

RECEIVED
JUL 12 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

13-07560

\$50 fee

1. Name of Applicant Edward C. Moser Phone 208-852-2723
Mailing address 253 S. 2600 E. Preston, ID 83263
2. Source of water supply Wastewater which is a tributary of Bear River
3. Location of point of diversion is Township 15S Range 40E Sec. 29, in the NW 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 2.0 cfs for Recreation (Pond) purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 cfs for Diversion for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 cfs for Recreation * se 7/19 per com. w/ skip Jones 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) 0.20 cfs and/or (b) 2.0 cfs
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 Secondary ditch + pipe 6"
from waste ditch for Whitney-Nashville water works to pond
and return to ditch
 - 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 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. _____
 - e. Other; describe fully. Recreation pond with surface area of
16,000 sq. feet + average depth of 5 feet with overflow
back to ditch

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	40E	29					R												

Total number of acres to be irrigated 0

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? (Ditch) Edward C Moser + Glade Moser

b. Who owns the land to be irrigated or place of use? Applicant (NO IRRIGATION)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Property both at diversion site from Ditch

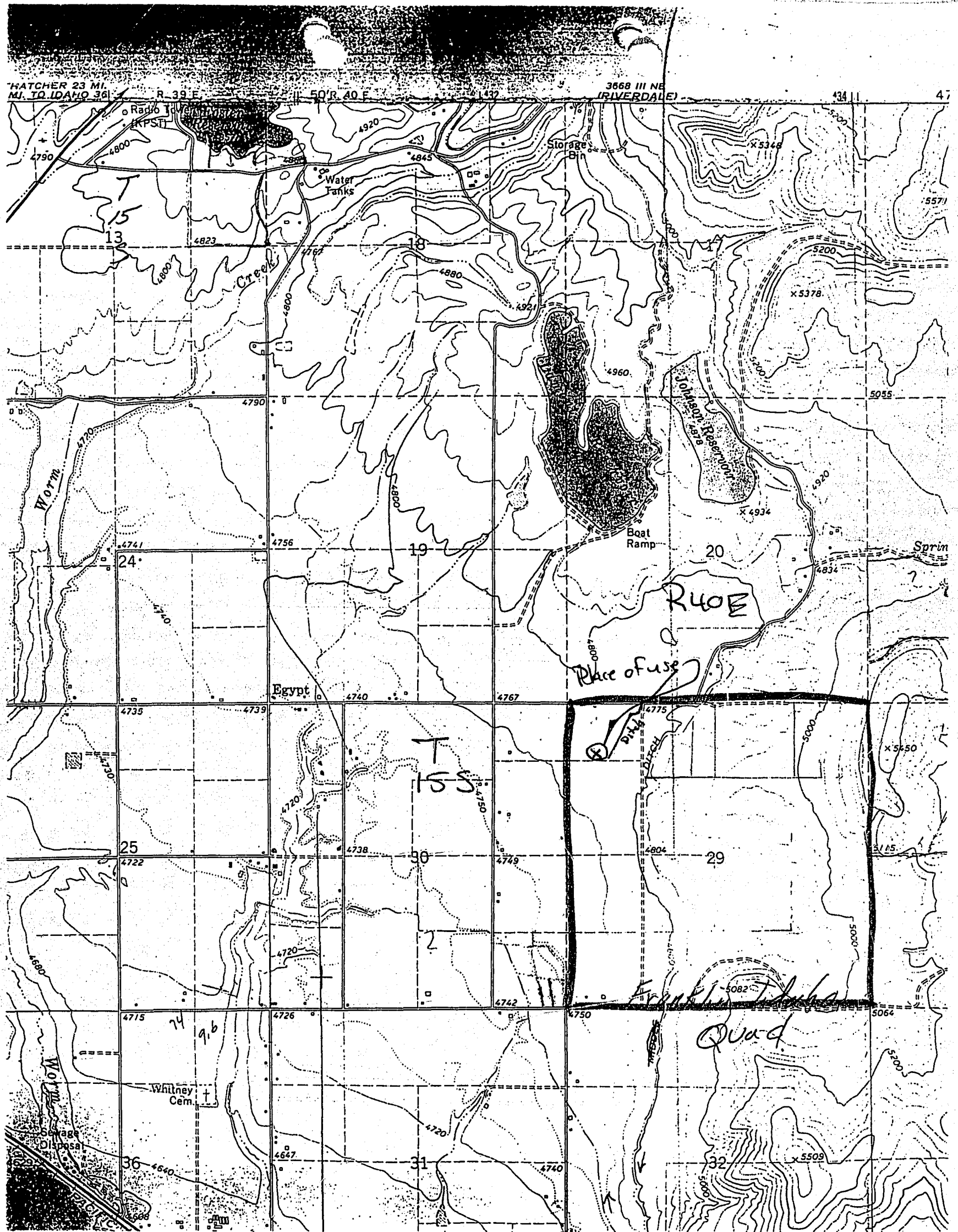
12. Remarks: + Return to Ditch or on applicants land.

