

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

JUL 16 2001

Department of Water Resources

1. Name: JAY WILDE
7188 E BIRCH CREEK RD
PRESTON ID 83263
(208)852-0574

2. Source: SPRING Tributary to: BIRCH CREEK

3. Location of Point of Diversion:

#1 SPRING

SW1/4NE1/4NW1/4

Sec. 8, Twp 14S, Rge 41E, B.M.

FRANKLIN County

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION	ANNUAL VOLUME
STOCKWATER	01/01	to 12/31	0.04 CFS	

5. Total quantity to be appropriated is:

0.04 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: 3/4 HP PUMP WITH PRESSURE TANK & SWITCH TO 1" POLY PIPE

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 85F being sought?

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

8.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: STOCKWATER

TwP Rge Sec	NE				NW				SW				SE				Totals
14S 41E 8	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X												

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? []

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

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. E026559 + E026753

Date: _____

Received by: _____

FORM 202
2/89
RECEIVED
MAY 14 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

13-7588
Ident. No. 13-7587
#68965

RECEIVED
MAR 19 2001

Department of Water Resources
Eastern Region

1. Name of Applicant JAY WILDE Phone 852-0574
Mailing address 7188 E. Birch CRd, Preston, Id 83263
2. Source of water supply Spring 145 which is a tributary of Birch Creek
3. Location of point of diversion is Township 41S Range 41E Sec. 8 in the SW 1/4 NE 1/4 NW 1/4, Govt. Lot _____, B.M., Franklin County;
additional points of diversion if any: _____

GPS
42° 13' 29" N
111° 41' 43" W

4. Water will be used for the following purposes:
Amount .04 CFS for Stock water 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)
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) .04 CFS and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source 3/4 HP Electric Pump, pressure Tank & switch, 1" poly pipe
b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet
c. Proposed well diameter is NA inches; proposed depth of well is NA feet
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. 400 hd Stock Cows and Calves
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

3. 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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45	41E	8					5	8											
45																			

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? JAY WILDE
b. Who owns the land to be irrigated or place of use? H 11
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

