

Ident. No. 13-07553

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

RECEIVED
SEP 08 1997

Department of Water Resources

1. Name of Applicant ROLAND E. & LILA A. HULL Phone 208-775-3443
Mailing address 131 E. CINDY AVE. INKOM, ID 83245
2. Source of water supply Spring which is a tributary of Sink
3. Location of point of diversion is Township 15S Range 41E Sec. 18 in the NW 1/4, NE 1/4, NW 1/4, Govt. Lot _____, B.M., Franklin County;
additional points of diversion if any: * Change as per applicant request 8-25-1997
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for stockwater purposes from 01/01 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
* 0.04
5. Total quantity to be appropriated is (a) 0.06 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 Spring box/pipelines
to home & stock troughs
 - 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. 3-5 horses
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. one home
 - e. Other; describe fully. stockwater, 3-5 horses

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	
15s	4E	18					D/s												

Total number of acres to be irrigated _____

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

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

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

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 water development

12. Remarks:

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Lila A. Hull Rob J. Hull
Signature of Applicant (and title, if applicable)

Received by DC Date 7/16/97 Time _____ Preliminary check by _____
Fee \$ 50.00 Received by DC # E023411 Date 7/16/97
Publication prepared by RB Date Aug 7:14, 97 Published in Preston Citizen
Publication approved RB Date 9/3/97

NW 1/4 NE 1/4 of the NW 1/4
SB, T15, R41 E

Robert E. Hull

Bradley

Robert E. Hull

Peter

12
13

7
18

Robert E. Hull

James

James
Clair Hull

Gene Sandridge

NW 1/4 NE 1/4 of the NW 1/4
SB, T15, R41E

Robert E. Hull

Bradley
Hull

Robert E. Hull

Peter
Hull

Robert E. Hull

Robert E. Hull

Clair Hull

199537

WATER AGREEMENT

Received at the request of
Roland E. Hull

11:50
a.m. JUL 14 1997 p.m.

V. ELLIOTT LARSEN, RECORDER
By Ruth K. Rawlings Deputy
FRANKLIN COUNTY, IDAHO

This Water Agreement involves the Spring located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, S18, T15,
R 41 E and is located North West of the Glendale- Cub River Canal.

This Water Agreement involves a water right from said spring for culinary
water to the property owned by Roland E. and Lila A. Hull, located on the
Southeast side of the Glendale - Cub River Canal.

It is agreed and understood that the Grantor, Robert E. Hull, will give in-
gress and egress to the aforementioned Spring, over his property, and will
allow the Grantees, Roland E. and Lila A. Hull, the right to develop the Spring
for their use with a spring box and that they may do any necessary fencing re-
quired to insure that the spring water is not and does not become contaminated.

It is further agreed and understood that the Grantor will allow the Grantees
an easement to run a water line from the Spring to their property, located on
the Southeast side of the Glendale - Cub River Canal and that said Grantees
shall have access to maintain the water line.

The covenants and conditions herein contained shall apply to and bind the
heirs, legal representatives and assigns of the parties hereto, and all cov-
enants are to be construed as conditions of this agreement.

RECEIVED

JUL 28 1997

Department of Water Resources
Eastern Region

Robert E. Hull

Robert E. Hull, Grantor

Roland E. Hull

Roland E. Hull, Grantee

Lila A. Hull

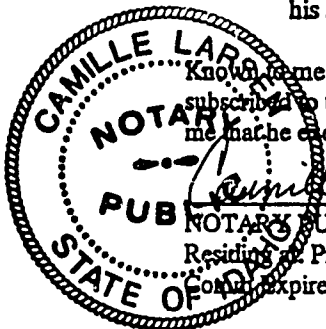
Lila A. Hull, Grantee

STATE OF IDAHO, COUNTY OF FRANKLIN

on this 14th day of July, 1997
before me, a notary public in and for said State,
personally appeared

ROBERT E. HULL, dealing with
his separate property. Roland E. Hull
Lila A. Hull

Known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.