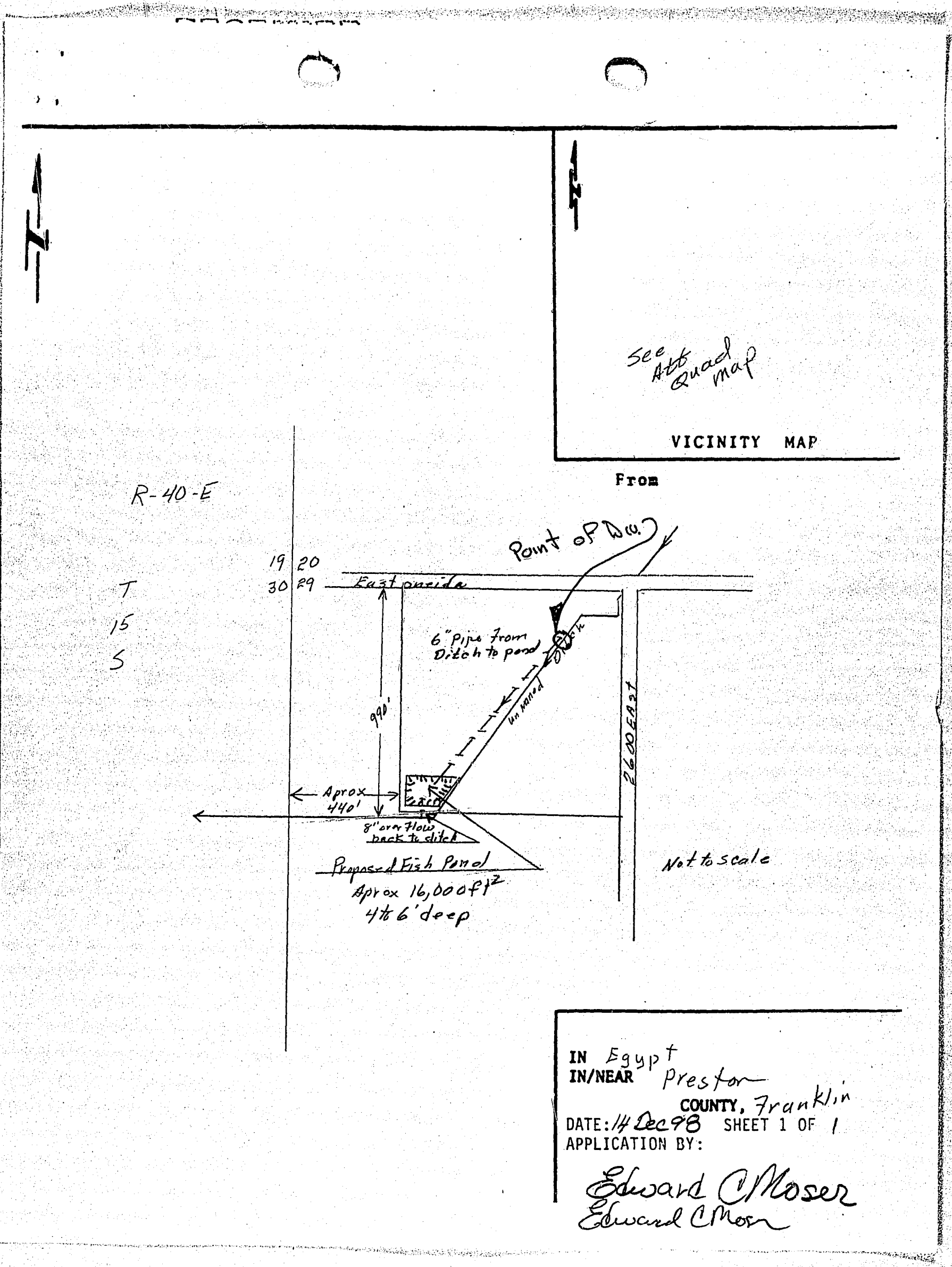
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Edward C Moser
Signature of Applicant (and title, if applicable)

Received by HWT Date 3-17-99 Time _____ Preliminary check by _____
Fee \$ 50 Receipted by HWT # E024835 Date 3-17-99
Publication prepared by SC Date 4/14/99 Published in Preston Citizen 3/31/99
Publication approved SL Date 4/30/99





State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 13-07560

Proposed Priority: March 17, 1999 Maximum Diversion Rate: 0.20 CFS

This is to certify, that EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

has applied for a permit to appropriate water from:
WASTE WATER 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>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	0.20 CFS	
RECREATION STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 29, Township 15S, Range 40E
FRANKLIN County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

