

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Fred Willie Phone 208-847-2999
Mailing address 421 S. 7th St. Montpelier, ID 83254
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is Township T2S Range 43E Sec. 21, in the SE 1/4, SW 1/4, Govt. Lot , B.M., Bear Lake County County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 0.02 cfs for Stockwater 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)
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(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 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 Pipeline from spring to water trough.
b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity 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. 300 head of range cows
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully.

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	43E	21												S					

Total number of acres to be irrigated _____

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

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.

Fred R. Hill
Signature of Applicant (and title, if applicable)

Received by HWT Date 9-5-02 Time _____ Preliminary check by _____

Fee \$ 100.00 Receipted by HWT # EO 28125 Date 9-5-02

Publication prepared by Sc Date 9/18 & 9/25/02 Published in News Examiner

Publication approved Sc Date 10/7/02

Topographic map showing contour lines and grid lines. Handwritten annotations include 'R 43 E' and 'T 12 S'. Printed labels include 'Poison Hollow', 'Sage Hollow', 'Crystal Spring', 'Sage Spring', and 'Spring'. Grid coordinates are marked along the top and right edges.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 11-07505

Priority: September 05, 2002

Maximum Diversion Rate: 0.02 CFS

This is to certify, that FRED WILLIE
421 S 7TH ST
MONTPELIER ID 83254

has applied for a permit to appropriate water from:

Source: SPRINGS

Tributary: 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>
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, Twp 12S, Rge 43E, B.M., BEAR LAKE County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 43E 21																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before November 01, 2005.
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. Stockwater use is for 300 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of October, 2002

Karl J Dreher
for KARL J DREHER, Director

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

FRED WILLIE
421 S 7TH ST
MONTPELIER ID 83254

11-7505

Point(s) of Diversion: SESW S21 T12S R43E, BEAR LAKE County
Source SPRINGS, Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 09/06/2002

Place Of Use: STOCKWATER

T12S R43E S21 SESW

11-7506

Point(s) of Diversion: SESW S16 T12S R43E, BEAR LAKE County
Source SPRING, Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 09/06/2002

Place Of Use: STOCKWATER

T12S R43E S16 SESW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before October 7, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 18 and 25, 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 10, 2002

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

RE: Application for Permit No. 11-7505 and 11-7506

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before October 7, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
9/10/02
sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

September 10, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FRED WILLIE
421 S 7TH ST
MONTPELIER ID 83254

RE: Application for Permit No 11-7505 and 11-7506

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the News Examiner on September 18 and 25, 2002. Submittal of protests to this application will be allowed for a period ending ten days (October 8, 2002) after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the 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 Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

HWJ:sc

No 6473

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa Smoosman

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

September 18, 2002, 192002, and ending

with the issue of

September 25, 192002
Rosa S. Smoosman

Fees, \$84.56

Subscribed and sworn to before me this 25th day

of September, 192002

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

My Commission Expires August 28, 2003

NOTICE TO WATER USERS

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

FRED WILLIE
421 S 7 TH ST
MONTPELIER ID 83254
11-7505

Point(s) of Diversion: SESW
S21 T12S R43E, BEAR LAKE
County

Source: SPRINGS, Tri-
butary To SINKS

Use: STOCKWATER 01/01 To
12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 09/06/2002

Place Of Use: STOCKWATER
T12S R43E S21 SESW

11-7506

Point(s) of Diversion: SESW
S16 T12S R43E, BEAR LAKE
County

Source: SPRING, Tributary To
SINKS

Use: STOCKWATER:

01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 09/06/2002

Place Of Use: STOCKWATER
T12S R43E S16 SESW

Permits will be subject to all
prior water rights. Protests may
be submitted based on the crite-
ria of Sec 42-203A, Idaho Code.

Any protest against the
approval of this application
must be filed with the Director,
Dept. of Water Resource, Eastern
Region, 900 N Skyline Dr Ste A,
Idaho Falls, ID 83402 together
with a protest fee of \$25.00 for
each application on or before
October 7, 2002. The protestant
must also send a copy of the
protest to the applicant.

KARL J. DREHER,

Director

Publish Sept. 18 and 25, 2002
— Legal No. 6473.

MEMORANDUM

Date: October 17, 2002
To: Water Right File 11-7505
From: dgibson
Re: Permit Review

During my review I found the following: Harold Jones notes in the file that the "Exact 10 acres of spring location, not known by applicant. Field examiner will determine location when proof is filed."

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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, 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 23, 2002

FRED WILLIE
421 S 7TH ST
MONTPELIER ID 83254

RE: Permit No. 11-7505

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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.

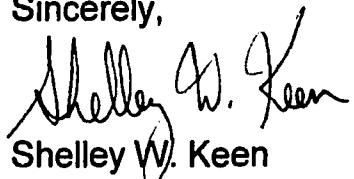
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department 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 a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

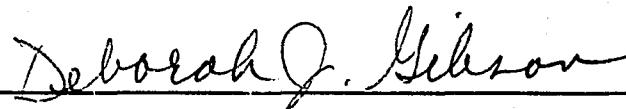
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 11-7505

**FRED WILLIE
421 S 7TH ST
MONTPELIER ID 83254**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Secretary**