

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 11-07444
RECEIVED
JUL 08 1998

Department of Water Resources

1. Name of Applicant ROBERT LILIEHOLM Phone (801) 797-2575
Mailing address 193 N. 100 E. Providence Utah 84332
2. Source of water supply Slright Creek which is a tributary of Sinks
3. Location of point of diversion is Township 14S Range 43E Sec. 6 in the SE 1/4, NW 1/4, Govt. Lot Bear Lake B.M., Bear Lake County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.10 af for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 0.10
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 20' wide earthdam 4' high
across creek. Pond size 20' wide x 30' long
b. Height of storage dam 4' feet; active reservoir capacity _____ acre-feet; total
reservoir capacity 0.10 acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. Recreation pond (on-stream)

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	43E	6								R									

Total number of acres to be irrigated _____

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

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

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

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

12. Remarks: _____

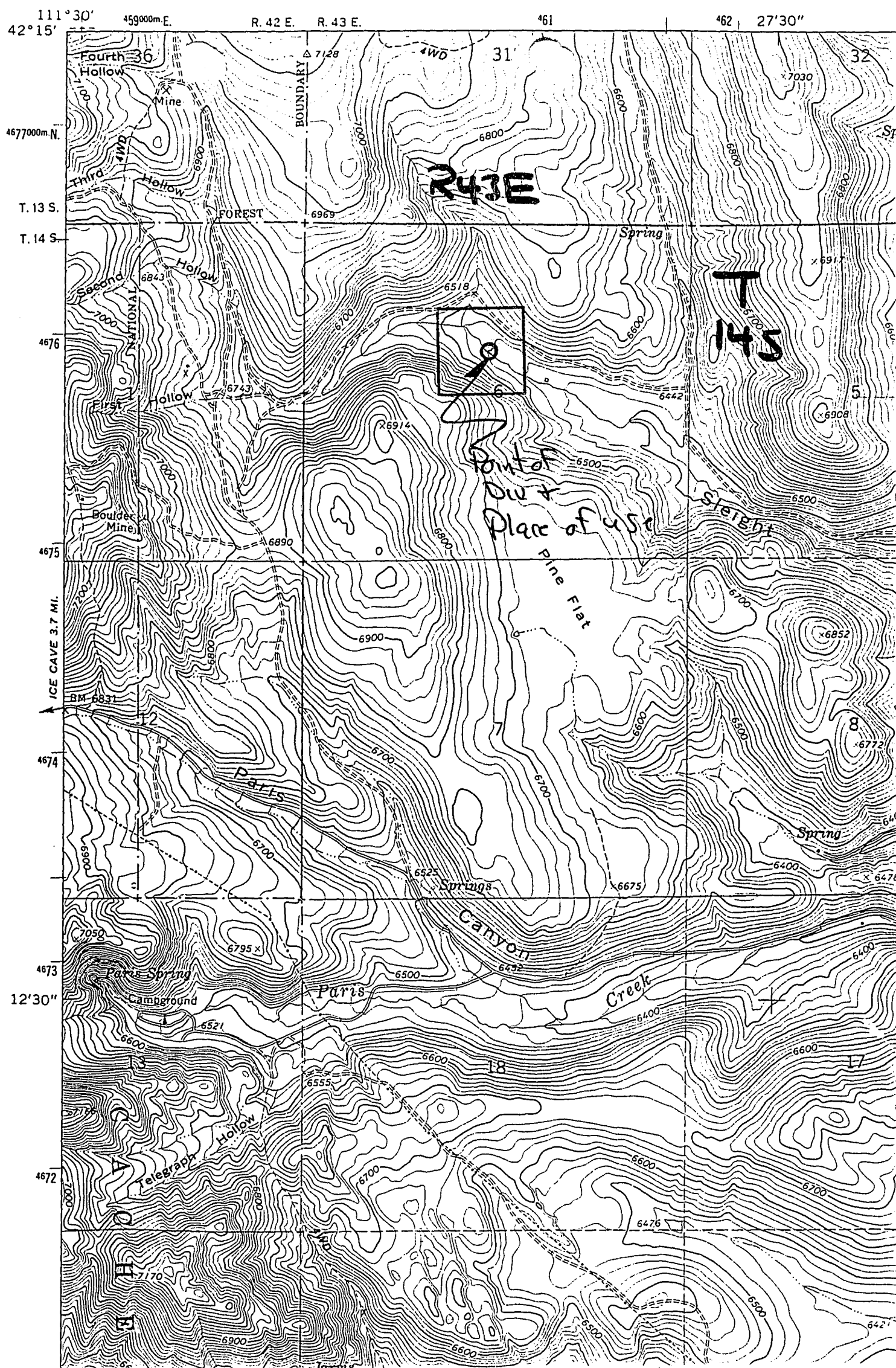
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Robert L.

