

No Color
Documents
In File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7860 Priority June 20, 1979 Amount 0.08 cfs

THIS IS TO CERTIFY, that Elwood &/or Doris F. Kirby
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7860 issued pursuant to Application for Permit dated June 20, 1979,
and has submitted proof to the Department of Water Resources on October 7, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.08 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (2 units)	from <u>January 1</u> to <u>December 31</u> at <u>0.08</u> cfs and <u>2.4</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.08 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.4 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Twp.
2N, Rge. 37E in the County of Bonneville

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	37E	19																	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of
April, 19 82.

Acting for the Director

Norman C. Young

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Elwood and/or Doris F. Kirby Phone 522-6290

Post office address Rt. #4, Box 222 Idaho Falls, Idaho 83401

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19 Township 2N

Range 37 B.M. Bonneville County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.08 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. .08 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, delivery system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 195 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19 Township 2N

Range 37 B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

[illegible]

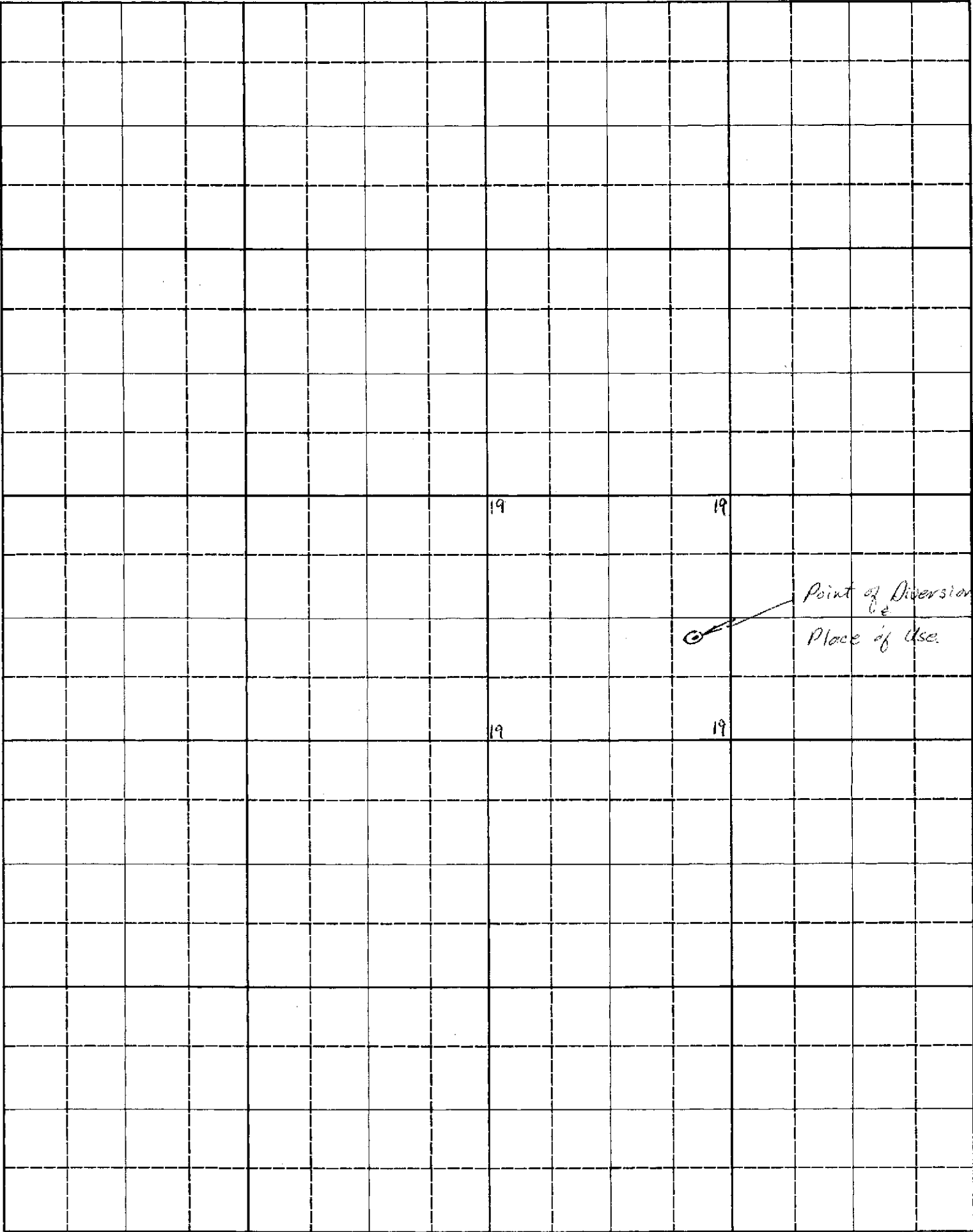
A _____

Applicant

the applicant, describe the arrangement enabling the

marks

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.

