

FORM 202
2/98 (Internet)
RECEIVED

MAY 12 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 11-07452

Department of Water Resources

1. Name of Applicant BLAINE RUPP Phone (435) 257-7333
Mailing address 90600 N. 7905 W. TREMONTON, UT 84337
2. Source of water supply SPRING which is a tributary of Sinks
3. Location of point of diversion is Township 12 S. Range 43 E. Sec. 6, in the SW 1/4, SW 1/4, SE 1/4, Govt. Lot _____, B.M., BEAR LAKE County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 cfs for DOMESTIC purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 cfs for STOCK WATERING purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.34 AC-Ft for STOCK WATER STORAGE purposes from JAN. 1 to DEC. 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)
5. Total quantity to be appropriated is (a) 0.02 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Proposed 2' X 2' concrete box at at spring with 2" pipe (Domestic); Existing Pond (.06 acres) which spring flows through on property.
 - b. Height of storage dam POND 6 feet; active reservoir capacity N/A acre-feet; total reservoir capacity 0.34 acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85° F being sought? NO
 - e. If well is already drilled, when? N/A; 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 1 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. 100 HEAD BEEF CATTLE
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1 HOUSEHOLD
 - e. Other; describe fully. _____

8. 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	
12S	43E	6																D	
		6																S	

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? BLAINE RUPP (APPLICANT)

b. Who owns the land to be irrigated or place of use? BLAINE RUPP (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.

Blaine Rupp
Signature of Applicant (and title, if applicable)

Received by KCW Date 4/4/2000 Time 1405hrs Preliminary check by _____
 Fee \$ 50.00 Received by KCW # 5025715 Date 4/4/2000
 Publication prepared by SC Date 4/20 & 4/27/00 Published in News Examiner
 Publication approved SC Date 5/4/00

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07452

Priority: April 4, 2000

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **BLAINE RUPP**

90600 N 7905 W

TREMONTON UT 84337

has applied for a permit to appropriate water from:

SPRING

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>
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		0.3 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	
	Totals	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSWSE , Sec. 6, Township 12S, Range 43E
BEAR LAKE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12S 43E 6

SWSE

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before June 1, 2001.
2. Subject to all prior water rights.
3. Stockwater use is for 100 range cattle.
4. Domestic use is for 1 home.

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

16 day of May, 2000.

Karl J. Dreher
Karl J. Dreher, Director

RECEIVED

AUG 28 2000

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. E026102
Receipt By: KCW
Date Received: 8/24/2000

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

AUG 23 2000

Department of Water Resources
Eastern Region

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. 11-07452 Telephone No. (435) 257-7333
2. Name of Permit Holder(s): BLAINE RUPP
3. Mailing Address: 90600 N. 7905 W.
City TREMONTON State UT Zip 84337
4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ONE Stockwater (No. and type of stock): 100 RANGE CATTLE
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .02 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 X
Has the measuring device been installed? 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: BLAINE RUPP Telephone Number: (435) 257-7333
Address: 90600 N. 7905 W.
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: _____

(include your title, if on behalf of company or organization)

Date: August 21, 2000

NOT. OF APPLICATION FOR WATER RIGHT

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

11-07452

RUPP, BLAINE
90600 N 7905 W
TREMONTON, UT 84337

Source: SPRING

Tributary: SINKS

Diversion Pt: SWSWSE Sec 6 T 12S R 43E in BEAR LAKE County.

Use: DOMESTIC	(	0.020 CFS)	
STOCKWATER	(	0.020 CFS)	
STOCKWATER STORAGE			(0.34 AF)
Total Diversion:	(	0.020 CFS)	

Date Filed: 4/ 4/2000

In: BEAR LAKE County
T12S R43E S06 SWSE

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before MAY 8, 2000. 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: 4/20/2000 & 4/27/2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 13, 2000

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

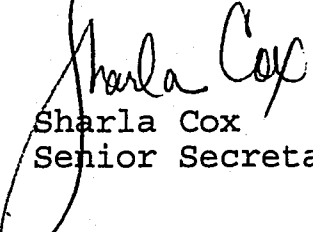
Dear Legal Dept.:

Enclosed you will find legal notices 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 8, 2000.

