

**STARTING
LEFT
SIDE OF
FILE**

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 11-7051 }

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, J. Weston Martineau, hereby assign to C. Lee Nelson
of Star Route, #1, Montpelier, Idaho 83254
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 11-7051
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40-acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19____.

J. Weston Martineau
Permit Holder

Virginia Martineau
Spouse of Permit Holder

State of Idaho

County of Blaine Lake ss.

On this 11 day of April, 1977, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Lorna Lee Nelson
Notary Public residing at

Blaine Lake, Idaho

My commission expires:

September

Identification No. 11 7051
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT **APPROVED**
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant J. Weston Martineau
post office address 845 Barton Road, Space #49, Pocatello, Idaho PH: 232-1288
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 Township 13S
Range 44E B.M. Bear Lake County, additional points of diversion if any _____
b. If water is not consumed it will be discharged into _____
of $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____ at a point in $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes
Amount 0.08 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 1.30 for Irrigation purpose from Apr. 15 to Oct. 15 (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated 1.38 cubic feet per second and or _____ acre feet per annum
6. Proposed diverting works
a. Description of ditches, flumes, pumps, headgates, etc. Well and sprinkler system
b. Height of storage dam _____ feet above reservoir surface
Capacity _____ acre feet, material used in storage dam _____ acre feet total reservoir
Period of year during which storage will occur _____
7. Proposed well diameter is 16 inches, proposed depth of well 150 feet
Time required for the completion of the work and the delivery of the water to the reservoir or beneficial use 5 years
8. Estimated construction cost is \$ 16,000.00
9. Description of proposed uses
a. If water is not for irrigation
1. Quantity of water to be diverted NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14 Township 13S
Range 44E B.M. _____
2. Amount of water to be generated _____ feet of water
3. List number of beneficiaries of water to be diverted _____
4. Name of municipality to be served _____
Supplied with domestic water 2 _____
5. If water is to be used for other purposes describe _____

11 7051

1: 7051

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	44E	14					40	10											50
13S	44E	15				15													15

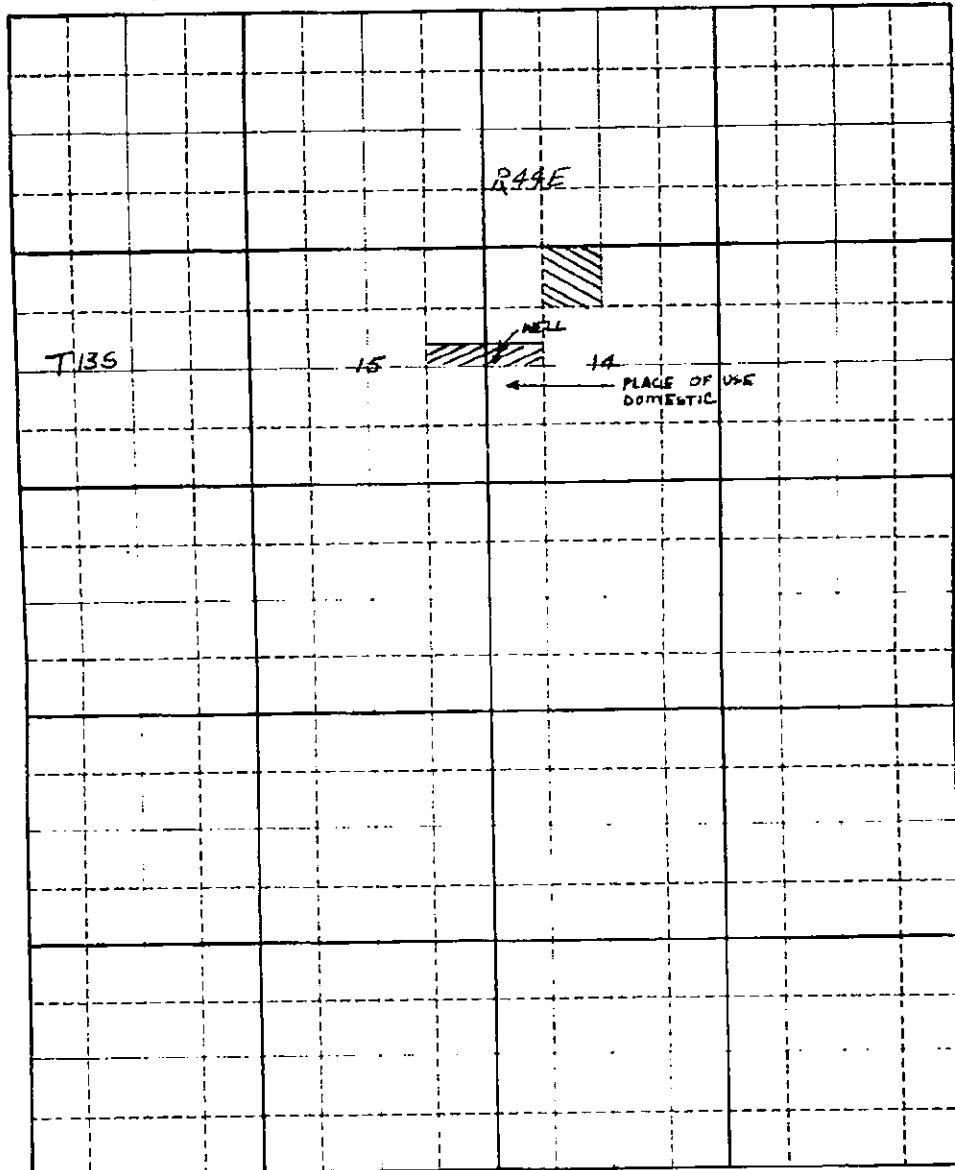
Total number of acres to be irrigated. 65

