

Ident. No. 13-2548

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

RECEIVED
AUG 05 1997

Department of Water Resources

1. Name of Applicant Westover Living Trust c/o Dean Westover Phone (208) 747-3224
Mailing address 6089 N. Westside Hwy Clifton ID 83228
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is Township 14S Range 38E Sec. 17 in the SE 1/4, SE 1/4, NW 1/4, Govt. Lot _____, B.M., Franklin County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|--|---|
| Amount <u>0.04 cfs</u> for <u>Domestic</u> | purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) 0.04 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 Collection box to 2
homes
- 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 2 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. 2 homes
- 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	38E	16					D/2												

Total number of acres to be irrigated _____

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

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

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

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

12. Remarks: Both houses in place

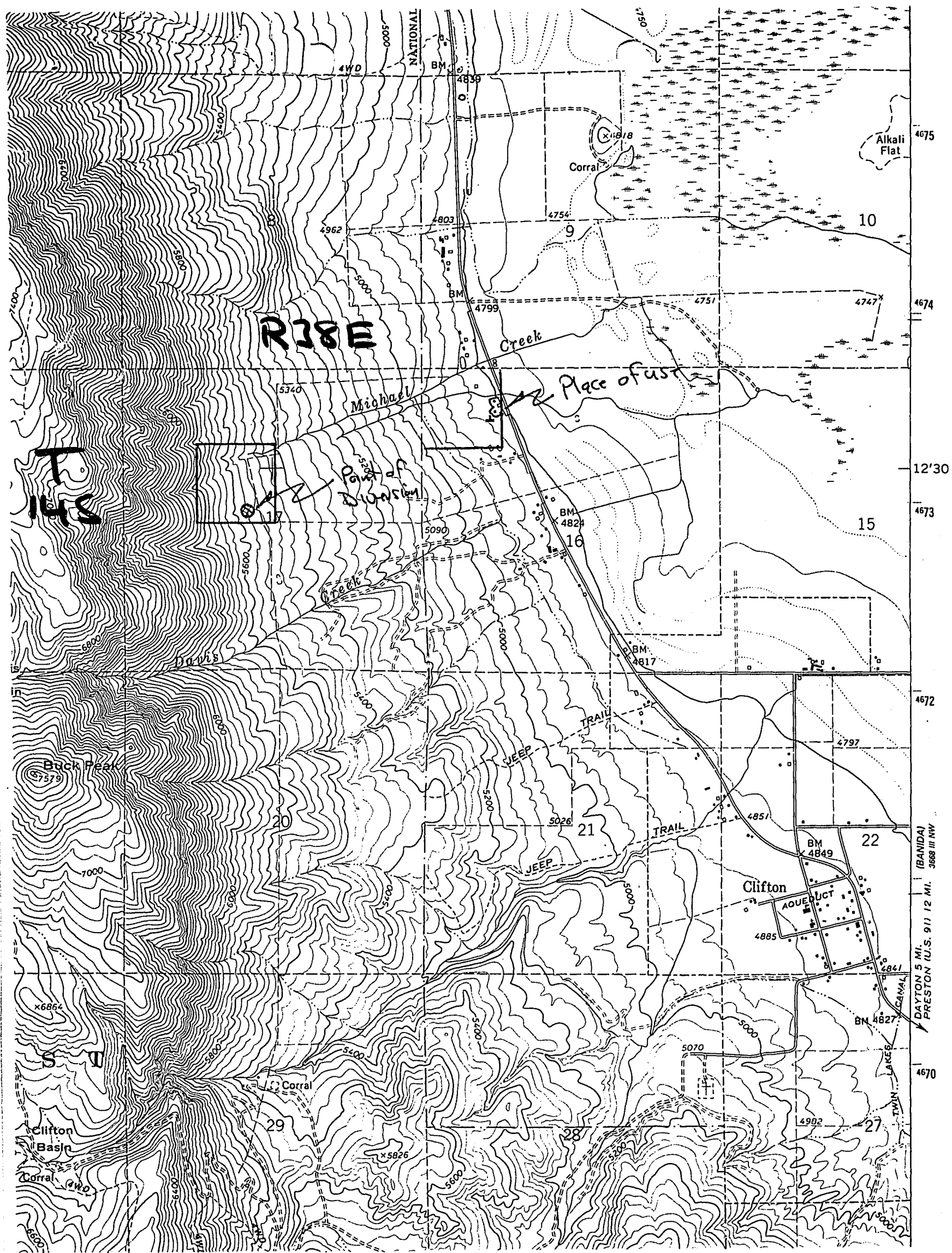
Trust Partners - Nord Westover
Dean Westover
Jim Westover
Rick Westover

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.

