

Form 202
6/85

RECEIVED
APR 29 1993

Department of Water Resources
Eastern District Office

RECEIVED

JUN 16 1993

Department of Water Resources
STATE OF IDAHO

137506
Ident. No. _____

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant JAMES S. READ Phone (208) 852-3944
Post office address 3696 North 1600 East, Preston, ID 83263

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of * NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____

Sec. 6 Township 15 S Range 40 E B.M. Franklin County; additional

points of diversion if any: None * change as per tel-con with Steve Ruller, Hwy
5-5-93 HWT

4. Water will be used for the following purposes:

Amount 0.04 for Domestic 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) 0.04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Collection box, gravel, pipe

b. Height of storage dam N/A 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 N/A 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
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. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. One Household
- e. Other; describe fully. Domestic culinary for home and in campground/RV park (27 spaces)

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	40E	31						D											

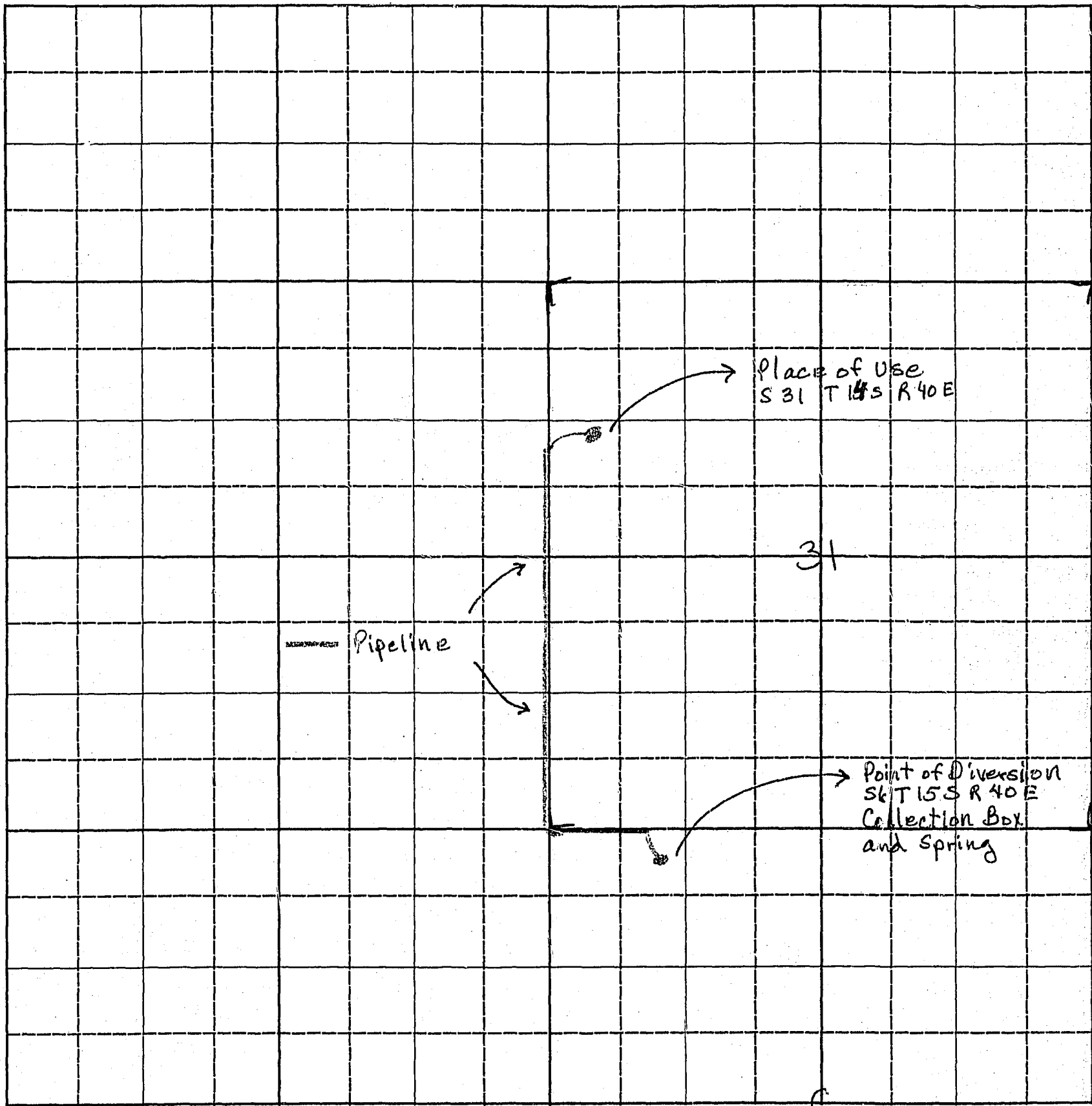
Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? JAMES S. READ AND SANDI READ
- b. Who owns the land to be irrigated or place of use? RIVERDALE RESORT, INC.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. JAMES S. READ IS THE PRINCIPAL OWNER OF RIVERDALE RESORT, INC.