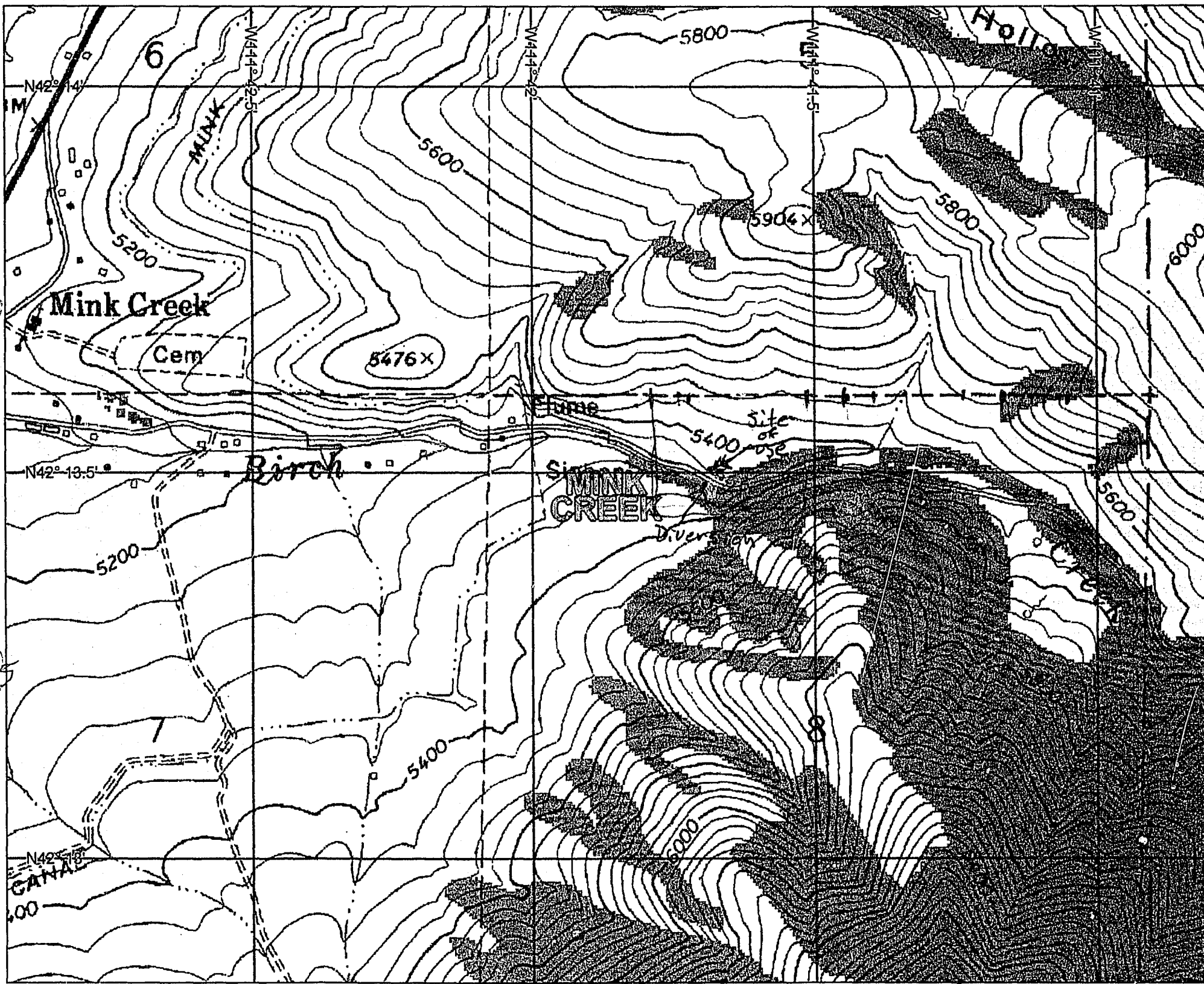
12. Remarks: _____

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.

Jay Wilde
Signature of Applicant (and title, if applicable)

Received by HWT Date 3-19-01 Time _____ Preliminary check by HWT
Fee \$ 100.00 Receipt by HWT # E026753-50 Date 3-20-01
Publication prepared by SC Date 4-5-01 Published in Fresno Citizen
Publication approved SC Date 5-2-01



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 13-07588

Priority: 03/20/2001

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JAY WILDE
7188 E BIRCH CREEK RD
PRESTON ID 83263

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: BIRCH CREEK

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>
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, Twp 14S, Rge 41E, B.M. FRANKLIN County

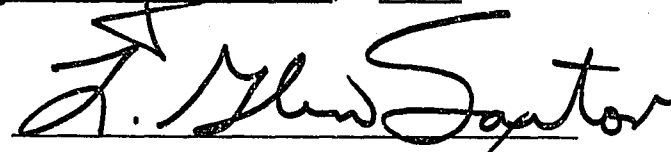
PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	41E	8					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2003**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 13N.
5. 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.
6. Stockwater use is for 400 cows and calves.

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 July, 2001.


for KARL J DREHER, Director

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

13-7588

JAY WILDE
7188 E BIRCH CREEK RD
PRESTON ID 83263

Point(s) of Diversion SWNENW S8 T11S R41E, FRANKLIN County
Source SPRING

Use: STOCKWATER 01/01 To 12/31 0.04 CFS 1 AFA

Total Diversion: 0.04 CFS

Date Filed: 03/20/2001

Place Of Use: STOCKWATER

T11S R41E S8 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 23, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 5 and 12, 2001



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 28, 2001

Legal Notice Department
PRESTON CITIZEN
PO BOX 472
PRESTON ID 83263

RE: Application for Permit No. 13-7588

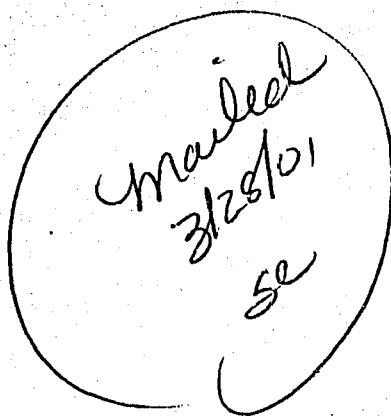
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before April 23, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant





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 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Jay Wilde
7188 E Birch Creek Rd
Preston ID 83263

RE: Applications for Permit #13-07588

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on April 5 and 12, 2001. 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,