Signature of Applicant (and title, if applicable)

Received by HWS Date 6-10-98 Time _____ Preliminary check by 100,000,000
 Fee \$ 50.00 Receipted by HWS # E024173 Date 6-10-98
 Publication prepared by SC Date 6/17 & 24, 1998 Published in News-Examiner
 Publication approved SC Date 7-6-98



State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07444

Proposed Priority: June 10, 1998

Maximum Storage Volume:

0.1 AF

This is to certify, that ROBERT LILIEHOLM

193 N 100 E

PROVIDENCE UT 84332

has applied for a permit to appropriate water from:

SLEIGHT CREEK

tributary of SINKS

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		0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 6, Township 14S, Range 43E
BEAR LAKE County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

14S 43E 6

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2001.
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 water right will be regulated by the watermaster of State Water District No. 11.
5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. Recreational storage use is for an on-stream pond for fishing and swimming.

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

23rd day of July, 1998.

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED

MAY 28 1998

Department of Water Resources
Eastern Region

May 23, 1998

Application for Water Rights on Sleight Creek

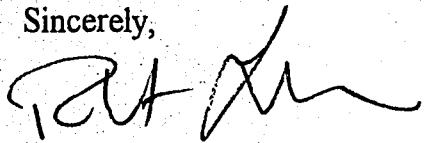
My wife and I purchased 21 acres in Sleight Creek Canyon last summer. We plan on building a small cabin, and managing the property for recreational, aesthetic and wildlife purposes.

Approximately 800 feet of Sleight Creek runs through the property. The stream is very small, and while it is described as a perennial stream on USGS quad maps, its base flow is quite low (perhaps 0.2 CFS). Where the stream enters my property to the west, it is in excellent condition. However, by the time it exits the west boundary, it is severely degraded from livestock trampling, and flows through the bottom of a six-foot deep gully.

My primary objective for applying for this water right is to protect and ensure the continued flow of water in the creek. We purchased the property because of the stream and forest, and I wish to ensure that no water diversion upstream could result in the loss of the stream and the trees along it. A second objective is to improve water quality and wildlife habitat. As a result, I wish to undertake stream channel restoration in conjunction with the development of a small pond.

If this water right is approved, I intend to work with Idaho's Fish and Game Department, the Army Corps of Engineers, and a friend who is a stream ecologist to try to stop and hopefully reverse the erosion taking place in the stream channel.

Sincerely,



Rob Lilieholm
193 North, 100 East
Providence, UT 84332
Home (435) 750-6793
Work (435) 797-2575

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before JULY 6, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/18/1998 & 6/25/1998

11-07444

LILIEHOLM, ROBERT
193 N 100 E
PROVIDENCE, UT 84332

Source: SLEIGHT CREEK

Tributary: SINKS

Diversion Pt: SENW Sec 6 T 14S R 43E in BEAR LAKE County.

Use: RECREATION

Total Diversion:

(0.10 AF)
(0.10 AF)

Date Filed: 6/10/1998

In: BEAR LAKE County
T14S R43E S06

SENW

NOTICE OF APPLICATION FOR WATER RIGHT

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



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

JUNE 11, 1998

Legal Notices Department
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 JULY 6, 1998.

Yours truly,

Sharla Cox
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

June 11, 1998

ROBERT LILIEHOLM
193 N 100 E
PROVIDENCE UT 84332

RE: Application for Permit 11-07444

Dear Applicant:

This office is currently in the process of advertising the application in the News-Examiner on June 18 and 25, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 11, 1998

ID DEPT OF FISH & GAME
1345 BARTON RD
POCATELLO ID 83201

RE: Application for Permit No. 11-07444

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 July 6, 1998, 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:sc
enc.

