

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

13~7471
Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant Sherman A. or Peggy Wright Phone 427-6623
Post office address 16019 N. Hwy 34, Thatcher, ID 81283
2. Source of water supply Spring Creek (aka Warm Creek) which is a tributary of Bear River
3. Location of point of diversion is _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 18 Township 12S Range 41E B.M. Franklin County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 4.60cfs for Fish Propagation 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)
5. Total quantity to be appropriated is (a) 4.60 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Pipeline in creek along ditch then to
20 holding tanks and then back to ditch and river.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. Fish propagation - 20 holding tanks, 30' diam. x 3' deep circular tanks for rainbow trout production.

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	41E	18					H												

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? Arvel Alleman
- 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. Easement for irrigation ditch & pipeline
12. Remarks: Rights 11-00740, -00741 & -00742 for irrigation will be run through the pipeline then into the tanks & back to the ditch for irrigation use.

[illegible]

Scale: 2 inches equal 1 mile.

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

X Shenas Wright
(Applicant)

Received by AW Date 5-21-90 Time 12:28p Preliminary check by DN
Fee \$ 125⁰⁰ Received by KW # E014650 Date 5-22-1990
Publication prepared by LB Date 7-5-90 Published in Preston Citizen
Publication approved LB Date 8-13-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

CONSOLIDATED TAX NOTICE AND RECEIPT
FRANKLIN COUNTY, IDAHO 1989
REAL PROPERTY TAX

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
27,363	14	240.00	240.00
AFTER HOME EXEMPTION 22,211			

TN 8
18-12-41

WRIGHT, SHERMAN A.
16019 NO HWY 34
THATCHER, ID 83283

DELINQUENT CERT.

TAXING DISTRICT	RATE	AMOUNT	REMARKS
COUNTY	.004682	104.00	FULL PAYMENT
CLEVELAND CEMET	.000152	3.38	TAX
GRACE SCHOOL #1	.005348	118.78	FEED
LIBRARY DISTRICT	.000098	2.18	SEWER
COUNTY ROAD	.001293	28.72	FEED
SUBTOTAL			1ST INSTALLMENT
		.011573	FEED
		257.06	FEED
TOTAL TAXES			2ND INSTALLMENT
		257.06*	TAX
			FEED

TOTAL ACRES: 32.00

YOUR CANCELLED CHECK IS YOUR RECEIPT
 FULL LEVY SHEET IS AVAILABLE AT THE TREASURER'S OFFICE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

WRIGHT, SHERMAN A. 240.00

PD BY: 1989

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
		14	128.53		128.53*
					2nd

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
 MAKE CHECKS PAYABLE TO

MAURINE E. AINSCOUGH
39 WEST ONEIDA
PRESTON, IDAHO 83263

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1990

PAID BY: CHECK () CASH ()

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

WRIGHT, SHERMAN A. 240.00

PD BY: 1989

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
		14	257.06		257.06*
					FULL
TREASURER'S					
SPECIAL CODE	PAID	CODE	AREA	TAX	1ST INSTALLMENT
		14	128.53		128.53*
					1st
FRANKLIN COUNTY					
TREASURER					

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1989

PAID BY: CHECK () CASH ()

TXNT-28-89

875

NO 3248

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross
being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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 of 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

July 4, 1990, and ending
with the issue of July 11, 1990.

Fee \$ 50.76

Subscribed and sworn to before me this 11 day
of July, 1990.

Kelly Michels
Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995

RECEIVED

AUG - 2 1990

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07471

WRIGHT, SHERMAN A.

WRIGHT, PEGGY

16019 N. HWY 34

THATCHER, ID 81283

Source: SPRING CREEK

Tributary: BEAR RIVER

Diversion Pt: SENE Sec 18 T 12S R

41E

Use: FISH PROPAGATION (4,600
CFS)

Total Diversion: (4,600 CFS)

Date Filed: 5/22/1990

In: T12S R41E S18 NWNW

The permit(s) will be subject to all
prior water rights. Protests must be fil-
ed with the Director, Dept. of Water

Resources, Eastern Region, 150 Shoup
Avenue, Suite 15, Idaho Falls, Idaho
83402 on or before JULY 23, 1990.

