State of Idaho
Department of Water Resources

Water Right License

Water Right No. 13-8114

Priority: January 26, 2023

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 1.8 AF

It is hereby certified that:

KYLE BENNETT AND
TAMRA BENNETT
1717 E 3200 N
PRESTON ID 83263-5259

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 26, 2023, and has submitted Proof of Beneficial Use on May 31, 2023. An examination confirms water is diverted from:

Source : UNNAMED STREAM **Tributary:** SINKS
Source : SPRING **Tributary:** SINKS

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	01/01 to 12/31	0.06 CFS	1.8 AF

Location of Point(s) of Diversion
UNNAMED STREAM L4 (SW¼ SW¼), Sec. 31, Twp 14S, Rge 40E, B.M. FRANKLIN County
SPRING L4 (NE¼ NW¼ NW¼), Sec. 6, Twp 15S, Rge 40E, B.M. FRANKLIN County
UNNAMED STREAM L4 (NW¼ NW¼), Sec. 6, Twp 15S, Rge 40E, B.M. FRANKLIN County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
14S	40E	31											X L4					

Conditions of Approval

1. Domestic use is for 1 home.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 31st day of August, 2023.

JAMES CEFALO
Eastern Regional Manager

SCANNED
AUG 31 2023

State of Idaho
Department of Water Resources

Water Right

13-8114



0 0.025 0.05 0.1 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
AUG 31 2023

RECEIVED

AUG 30 2023

Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 13-8114

Priority: January 26, 2023

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 1.8 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 13-8114

KYLE BENNETT 1717 E 3200 N PRESTON ID 83263-5259 AND
TAMRA BENNETT 1717 E 3200 N PRESTON ID 83263-5259

requests the permit be changed as follows:

Source : UNNAMED STREAM **Tributary:** SINKS
Source : SPRING **Tributary:** SINKS

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	01/01 to 12/31	0.06 CFS	1.8 AF

Location of Point(s) of Diversion
UNNAMED STREAM L4 (SW¼ SW¼), Sec. 31, Twp 14S, Rge 40E, B.M. FRANKLIN County
SPRING L4 (NE¼ NW¼ NW¼), Sec. 6, Twp 15S, Rge 40E, B.M. FRANKLIN County
UNNAMED STREAM L4 (NW¼ NW¼), Sec. 6, Twp 15S, Rge 40E, B.M. FRANKLIN County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	40E	31											X L4						

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 30 day of August, 2023

Kyle Bennett
(Signature)

SCANNED
AUG 31 2023

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 13-8114

FOR DEPARTMENT USE ONLY

Preliminary check by ____ Fee = $100 Receipted by MP. # E049461 Date 8-30-23

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 13-8114 with the following:

Conditions of Approval

1. Domestic use is for 1 home.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 30th day of August, 2023.

JAMES CEFALO
Eastern Regional Manager

SCANNED
AUG 31 2023

RECEIVED
JUN 5 2023
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 31 2023
Department of Water Resources
Eastern Region

Form 42-217 Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	50.-
Receipt No.	E049237
Receipted By	JB
Date Receipted	5/31/23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 13-8114 Name of Permit Holder(s) Kyle and Tamra Bennett

Telephone No. 208-521-8963 Email kyle@eaglecapinsurance.com

Mailing Address 1717 E 3200 N City Preston State Id Zip 83263

2. Source of Water Spring/Unnamed stream If Ground Water (well), Date Drilled mo. _____ / yr. _____

Drilling Permit/Tag No. _____ Drilling Company's Name _____

3. Extent of use(s) completed **as authorized by the water right permit:**

Domestic (No. households) One Irrigation (No. acres) .5 Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted .06CFS cfs OR _____ af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Water from unnamed stream flows into pond then out to sink. Pond is used to water .5 acres of yard.

Water for Domestic use is collected from spring and delivered to house by PV pipe.

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☐	Ground water level data, pumping information, or other diversion data
☐	☐	☐	Mitigation plan
☐	☐	☐	Lockable controlling works
☐	☐	☐	Measuring device
☐	☐	☐	Fish screen
☐	☐	☐	Other requirements of the water right permit _____
	☐	☐	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $ 50 or ☐ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Kyle Bennett Telephone No. 208-521-8963 Email kyle@eaglecapinsurance.com

Mailing Address 1717 E 3200 N City Preston State Idaho Zip 83263

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 and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Kyle Bennett — Kyle Bennett — 5-31-2023

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder.

SCANNED
JUN 16 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 13-8114

Priority: January 26, 2023 **Maximum Diversion Rate:** 0.06 CFS

This is to certify that

KYLE BENNETT AND
TAMRA BENNETT
1717 E 3200 N
PRESTON ID 83263-5259

has applied for a permit to appropriate water from:

Source :	SPRING	**Tributary:**	SINKS
Source :	UNNAMED STREAM	**Tributary:**	SINKS

and a permit is APPROVED for development of water as follows:

Beneficial Use	**Period of Use**	**Rate of Diversion**
DOMESTIC	01/01 to 12/31	0.06 CFS

Location of Point(s) of Diversion

UNNAMED STREAM L4 (SW¼ SW¼), Sec. 31, Twp 14S, Rge 40E, B.M. FRANKLIN County
SPRING L4 (NE¼ NW¼ NW¼), Sec. 6, Twp 15S, Rge 40E, B.M. FRANKLIN County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
14S	40E	31											X L4					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2024.**
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The quantity of water under this right shall not exceed 13,000 gallons per day.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 14th day of March, 2023.

JAMES CEFALO
Eastern Regional Manager

SCANNED
MAR 15 2023

Print Single Sided Only

RECEIVED
FEB 01 2023
Department of Water Resources
Eastern Region

FORM 202 Rev. 09/16

Ident. No. _____

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Kyle and Tamra Bennett Phone 208-521-8963

Name connector (check one): ■ and ■ or ■ and/or

Mailing address 1717 E 3200 N City Preston

State Idaho ZIP 83263 Email kyle@eaglecapinsurance.com

2. Name of representative, if any _____ Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.

b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply Spring/Unnamed Stream which is a tributary of Sinks

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
15S	40E	6	4	NE	NW	NW	Franklin	Spring	
14S	40E	31	4		SW	SW	Franklin	Unnamed Stream	

5. Water will be used for the following purposes:

Amount .06 cfs (cfs or acre-feet per year) for Domestic purposes from 1/1 to 12/31 (both dates inclusive)

Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)

6. Total quantity to be appropriated is (a) .06 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. The spring is capped and delivers water to a 6' x 6' concrete tank; then piped to home. Unnamed stream flows down the canyon and into the pond.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

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? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee $ 100.00 Receipted by _____ Receipt No. E048873 Date 1-26-23

SCANNED
FEB 08 2023

13-8114

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; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households One home and yard.
   e. Other; describe fully. _____

9. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	40E	31											D						

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NA

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

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. I'm not sure how old the spring and holding tank are, but they have been attached to the house at 1717 E 3200 N, Preston, Idaho since 1982 for culinary water. The unnamed stream has been captured in the pond and use over the same time period for watering the domestic yard at 1717 E 3200 N. Excess pond water sinks before leaving said property.