No 5575

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Bear Lake } ss.

Rosa S. Moorman

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

June 17, 1998, and ending
with the issue of June 24, 1998

Rosa S. Moorman
Fees, \$52.17

Subscribed and sworn to before me this 24th day
of June, 1998

Henry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

RECEIVED

JUL 02 1998

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION FOR
WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho: 11-07444. LILIEHOLM, ROBERT, 193 N 100 E, PROVIDENCE, UT 84332.

Source: SLEIGHT CREEK; Tributary: SINKS; Diversion Pt: SENW; Sec 6 T 14S R 43E in BEAR LAKE County; Use: RECREATION (0.10 AF); Total Diversion: (0.10 AF).

Date Filed: 6/10/1998; In: BEAR LAKE County; T14S R43E S06 SENW.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before JULY 6, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Legal No. 5575 — Publish June 17 and 24, 1998.

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

July 23, 1998

PHILIP E. BATT
GOVERNOR

ROBERT LILIEHOLM
193 N 100 E
PROVIDENCE UT 84332

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-07444

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

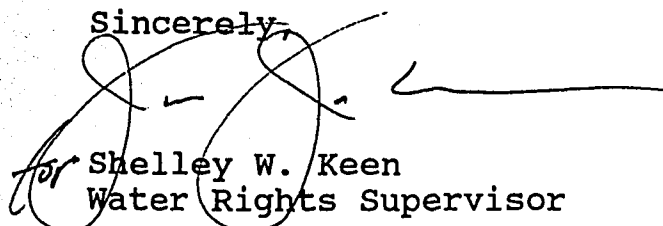
As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

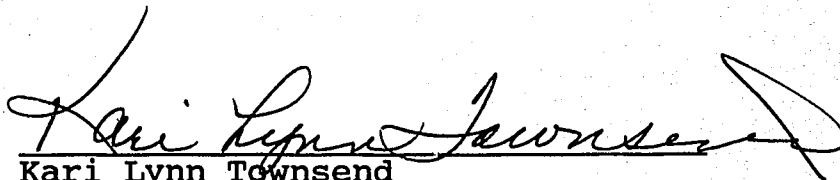
SK:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of July, 1998, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 11-07444

ROBERT LILIEHOLM
193 N 100 E
PROVIDENCE UT 84332


Kari Lynn Townsend
Secretary

Ident. No. 11-07444STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

JUL 08 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant ROBERT LILIEHOLM Phone (801) 797-2575
Mailing address 193 N. 100 E. Providence Utah 84332
2. Source of water supply Straight Creek which is a tributary of Sinks
3. Location of point of diversion is Township 14S Range 43E Sec. 6 in the SE 1/4, NW 1/4, Govt. Lot Bear Lake County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.10 af for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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(cfs or acre-feet per annum)
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Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 0.10
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6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 20' wide earthdam 4' high across creek. Pond size 20' wide x 30' long
b. Height of storage dam 4' feet; active reservoir capacity _____ acre-feet; total reservoir capacity 0.10 acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. Recreation pond (on-stream)