R. KEITH HIGGINSON

Director

Legal No. 3248 - Publish July 4, 11,
1990.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07471

Proposed Priority: May 21, 1990 Maximum Diversion Rate: 4.60 CFS

This is to certify, that SHERMAN A. WRIGHT
PEGGY WRIGHT
16019 N. HWY 34
THATCHER, ID 81283

has applied for a permit to appropriate water from:

SPRING 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>
FISH PROPAGATION	01/01 to 12/31	4.60 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE Sec. 18, Township 12S, Range 41E
FRANKLIN County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

12S 41E 18 NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1993.
2. Subject to all prior water rights.
3. Use of water under this permit shall be non-consumptive.
4. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
5. Use of water under this permit is subject to control by the watermaster of State Water District No. 11.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
8. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
9. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
10. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07471

CONDITIONS/REMARKS:

11. Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.

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

5th day of September, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

21-Jun-1990

SHERMAN A. OR PEGGY WRIGHT
16019 N. HWY 34
THATCHER, ID 81283

RE: Application for Permit No. 13-07471

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Preston Citizen on JULY 5 & 12, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

21-Jun-1990

IDAHO FISH & GAME
REGION 6
1515 E. LINCOLN RD.
IDAHO FALLS, ID 83401

RE: Application for PERMIT NO. 13-07471, 25-07569, 29-07999,
29-07998, 29-07946, 74-07293
74-07294, 75-07513, 75-07515

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is JULY 23, 1990, 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 Rights Supervisor

HWJ/rb
enc.

21-Jun-1990

PETE PETERSON
2483 RIVERDALE RD.
PRESTON, ID 83263

RE: Application for PERMIT No. 13-07471

Dear Watermaster:

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. The last date of protest is JULY 23, 1990, and we are required to take action shortly thereafter.

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

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JULY 23, 1990.

R. KEITH HIGGINSON, Director

Published 7/ 5/1990 & 7/12/1990

13-07471

WRIGHT, SHERMAN A.
WRIGHT, PEGGY
16019 N. HWY 34
THATCHER, ID 81283

Source: SPRING CREEK

Tributary: BEAR RIVER

Diversion Pt: SENE Sec 18 T 12S R 41E

Use: FISH PROPAGATION (4.600 CFS)
Total Diversion: (4.600 CFS)

Date Filed: 5/22/ 1990

In: T12S R41E S18 NWNW

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

Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 27, 1990

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

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 23, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
September 6, 1990

SHERMAN A. WRIGHT
PEGGY WRIGHT
16019 N. HWY 34
THATCHER, ID 81283

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07471

Dear Permit Holder:

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

Please be advised that your plans for fish propagation may be subject to regulations of the Idaho Department of Fish and Game. We suggest that you check with them before starting construction.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

July 31, 1993

SHERMAN A. WRIGHT
PEGGY WRIGHT
16019 N. HWY 34
THATCHER ID 81283

PROOF DUE NOTICE

RE: PERMIT NO. 13-07471

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 October 1, 1993. (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.

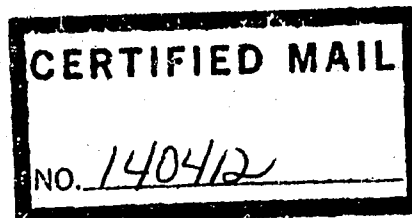
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Karen L. Gustafson
Secretary/Records Manager

Enclosures



October 6, 1993

SHERMAN A. WRIGHT
PEGGY WRIGHT
16019 N. HWY 34
THATCHER ID 81283

LAPSE NOTICE

RE: PERMIT NO. 13-07471

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated July 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 10/6/93
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Elg

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/17/94 00:05:06
Page 1

Water Right Number - 13-07471

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
WRIGHT

SHERMAN A.