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

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Kyle Bennett
Signature of Applicant

Kyle Bennett
Print Name (and title, if applicable)

Tamra Bennett
Signature of Applicant

Tamra Bennett
Print Name (and title, if applicable)

13-8114

SCANNED
FEB 08 2023

RECEIVED
JAN 19 2023

FORM 202 Rev. 09/16

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 13-8114

1. Name of applicant(s) Kyle and Tamra Bennett Phone 208-521-8963
   Name connector (check one): ☑ and ☐ or ☐ and/or
   Mailing address 1717 E 3200 N City Preston
   State Idaho ZIP 83263 Email kyle@eaglecapinsurance.com
2. Name of representative, if any _____ Phone _____
   Mailing address _____ City _____
   State _____ ZIP _____ Email _____

   SUPERCEDED

   a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
      ☐ Send original correspondence to the applicant and copies to the representative.
   b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
      ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Spring/Unnamed stream which is a tributary of Sinks
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
15S	40E	6	3	NW	NE	NW	Franklin	Spring	NA
14S	40E	31	4	SW	SW		Franklin	Unnamed stream	NA

5. Water will be used for the following purposes:
   Amount .02 CFS (cfs or acre-feet per year) for Domestic/Home purposes from 1/1 to 12/31 (both dates inclusive)
   Amount .04 CFS (cfs or acre-feet per year) for Domestic/Yard purposes from 1/1 to 12/31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) .06 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. The spring is capped and delivers water to a 6' x 6' concrete tank; then piped to the home. Unnamed stream flows down the canyon and into the pond.
   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   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? ☐ Yes ☐ No
   e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by M. Pettis Date 1-19-23 Time 3:15p Preliminary check by _____
Fee $ 100.00 Receipted by MP Receipt No. ~~E048858~~ E048873 Date ~~1-19-23~~ 1-20-23

13-8114

SCANNED
FEB 08 2023

Application for Permit

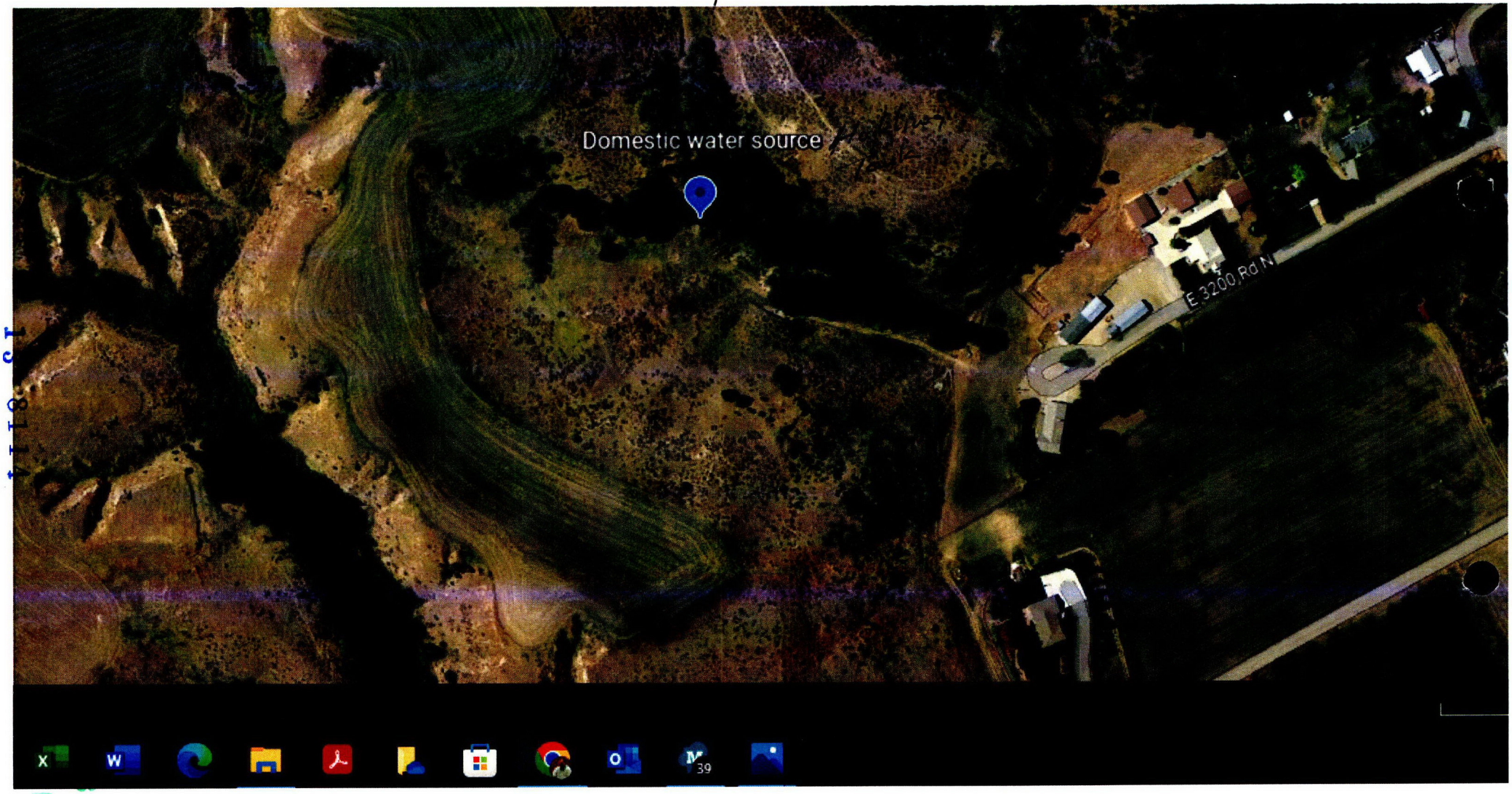


Points of Diversion
Place of Use
Township/Range
Sections
QQ

0 0.03 0.06 0.12 Miles

SCANNED
FEB 08 2023

42°09' 10" N 111° 49' 58" W



15S, 40E, Sec 6, 3, NW, NE, NW

SCANNED
FEB 08 2023

42° 09' 10" N 111° 49' 58" W 4716 ft



IS-8114

RECEIVED
FEB 08 2023

- - - - Waterline to House
Piped underground

Address 1414 E 3200 N, Preston, Id

Domestic House

Pond

42°09'15" N 111°50'01" W

4,630ft



Domestic House

Yard

Garden

Pond

Address 1717 E 3200 N. Preston, Id

Under Ground Pipe to Pond

— · — · —

13-8114

SCANNED

FEB 08 2023



Sec 31 T14S R40E Lot 4 SW SW

Rswd

SCANNED
FEB 08 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2023

TAMRA BENNETT
KYLE BENNETT
1717 E 3200 N
PRESTON ID 83263-5259

RE: License No. 13-8114

ISSUANCE OF LICENSE

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

SCANNED
AUG 31 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023, I served a true and correct copy of Water Right License No. 13-8114 by U.S. Mail, postage prepaid, to the following:

TAMRA BENNETT
KYLE BENNETT
1717 E 3200 N
PRESTON ID 83263-5259

WATER DISTRICT #11
JOSH HANKS
132 E 400 S
RICHMOND UT 84333-1505

Christina Henman
Administrative Asst. I

SCANNED
AUG 31 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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.