JUL 30 1998

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	43E	6								R									

Total number of acres to be irrigated _____

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

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

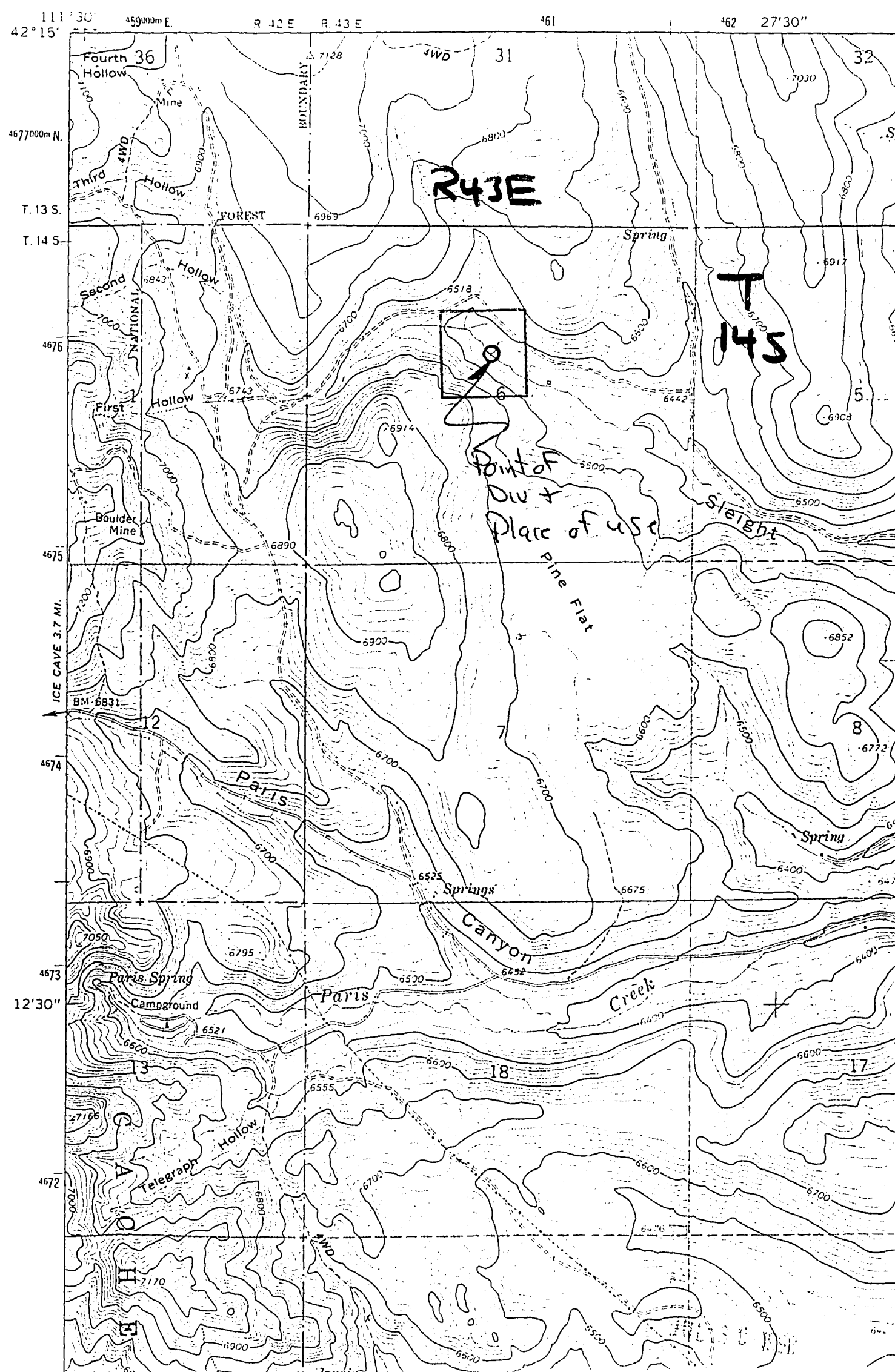
12. Remarks: _____

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

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

R. L. A. JUL 30 1998
Signature of Applicant (and title, if applicable)

Received by HWT Date 6-10-98 Time _____ Preliminary check by _____
Fee \$ 50.00 Receipted by HWT # E024173 Date 6-10-98
Publication prepared by SC Date 6/17 & 24, 1998 Published in NWWS - EXAMINER
Publication approved SC Date 7-6-98



State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07444

Proposed Priority: June 10, 1998

Maximum Storage Volume:

0.1 AF

This is to certify, that ROBERT LILIEHOLM

193 N 100 E

PROVIDENCE UT 84332

has applied for a permit to appropriate water from:

SLEIGHT CREEK

tributary of SINKS

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		0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 6, Township 14S, Range 43E
BEAR LAKE County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

14S 43E 6

SENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2001.
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 water right will be regulated by the watermaster of State Water District No. 11.
5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. Recreational storage use is for an on-stream pond for fishing and swimming.