c. Describe any other water rights used for the same purposes as described above. Well carries permit No. 11-7065 but is used on other lands

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

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

Sheldon K. Martin
(Applicant)

1:6:1

11 7051

Proposed Priority: 2-13-1974

Received by MB Date 2-13-74 Time 5:30 p
Preliminary check by MB Fee \$ 35
Receipted by MB Date 2-13-74 12739
Publication prepared by MB Date 2-13-74
Published in The Times-Examiner
Publication dates Feb 21, 1974
Publication approved MB Date 2-13-74
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approve denial by NCY MB

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 11-7051, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 79.
- c. Other: A measuring device of a type approved by this department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 26 day of March, 19 74.

R. Karl Higgs
Director

**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

March 20, 1979

C. Lee Nelson
Star Route 1
Montpelier, ID 83254

Dear Mr. Nelson:

Re: Permit No. 11-7051

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 11-7051 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated December 29, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.


C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

CERTIFICATION OF MAILING

I hereby certify that on 3/23/79
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

CERTIFIED MAIL 100496

December 29, 1978

Re: Permit No. 11-7051

C. Lee Nelson
Star Route 1
Montpelier, ID 83254

Dear Mr. Nelson:

One of the conditions of approval of your water Permit No. 11-7051 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1979. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect.

RITA FLECK
Water Rights

Encl: Proof affidavit



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

Nov. 7, 1978

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition should be less restrictive and provide more flexibility to you in the development of your water right system. The specifications related to the size and location of the access port will be available upon request from the Department, as soon as the Department's measuring equipment is obtained.

If you have questions regarding this matter, please contact this office or our regional offices.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:JG:kw

Enclosure

September 1, 1977

Re: Permit No. 11-7061

C. Lee Nelson
Star Route 1
Montpelier, Idaho 83254

Dear Mr. Nelson:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

Sincerely,

JIM GROVER
Supervisor, Water Rights

JG:JCR

March 28, 1974

Re: Permit No. 11-7051

J. Weston Martineau
845 Barton Road, Space 49
Pocatello, Idaho 83201

Dear Mr. Martineau:

Enclosed is a copy of your approved Application for Permit No. 11-7051. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

11 7051

March 11, 1974

RE: Application No. 11-7050 - Rigby
11-7051 - Martineau

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on February 21 and February 28, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:CB

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

February 25, 1974

Re: Application for Permit No. 11-7051 MARTINEAU

Mr. Shirl C. Boyce, Jr.
Idaho State Planning & Community Affairs Agency
Regional Office, Box 73
Idaho State University
Pocatello, Idaho 83201

Dear Mr. Boyce:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. We normally complete the processing of an application within a 3-week period and we are required to take final action shortly thereafter.

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

Enclosure

11 7051

116 NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that J. Weston Martineau, 845 Barton Road, Space No. 49, Pocatello, Idaho has on February 13, 1974 submitted Application No. 11-7051 for a permit to appropriate 1.38 cubic feet per second of water from a ground-water source by means of well and pump within the SW¹/₄ NW¹/₄, Sec. 14, T. 13S, R. 44E, B. M. Bear Lake County; to be used from January 1 to December 31 for domestic purposes for 2 families within the NW¹/₄SW¹/₄, Sec. 14, T. 13S, R. 44E; and from April 15 to October 15 for the irrigation of 65 acres within the NE¹/₄NW¹/₄, SW¹/₄NW¹/₄, Sec. 14, SE¹/₄NE¹/₄, Sec. 15, T. 13S, R. 44E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before March 11, 1974.