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

Harold W. Jones
Water Right 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

March 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Jody L Williams
Kruse Landa & Maycock LLC
50 W Broadway 8th Floor
Salt Lake City UT 84101

RE: Application for Permit #13-07588

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 23, 2001, 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 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Bob Erickson
WATERMASTER #13-N
5598 E Hwy 36
Preston ID 83263

RE: Application for Permit #13-07588

Dear Bob:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by April 23, 2001.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

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 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Randall C Budge
Racine Olson Nye Cooper & Budge
PO Box 1391
Pocatello ID 83204-1391

RE: Application for Permit #13-07588

Dear Randy:

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 23, 2001, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

No 5157

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 02 2001

Department of Water Resources
Eastern Region

STATE OF IDAHO,

County of Franklin

ss.

Rod Boorn

being duly sworn,

deposes and says:

That he is the Editor 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

Apr. 4, 2001, and ending

the issue of Apr. 11, 2001

Rod Boorn

Fee \$ 81.00

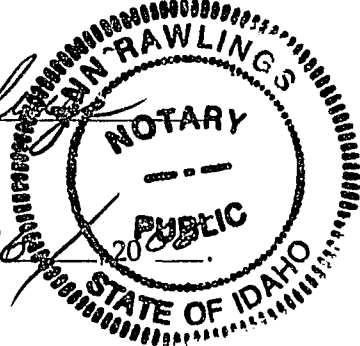
Subscribed and sworn to before me this 30th day

of April, 2001.

Ann Rawlings

Notary Public, Residing at Preston, Idaho

My Commission Expires 10/20/2002



NOTICE OF APPLICATION FOR WATER RIGHT

The Following applica-
tion(s) have been filed to appro-

priate the public waters of the
State of Idaho:

13-7588
JAY WILDE
7188 E BIRCH CREEK RD
PRESTON, ID 83263

Point(s) of Diversion SWNENW
S8 T11S R41E, FRANKLIN
County
Source SPRING

Use: STOCKWATER 01/01 To
12/31 0.04 CFS 1 AFA
Total Diversion: 0.04 CFS

Date Filed: 03/20/2001
Place Of Use: STOCKWATER
T11S R41E S8 NENW

Permits will be subject to all
prior water rights. Protests may
be submitted based on the crite-
ria of Sec. 42-203A, Idaho Code.
Any protest against the ap-
proval of this application must
be filed with the Director, Dept.
of Water Resource, Eastern Re-
gion, 900 N Skyline Dr Ste A,
Idaho Falls ID 83402 together
with a protest fee of \$25.00 for
each application on or before
April 23, 2001. The protestant
must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director

Legal No. 5157 - Publish
April 4 and 11, 2001.

MEMORANDUM

DATE: May 23, 2001

TO: Skip Jones

FROM: Shelley W. Keen *SWK*

RE: Application 13-7588 (Jay Wilde)

This application is the one you and I discussed yesterday. Today I confirmed with Mr. Wilde that the place of use and point of diversion are in T14S, not in T11S. Glen thinks we should get the permit amended and re-advertise it. See Glen's note in the file. I asked Mr. Wilde to send you a note explaining that he is comfortable with the change to his application. I think that approach will conform to the direction in Application Processing Memo No. 9 without requiring him to drive to Idaho Falls to initial the change. I also told Mr. Wilde he'll have to submit a re-advertisement fee of \$50.00 as required in Water Appropriation Rule 35.04.e and in §42-221F, *Idaho Code*.

23 May 01

Mr. Jones,

Shelly Keen called me and informed me that I had made a mistake on my application for Water Right (#13-07588). I listed the wrong township number in the description. I put down R41E T11S and it should be R41E T14S. He indicated that it would probably need to be re-advertised. He is sending the application back to you and told me to send you this letter stating the correct township. Also enclosed is a check for \$50 for the re-advertisement.