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

23 ^{over} day of July, 1998.


for Karl J. Dreher, Director

JUL 30 1998

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. 1055160
Receipt By: [Signature]
Date Received: 7-27-01

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 27 2001

Department of Water Resources

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.

1. Permit No. 11-0744 Telephone No. (435) 797-2575

2. Name of Permit Holder(s): Robert Lilieholm

3. Mailing Address: 193 N. 100 E.
City Providence State UT Zip 84332

4. Source of Water: Sleight Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Recreation Storage

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 0.1 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?
Has the measuring device been installed?

Yes X or No _____
Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (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: Rob Lilieholm Telephone Number: (435) 797-2575

Address: 193 N. 100 E. Providence, UT 84332

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature]
(include your title, if on behalf of company of organization)

Date: 7/20/01

MICROFILMED

RECEIVED

MAY 28 1998

Department of Water Resources
Eastern Region

May 23, 1998

Application for Water Rights on Sleight Creek

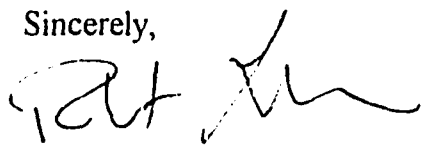
My wife and I purchased 21 acres in Sleight Creek Canyon last summer. We plan on building a small cabin, and managing the property for recreational, aesthetic and wildlife purposes.

Approximately 800 feet of Sleight Creek runs through the property. The stream is very small, and while it is described as a perennial stream on USGS quad maps, its base flow is quite low (perhaps 0.2 CFS). Where the stream enters my property to the west, it is in excellent condition. However, by the time it exits the west boundary, it is severely degraded from livestock trampling, and flows through the bottom of a six-foot deep gully.

My primary objective for applying for this water right is to protect and ensure the continued flow of water in the creek. We purchased the property because of the stream and forest, and I wish to ensure that no water diversion upstream could result in the loss of the stream and the trees along it. A second objective is to improve water quality and wildlife habitat. As a result, I wish to undertake stream channel restoration in conjunction with the development of a small pond.

If this water right is approved, I intend to work with Idaho's Fish and Game Department, the Army Corps of Engineers, and a friend who is a stream ecologist to try to stop and hopefully reverse the erosion taking place in the stream channel.

Sincerely,



Rob Lilieholm
193 North, 100 East
Providence, UT 84332
Home (435) 750-6793
Work (435) 797-2575

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before JULY 6, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/18/1998 & 6/25/1998

JUL 30 1998

11-07444

LILIEHOLM, ROBERT
193 N 100 E
PROVIDENCE, UT 84332

Source: SLEIGHT CREEK

Tributary: SINKS

Diversion Pt: SE'W Sec 6 T 14S R 43E in BEAR LAKE County.

Use: RECREATION

Total Diversion:

(0.10 AF)
(0.10 AF)

Date Filed: 6/10/1998

In: BEAR LAKE County
T14S R43E S06

SE'W

11-07444

NOTICE OF APPLICATION FOR WATER RIGHT

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

JUL 30 1933



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

JUNE 11, 1998

Legal Notices Department
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 JULY 6, 1998.

Yours truly,

Sharla Cox
Secretary

Encl.



JUL 30 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

June 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT LILIEHOLM
193 N 100 E
PROVIDENCE UT 84332

RE: Application for Permit 11-07444

Dear Applicant:

This office is currently in the process of advertising the application in the News-Examiner on June 18 and 25, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

RECEIVED

JUN 13 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 11, 1998

ID DEPT OF FISH & GAME
1345 BARTON RD
POCATELLO ID 83201

RE: Application for Permit No. 11-07444

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 July 6, 1998, 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:sc
enc.

JUL 30 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

No 5575

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa S. 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

June 17, 1998, and ending
with the issue of June 24, 1998

Rosa S. Moosman
Fees, \$52.19

Subscribed and sworn to before me this 24th day
of June, 1998

Henry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

RECEIVED

JUL 02 1998

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION FOR
WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho: 11-07444. LILIEHOLM, ROBERT, 193 N 100 E, PROVIDENCE, UT 84332.