Yours truly,


Sharla Cox
Senior Secretary

Encl.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 2000

BLAINE RUPP
90600 N 7905 W
TREMONTON UT 84337

RE: Application for Permit #11-07452

Dear Applicant:

This office is currently in the process of advertising the application in the News Examiner on April 20 and 27, 2000. 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

April 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JODY WILLIAMS
KRUSE, LANDA & MAYCOCK
50 W BROADWAY 8TH FLOOR
SALT LAKE CITY UT 84101

RE: Application for Permit # 11-07452 and 13-07580

Dear Jody:

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 8, 2000, 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.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

April 13, 2000

KARL J. DREHER
DIRECTOR

IDAHO FISH & GAME
1345 BARTON RD
POCATELLO ID 83204

RE: Application for Permit # 11-07452 and 13-07580

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 8, 2000, 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 5936

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake } ss.

Rose 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

April 19, 2000, and ending
with the issue of April 26, 2000

Rose S. Moosman

Fees, 64.28

Subscribed and sworn to before me this 28th day
of April, 2000

Sherry W. Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

NOTICE OF APPLICATION
FOR WATER RIGHT

The Following application(s)
have been filed to appropriate the
public waters of the State of Idaho:
11-07452.

RUPP, BLAINE
90600 N 7905 W
TREMONTON, UT 84337

Source: SPRING
Tributary: SINKS
Diversion Pt: SWSWSE Sec 6 T 12S
R 43E in BEAR LAKE County.

Use:
DOMESTIC (0.020 CFS)
STOCKWATER (0.020 CFS)
STOCKWATER STORAGE (0.34
AF)

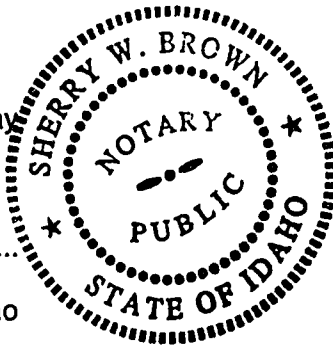
Total Diversion: (0.020 CFS)
Date Filed: 4/4/2000

In: BEAR LAKE County
T12S R43E S06 SWSE

Any protest against the pro-
posed application must be filed
with the Dept. of Water Resources,
900 N Skyline Dr., Ste A, Idaho
Falls ID 83402, together with a
protest fee of \$25.00 on or before
MAY 8, 2000 to be considered by
the Department in its decision to
grant or deny any part of the pro-
posed application. The protestant
must also send a copy of the
protest to the applicant.

KARL J. DREHER
Director

Publish April 19 and 26, 2000 —
Legal No. 5936.



RECEIVED

MAY 04 2000

Department of Water Resources
Eastern Region

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 fourteen (14) 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 fourteen (14) 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.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

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.

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.

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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 17, 2000

BLAINE RUPP
90600 N 7905 W
TREMONTON UT 84337

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-07452

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelley Keen', written over a horizontal line.

Shelley W. Keen
Water Rights Supervisor

SK:klt

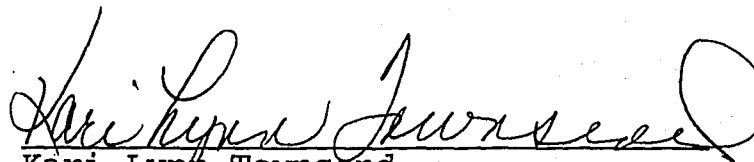
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of May, 2000, 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. 11-07452

BLAINE RUPP
90600 N 7905 W
TREMONTON UT 84337


Kari Lynn Townsend
Secretary



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 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BLAINE RUPP
90600 N 7905 W
TREMONTON UT 84337

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07452

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, and that it meets the permitted beneficial use.

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** of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah Gibson

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office