15S 40E 29 NWNW

PLACE OF USE: RECREATION, same as RECREATION STORAGE use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 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. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 13A.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. Recreation storage is for a fishing pond.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07560

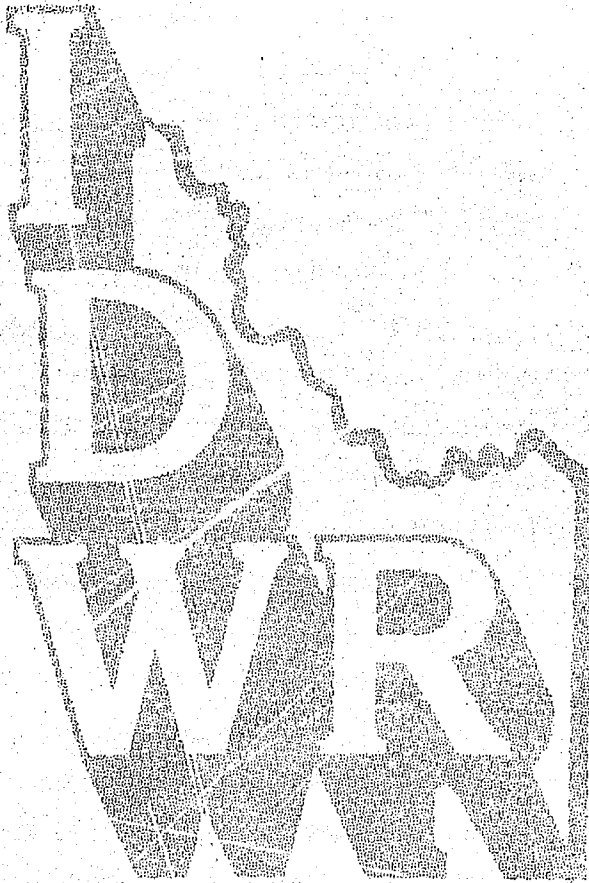
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

~~20~~ day of July, 1999.

Karl J. Dreher

Karl J. Dreher, Director

for





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

February 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWARD MOSER
253 S 2600 E
PRESTON ID 83263

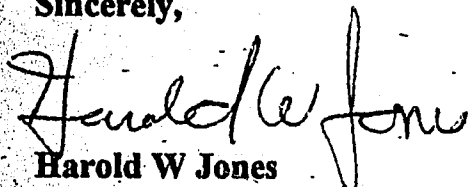
Mr. Moser:

Enclosed is your application for water right for a recreation pond of $\frac{1}{2}$ acre surface area or less. Please review it and complete the yellow highlighted areas.

Be aware that Pacificorp and others have previously protested applications for development of this type and might do so in this instance. Also, you will need permission from the owners of the waste ditch in order to insert the entrance pipe. I assume that Whitney-Nashville Waterworks is that entity.

If you decide to submit this application it requires your signature and a \$50.00 fee.

Sincerely,



Harold W Jones
Water Right Supervisor

HWJ:sc



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
LUCKY PEAK PROJECT OFFICE
HC-33 BOX 1020
BOISE, IDAHO 83706-9302
March 10, 1999

Operations Division

SUBJECT: NWW No. 992100400

Mr. Edward C. Moser
253 South 2600 East
Preston, Idaho 83263

Dear Mr. Moser:

This concerns your proposed discharge of soil fill material into an unnamed stream associated with installing a six inch inlet pipe to divert water for an off channel pond. An eight inch outfall pipe would also be installed in the stream bank and return excess water from the pond back to the stream channel. Additional work includes placing approximately 1/2 cubic yard of rock around and below the outfall pipe to prevent erosion of the stream channel. This project was the subject of your January 22, 1999 Joint Application for Permit, Idaho State No. 13-S-92. Your project is authorized under the terms and conditions of Nationwide Permit 26 (33 CFR 330, Appendix A) subject to the enclosed list of conditions.

Please carefully review these conditions. If you cannot meet these conditions or if you change the project described in your permit application, this nationwide permit verification is not valid. You should contact us for our approval before modifying your project. We have enclosed a Compliance Certification for you to sign and return when you have completed your project.

This verification is valid until Nationwide Permit 26 expires or for 2 years, whichever comes first. NWP 26 is currently scheduled to expire on September 15, 1999, as announced in the October 14, 1998, issue of the Federal Register (63 FR 55095-55099). If you do not start work before the expiration date, your project will no longer be authorized and you must resubmit an application for a Department of the Army permit. If you start or are under contract to start your project before the expiration date, you may have an additional 1 year from the expiration date to complete your project under the present terms and conditions of this nationwide permit.