1 - 16019 N. HWY 34
2 -
3 -

City- THATCHER State- ID Zip- 81283

Phone - 208-427-6623

WRIGHT

PEGGY

1 - 16019 N. HWY 34

2 -
3 -

City- THATCHER State- ID Zip- 81283

Phone - 208-427-6623

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/21/1990 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRING CREEK BEAR RIVER

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
12S	41E	18	SE NE			(41) FRANKLIN				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
19	FISH PROPAGATION	01/01	12/31		4.600	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
4.600

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
12S	41E	18	NW NW			19 FISH PROPAGATION		(41) FRANKLIN	

+ - - Diversion Means - PIPELINE IN CREEK ALONG DITCH THEN TO 20 HOLDING TANKS THEN BACK

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
027 - Use of water under this right shall be non-consumptive.
090 - Water used under this right if discharged into a natural

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/17/94 00:05:06
Page 2

Water right number - 13-07471

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - +
(Condition continued from previous page)

- channel shall meet Idaho Water Quality Standards.
- 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 8DISTRICT.
- 026 - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- 042 - The right holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
- 044 - Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
- 004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.
- 01J - A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
- 07A - Assignment or sale of this right is subject to a determination by the Department that the right holder has proceeded to develop the right with due diligence and without speculation.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - +
Date: 10/06/1993 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 06/15/90 KEISER 08/30/90 CURTIS 10/06/93 COMMENTS

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

Proof Due Date - 10/01/1993	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 09/05/1990	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 11
Licensed Date - 00/00/0000	Appl Received - 05/22/1990	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

I certify that file No. 13-7471

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

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

C Zimmerman
Reviewer

3/17/94
Date

Form 217
11/91

RECEIVED

AUG 26 1996

OFFICE USE ONLY

Amt. of Fee \$ 200.00
Date 8-26-96
Receipt No. 6036400
Receipt by KLT

STATE OF IDAHO Water Resources
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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 13-07471 Telephone No. 208-427-6623
2. Name(s) of Permit Holder(s): Sherman A. Wright Peggy Wright
3. Mailing Address: 16019 N. Hwy 34 Thatcher, Idaho 83283
4. Source of Water: SPRING CREEK

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

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

Irrigation _____ (No. of acres) Other Fish Propagation

6. Total rate and/or volume for which proof is submitted 4.60 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

rockable
Measuring device: Required? Yes No Installed? X Yes No

OR

Flow Measurement Port: Required? _____ Yes No Installed? _____ Yes No

8. Fee Enclosed: \$ 200.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Sherman A. Wright 427-6623

Name Telephone No.

16019 N. Hwy 34 Thatcher, Idaho 83283

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Aug 22/1996
Date

Sherman A. Wright
Signature (and title, if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-07471)
IN THE NAME OF SHERMAN A & PEGGY WRIGHT) **ORDER OF**
REINSTATEMENT

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

FINDINGS OF FACT

1. On September 5, 1990, the Department issued Permit No. 13-07471 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before October 1, 1993.
2. On July 31, 1993, the Department sent a proof due notice to the permit holder of record by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.
3. On October 6, 1993, the Department sent a lapse notice to the permit holder of record since an acceptable proof of beneficial use or extension of time had not been received.
4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.
5. On August 26, 1996, the department received the proof of beneficial use form and the \$200.00 license examination fee. On October 29, 1996, the permit holder submitted an affidavit from Ida Belle Wright stating that she had witnessed the development and

operation of the permit holder's fish farm since 1991. The permit holder also submitted a Commercial Fish Rearing License valid from December 18, 1992, through February 2, 1994, and further explained that he was confused about the water right licensing process and overlooked the proof submittal.

CONCLUSIONS OF LAW

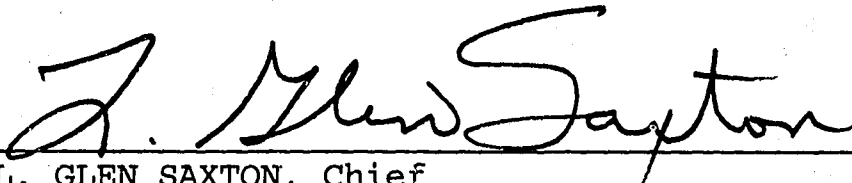
1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 13-07471 is REINSTATED.