R. KEITH HIGGINSON
Director

Published in The News-Examiner,
Montpelier, Idaho on February 21
and February 28, 1974.

(1-21/23)

XXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

February 15, 1974

Re: Application for Permit No. 11-7050 RICEY
11 7051 MARTINIAN

The News-Examiner
P. O. Box 278
Montpelier, ID 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 3-15-74 by LLB

NCY:MB
Enc: Legal Notices (2)

11 7051

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that J. Weston Martineau
845 Barton Road, Space #49, Pocatello, Idaho
has on 2/13/74 submitted Application No. 11-7051
for a permit to appropriate 1.38 cubic feet per second ~~XXXXXXX~~
of water from a ground-water source
by means of well and pump
within the SW¹/₄, Sec. 14, T. 13S, R. 44E, B.M. Bear Lake County;

to be used from Jan. 1 to Dec. 31
for domestic purposes for 2 families within the NW¹/₄, Sec. 14, T. 13S,
R. 44E; and from Apr. 15 to Oct. 15 for the irrigation of 65 acres
within the NE¹/₄, SW¹/₄, Sec. 14, SE¹/₄, Sec. 15, T. 13S, R. 44E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before March 11, 1974.

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho

on February 21 and February 28, 1974.

11 7051

off
2/28/74

THE NEWS-EXAMINER

MONTPELIER, IDAHO

MAR 13 1974

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says he is
Publisher and Foreman of the News-
Examiner; that the said News-Examiner is a
weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of
general circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two
successive weeks, commencing with the issue
dated February 21, 1974
and ending with the issue
dated February 28, 1974.

W. Jerome Taylor
Publisher and Foreman

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that J. Weston Martineau, 845 Barton Road, Space No. 49, Pocatello, Idaho has on February 13, 1974 submitted Application No. 11-7051 for a permit to appropriate 1.38 cubic feet per second of water from a ground-water source by means of well and pump within the SW1/4 NW1/4, Sec. 14, T. 13S, R. 44E, B. M. Bear Lake County; to be used from January 1 to December 31 for domestic purposes for 2 families within the NW1/4SW1/4, Sec. 14, T. 13S, R. 44E; and from April 15 to October 15 for the irrigation of 65 acres within the NE1/4NW1/4, SW1/4NW1/4, Sec. 14, SE1/4NE1/4, Sec. 15, T. 13S, R. 44E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before March 11, 1974.

R. KEITH HIGGINSON
Director

Published in The News-Examiner,
Montpelier, Idaho on February 21
and February 28, 1974.

ck (1-21/28)

Subscribed and sworn to before me this 12th day of March, 1974.

W. J. Jones
Notary Public.

DEPARTMENT OF WATER ADMINISTRATION
- 5 AFF ANALYSIS -

Page	Initial	Date	
(1)	WR	2/13	Application No. <u>2</u> <i>Interim</i>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	WR	2/13	In form to receipt
	WR	2/13	Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management ☒ <i>Idaho State Planning & Comm. At.</i> ☐ Request Special Use Permit from U.S. F.S. ☒ Request Easement from B.L.M. ☐ Request Information from Applicant
(4)	WR	2/13	
(5)	WR	2/13	In form for advertising
(6)	WR	2/13	Located within Water District No. <u>N.A.</u>
(7)	WR	2/13	Critical groundwater area: yes <u>no</u> ☒
(8)	WR	2/13	Groundwater levels: Decline (comment) _____ ☒ Stable (comment) <u>Bull 27 +1 26 bad!</u> Increasing (comment) _____ <i>Possibly, same.</i> Comments: <u>15 Ac. filed on SE 1/4 NE 1/4 Sec 15;</u> <u>under permit # 11-7025</u>
(9)	WR	2/13	
(10)	MB	3/15/74	Affidavit of Publication received (date) <u>TP, made 15, 1974</u>
(11)	"	"	Final date for protests _____ Protests received: yes <u>no</u> ☒
(12)	"	"	Date and Place of hearing <u>11</u> Decision reached at hearing <u>11</u>
(13)	NCY	"	All requested information received from agencies or applicant yes ☒ no _____
(14)	"	"	Action recommended: ☒ Approve Priority <u>2/13/74</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>E</u>	By <u>NCY</u>	Date <u>3/15/74</u>

11 7001

Department of Water Administration