Camille Larsen
NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho
Commission Expires 06-08-01

STATE OF IDAHO, COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record
at the request of

at _____ minutes past _____ o'clock _____ m.,

this _____ day of _____, 19 _____
In my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 13-07553

Proposed Priority: July 16, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that LILA A HULL
ROLAND E HULL
131 E CINDY AVE
INKOM ID 83245

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>
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DOMESTIC	01/01 to 12/31	0.04 CFS
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LOCATION OF POINT(S) OF DIVERSION: NWNEW , Sec. 18, Township 15S, Range 41E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

15S 41E 18

NENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Domestic use is for 1 home and domestic livestock.

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

19th day of September, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

13-07553

HULL, LILA A
HULL, ROLAND E
131 E CINDY AVE
INKOM, ID 83245

Source: SPRING

Tributary: SINKS

Diversion Pt: NWNENW Sec 18 T 15S R 41E in FRANKLIN County.

Use: STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.060 CFS)

Date Filed: 7/16/1997

In: FRANKLIN County
T15S R41E S18 NENW



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 25, 1997

ROLAND AND LILA HULL
131 E CINDY AVE
INKOM ID 83245

RE: Notice of Application for Permit No. 13-07553

Dear Applicant:

This office is currently in the process of advertising the notice of application for permit in the Preston Citizen on August 7 & 14, 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.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULY 25, 1997

Legal Notices Department
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 AUGUST 25, 1997.

Yours truly,

Rita Bodell
Secretary

Encl.

KRUSE, LANDA & MAYCOCK, L.L.C.

EIGHTH FLOOR, BANK ONE TOWER
50 WEST BROADWAY (300 SOUTH)
SALT LAKE CITY, UTAH 84101-2034
E-mail: klmaw.com

JODY L. WILLIAMS
WILLIAM N. WHITE

TELEPHONE: (801) 531-7090
TELECOPY: (801) 531-7091
(801) 359-3954

WRITER'S VOICE MAIL
(801) 531-7090 ext. 234

August 11, 1997

Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402

Attention: Ronald Carlson
Harold Jones

Re: Water Application No. 13-07553
Roland E. & Lila A. Hull

Gentlemen:

Enclosed please find PacifiCorp's protest to the above-referenced application together with the check for \$25.00 to cover the cost of filing.

Thank you.

Very truly yours,

KRUSE, LANDA & MAYCOCK, L.L.C.

Jody L. Williams /BJW
Jody L. Williams

JLW:bjw

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AUG 13 1997

Department of Water Resources
Eastern Region

KRUSE, LANDA & MAYCOCK, L.L.C.

EIGHTH FLOOR, BANK ONE TOWER
50 WEST BROADWAY (300 SOUTH)
SALT LAKE CITY, UTAH 84101-2034
E-mail: kimlaw.com

JODY L. WILLIAMS
WILLIAM N. WHITE

TELEPHONE: (801) 531-7090
TELECOPY: (801) 531-7091
(801) 359-3954

WRITER'S VOICE MAIL
(801) 531-7090 ext. 234

August 11, 1997

Roland E. & Lila A. Hull
131 E. Cindy Ave.
Inkom, ID 83245

Re: Application Permit No. 13-07553

Dear Roland E. and Lila A. Hull:

PacifiCorp protested your application to appropriate 0.06 cfs of water in Franklin County, Idaho. While it is not PacifiCorp's general practice to protest domestic applications, it does protest applications for water in excess of 0.04 cfs. I noticed that your stockwater application is only to supply 3-5 horses. Under Idaho law, a domestic application (0.04 cfs) can be used to supply stockwatering incidental to domestic use. If you are willing to withdraw your appropriation request for the 0.02 cfs and water your horses under your domestic application, PacifiCorp will withdraw its protest.