SCANNED
AUG 31 2023

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 service date 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.

SCANNED
AUG 31 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 13-8114
Exam Date: 08/16/2023

1. Current Owner:
   KYLE BENNETT 1717 E 3200 N PRESTON ID 83263-5259 AND
   TAMRA BENNETT 1717 E 3200 N PRESTON ID 83263-5259

2. Accompanied by: Kyle Bennett
   Phone No: 208-521-8963
   Address:1717 E 3200 N Preston ID 83263
   Relationship to permit Holder: Owner

3. **SOURCE:**	**Tributary**
UNNAMED STREAM	SINKS
SPRING	SINKS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point-of-diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
UNNAMED STREAM L4 (SW¼ SW¼), Sec. 31, Twp 14S, Rge 40E, B.M. FRANKLIN County
SPRING L4 (NE¼ NW¼ NW¼), Sec. 6, Twp 15S, Rge 40E, B.M. FRANKLIN County
UNNAMED STREAM L4 (NW¼ NW¼), Sec. 6, Twp 15S, Rge 40E, B.M. FRANKLIN County

Method of Determination: GPS and aerial photography

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	40E	31											X L4						

Method of Determination: Aerial photography

3.

X Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

X Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

X Aerial Photo Attached (required for irrigation of 10+ acres).

X Photo of Diversion and System Attached

SCANNED
AUG 31 2023

D. FLOW MEASUREMENTS

1. Measurements: No measurement required. See rule 35. r. (IDAPA 37.03.02)

F. VOLUME CALCULATIONS

2. Volume Calculations for Domestic use:

In-house use: 0.60 af

Irrigation: 0.5 acres * 2.4 af/acre = 1.2 af

Total: 1.8 af.

ET Idaho evapotranspiration data:

ET station: Preston 3NE (NWS—USC00107346)

Crop: Grass-Turf (irrigated)

Precipitation Deficit: 728 mm = 2.4 af/acre

G. NARRATIVE/REMARKS/COMMENTS

Domestic use is for one home including up to 1/2-acre irrigation of lawn and garden. Domestic use for in-house use is diverted from a spring located up a draw south of the home. Water from the spring is diverted through a buried ¾"-1" pvc pipeline. Pipeline runs from the spring to a 4'x6' concrete vault. From the vault water is piped to the house.

Domestic use for irrigation is diverted from an unnamed stream. Irrigation delivery system consists of two points of diversion located on the unnamed stream. Water from the un-named stream is piped to a pond. Water from the pond is diverted for irrigation using a 5 hp pump and sprinklers. Overflow from pond is piped to a field where the water sinks.

Have conditions of permit approval been met? _X_ Yes ____ No

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	01/01 to 12/31	0.06 CFS	1.8 AF
	Totals:	0.06 CFS	1.8 AF

2. Recommended Amendments

____ Change P.D. as reflected above _X_ Add P.D. as reflected above ____ None

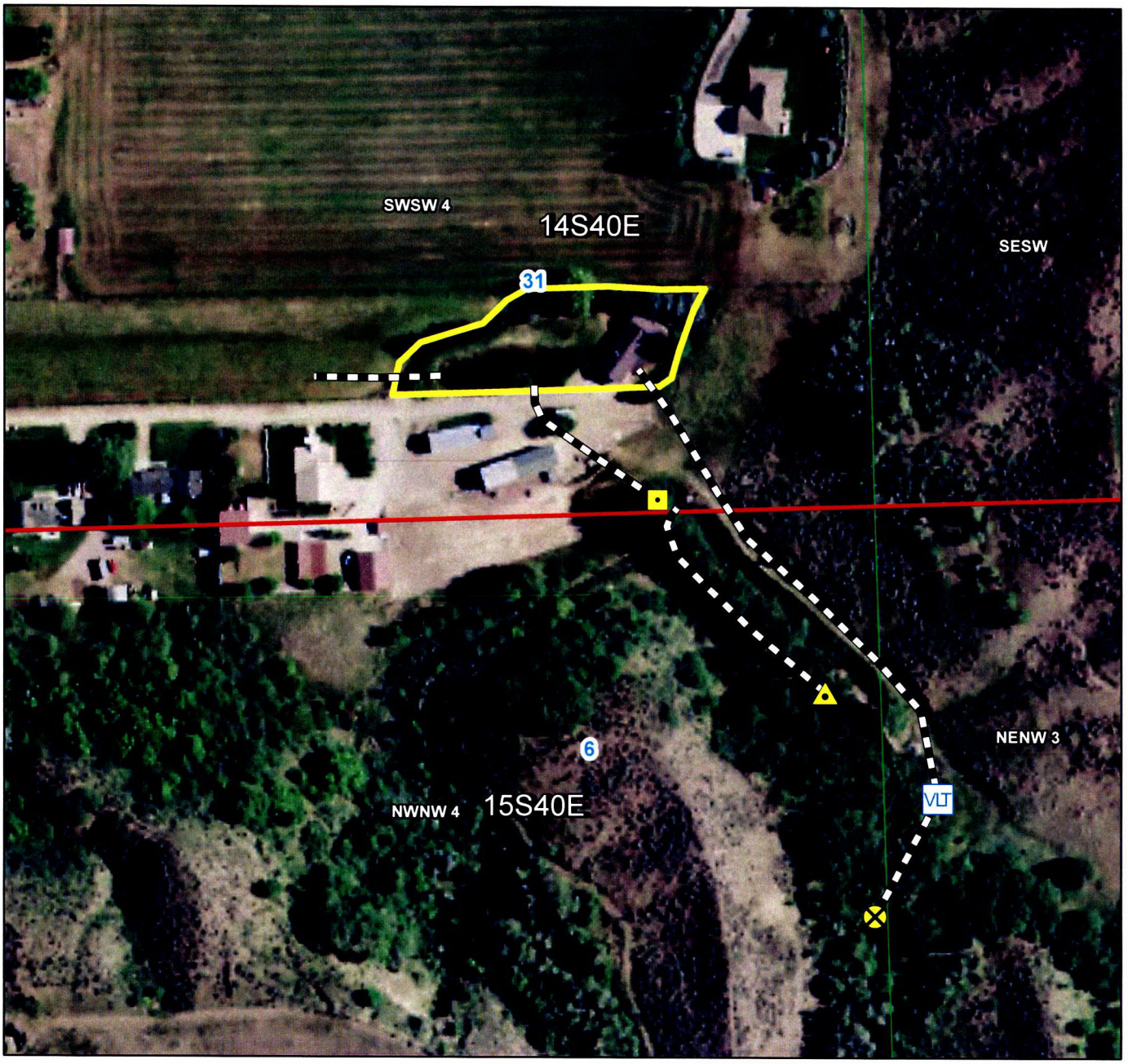
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ None