IT IS FURTHER ORDERED that the priority date is advanced to October 29, 1996.

Dated this 14th day of November, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

LONDON DRUG

2084253767

P.01

FAX

State Office of Water Rights

Allocations Office

Boise Idaho

Fax Number: 208 327-7866

ATTENTION: JULIE

LONDON DRUG

2084253767

P. 02

WRIGHT'S RAINBOWS
Sherman A. or Peggy Wright
16019 N. Hwy 34
Thatcher, Idaho 83283
(208) 427-6623

October 29, 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

RE: Requesting that Permit to Appropriate Water Permit be Reinstated

Dear Department of Water Resources:

After calling the Department of Water Resources in Idaho Falls, and talking to a Mr. Keen, we found out that in order to have our Permit to Appropriate Water permit #13-07471, we would have to contact your office in Boise.

We are at this time asking your office to review the following information and please reinstate our license mentioned above.

When we were first starting to build our Rainbow Trout fish operation, a representative from the Department of Agriculture came to inspect our fish operation. After discussing our plans to build this operation further, the representative stated that we had until the project was completed to further apply for additional licenses. Sherman misunderstood and thought that this license and your license were one and the same kind. Since we had just received a letter stating that the Fish and Game were no longer handling licenses, which were for commercial fish rearing not fish propagation. After checking with your office to try and obtain a number for our license, we found out that the license had indeed lapsed. We are indeed very sorry for this gross misunderstanding and would like to at this time to have you review the enclosed information we have provided, to try and reinstate this Permit to Appropriate Water permit.

Faxed to you this day, along with this letter, is a copy of our Commercial Fish Rearing License that was valid 12-18-92 thru 02-01-94, purchased from the State of Idaho Department of Agriculture. Also there is a signed statement from our neighbor, Ida Belle Wright, who has lived to the north of us for 22 years stating that we have indeed been in the fish raising business since 1991.

We hope that this is sufficient evidence that we were in the fish raising business. If additional information is needed, please contact us at the number listed above.

Thankyou.

Sherman A. Wright
Peggy Wright
Sherman A. and Peggy Wright

LONDON DRUG

2084253767

P.03

October 29, 1996

TO WHOM IT MAY CONCERN:

I, Ida Belle Wright living at 16499 N. Hwy 34 in Thatcher, Idaho, being neighbors to Sherman A. and Peggy Wright, have watched their fish operation since 1991.

I am stating this the 29th day of October, 1996, that they do indeed raise Rainbow Trout.

Ida Belle Wright
Signed: Ida Belle Wright

10-29-1996
Dated

VALID
12/18/92 thru 02/01/94
License # 17

STATE OF IDAHO
DEPARTMENT OF AGRICULTURE

\$25.00

COMMERCIAL FISH REARING LICENSE

SHERMAN WRIGHT of 16019 N HWY 34 THATCHER, ID 83283,
acting as agent for WRIGHTS RAINBOWS of:

having first made an approved application and paid the license fee, as required by law, is hereby permitted
to possess, reserve, or propagate fish for the purpose of selling same on property located in:
County: FRANKLIN Twp. 12S, Rge. 41E, Sec. 18, STATE OF IDAHO,
in water obtained from SPRING CREEK

This license shall be valid only for the following kinds of fish:

1. RAINBOW TROUT

W.G. Nelson, Director
Department of Agriculture
P.O. Box 7249, Boise, ID 83707

Date issued: 12/18/92
Issued by : PHIL MAMER, D.V.M.



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
November 14, 1996

SHERMAN A WRIGHT
PEGGY WRIGHT
16019 N HWY 34
THATCHER ID 83283

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07471

Dear Permit Holder:

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

Enclosed is an order reinstating your permit since proof was submitted after the proof due date of October 1, 1993. Please note that the priority date has been advanced to October 29, 1996.

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

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, contact the **EASTERN** Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

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