Very truly yours,

KRUSE, LANDA & MAYCOCK, L.L.C.

Jody L. Williams /bjw
Jody L. Williams

JLW:bjw

cc: Harold Jones
Carly Burton
Randall C. Budge, Esq.
Brent Rose, Esq.
Randall M. Weiner
Jim Kimball
Thomas Graf, Esq.
Cheryl C. Williss
Bear River Water Users Association

RECEIVED

AUG 13 1997

Department of Water Resources
Eastern Region

875

NL 4391

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

deposes and says: #

being duly sworn,

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

8/6, 1997, and ending
with the issue of 8/13 1997

Fee \$ 55.05

Subscribed and sworn to before me this 13 day
of August 1997.

Notary Public, Residing at Preston, Idaho

My Commission Expires 14, 2001.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07553

HULL, LILA A
HULL, ROLAND E
131 E CINDY AVE
BONOMO, ID 83245

Source: SPRING
Tributary: SINKS
Diversion Pt.: NWNENW
Sec 18 T 15S R 41E in FRANKLIN
County
Use: STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 7/16/1997
In: FRANKLIN County
T15S R41E S18 NENW

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 fil-
ing fee, Eastern Region, 900 N
Skyline, Idaho Falls, Idaho 83402
on or before AUGUST 25, 1997.

KARL J. DREHER, Director
Legal No. 4391 - Publish
August 6 and 13, 1997.

RECEIVED

SEP 02 1997

Department of Water Resources
Eastern Region

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 AUGUST 25, 1997.

KARL J. DREHER, Director

Published: 8/ 7/1997 & 8/14/1997

Roland E. & Lila A. Hull
131 East Cindy
Inkom, Idaho 83245

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

August 22, 1997

ATTN: Harold Jones

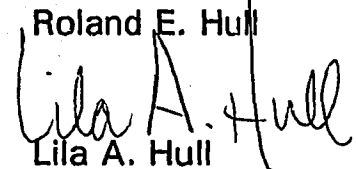
RE: Water Right Appli-
cation No. 13-07553

Dear Mr. Jones:

I am writing in response to a protest we received on our water right application, referenced above. The party protesting is PacifiCorp.

Jody Williams, the Attorney for PacifiCorp, has indicated that they will withdraw their protest if we will modify our water application to include domestic water only (0.04 cfs). At this time, we would like to withdraw our appropriation request for the stockwater permit our of (0.02 cfs) and water our horses under the domestic application of (0.04 cfs).

Sincerely,


Roland E. Hull

Lila A. Hull

RECEIVED

AUG 25 1997

Department of Water Resources
Eastern Region

Receipt # E023510

RECEIVED

AUG 13 1997

Department of Water Resources
Eastern Region

Jody L. Williams, Esq.
Kruse, Landa & Maycock
50 West Broadway, 8th Floor
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

Stephen S. Dunn, Esq.
Merrill & Merrill, Chartered
P.O. Box 991
Pocatello, Idaho 83204
Telephone: (208) 232-2286

Attorneys for PacifiCorp dba Utah Power and Light

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

In the Matter of	)	Protest of PacifiCorp,
Application for Permit	)	an Oregon Corporation, dba
No. 13-07553	)	Utah Power & Light Company,
Roland E. and Lila A. Hull	)	
Applicant	)	Protestant

1. PacifiCorp Electric Operations, an Oregon corporation doing business in Idaho as Utah Power & Light Company ("Protestant"), 1407 West North Temple, Suite 270, Salt Lake City, Utah 84140, hereby files this protest before the Department of Water Resources in the above-referenced proceeding.

Please send all correspondence and notices regarding the above referenced application to:

Jody L. Williams, Attorney for PacifiCorp
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, 8th Floor
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

2. Protestant owns water rights in the Bear River decreed in the matter of *Utah Power & Light Company v. The Last Chance Canal Company, Limited, et al*, in Equity No. 203, July 14, 1920, and *Utah Power & Light Company v. Richmond Irrigation Company, et al*, February 21, 1922, as well as other rights in the Bear River above and below Applicant's proposed point of diversion.

