07431

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Caribou County Sun on May 2 & 9, 1996. 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 applications 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
Harold W. Jones
Water Right Supervisor

HWJ/rb

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MAY 20, 1996.

KARL J. DREHER, Director

Published: 5/ 1/1996 & 5/ 8/1996

11-07431

SCATTERED ACRES INC
C/O GERALD BROWN
PO BOX 378
SODA SPRINGS, ID 83276

Source: BAILEY CREEK

Tributary: BEAR RIVER

Diversion Pt: LOT 3 (SWNENW) Sec 5 T 10S R 42E in CARIBOU County.

Use: DIVERSION TO STORAGE	(	0.200 CFS)	
RECREATION STORAGE			(2.00 AF)
Total Diversion:	(	0.200 CFS)	

Date Filed: 3/22/1996

In: CARIBOU County
T10S R42E S05 Lot 3 (NENW)

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

2nd day of May, 1996

The date of the last publication

being the 9th day of May, 1996

On this 3rd day of June

in the year of 1996 before

me, a Notary Public, personally appeared

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

[Signature]
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

PUBLIC NOTICE

First Time Published

NOTICE OF APPLICATION FOR WATER RIGHT

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

11-07431

SCATTERED ACRES, INC.

C/O GERALD BROWN

P.O. BOX 378

SODA SPRINGS, ID 83276

Source: BAILEY CREEK

Tributary: BEAR RIVER

Diversion Pt.: LOT 3

(SWNENW) Sec 5 T 10S R 42E in

CARIBOU COUNTY

Use: DIVERSION TO STORAGE (0.200 CFS), RECREATION

STORAGE (2.00 AF), Total

Diversion: (0.200 CFS)

Date Filed: 3/22/1996

In: CARIBOU COUNTY, T10S

R42E S05 Lot 3 (NENW)

The permit(s) will be subject to

all prior water rights. Protests must

be filed with the applicant and the

Director, Dept. of Water Resources,

along with a \$25.00 filing fee;

Eastern Region, 900 North Skyline,

Idaho Falls, Idaho 83402 on or

before MAY 20, 1996.

(s) KARL J. DREHER,

Director

Published May 2 and 9, 1996 in

the Caribou County Sun.

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JUN 10 1996

Department of Water Resources
Eastern District Office



IDAHO FISH & GAME

SOUTHEAST REGION
1345 Barton Road
Pocatello, Idaho 83204-1819

Phil Batt / Governor
Jerry M. Conley / Director

May 10, 1996

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MAY 14 1996

Department of Water Resources
Eastern District Office

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

Re: Application 11-07431 - Brown

Dear Skip,

Department personnel have reviewed the application by Gerald Brown to divert 0.2 cfs of water from Bailey Creek into an off-channel, private pond and have no objection to the permit issuance. We have contacted Mr. Brown regarding our pond permit requirements (I.C. 36-706). We have also discussed his construction plans and are satisfied that the construction will not weaken stream banks or impact riparian vegetation.

Thank you for the opportunity to review this permit application and provide comments.

Sincerely:

Dexter R. Pitman
Regional Supervisor

DRPUL:jl

cc: Jim Lukens
Larry Hlavaty
Wes Cannon
Natural Resources Policy Bureau

RECEIVED

JUN 24 1996

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 25, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SCATTERED ACRES INC
C/O GERALD BROWN
PO BOX 378
SODA SPRINGS ID 83276-0378

RE: Application for Permit No. 11-07431

Dear Mr. Brown:

I received the above application for permit for recreation storage use for final review. However, due to the requirement of Water Allocation Rule 035.03.b.i., I need a list of the names, titles, and addresses of all the officers and/or partners of Scattered Acres Incorporated.

I will hold further processing on your application for 14 days pending your response. Please submit this information as quickly as possible within the 14-day period to prevent any further undue delay in processing your application.

If you have any questions, you may contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Cindy Zimmerman
Water Resource Agent

06-30-1996 02:35PM FROM

TO

12083277866 P.02

SCATTERED ACRES, INC.