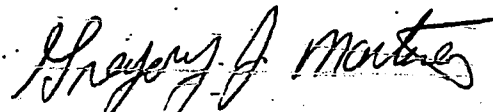
This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local

agencies. A permit may be required from the Idaho Department of Water Resources for your project. You should contact them to obtain any necessary permits prior to the start of construction.

A local floodplain management ordinance may have been adopted by your local city or county zoning office under the National Flood Insurance Program. You should contact them regarding any approvals or permits they may require for your project.

Please contact me at 208-343-0671 if you have any questions.

Sincerely,



Gregory J. Martinez
Regulatory Project Manager

Enclosures

Copies Furnished:

Eric Verner
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Mark Lowe, Regional Administrator
Idaho Department of Health and Welfare
224 South Arthur
Pocatello, Idaho 83204

Dear Mr Jones;

I have enclosed a copy of the report from the Army Operations Division, I thought it may help.

Also: The question of the waste ditch Ownership is myself and will not be near other Owners properties.

Thank You;

Ed Moser

RECEIVED

MAR 17 1999

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

March 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**KRUSE LANDA & MAYCOCK LLC
C/O JODY WILLIAMS
50 W BROADWAY 8TH FLOOR
SALT LAKE CITY UT 84101**

RE: Applications for Permit #13-07560

Dear Jody:

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 April 19, 1999, 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 Right Supervisor**

HWJ: sc

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

March 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO FISH & GAME
1345 BARTON RD
POCATELLO ID 83201

RE: Applications for Permit #13-07560

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 April 19, 1999, 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 Right Supervisor

HWJ: sc

Enc.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07560

MOSER, EDWARD C
253 S 2600 E
PRESTON, ID 83263

Source: WASTEWATER

Tributary: BEAR RIVER

Diversion Pt: NWNW Sec 29 T 15S R 40E in FRANKLIN County.

Use: RECREATION	(	2.00 AF)
DIVERSION TO STORAGE	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)
	(	2.00 AF)

Date Filed: 3/17/1999

In: FRANKLIN County
T15S R40E S29 NWNW

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before APRIL 19, 1999. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 4/ 1/1999 & 4/ 8/1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 24, 1999

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Dear Legal Dept.:

Enclosed you will find legal notices 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.

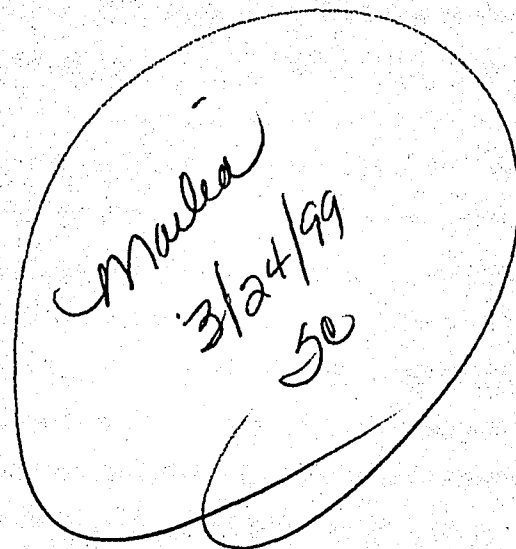
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 19, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



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



**State of Idaho
DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION

March 24, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263**

RE: Application for Permit #13-07560

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on April 1 and 8, 1999. 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
Water Right Supervisor**

HWJ::sc



IDAHO FISH & GAME

SOUTHEAST REGION
1345 Barton Road
Pocatello, Idaho 83204-1819

Mr. Harold W. Jones

Water Right Supervisor

Idaho Department of Water Resources

900 N. Skyline Dr., Suite A

Idaho Falls, Idaho 83402-1718

April 5, 1999

Philip E. Batt / Governor
Stephen P. Mealey / Director

RE: Application for Permit #13-07560

Dear Mr. Jones:

Thank you for the opportunity to review the application by Mr. Edward Moser to divert water from the Whitney-Nashville waterworks waste ditch into a small, constructed pond. Because the waste ditch does not support an existing population of fish, we have limited concerns with this project. We suggest that Mr. Moser work with the local NRCS office to ensure that the pond design does not result in an increase of sediment in the waste ditch, which would ultimately affect the Bear River. It is not clear from the proposal what kind of overflow structure is planned. We would suggest a properly designed culvert. Both the pond inlet and outlet should be screened to prevent movement of fish into the ditch and potentially into the Bear River.

Because of existing water quality, size, and depth of pond, channel catfish are the best choice for stocking. Mr. Moser will need to acquire a fish stocking permit from the Department. This requirement is to prevent the spread of disease.

Thank you for the opportunity to review the above application.