3. Protestant believes that use of springs in Franklin County, Idaho, such as that proposed by Applicant, will diminish the surface water and groundwater inflow contribution to the surface flow of the Bear River, to which Protestant and many other Idaho and Utah water users have prior existing water rights. Further, Applicant wishes to use 0.02 cfs of the appropriation for stockwatering of 3-5 horses, which can be watered under the 0.04 cfs domestic application.

4. Protestant has entered into many contracts with irrigators in Idaho and Utah along the Bear River, some of whom may be Protestants in this matter, for supply of supplemental storage water from Bear Lake when the natural flow of the Bear River is insufficient to satisfy existing water rights. However, during extended drought periods, high irrigation demands cause the level of Bear Lake to drop significantly, endangering Protestant's ability to continue to deliver supplemental irrigation water pursuant to its contracts.

5. Granting the application of Applicant would adversely affect Protestant's water rights by decreasing the amount of Bear River natural flow water it could use for generation at its Bear River hydroelectric plants, as well as increase the already unsustainable demand on Protestant's Bear Lake storage water pursuant to the supplemental irrigation water contracts.

6. Protestant's supplemental storage water supply from Bear Lake is fully allocated, and Protestant will not offer a new supplemental storage water contract to Applicant. Even if some water is available from time to time to satisfy Applicant's proposed uses, the supply under such a late priority would be sporadic at best, probably usable for a short time only in the spring, and not adequate to sustain Applicant's needs throughout its requested annual period of use.

7. In addition to diminishing the quantity of Bear River water available to satisfy prior existing water rights, Protestant believes that granting the above-referenced application could conflict with the local public interest in the three following areas by reducing groundwater inflow into the Bear River: First, increased reliance by existing users on supplemental irrigation water delivered from Bear Lake to make up the depletion from Bear River natural flow will stress Protestant's ability to supply the full amount of Bear Lake water already allocated to existing water users. Second, as the level of Bear Lake drops, recreation and other non-consumptive uses at the lake are adversely affected. The Idaho State Parks & Recreation boat launch has been unusable for several years; the State park receives little use due to its distance from the water; facilities built with State funds are unusable, and visitor days and the attendant revenue they produce for the State plummet. The local economy at the lake suffers. Third, traditional habitat for indigenous fish in Bear Lake may be decreased. Other wildlife species which depend on the lake may have similar problems due to habitat loss. The spread of noxious weeds and tamarisk is accelerated along the lake shore.

WHEREFORE, Protestant respectfully protests the above-referenced application and requests that it be denied. In the alternative, if Applicant will amend its application to withdraw the 0.02 cfs for stockwatering, Protestant will withdraw its protest.

DATED this 11th day of August, 1997.

PACIFICORP, dba
UTAH POWER & LIGHT COMPANY

By Jody L. Williams
Jody L. Williams, Attorney
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, 8th Floor
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

MAILING CERTIFICATE

On this 11th day of August, 1997, I mailed a true and correct copy of the foregoing Protest, postage prepaid, to:

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

Randall M. Weiner
Ecological Consultants for the
Public Interest
1942 Broadway, Suite 206
Boulder, Colorado 80302

Roland E. & Lila A. Hull
131 E. Cindy Ave.
Inkom, ID 83245

Jim Kimbal
P.O. Box 145
St. Charles, Idaho 83272

Carly Burton
PacifiCorp
1407 West North Temple, Room 199
Salt Lake City, Utah 84140

Thomas Graf, Esq.
Office of the Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

Randall C. Budge, Esq.
Racine, Olson, Nye, Cooper & Budge
Corner First & Center
P.O. Box 1391
Pocatello, Idaho 83204

Cheryl C. Williss, Chief
Division of Water Resources
P.O. Box 25486
Denver Federal Building Mail Stop 60189
Denver, Colorado 80225

Brent Rose, Esq.
Clyde, Snow & Swenson
201 South Main Suite 1000
Salt Lake City, Utah 84111

Bear River Water Users Association
c/o J. Kent Horton
587 Wasatch Blvd.
Smithfield, Utah 84335

Barbara J. Wallin

KRUSE, LANDA & MAYCOCK, L.L.C.