VOICE (208) 547-3305

P.O. BOX 378
SODA SPRINGS, ID 83276-0378

FAX (208) 547-3305

June 30, 1996

Cindy Zimmerman
IDWR
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: Application for Permit No. 11-07431

Dear Ms. Zimmerman,

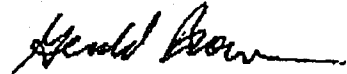
I am in receipt of your letter dated June 25, 1996. I am faxing this response to your questions in an effort to speed this application process along.

The officers of Scattered Acres, Inc. are Gerald Brown, President, and Robyn Brown, Secretary/Treasurer. Our mailing address is the same as in the above letterhead. The home street address is 222 Old Oregon Road.

Since Scattered Acres, Inc. is a corporation there are no partners. However, the above officers own 100% of the corporation's stock.

If you have any further questions please let me know.

Sincerely yours,



Gerald Brown
President

TOTAL P.02



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 11, 1996

SCATTERED ACRES INC
C/O GERALD BROWN
PO BOX 378
SODA SPRINGS ID 83276-0378

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-07431

Dear Permit Holder:

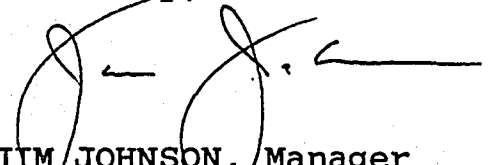
Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosures

RECEIVED
JUL 01 1998

Department of Water Resources

1. Permit No. 11 - 07431 Telephone No. 208 547 3305

2. Name(s) of Permit Holder(s): Scattered Acres INC

3. Mailing Address: P.O. Box 378 Soda Springs ID 83276

4. Source of Water: Barley Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

b. OPTIONAL:

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

Signature of permit holder: HL Bour Pres. Date: 6/29/98
(include your title, if on behalf of company of organization)

Please See Attached

April 30, 1998

SCATTERED ACRES INC
C/O GERALD BROWN
PO BOX 378
SODA SPRINGS ID 832760378

PROOF DUE NOTICE

RE: PERMIT NO. 11-07431

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 July 1, 1998.

(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.

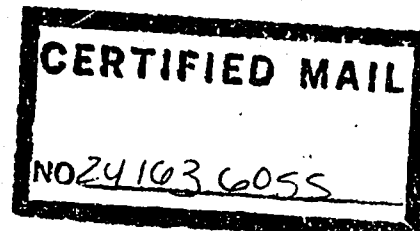
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

JULIE L. YARBROUGH
Senior Secretary

Enclosures





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 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Scattered Acres Inc
PO Box 378
Soda Springs ID 83276

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07431

Dear Permit Holder:

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

One of the conditions of your water right permit requires that you install a lockable controlling device to provide the watermaster suitable control of the water diverted from the waste water source. Your proof submittal shows that you have not installed this device. Please be aware that your failure to have this device installed and operable at the time the department conducts the field examination may jeopardize the validity of the permit.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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 or the lockable device condition, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Region

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 11-07431

Proposed Priority: March 22, 1996 Maximum Diversion Rate: 0.20 CFS

This is to certify, that SCATTERED ACRES INC
C/O GERALD BROWN
PO BOX 378
SODA SPRINGS ID 83276-0378
has applied for a permit to appropriate water from:
BAILEY CREEK tributary of BEAR RIVER

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>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 5, Township 10S, Range 42E
CARIBOU County

PLACE OF USE: RECREATION STORAGE
TWN RGE SEC
10S 42E 5 Lot 3(NENW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1998. *Please see my original Application 6/29/98*
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 11A.
5. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
6. Recreation storage use is for fishing.

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

9th day of July, 1996.

Karl J. Dreher
for Karl J. Dreher, Director

MEMORANDUM

DATE: August 17, 1998
TO: File No. 11-07431
FROM: Cindy Zimmerman *CJ*
SUBJECT: County Correction

The permit holder notified the department that the county was incorrect on the permit document. I confirmed that the point of diversion and place of use are located within Bear Lake County and updated the database.