Dean Westover Partner
 Signature of Applicant (and title, if applicable)

Received by AWT Date 2-7-97 Time _____ Preliminary check by KW
 Fee \$ 50.00 Received by AWT # E022948 Date 2-17-97
 Publication prepared by RB Date 3-6-97 Published in Preston Citizen
 Publication approved RB Date July 3, 1997 Date 8-4-97



State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 13-07548

Proposed Priority: February 7, 1997 Maximum Diversion Rate: 0.04 CFS

This is to certify, that WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON ID 83228

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: SESENW , Sec. 17, Township 14S, Range 38E
FRANKLIN County

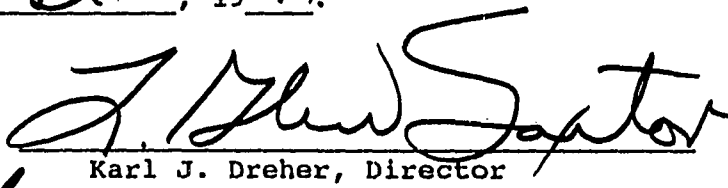
PLACE OF USE: DOMESTIC
TWN RGE SEC
14S 38E 16 NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1999.
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. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

13th day of August, 1997


Karl J. Dreher, Director
for

13-07548

WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON, ID 83228

Source: SPRING

Tributary: SINKS

Diversion Pt: SESENW Sec 17 T 14S R 38E in FRANKLIN County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 2/ 7/1997

In: FRANKLIN County
T14S R38E S16 NWNW

*was not published
Will re-submit*

13-07548

WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON, ID 83228

Source: SPRING

Tributary: SINKS

Diversion Pt: SESENW Sec 17 T 14S R 38E in FRANKLIN County.

Use: DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 2/ 7/1997

In: FRANKLIN County	
T14S R38E S16	NWNW

February 21, 1997

DEAN WESTOVER
WESTOVER LIVING TRUST
6089 N WESTSIDE HWY
CLIFTON ID 83228

RE: Notice of Application for Permit No. 13-07548

Dear Applicant:

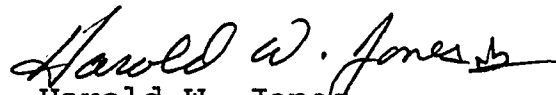
The Department of Water Resources acknowledges receipt of your application for water right. This office is currently in the process of advertising the application in the Preston Citizen on March 6 & 13, 1997. The advertisement will be published once a week for two consecutive weeks, and a period of ten 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.

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 transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about twelve weeks.

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MARCH 24, 1997.

KARL J. DREHER, Director

Published: 3/ 6/1997 & 3/13/1997

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JULY 21, 1997.

KARL J. DREHER, Director

Published: 7/ 3/1997 & 7/10/1997

875

N 4380

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the 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 2, 1997, and ending

with the issue of July 9, 1997

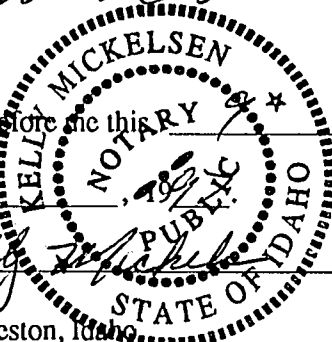
Fee \$ 65.00

Subscribed and sworn to before me this 7 day

of July 7, 1997

Notary Public, Residing at Preston, Idaho

My Commission Expires 8/14, 1997



NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07547
WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON, ID 83228

Source: SPRINGS
Tributary: MICHAEL CREEK
Diversion Pt.: NWSENW Sec 17 T
14S R 38E in FRANKLIN County.
Use: DOMESTIC (0.020 CFS)
Total Diversion (0.020 CFS)
Date Filed: 2/7/1997
In: FRANKLIN County
T14S R38E S17 SENW

13-07548
WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON, ID 83228

Source: SPRING
Tributary: SINKS
Diversion Pt.: SESE: NW Sec 17 T
14S R 38E in FRANKLIN County.
Use: DOMESTIC (0.040 CFS)
Total Diversion (0.040 CFS)
Date Filed: 2/7/1997
In: FRANKLIN County
T14S R38E S16 NWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JULY 21, 1997.