12. Remarks: _____

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

[Signature]
(Applicant)

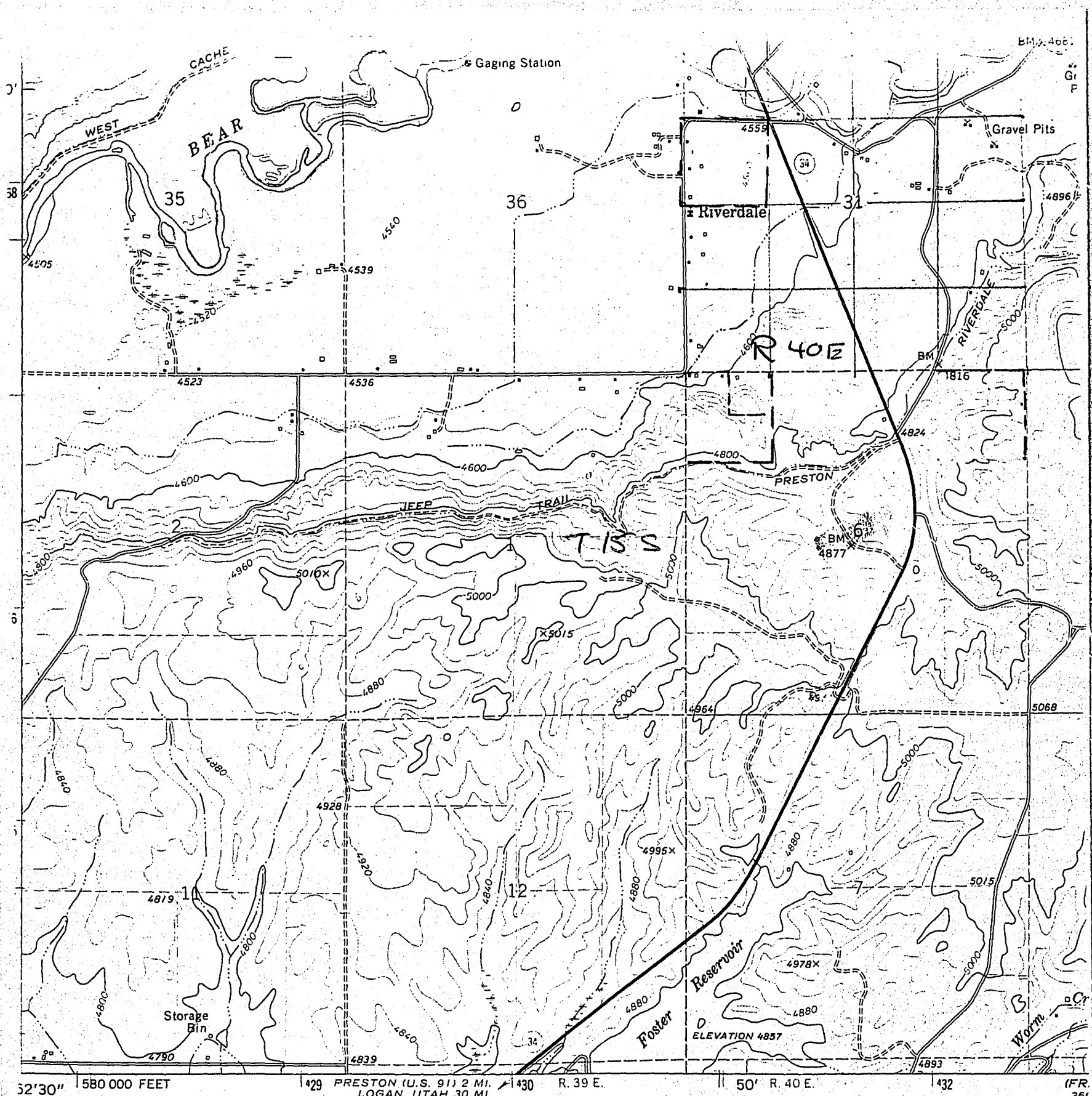
Received by JA Date 4-29-93 Time 12:42 pm Preliminary check by _____
Fee \$ 30.00 Received by HWT # E018531 Date 4-29-93
Publication prepared by RB Date 5-20-93 Published in Preston Citizen
Publication approved _____ Date _____

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:



52'30" 1580 000 FEET

129 PRESTON (U.S. 91) 2 MI. 1430 R. 39 E.

50' R. 40 E.