Sincerely,

Dexter R. Pitman
Southeast Regional Supervisor

DRP/HJH/hjh

cc: Richard Scully
Jerome Hansen

875

N 4785

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
3/31, 1999, and ending

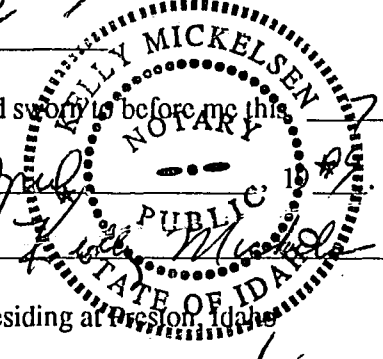
with the issue of 4-7 1999

Fee \$ 48.00

Subscribed and sworn to before me this 7 day
of April 1999

Notary Public, Residing at Preston, Idaho

My Commission Expires 8/14 1901



NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07560
MOSER, EDWARD C.
253 S 2600 E
PRESTON, ID 83263
Source: WASTEWATER
Tributary: BEAR RIVER
Diversion Pt: NWNW Sec 29 T 15S
R 40E in FRANKLIN County.
Use: RECREATION (2.00 AF)
DIVERSION TO STORAGE
(0.200 CFS)
Total Diversion: (0.020
CFS) (2.00 AF)
Date Filed: 3/17/1999
In: FRANKLIN County
T15S R40E S29 NWNW

Any protests against the pro-
posed application must be filed
with the Department of Water Re-
sources, 900 N. Skyline Dr., Ste. A,
Idaho Falls, ID 83402, together
with a protest fee of \$25.00 on or
before APRIL 19, 1999, to be con-
sidered by the Department in its
decision to grant or deny any part
of the proposed application. The
protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER, Director
Legal No. 4785 - Publish
March 31 and April 7, 1999.

RECEIVED
APR 30 1999
Department of Water Resources
Eastern Region

Receipt # E02016

Gary and Susan Oliverson
2564 East Oneida St
Preston, ID 83263

RECEIVED

APR 16 1999

Department of Water Resources
Eastern Region

April 14, 1999

State of Idaho
Department of Water Resources
Eastern District Office
900 N Skyline Dr.
Idaho Falls, ID 83402-1718

RE: #13-07560 Application For Permit

To whom it may concern:

We wish to file a protest against the above captioned Application For Permit to appropriate the public waters of the State of Idaho which was filed by Edward C. Moser and dated March 17, 1999.

According to the attached map, the proposed pond location is directly over our mainline for which we have an easement and right-of-way. Also enclosed is a copy of the deed which shows the easement and right-of-way on file at the Franklin County Courthouse at the time of purchase.

We are officially protesting the placement of the proposed pond which would trespass on our easement and right-of-way. We have no intention of moving our mainline and plan to enforce our right of easement and right-of-way if need be.

On the enclosed map we have marked in red pencil the corrected property boundaries, location of our mainline, and also the Whitney-Nashville waterworks public drinking water lines which also pass through this property and would be disturbed by construction of this pond.

Sincerely,

Gary Oliverson
Susan Oliverson

Gary and Susan Oliverson
and concerned Whitney-Nashville Water Stockholders

cc: Edward C. Moser
cc: Department of the Army, Corps of Engineers



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY AND SUSAN OLIVERSON
2564 E ONEIDA ST
PRESTON ID 83263

RE: Application for Permit No. 13-07560

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):

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
Water Rights Supervisor

HWJ: sc

cc: IDWR - State Office

Receipt # E024917

SUBJECT : PROTEST TO APPLICATION 13-07560
FILED MARCH 17, 1999
BY EDWARD C. MOSER
253 SO. 2600 EAST
PRESTON, ID 83263

SOURCE: WASTE WATER
TRIBUTARY: BEAR RIVER
DIVERSION PT: NWNW SEC 29 T 15 R 40 E
FRANKLIN COUNTY

RECEIVED

APR 19 1999

Department of Water Resources
Eastern Region

I DO NOT FEEL THIS APPLICATION SHOULD BE GRANTED FOR THE FOLLOWING REASONS.

1. THERE IS NO NEED FOR THIS WATER TO BE STORED. THERE IS NO STORAGE FACILITIES AT THIS LOCATION. IF THE APPLICANT HAS PLANS TO MAKE SUCH HE SHOULD MAKE APPLICATION WITH THE PROPER DEPARTMENTS SO THEY CAN BE STUDIED AS TO THE SAFETY AND WELFARE OF SURROUNDING PROPERTY OWNERS.

2. THE APPLICANT STATED IT WOULD BE USED FOR RECREATION. THERE ARE WITHIN A FOUR MILE RADIUS FIVE OTHER WATER FACILITIES. JOHNSON RESERVOIR, LAMONT RESERVOIR, GLENDALE RESERVOIR AND FOSTER RESERVOIR. WHAT NEED IS THERE FOR THIS ADDED WATER.