I. AUTHENTICATION Blake Jordan -

Field Examiner's Name Blake Jordan Date 8/30/2023

Reviewer James Cefalo Date 8/30/2023

SCANNED
AUG 31 2023



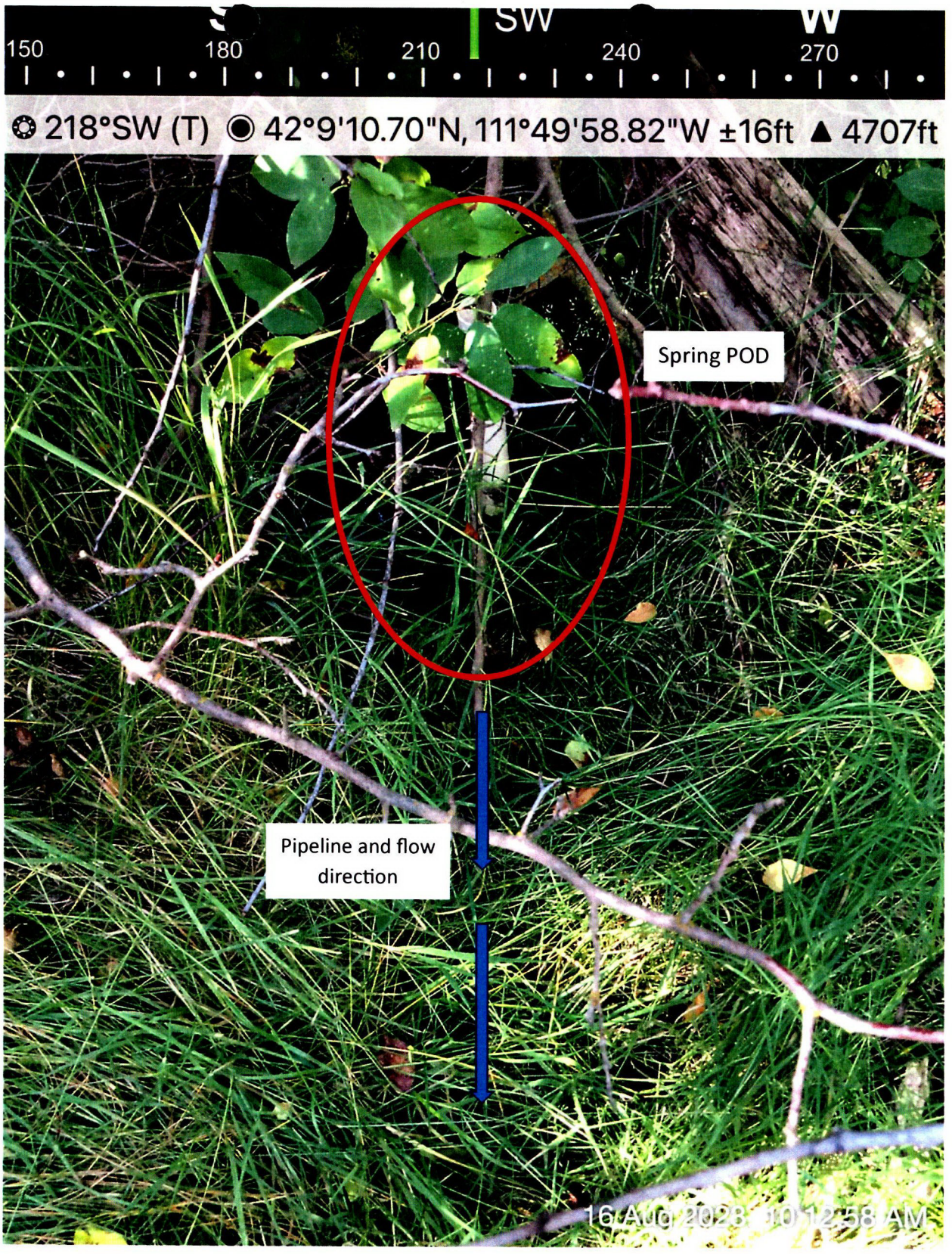
0 91.5 183 366 Feet

1 inch = 183 feet

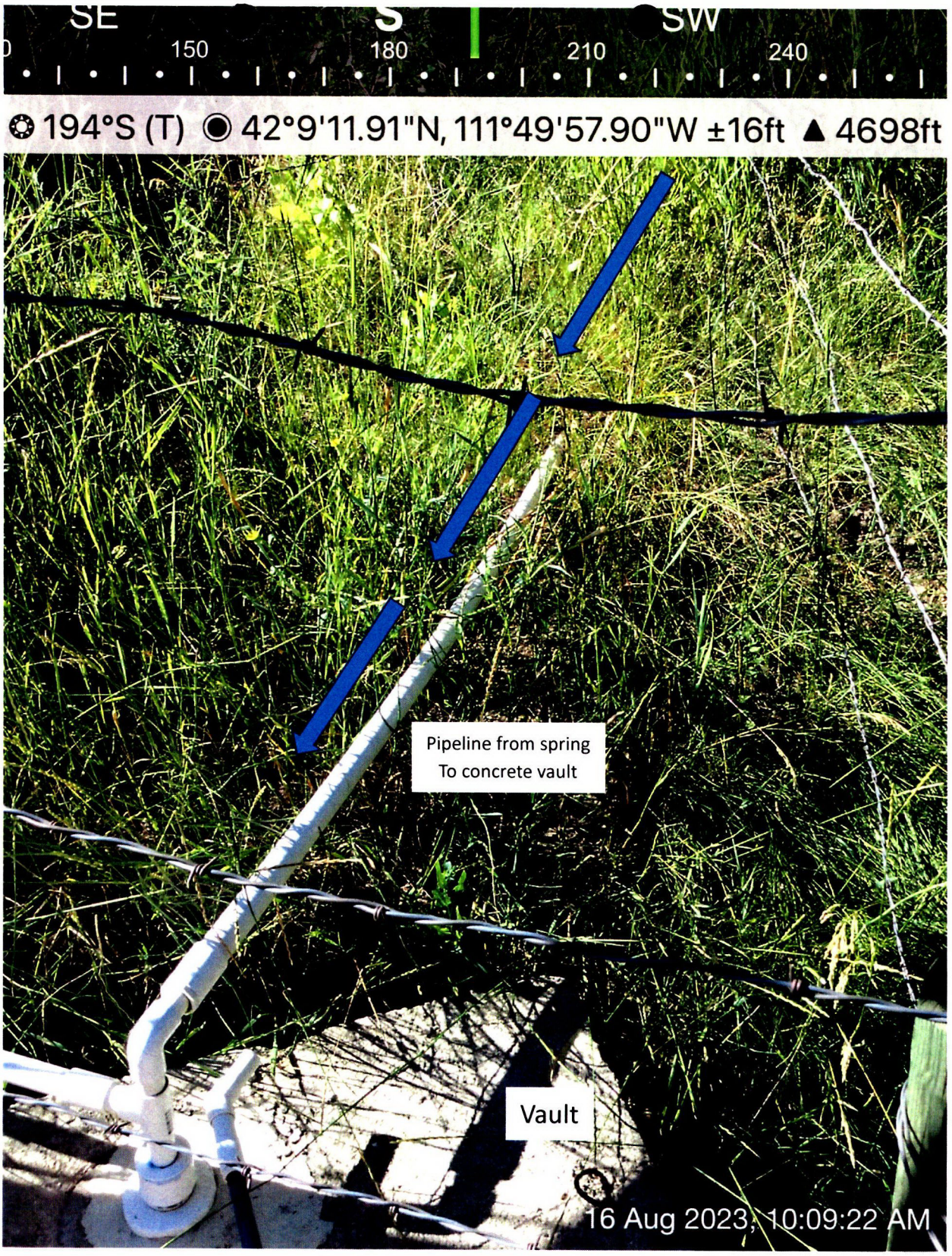
N

- Point_of_Diversion_#1(Unnamed_Stream)
- Point_of_Diversion_#2(Unnamed_Stream)
- Point_of_Diversion_(Spring)
- Spring_Vault
- Pipeline
- Place of Use
- Township/Range
- Sections
- QQ