1432 (FR. 36)

Mapped, edited, and published by the Geological Survey

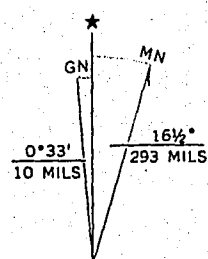
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1968. Field checked 1969

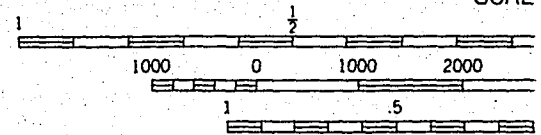
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone

1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

Fine red dashed lines indicate selected fence lines



UTM GRID AND 1969 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR IN
DOTTED LINES REPR
DATUM IS 1

THIS MAP COMPLIES WITH NA
FOR SALE BY U.S. GEOLOGICAL SURVEY, DEN
A FOLDER DESCRIBING TOPOGRAPHIC M.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07506

Proposed Priority: April 29, 1993 Maximum Diversion Rate: 0.04 CFS
This is to certify, that JAMES S READ
3696 N 1600 E
PRESTON ID 83263

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: NENWNW, Sec. 6, Township 15S, Range 40E
FRANKLIN County

PLACE OF USE: DOMESTIC
TWN RGE SEC

14S 40E 31 SWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1994.
2. Subject to all prior water rights.
3. The issuance of this right in no way grants any right-of-way or easement across the land of another.
4. Domestic use is for 1 home & 27 spaces in campground RV park.

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

2nd day of July, 1993.

R. Keith Higginson
R. Keith Higginson, Director

RECEIVED

APR 29 1993

Department of Water Resources
Eastern District Office
ALSO, MEMBER OF UTAH BAR

STEVEN R. FULLER
ATTORNEY AND COUNSELOR AT LAW
24 NORTH STATE • P.O. BOX 191 • PRESTON, IDAHO 83263

TELEPHONE
(208) 852-2680
FAX (208) 852-2683

April 27, 1993

TO: DEPARTMENT OF WATER RESOURCES
900 NORTH SKYLINE
IDAHO FALLS, ID 83402

Please Note:
This form letter is used to
expedite communications. You
need direct your attention
only to the items marked.

RE: JAMES S. READ/APPLICATION FOR PERMIT

- ☒ Enclosed is information relating to the above matter.
- ☐ For your information.
- ☐ Please review and file in your records.
- ☐ Please record in the county records and return.
- ☐ Please file in the court record of the above case.
- ☐ Please review and call us to discuss over the telephone.
- ☐ Please sign and return ☐ all but one copy,
☐ all copies.
- ☐ Enclosed is the information you requested.

Enclosures: APPLICATION FOR PERMIT (To appropriate the public waters of the State of Idaho); CHECK IN THE AMOUNT OF \$30.00 FOR FILING FEE.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JUNE 7, 1993.

R. KEITH HIGGINSON, Director

Published: 5/20/1993 & 5/27/1993

13-07506

READ, JAMES
3696 N 1600 E
PRESTON, ID 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: NENWNW Sec 6 T 15S R 40E in FRANKLIN County.

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 4/29/1993

In: FRANKLIN County
T14S R40E S31 SWNW

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
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 12, 1993

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 JUNE 7, 1993.

Yours truly,

Rita Bodell
Secretary

Encl.

17-May-1993

JAMES S READ
3696 N 1600 E
PRESTON ID 83263

RE: Application No. 13-07506

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 May 20 & 27, 1993. 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
Harold W. Jones
Water Right Supervisor

HWJ:rb

17-May-1993

ROBERT HULL
FRANKLIN COUNTY
PO BOX 23
ST ANTHONY ID 83445

RE: Application No. 13-07506

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 June 7, 1993 , 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
Harold W. Jones
Water Right Supervisor

HWJ:rb
enc

875

No 3620

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

ss.
MAY 26 1993

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the ~~GO-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

5-19, 1993, and ending

with the issue of 5-26, 1993

Fee \$ 36.59

Subscribed and sworn to before me this 26 day

of May, 1993.

Kelly Michels

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07506

READ, JAMES

Notices

3696 N 1600 E
PRESTON, ID 83263

Source: SPRING
Tributary: SINKS

Diversion Pt: NENWNW Sec 6 T
15S R 40E in FRANKLIN County.

Use: DOMESTIC (.040 CFS) Total
Diversion: (.040 CFS)

Date Filed: 4/29/1993

In: FRANKLIN County T14S R40E
S31 SWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JUNE 7, 1993.