/s/ KARL J. DREHER, Director
Legal No. 4380 - Publish July 2 and 9, 1997.

RECEIVED

AUG 1 1997

Department of Water Resources
Eastern Region



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1997

WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON ID 83228

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07548

Dear Permit Holder:

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

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

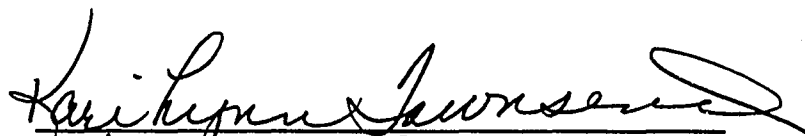
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1997, 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. 13-07548

WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON ID 83228


Kari Lynn Townsend
Secretary

RECEIVED

AUG 05 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY

Amt. of Fee \$: 150.-

Receipt No. 0046216

Receipt By: HULL/AMB

Date Received: 8/16/99

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. 13-07548 Telephone No. (208) 747-3224

2. Name(s) of Permit Holder(s): Westover Living Trust c/o Dean Westover

3. Mailing Address: 6089 N Westside Hwy Clifton, ID 83228

4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: _____ 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): 2 Stockwater (No. and type of stock): _____

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

6. Total rate of diversion and/or volume for which proof is submitted: .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 ☒

Has the measuring device been installed? Yes ____ or No ☒

Flow Measurement Port: Is a flow measurement port required? Yes ____ or No ☒

Has the measurement port been installed? Yes ____ or No ☒

8. Fee Enclosed: \$ 100.00 (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: Dean Westover Telephone Number: (208) 747-3224

Address: 6089 N Westside Hwy Clifton, ID 83228

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: Dean Westover Date: 7-31-99
(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. 13-07548)
IN THE NAME OF WESTOVER LIVING)
TRUST)

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 to the Department on or before August 1, 1999; and,

WHEREAS, the Department notified the permit holder on May 31, 1999 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

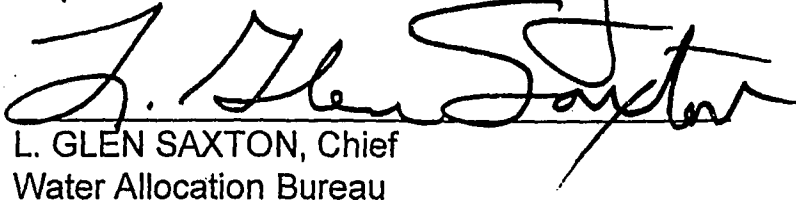
WHEREAS, the Department sent the permit holder a lapse notice on August 6, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder 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 proof of beneficial use on August 5, 1999;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-07548 is **REINSTATED** with an advance in priority to **February 11, 1997**.

DATED this 21st day of January, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

May 31, 1999

WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON ID 83228

PROOF DUE NOTICE

RE: PERMIT NO. 13-07548

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1999.

(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.

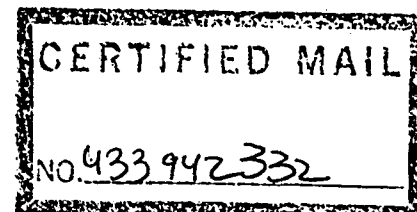
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



August 5, 1999

WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON ID 83228

LAPSE NOTICE

RE: PERMIT NO. 13-07548

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 May 31, 1999. 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 fifty dollar (\$50.00) 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 8-6-99
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton *WJ*
RE: LICENSE EXAMINATION FEES FOR PERMIT NOS. 13-07547 AND 13-07548
Date: January 17, 2000

Attached is a copy of receipt no. C046216 in the amount of \$150 for the license examination fees for above referenced permits. The proper fee is \$50 for each permit being a total required fee of \$100. Please refund \$50 to Westover Living Trust, c/o Dean Westover, 6089 N. Westside Hwy, Clifton, ID 83228.

Attach: 1

c: 13-07547
13-07548



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

January 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WESTOVER LIVING TRUST
C/O DEAN WESTOVER
6089 N WESTSIDE HWY
CLIFTON, ID 83228

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NOS. 13-07547 AND 13-07548

Dear Permit Holder:

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

Enclosed is are two (2) orders reinstating the permits since proof was submitted after the proof due date. Please note that the priority date has been advanced to February 11, 1997, pursuant to Section 42-218a, Idaho Code.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region