SCANNED
AUG 31 2023



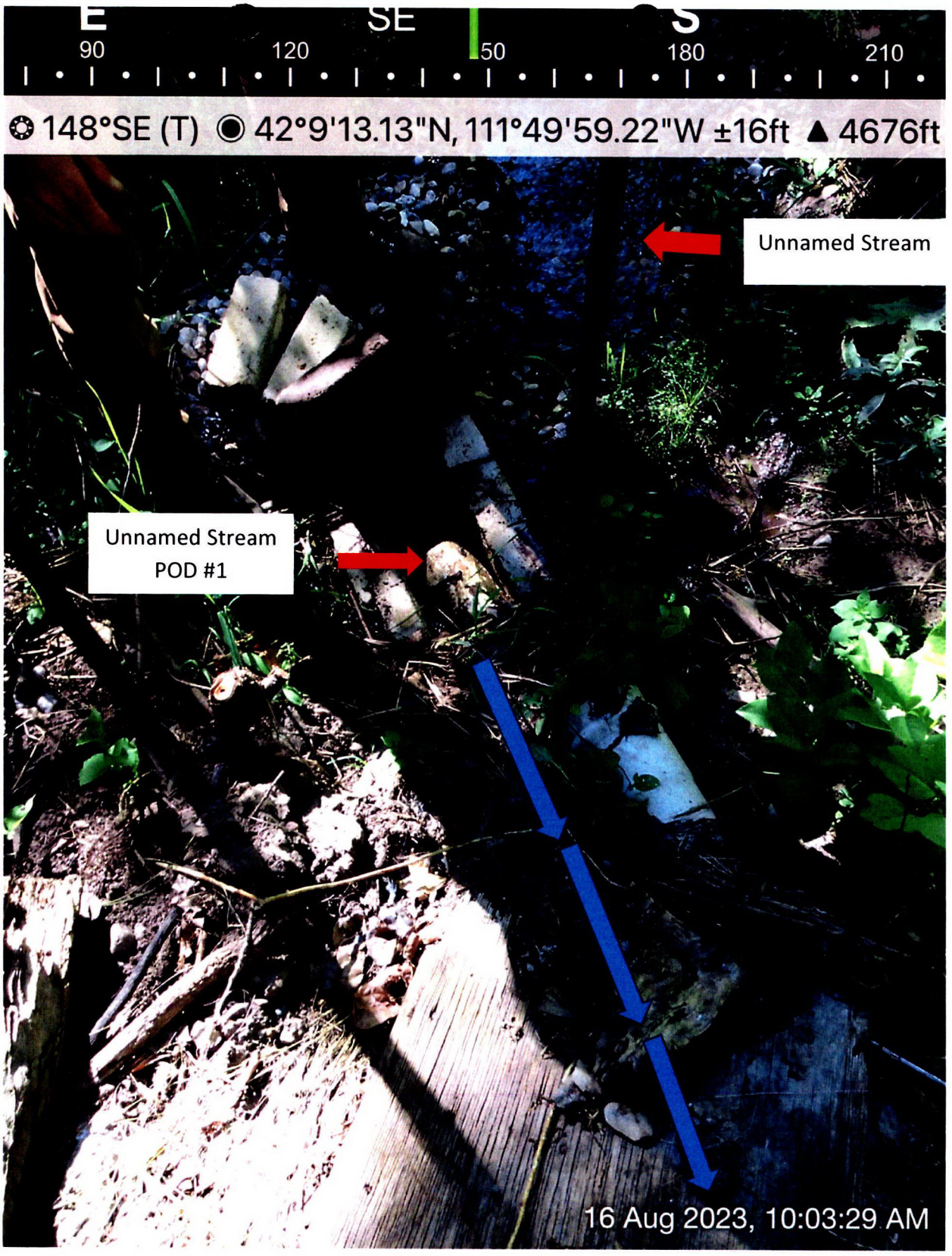
SCANNED
AUG 31 2023



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AUG 31 2023



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AUG 31 2023



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AUG 31 2023

East Elevation

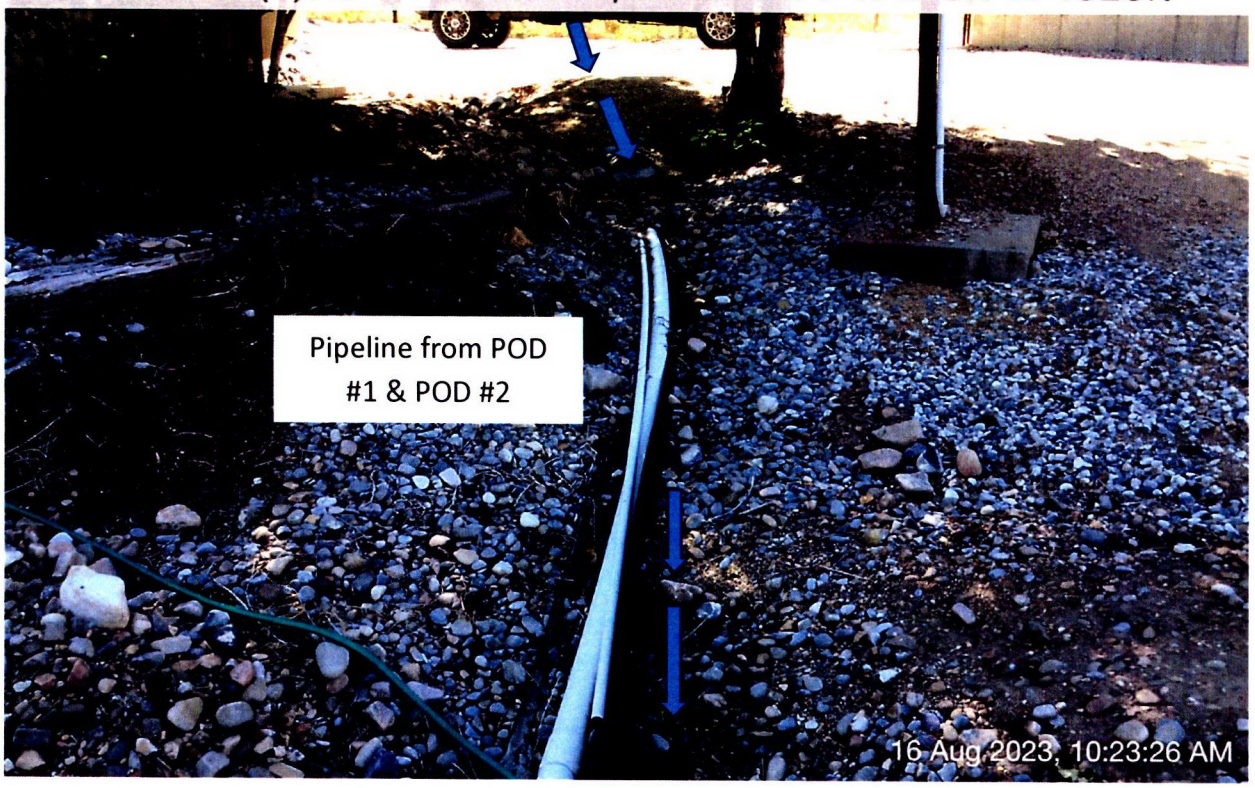
⌾ 251°W (T) ◉ 42°9'15.66"N, 111°50'2.18"W ±16ft ▲ 4639ft