EIGHTH FLOOR, BANK ONE TOWER
50 WEST BROADWAY (300 SOUTH)
SALT LAKE CITY, UTAH 84101-2034
E-mail: klm@law.com

JODY L. WILLIAMS
WILLIAM N. WHITE

TELEPHONE: (801) 531-7090
TELECOPY: (801) 531-7091
(801) 359-3954

WRITER'S VOICE MAIL
(801) 531-7090 ext. 234

August 28, 1997

Idaho Dept. of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, ID 83402

Re: Water Right Application No. 13-07553

Dear Mr. Jones:

PacifiCorp is in receipt of a copy of a letter dated August 22, 1997 from Roland E. and Lila A. Hull to you amending their application to 0.04 cfs. On the basis of that amendment, PacifiCorp withdraws its protest.

Very truly yours,

KRUSE, LANDA & MAYCOCK, L.L.C.

Jody L. Williams /BJW
Jody L. Williams

JLW:bjw

RECEIVED

SEP 02 1997

Department of Water Resources
Eastern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

September 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: Application for Permit No. 13-07553 ROLAND E & LILA A HULL

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203) he following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

September 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROLAND E HULL
131 E CINDY AVE
INKOM ID 83245

RE: Application for Permit No. 13-07553

Dear Mr. Hull:

Enclosed is a copy of a protest filed against the issuance of the above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor
HWJ:rb



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 3, 1997

JODY L WILLIAMS
KRUSE LANDA & MAYCOCK LLC
EIGHTH FLOOR BANK ONE TOWER
50 WEST BROADWAY (300 SOUTH)
SALT LAKE CITY UT 84101-2034

RE: Application for Permit No. 13-07553 Roland E. Hull

Dear Protestant:

This letter acknowledges receipt of the withdrawal of protest by your Department against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb



State of Idaho
DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

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KARL J. DREHER
DIRECTOR

September 3, 1997

ROLAND E & LILA A HULL
131 E CINDY AVE
INKOM ID 83245

RE: Application for Permit No. 13-07553

Dear Applicant:

This letter is to advise you that the protest filed by Jody L. Williams on behalf of PacifiCorp against approval of the above referenced application for permit has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb



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

September 19, 1997

LILA A HULL
ROLAND E HULL
131 E CINDY AVE
INKOM ID 83245

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07553

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

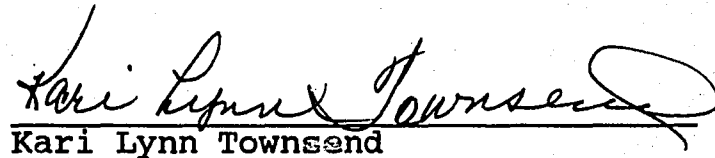
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of September, 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. 13-07553

LILA A HULL
ROLAND E HULL
131 E CINDY AVE
INKOM ID 83245


Kari Lynn Townsend
Secretary

Amt. of Fee \$: 50.00
Receipt No. 050445
Receipt By: [Signature]
Date Received: 9-14-00

RECEIVED

SEP 14 2000

Department of Water Resources

STATE OF IDAHO
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.