R. KEITH HIGGINSON,
Director

Legal No. 3620 — Publish May 19, 26, 1993.



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 6, 1993

JAMES S. READ
3696 N 1600 E
PRESTON ID 83263

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07506

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

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

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 13-07506

Name(s) of Permit Holder: JAMES S. READ

Mailing Address: 3696 NORTH 1600 EAST, PRESTON, ID 83263

Date Proof Is Due July 1, 1994 Telephone No. (208) 852-3944

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

COMPLETED DEVELOPMENT OF SPRING, COLLECTION SYSTEM AND INSTALLED 1 1/4 MILES OF
PIPELINE TO POINT OF USE. CAMPGROUND SITE AT POINT OF USE IS NOT COMPLETELY
DEVELOPED

Costing \$18,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

DELAY IN OBTAINING LEASE/PURCHASE AGREEMENT FOR PART OF CAMPGROUND TO BE DEVELOPED.

Permit holder(s) request an extension to MAY 30, 19 96

FEE: \$15.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to July 1, 1996.

Signed this 12th day July, 19 94

J. Glen Saylor
Chief, Water Allocation Bureau

April 30, 1994

JAMES S READ
3696 N 1600 E
PRESTON ID 83263

PROOF DUE NOTICE

RE: PERMIT NO. 13-07506

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

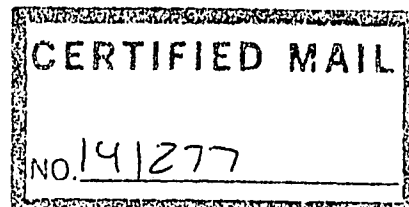
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



July 13, 1994

James S. Read
3693 N 1600 E
Preston, ID 83263

RE: Permit No. 13-07506

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to July 1, 1996. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C036097
Receipt By: RB
Date Received: 7/12/96

RECEIVED

JUL 12 1996

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

1. Permit No. 13-07506 Telephone No. 208-852-0266
2. Name(s) of Permit Holder(s): RIVERDALE RESORT INC. - JAMES S. READ
3. Mailing Address: 3696 N. 1600 E PRESTON, ID 83263
4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
a. Well Driller: N/A Drilling Permit Number: ____ - ____ - ____
b. OPTIONAL:
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____
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: CAMP GROUND
6. Total rate of diversion and/or volume for which proof is submitted: 1.04 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
Flow Measurement Port: Is a flow measurement port required? Yes ____ or No X
Has the measurement port 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: JAMES S. READ Telephone Number: 208-852-0266
Address: 3225 E. RIVERDALE RD. PRESTON, ID 83263
10. The information given on this form 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.
Signature of permit holder: James S. Read - President Date: 7-1-96
(include your title, if on behalf of company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-07506

IN THE NAME OF JAMES S. READ

)
) ORDER OF
) REINSTATEMENT
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before July 1, 1996; and,

WHEREAS, the Department notified the permit holder on April 30, 1996, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

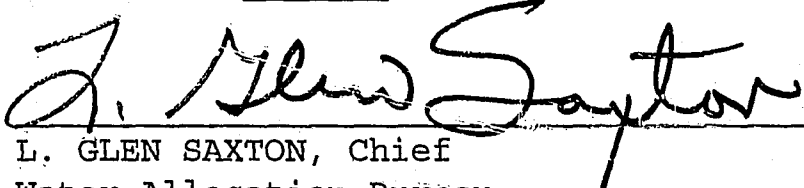
WHEREAS, the permit lapsed on July 2, 1996, since an acceptable proof of beneficial use or extension of time had not been received; and,

WHEREAS, Section 42-218a, Idaho Code, provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on July 12, 1996;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-07506 is **REINSTATED** with an advance in priority to May 10, 1993.

DATED this 5th day of August, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

April 30, 1996

JAMES S READ
3696 N 1600 E
PRESTON ID 83263

PROOF DUE NOTICE

RE: PERMIT NO. 13-07506

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1996.

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

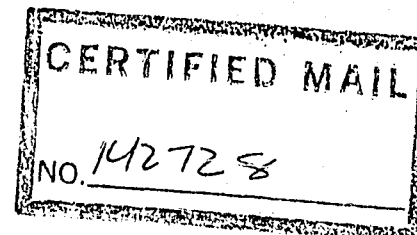
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
August 6, 1996

JAMES S READ
3696 N 1600 E
PRESTON ID 83263

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 13-07506

Dear Permit Holder:

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

Enclosed is an order reinstating your permit since the proof was received after the proof due date of July 1, 1996. Please note that the priority date has been advanced to May 10, 1993.

Please be advised that Section 42-248, Idaho Code, which became effective 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