SCANNED
AUG 31 2023

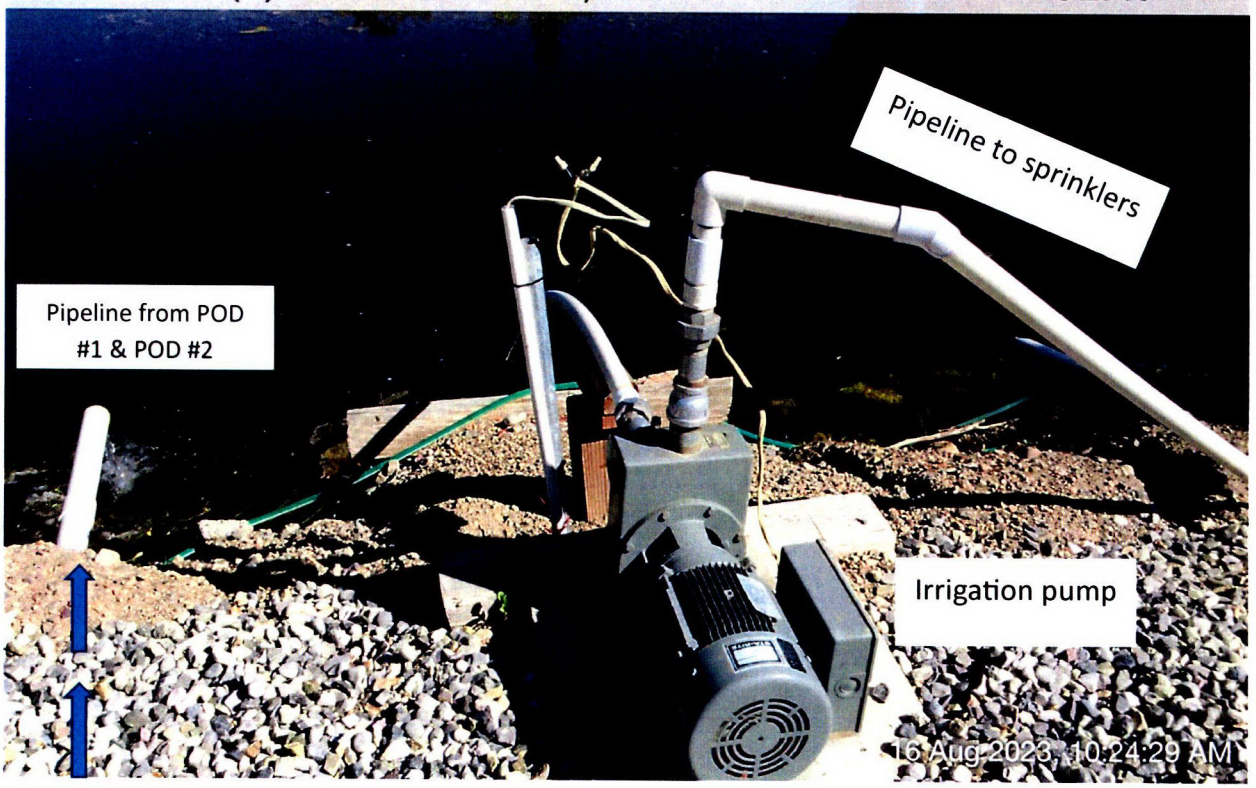
North West Elevation

141°SE (T) 42°9'16.77"N, 111°50'4.14"W ±16ft 4628ft



South Elevation

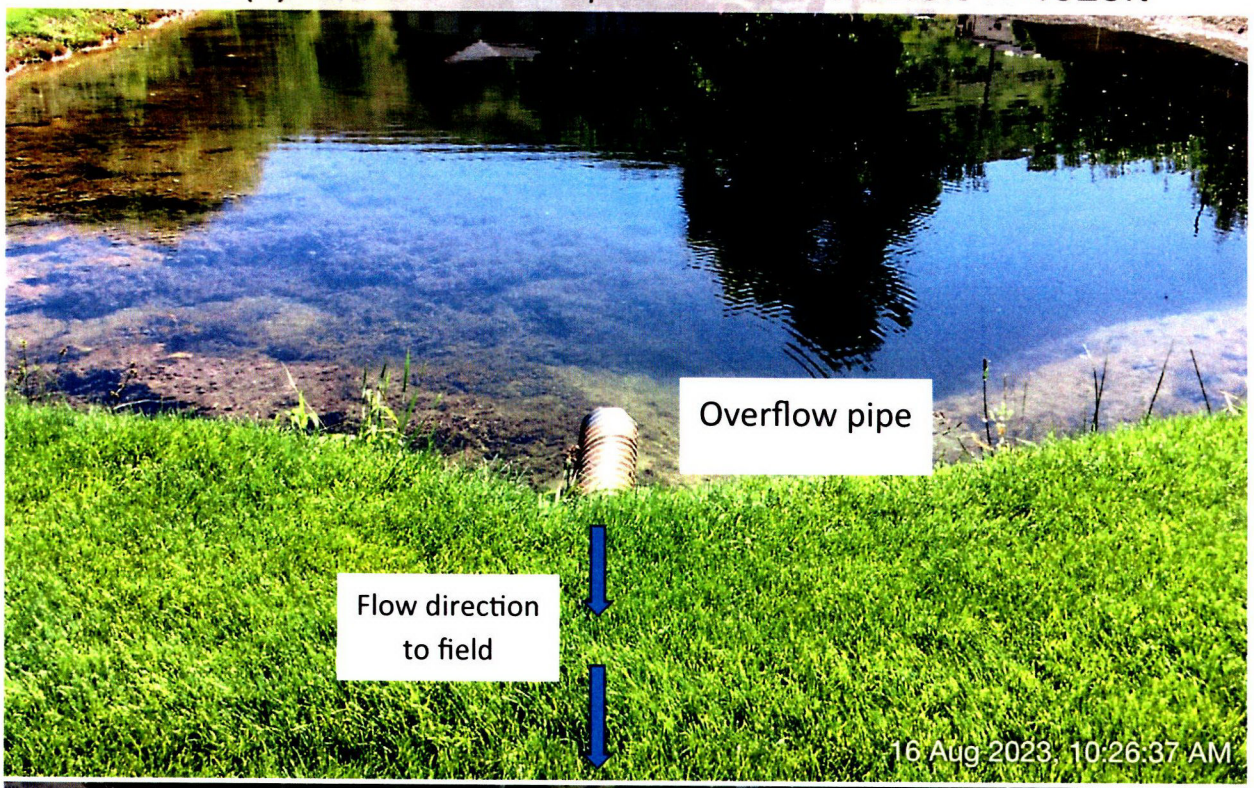
6°N (T) 42°9'17.04"N, 111°50'4.26"W ±16ft 4627ft