Source: SLEIGHT CREEK; Tributary: SINKS; Diversion Pt: SENW; Sec 6 T 14S R 43E in BEAR LAKE County; Use: RECREATION (0.10 AF); Total Diversion: (0.10 AF).

Date Filed: 6/10/1998; In: BEAR LAKE County; T14S R43E S06 SENW.

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before JULY 6, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Legal No. 5575 — Publish June 17 and 24, 1998.

RECORDED

JUL 14 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

APR 17 1997
JUL 30 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

FILED
APR 3 0 1997



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

July 23, 1998

PHILIP E. BATT
GOVERNOR

ROBERT LILIEHOLM
193 N 100 E
PROVIDENCE UT 84332

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-07444

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

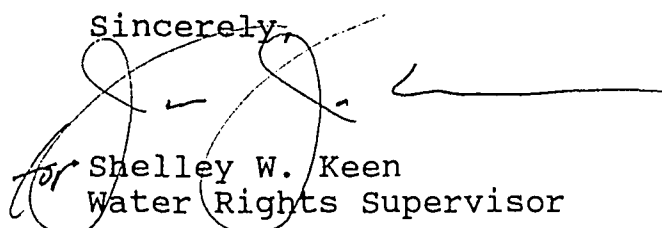
As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

RECORDED

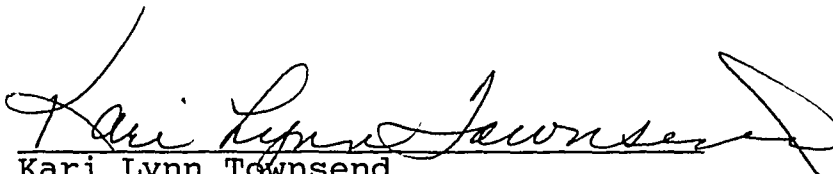
JUL 30 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of July, 1998, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 11-07444

ROBERT LILIEHOLM
193 N 100 E
PROVIDENCE UT 84332


Kari Lynn Townsend
Secretary

REC-12-1
JUL 30 1998

May 31, 2001

ROBERT LILIEHOLM
193 N 100 E
PROVIDENCE, UT 84332

PROOF DUE NOTICE

RE: PERMIT NO. 11-7444

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 August 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

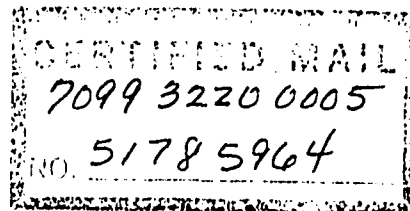
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

MAY 31 2001

RECEIVED

JUL 27 2001

Department of Water Resources

July 23, 2001

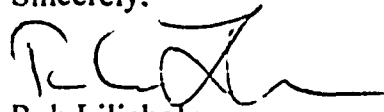
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Dear Ms. Gibson:

I've enclosed a completed "Proof of Beneficial Use" form for our pond outside of Paris, ID. The pond is completed, although the drought has kept it from filling completely. Also, I have not been able to install a measuring device. Right now, we have a 4" PVC pipe that runs from the stream to the pond, with an outflow back to the stream. I called several people in IDWR to inquire about what is needed for a measuring device, and no one seemed to know. After describing our creek, the last person I spoke with (in Boise) recommended that I request a waiver from this requirement until such time that a measuring device is needed. Since I'm the only one using the creek, and since I have the senior water right, they said it should not be a problem.

Thanks, and please don't hesitate to call me if you have any questions.

Sincerely,



Rob Lilieholm
193 N 100 E
Providence, UT 84332

MICROFILMED

AUG 9 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROBERT LILIEHOLM
193 N 100 E
PROVIDENCE UT 84332

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 11-07444

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I understand that you request the measurement device requirement condition of your permit be waived. The department can waive this requirement if the Watermaster for State Water District No. 11 advises us, in writing, that he does not need the device to regulate your water right. I ask that he send a letter to my attention so that the department can issue an Order waiving that requirement, until such time as the director may deem it necessary.

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.

If you have questions concerning the field examination, please contact the Eastern Regional Office in Idaho Falls at (208) 525-7161, or contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

SEP 14 2001