3. THE WATER WHICH HE HAS APPLIED FOR HAS BEEN RUNNING IN ITS PRESENT COURSE FOR MANY YEARS. IT IS SURPLUS WATER FROM A SYSTEM WHICH VARIES DURING THE YEAR. IT SERVES THE NEEDS OF THE PEOPLE IN THIS PART OF OF OUR COMMUNITY. IF THE NEEDS INCREASE, THE WATER NEEDED WILL INCREASE. IT IS OUR DESIRE THAT THIS WATER SHOULD BE KEPT WITH NO PERSONAL CLAIM ON IT. THE WHITNEY-NASHVILLE WATER DISTRICT SHOULD HAVE AND KEEP ALL SUCH WATER RIGHTS FOR THE PURPOSE OF SERVING THE PEOPLES NEEDS.

4. THE WATER TABLE AROUND THIS AREA IS VERY HIGH. IN SPRING AND AND DURING WINTER THAW THE WATER STANDS ON THE SURFACE. WE ALREADY HAVE A HEAVY MOSQUITO INFESTATION AND OTHER INSECT PROBLEMS. WE FEEL THAT DURING THE TIME WHEN WATER FLOW IS LOW THE FACILITY APPLIED FOR WOULD BECOME STAGNANT. IT WOULD INCREASE THIS PROBLEM AND BE A HEALTH HAZARD TO THE COMMUNITY.

AS A PROPERTY OWNER, I OBJECT TO THIS APPLICATION.

SINCERELY

Robert J. Oliver (Robt Oliver)
137 So. 2600 East.
Preston, Idaho 83263



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 3, 1999

*** DIRK KEMPTHORNE**
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT J OLIVERSON
137 S 2200 E
PRESTON ID 83263

RE: Application for Permit No. 13-07560

Dear Protestant:

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

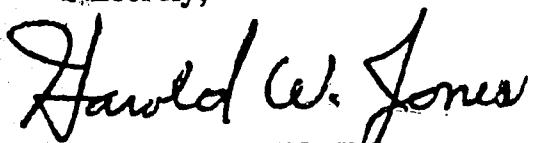
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

HAROLD W. JONES
Water Rights Supervisor

HWJ: sc

cc: IDWR - State Office



**State of Idaho
DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION

May 3, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263**

RE: Applications for Permit No. 13-07560

Dear Applicant:

Enclosed are copies of a protest filed against the issuance of the above referenced applications. 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 protests. 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?

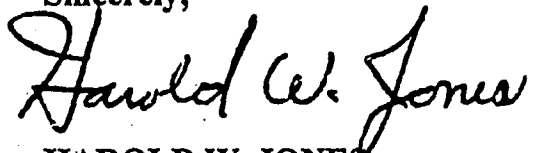
~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

Page 2

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
Water Rights Supervisor

Enclosure

HWJ:sc

cc: IDWR - State Office

Gary and Susan Oliverson
2564 E. Oneida
Preston, Idaho 83263

RECEIVED

JUN 04 1999

June 2, 1999

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

RE: #13-07560 Application For Permit

To whom it may concern,

We wish to withdraw our protest against the above captioned Application For Permit contingent on the conditions specified below:

1. Location of Proposed pond will be moved so as not to be on the right of way or easement and will not infringe on our water pipe usage or maintenance.
2. No sewage human or otherwise will be discharged into the proposed pond.

We had a conversation with Edward Moser on May 12, 1999 and He agreed to these conditions.

Thank you,

Gary L. Oliverson
Susan Oliverson

Gary and Susan Oliverson

See
Att
Quadr
map

VICINITY MAP

FROM

R-40-E

T
15
S

19 20
30 29

East side
Oliverdon

Point of Div.

6 Pipe from
Ditch to pond

mainline

990'

Aprox
440'

8" or flow
back to ditch

Proposed Fish Pond
Aprox 16,000 ft²
4 to 6' deep

Whitney
Reservoir
6" 10" Steel

Not to scale

IN Egypt
IN/NEAR Preston
COUNTY, Franklin
DATE: 14 Dec 98 SHEET 1 OF 1
APPLICATION BY:
Edmund A. Mann

7413
N1/4 ARB 2.5

191191 1-2

PERSONAL REPRESENTATIVE DEED

THIS DEED, made by David A. Fryar, as Personal Representative of the Estate of Nadine Oliverson Fryar, Deceased, Grantor, to Edward C. Moser and Connie Moser, husband and wife, and E. Glade Moser and Peggy K. Moser, husband and wife, Grantee, whose address is 253 South 2600 East, Preston, Idaho 83263.

WHEREAS, Grantor is the qualified Personal Representative of the Estate filed as Probate Case No. SP-94-58, Franklin County, Idaho.