SCANNED
AUG 31 2023

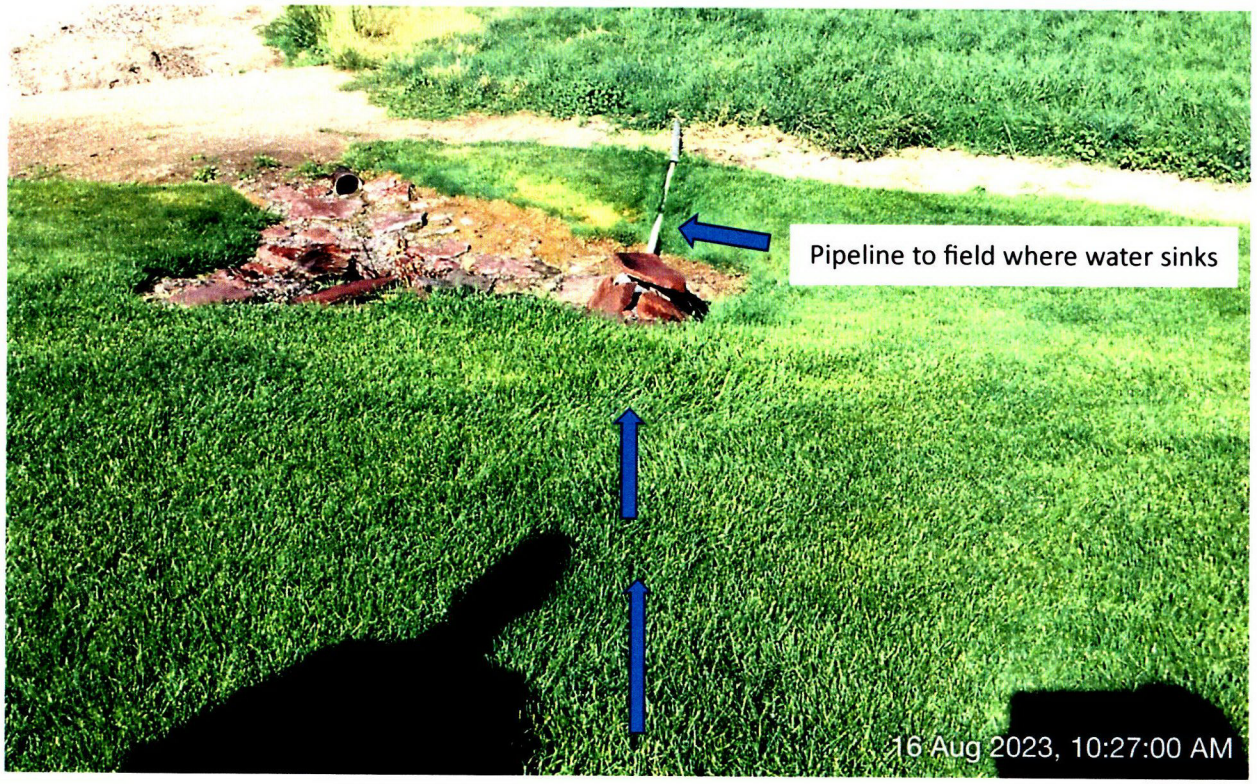
West Elevation

97°E (T) 42°9'17.19"N, 111°50'6.14"W ±16ft 4628ft



East Elevation

271°W (T) 42°9'17.18"N, 111°50'6.14"W ±16ft 4630ft



SCANNED
AUG 31 2023



SCANNED
AUG 31 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

June 16, 2023

KYLE BENNETT
TAMARA BENNETT
1717 E 3200 N
PRESTON ID 83263-5259

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 13-8114

Dear Permit Holder(s):

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

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

If you have any questions concerning the field examination, please contact the Eastern Region Office of the Department located in Idaho Falls at (208) 525-7161.

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

SCANNED
JUN 16 2023

Beneficial Use Proof Evaluation

Permit Number: 13-8114 Reviewer: AVeibell Review Date: 6/8/2023

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? No
3) Proof Submitted Date: 5/31/2023
4) Proof Due Date: 4/1/2024
5) Days added for weekend due date?
6) Days added for holiday due date?
7) Number of days late: -306
8) Proof received timely? Yes

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
3) Are the required items installed? Yes
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
4) Is there a request to waive the required items? No
5) Drilling Permit Number:
6) Is a drilling permit upgrade needed? No
7) Was a well drillers report filed? No
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? Yes
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $50.00
4) Filing fee submitted: $50.00
5) Remaining fee or (refund): $0.00

Receipt IDs

E048873

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 14, 2023

TAMRA BENNETT
KYLE BENNETT
1717 E 3200 N
PRESTON ID 83263-5259

RE: Permit No. 13-8114

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

SCANNED
MAR 15 2023

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

SCANNED
MAR 15 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2023, I served a true and correct copy of Permit to Appropriate Water No. 13-8114 by U.S. Mail, postage prepaid, to the following:

TAMRA BENNETT
KYLE BENNETT
1717 E 3200 N
PRESTON ID 83263-5259

WATER DISTRICT #11
JOSH HANKS
132 E 400 S
RICHMOND UT 84333-1505

Christina Henman
Administrative Asst. I

SCANNED
MAR 15 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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.

SCANNED
MAR 15 2023

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 service date 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.

SCANNED
MAR 15 2023

The Preston Citizen

PROOF OF PUBLICATION
Preston Citizen

RECEIVED

MAR 0 3 2023

Department of Water Resources
Eastern Region

7542 332976
IDAHO DEPT OF WATER RESOURCES/IF

IDAHO DEPT OF WATER RESOURCES/IF
900 NORTH SKYLINE DRIVE
SUITE A
IDAHO FALLS ID 83402

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO }
}SS.
County of Franklin }

COLLINS CRAPO
of Idaho Falls, Bonneville County, Idaho
being first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Processing Clerk of the Preston Citizen, a weekly Newspaper published in the City of Preston, in the County of Franklin, State of Idaho; that the said newspaper is in general circulation in the said County of Franklin, and in the vicinity of Preston, and has been uninterruptedly published said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
02/15/23, 02/22/23

Collins Crapo

STATE OF IDAHO)
County of BONNEVILLE)

On this date: 02/24/2023 before me a Notary Public, personally appeared COLLINS CRAPO, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Beth Crossley