1. Permit No. 13-07553 Telephone No. 276 5115

2. Name of Permit Holder(s):
ROLAND E & LILA A. HULL

3. Mailing Address: Box 777

City LAVA State ID Zip 83246

4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

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

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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 _____

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: ROLAND E. HULL Telephone Number: 276 5115

Address: 5940 E. Sublette Rd. Box 777 LAVA, ID 83246

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: ROLAND E. HULL Date: 9/12/00
(include your title, if on behalf of company or organization)

LILA A HULL
ROLAND E HULL
131 E CINDY AVE
INKOM ID 83245

July 31, 2000

*resent 8/14/00 w/
new address*

PROOF DUE NOTICE

RE: PERMIT NO. 13-07553

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, 2000. (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.

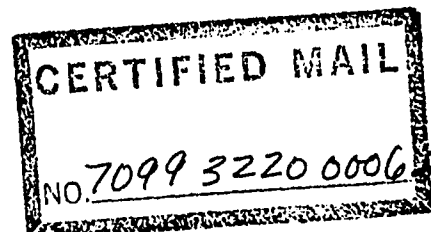
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

DEBORAH DREW-ELLIS
Administrative Assistant

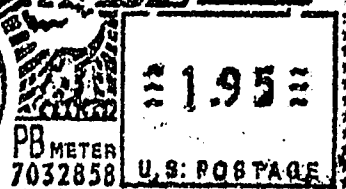
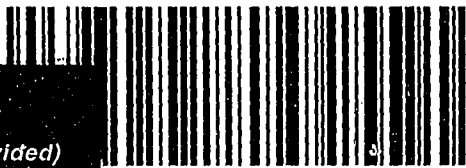
Enclosures



CERTIFIED MAIL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)



Article Sent To:

8220 0006 2688 1584

Lila Hull

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Postage & Fees	\$

8/14/00
dg
Postmark
Here

13-07553
Resent 8/14/00 -

Name (Please Print Clearly) (To be completed by mailer)

Roland E. Hull

Street, Apt. No., or PO Box No.

P.O. BOX 777

City, State, ZIP+4

Lava Hot Springs, Id. 83246

PS Form 3800, July 1999

See Reverse for Instructions

5-1710 01

HULL131 832462007 1400 05 08/03/00
RETURN TO SENDER
HULL
PO BOX 777
LAVA HOT SPRINGS ID 83246-0777
RETURN TO SENDER



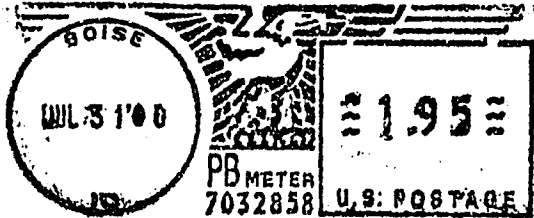
CERTIFIED MAIL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

01 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098



7099 3220 0006 2688 1584



RECEIVED

AUG - 7 2000

Department of Water Resources

13 - 07553
Resent 8/14/00 -

HULL131 832452007 1400 05 08/03/00
RETURN TO SENDER
HULL
PO BOX 777
LAVA HOT SPRINGS ID 83246-0777
RETURN TO SENDER

83245-1710 01



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postmark on the C
it the post office
it is not needed.
TANT: Save this

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:
C050445

Date:
Time: 9/14/2000
14:43:41

Received
From:

HULL ROLAND E

Type of Payment

Program A cct

Amount

PROOF OF BENEFICIAL USE #13-07553

56104

229 21 1155

50.00

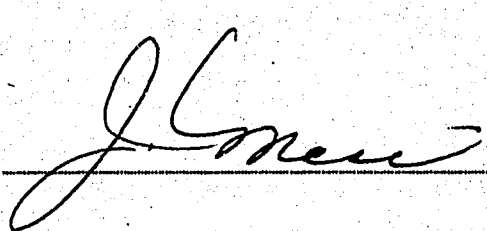
CHECK

1011

Total \$

50.00

Region: STATE

Signature: 



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

September 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROLAND E HULL
LILA A HULL
BOX 777
LAVA ID 83246

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07553

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

A handwritten signature in cursive script that reads 'Deborah J. Gibson'.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office