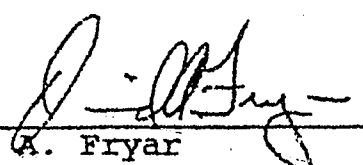
THEREFORE for valuable consideration received, Grantor sells and conveys to Grantee the following described real property located in Franklin County, Idaho:

Beginning at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 29, Township 15 South, Range 40, East of the Boise Meridian, and running thence South 60 rods; thence West 53 rods; thence North 60 rods; thence East 53 rods to the place of beginning.

EXCEPT: Commencing at a point 53 rods West of the Northeast corner of the NW1/4NW1/4 of said Section 29, and running thence South 208 feet; thence East 208 feet; thence North 208 feet; thence West 208 feet, to the place of beginning,

SUBJECT TO: An easement for operation of an existing underground irrigation mainline which runs through the above-described property, on the west side thereof, approximately 30 feet to the east of the west boundary. ALSO, SUBJECT TO a right-of-way for ingress and egress for maintenance, repair, and replacement of said mainline, extending the length of the mainline, and extending 10 feet on each side thereof; provided however, the owner of the right-of-way shall be subject to money damages or reparation for any damage caused by use of the right-of-way for such purposes.

EXECUTED this 3rd day of June, 1994.


David A. Fryar
Personal Representative of the
Estate of Nadine Oliverson Fryar
Deceased

NWNW 29 + 15 S



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 8, 1999

EDWARD C MOSER
253 S 2600 E
PRESTON ID 832263

RE: Withdrawal of protest on Application of Permit No. 13-07560

Dear Sir:

This Department has received a withdrawal of protest from Gary and Susan Oliverson.

Our office will continue to hold your application due to other protests.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ/sc



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 8, 1999

GARY AND SUSAN OLIVERSON
2564 E ONEIDA
PRESTON ID 83263

RE: Withdrawal of protest on Application for Permit No. 13-07560

Dear Protestants:

This Department has received your withdrawal of protest against the application of Edward C Moser.

If you have any questions, please call our office.

Sincerely,

Harold W. Jones
Harold W Jones
Water Rights Supervisor

HWJ/sc

SUBJECT: APPLICATION 13-07560
FILED MARCH 17, 1999
BY EDWARD C. MOSER
253 SO. 2600 EAST
PRESTON, IDAHO 83263

DEAR SIR:

AFTER HAVING WRITTEN A PROTEST TO APPLICATION
13-07560, I HAVE HAD THE OPPORTUNITY TO DISCUS THIS
SUBJECT WITH EDWARD MOSER. I FEEL AT THIS TIME I WOULD
LIKE TO WITHDRAW MY PROTEST.

SINCERELY,



ROBERT J. OLIVERSON
4492 WEST 4865 SOUTH
KEARNS, UTAH 84118

RECEIVED

JUN 24 1999

Department of Water Resources
Eastern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT J OLIVERSON
4492 W 4865 S
KEARNS UT 84118

RE: Withdrawal of protest on Application No. 13-07560

Dear Protestants:

This Department has received your withdrawal of protest against the application of Edward C Moser.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ/sc



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1999

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

RE: Withdrawal of protest on Application of Permit No. 13-07560

Dear Sir:

This Department has received a withdrawal of protest from Robert J Oliverson.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ/sc

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

July 21, 1999

DIRK KEMPTHORNE
GOVERNOR

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07560

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.

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

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

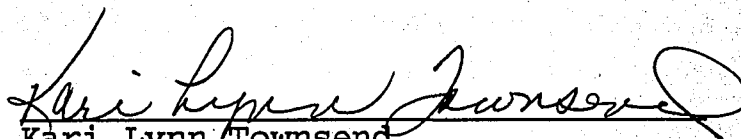
SK:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of July, 1999, 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. 13-07560

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263


Kari Lynn Townsend
Secretary

Form No. 204
12/99
FILING FEE \$50.00

For Office Use Only
\$50 Fee Received by 50.00
Date 6-28-00
Receipt No. C049626

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECEIVED REQUEST FOR EXTENSION OF TIME RECEIVED
JUN 7 - 2000 TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF JUN 28 2000
BENEFICIAL USE FOR A WATER RIGHT PERMIT
Department of Water Resources Department of Water Resources

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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 13 - 07560
Name(s) of Permit Holder: Edward C Moser
Address: 253 S. 2600 E City Preston State ID Zip 83263
Telephone No. 208-852-2723 Date Proof is Due: 1 July 2000

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".)

NONE
Costing \$ _____

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

I never received Permit early enough in the Fall
of 1999 to begin and finish work before winter. Therefore
I have elected to do work in the early Fall of 2000.

Permit holder(s) request an extension to 1 Dec, 2000.

Edward C Moser
(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 December 1, 2000.

Signed this 11th day of July, 2000

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

April 30, 2000

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

PROOF DUE NOTICE

RE: PERMIT NO. 13-07560

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, 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.