Notary Public for Idaho
Bonneville County, Idaho
My Commission expires

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

332976

SCANNED
MAR 0 9 2023

AD# 332976AD#

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
13-8114
KYLE & TAMRA BENNETT, 1717 E 3200 N, PRESTON, ID 83263-5259
Point of Diversion L4(NENWNW) S6 T15S R40E FRANKLIN County
Source SPRING Tributary SINKS
Point of Diversion L4(SWSW) S31 T14S R40E FRANKLIN County
Source UNNAMED STREAM Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 01-19-2023
Place Of Use: DOMESTIC
T14S R40E S31
L4(SWSW)
Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 3/6/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: February 15, 22, 2023 (PCZN7542-332976)

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 8, 2023 4:50 PM
To: watermasterdist11@gmail.com
Subject: Application for Permit of 13-8114
Attachments: tmp282C.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

SCANNED
MAR 09 2023

IDAHO DEPARTMENT
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

February 8, 2023

KYLE BENNETT
TAMRA BENNETT
1717 E 3200 N
PRESTON, ID 83263-5259

RE: Application for Permit No. 13-8114

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above 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 2/15/2023 and 2/22/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

SCANNED
FEB 08 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 8, 2023 12:24 PM
To: legals@prestoncitizen.com
Subject: Legal Notice for Preston Citizen
Attachments: 13-8114 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Application for Permit No. 13-8114

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 3/6/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
FEB 08 2023

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
13-8114
KYLE & TAMRA BENNETT, 1717 E 3200 N, PRESTON, ID 83263-5259
Point of Diversion L4(NENWNW) S6 T15S R40E FRANKLIN County
Source SPRING Tributary SINKS
Point of Diversion L4(SWSW) S31 T14S R40E FRANKLIN County
Source UNNAMED STREAM Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
0.06 CFS
Total Diversion:
0.06 CFS
Date Filed: 01-19-2023
Place Of Use: DOMESTIC
T14S R40E S31
L4(SWSW)
Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 3/6/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 2/15/2023 and 2/22/2023

SCANNED
FEB 08 2023

Lafortune, Thomas

From: Kyle D Bennett <kyle@eaglecapinsurance.com>
Sent: Wednesday, February 1, 2023 4:42 PM
To: Lafortune, Thomas
Subject: RE: POD Location

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Yes I agree with the changes.

Kyle Bennett

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Wednesday, February 1, 2023 4:05 PM
To: Kyle D Bennett <kyle@eaglecapinsurance.com>
Subject: RE: POD Location

Perfect, thank you Kyle!

It appears that the aerial imagery available to us does not line up perfectly with the legal boundaries. To get the correct legal description for the spring, I will have to move the point on the map just to the west. I have also prepared an updated Page 1 of your application.

Could you please review the updated Page 1 and map I have attached, and respond to this email with your approval if everything looks good?

Thank you,
Thomas

From: Kyle D Bennett <kyle@eaglecapinsurance.com>
Sent: Wednesday, February 1, 2023 3:09 PM
To: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Subject: RE: POD Location

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Here is the legal description.

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Friday, January 27, 2023 11:14 AM
To: Kyle Bennett <kyle@eaglecapinsurance.com>
Subject: POD Location

Hello Kyle,

SCANNED
FEB 08 2023

I wanted to check on one more thing before submitting your application for advertising. Your point of diversion at the spring (holding tank for in house use) appears to be just over the line into Government Lot 3 (NENW). However, the imagery, Public Land Survey, and county parcel data do not always match up, especially in that part of the state.

On your deed, does it list any land in Government Lot 3 (NENW) of Section 6, Township 15S, Range 40E? Or does your property line end at the edge of Government Lot 4 (NWNW) of the same section?

My goal is to get the legal description correct now, rather than after the permit is issued, to save you from having to pay a $100 fee to amend your permit.

Thank you again for your time,

Thomas Lafortune
Water Resources Agent
Idaho Department of Water Resources
Phone: (208) 497-3779

SCANNED
FEB 08 2023

Lafortune, Thomas

From: Kyle Bennett <kyle@eaglecapinsurance.com>
Sent: Monday, January 23, 2023 10:07 AM
To: Lafortune, Thomas
Subject: RE: Water Resources Application for Permit

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Sorry about the check I'll stop by on Wednesday and make that correction.

1. How would you describe the shape of the pond? Oval. Are the sides slanted with a flat bottom? On the northside slanted to the bottom. On the south side the first 10 to 20 feet is only 1.5 to 3 feet deep then it slants down. Over time the pond has filled in. Straight vertical banks with a flat bottom? No. Or is there a gentle slope throughout the pond? Deep is deeper on the northside shallower on the southside. Ruffly 45 feet by 150 feet.
2. What is the maximum depth? 7 ft
3. Is the pond lined with any kind of fabric, rubber, bentonite, or chemical liner? No

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Friday, January 20, 2023 4:10 PM
To: kyle@eaglecapinsurance.com
Subject: Water Resources Application for Permit

Hello Kyle,

A couple of things regarding your application:

First, your check was dated March 19 instead of January 19. If you are in Idaho Falls again next week, maybe you could stop in again with a new check.

Second, I was thinking the pond on your property would be a matter for a separate application for a water storage right in the future, but we may be able to cover that under this domestic use as well. If you could answer a few questions for me about the pond, I can determine how to best handle that.

1. How would you describe the shape of the pond? Are the sides slanted with a flat bottom? Straight vertical banks with a flat bottom? Or is there a gentle slope throughout the pond?
2. What is the maximum depth?
3. Is the pond lined with any kind of fabric, rubber, bentonite, or chemical liner?

If I don't hear back from you by early next week, I'll give you a call to confirm you've received this email.

Thank you,

Thomas Lafortune
Water Resources Agent

SCANNED
FEB 08 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY TL DATE 1/19/23 APPLICATION NO. 13-8114

APPLICANT NAME: Kyle and Tamra Bennett

REQUIRED INFORMATION:

- ✓ Name (business entities must show proof of organization, check Sec. of State website)
- ✓ Address
- ✓ Source (See USGS Quad for names of water sources)
- ✓ Point of Diversion (QQQ for springs, lot & block description for subdivisions)
- ✓ County
- ✓ Quantity (flow and/or volume)
- ✓ Period of Use
- ✓ Nature of proposed use (including a description of the proposed use)
- ✓ Description of diverting works
- ✓ Place of use (for subdivisions, include lot and block description)
- ✓ Time required for beneficial use of water
- ✓ Signature (if applicant is corporation, partnership, or municipality, title of signer is required)
- ✓ Map
- ✓ Fee

REGULATORY CHECKS:

- N Overlapping rights at place of use
- ✓ Other rights diverted at proposed point of diversion 13-7506 Licensed as Spring - actually unnamed stream
- N/A Critical Ground Water Area?
- N/A Ground Water Management Area?
- N/A Dam Safety Notice
- N/A Power Use? - Is residency affidavit attached?
- N/A Trust Water

Water District: 11

SEND NOTICE OF APPLICATION TO:

- _____ Id Dept of Environmental Quality
- _____ Id Dept of Fish & Game
- _____ Id Dept of Lands
- _____ Adjudication Bureau Unit
- _____ U.S. BLM
- _____ U.S. Forest Service
- _____ Other _____