If you need to get in touch with me, I can be reached at 852-0574

Thank you,

Jay Wilde

7188 E Birch CK Rd
Preston, Id 83263

RECEIVED

MAY 29 2001

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 30, 2001

Legal Notice Department
PRESTON CITIZEN
PO BOX 472
PRESTON ID 83263

RE: Application for Permit No. 13-7588

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before June 25, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

mailed
5/30/01
SC

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
13-7588

JAY WILDE
7188 E BIRCH CREEK RD
PRESTON ID 83263

Point(s) of Diversion: SWNENW S8 T14S R41E, FRANKLIN County

Source SPRING Tributary To BIRCH CREEK

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 03/20/2001

Place Of Use: STOCKWATER

T14S R41E S8 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 25, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 6 and 13, 2001



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 30, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAY WILDE
7188 E BIRCH CREEK RD
PRESTON ID 83263

RE: Application for Permit No 13-7588

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Preston Citizen on June 6 and 13. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones

Harold W Jones
Water Right Supervisor

HWJ:sc

No 5194 RECEIVED
AFFIDAVIT OF PUBLICATION JUL 02 2001

Department of Water Resources
Eastern Region

STATE OF IDAHO, }
County of Franklin } ss.

Rodney Boam

being duly sworn,

deposes and says:

That he is the Editor 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

June 6, 2001, and ending
with the issue of June 13, 2001

R Boam

Fee \$ 84.13

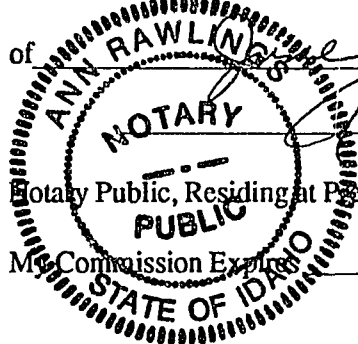
Subscribed and sworn to before me this 25th day

of ANN RAWLINGS, 2001.

Ann Rawlings

Notary Public, Residing at Preston, Idaho

My Commission Expires 10/26/2006



NOTICE OF APPLICATION
FOR WATER RIGHT

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

13-7588

JAY WILDE
7188 E BIRCH CREEK RD
PRESTON, ID 83263

Point(s) of Diversion:
SWNENW S8 T14S R41E,
FRANKLIN County.

Source SPRING Tributary To
BIRCH CREEK

Use: STOCKWATER 01/01 TO
12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 05/20/2001
Place Of Use: STOCKWATER
T14S R41E S8 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 25, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal No. 5194 - Publish
June 6 and 13, 2001.

Department of Water Resources

JUL 16 2001

RECEIVED

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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, 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

July 20, 2001

JAY WILDE
7188 E BIRCH CREEK RD
PRESTON ID 83263

RE: Permit No. 13-7588

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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.

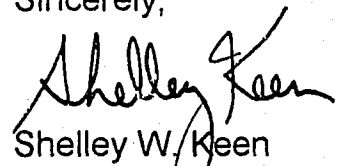
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department 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 a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

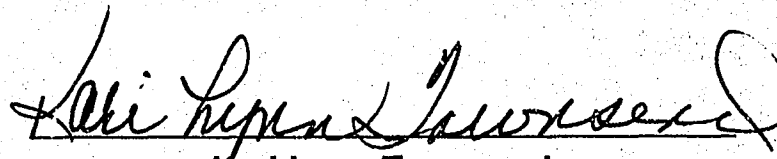
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on July 20, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 13-7588

**JAY WILDE
7188 E BIRCH CREEK RD
PRESTON ID 83263**



**Kari Lynn Townsend
Secretary**

Form No. 21/
6/00

RECEIVED

DEC - 6 2001

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. FE027307
Receipt By: KW
Date Received: 11/30/2001

Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 20 2001

Department of Water Resources
Eastern Region

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. 13-07588 Telephone No. 852-0574
2. Name of Permit Holder(s): Jay Wilde
3. Mailing Address: 7188 E. Birch CK Rd
City Preston State Id Zip 83263
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): _____ Stockwater (No. and type of stock): 400 Hd Cattle
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes X or No _____
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Jay Wilde Telephone Number: 852-0574
Address: 7188 E. Birch CK Rd, Preston, Id 83263
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Jay Wilde Date: 19 Nov 01
(include your title, if on behalf of company or organization)

WINTER ADDRESS/PHONE#
P.O. Box 351
Glenns Ferry, Id 83623
(208) 366-2904



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

December 21, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAY WILDE
7188 E BIRCH CREEK RD
PRESTON ID 83263

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07588

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 contact you to schedule 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 these water rights 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, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)