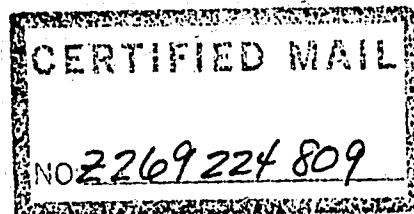
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



Form No. 204
12/99
FILING FEE \$50.00

For Office Use Only
\$50 Fee Received by _____
Date _____
Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECEIVED REQUEST FOR EXTENSION OF TIME
JUN 7 - 2000 TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 13 - 07560
Name(s) of Permit Holder: Edward C Moser
Address: 253 S. 2600 E City Preston State ID Zip 83263
Telephone No. 208-852-2723 Date Proof is Due: 1 July 2000

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".)

NONE

Costing \$ _____

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

I Never received Permit early enough in the Fall
of 1999 to begin and finish work before winter. Therefore
I have elected to do work in the early Fall of 2000.

Permit holder(s) request an extension to 1 Dec, 2000

Edward C Moser
(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

Signed this _____ day of _____, 20 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.



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

June 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

RE: Permit No. 13-07560

Dear Permit Holder:

Enclosed is a copy of the Request for Extension of Time you submitted to the department in connection with the above referenced water right. In order for the department to take action on the extension request, it must be accompanied by a \$50.00 filing fee.

Please return the copy of the extension request along with the \$50.00 filing fee within **ten (10) days** of receipt of this letter, and address your correspondence to my attention.

Please contact me directly at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:
0049626

Date:
Time: 6/28/2000
12:31:28

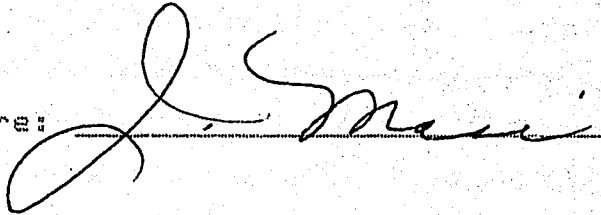
Received
From: MOSER ED CONSTRUCTION

Type of Payment	Program A cct	Amount
EXTENSION OF TIME_#13-07560	56103 229 21 1155	50.00

Total \$ 50.00

CHECK 557

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

July 11, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

RE: Permit No. 13-07560

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **December 1, 2000**. The department has granted this extension based on governmental agency delay. It is important that you work diligently toward the completion of the development during the construction period allowed since the department may not be able to grant additional extensions in connection with this permit.

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. 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.

Please contact me directly at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

September 30, 2000

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

PROOF DUE NOTICE

RE: PERMIT NO. 13-07560

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 December 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.

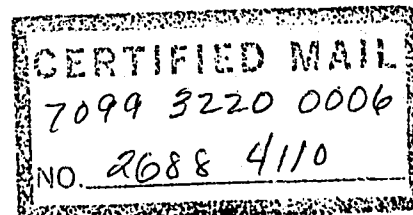
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Enclosures



December 5, 2000

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

LAPSE NOTICE

RE: PERMIT NO. 13-07560

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 September 30, 2000. 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 12/5/00
a copy/~~an original~~ of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

D. Gibson

FOR OFFICE USE ONLY
Amt. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **RECEIVED**

PROOF OF BENEFICIAL USE

JAN - 8 2001

Department of Water Resources

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. 13-07560 Telephone No. 1-208-852-2723

2. Name of Permit Holder(s): Edward C Moser

3. Mailing Address: 253 S. 2600 E.
City Preston State ID. Zip 83263

4. Source of Water: Worm Creek Tributary 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): — Stockwater (No. and type of stock): _____

Irrigation (No. of acres): — Other: Pond in + out only

6. Total rate of diversion and/or volume for which proof is submitted: _____ 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: \$ _____ (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: Ed Moser Telephone Number: 208-852-2723

Address: 253 S. 2600 E. Preston, IDAHO 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 water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Edward Moser Date: 29 NOV 00
(include your title, if on behalf of company or organization)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2001

EDWARD C MOSER
253 S 2600 E
PRESTON ID 83263

RE: PERMIT NO. 13-07560

Dear Permit Holder:

Enclosed is a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. Before the department can accept your proof, it must be accompanied by the appropriate license examination fee. Additionally, your Proof of Beneficial Use was received after the December 1, 2000, deadline. Therefore, since this permit has lapsed it is important that you return the enclosed copy of the proof form along with the \$50.00 license examination fee immediately to the nearest office of IDWR. Please ask the person assisting you to receipt the fee and forward the documents to my attention.

If you have any questions regarding this matter, please contact either the Eastern Region in Idaho Falls at (208)525-7161 or me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR- Region

I certify that file No. 13-07560

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.

Kari Kuper J.
Reviewer

3.14.01
Date