Doris J. Kirby
(Applicant)

Proposed Priority 6/20/79

Received by _____ dh _____ Date 6-20-79 Time 2:45 pm
Preliminary check by BRL Fee \$ 20.00
Received by _____ dh _____ Date 6-20-79 #11952
Publication prepared by _____ dh _____ Date 6-29-79
Published in _____ Post Register
Publication dates June 28 & July 5, 1979 & July 12, 1979 - 9/6 & 9/13/79
Publication approved 80 Date 9/20/79
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EME juw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7860, 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 December 1, 19 80.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

Witness my hand this 5th day of November, 19 79.

J. Allen Saylor

Director, Department of Water Resources

Department of Water Resources

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 6th day of September, 19 79, last publication having been made on the 13th day of September, 19 79, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 14th day of September, 19 79

Notary Public

My commission expires April 5, 19 83

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

25-7172

PEREZ, ADOLFO
6240 JARING CREEK, IDAHO FALLS,
ID., 83401 Source: GROUNDWATER
Date Filed: 06/19/1979
Amount: 0.04 CFS
Diversion Point: NWNE Sec 32 T 03N R
38E, BONNEVILLE Co.
Use: IRRIGATION (0.02 CFS) from
04/01 to 11/01
DOMESTIC (0.04 CFS) from 01/01 to
12/31
Place of Use: NWNE Sec 32 T 03N R 38E
FOR 1 ACRES
Diversion Means: WELL, PUMP,
SPRINKLER & DELIVERY SYSTEM
25-7174

PORTER, RICHARD C.
6160 JARING CIRCLE, IDAHO FALLS,
ID., 83401
Source: GROUNDWATER
Date Filed: 06/21/1979
Amount: 0.14 CFS
Diversion Point: NWNE Sec 32 T 03N R
38E, BONNEVILLE Co.
Use: DOMESTIC (0.12 CFS) from 01/01
to 12/31
IRRIGATION (0.02 CFS) from 04/01
to 11/01
Place of Use: NWNE Sec 32 T 03N R 38E
Diversion Means: WELL, PUMP,
SPRINKLER SYSTEM, CULINARY
DELIVERY SYSTEM
35-7880

KIRBY, ELWOOD &/or DORIS F.
ROUTE 4, BOX 222, IDAHO FALLS,
ID., 83401
Source: GROUNDWATER
Date Filed: 06/20/1979
Amount: 0.08 CFS
Diversion Point: NESE Sec 19 T 02N R
37E, BONNEVILLE Co.
Use: DOMESTIC
(0.08 CFS) from 01/01 to 12/31
Place of Use: NESE Sec 19 T 02N R 37E
Diversion Means: WELL, PUMP &
DELIVERY SYSTEM

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before Sept. 24, 1979.

C. STEPHEN ALLRED
Director
Pub.: Sept. 6 & 13, 1979.

RECEIVED

SEP 20 1979

Department of Water Resources
Eastern District Office

MICROFILMED

May 20, 1982

RE: Permit No. 35-7860

Elwood &/or Doris F. Kirby
Route #4, Box 222
Idaho Falls, ID 83401

Dear Mr. and Mrs. Kirby:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MINNAPOLIS

Date _____

3-24-82

- Recommended amendments:
- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above
- ☐ Add P.D. as reflected above
- ☒ Add P.U. as reflected above
- ☐ Other
- ☒ None

[illegible]

~~Place(s) of Use~~

Point(s) of diversion: NE 1/4 SE 1/4 Section 19 T2N R37E

(Include distance from pump to measuring device, if applicable.)

SCHEMATIC DIAGRAM OF SYSTEM

Place of Mass

Point of Diversion

R 37E

T2N

19

MAP (Attach Aerial Photo)

CONVERSATION MEMORANDUM

DATE Sept. 5, 1979

FILE _____

NAME OF PARTY Mary Laddall, Post Register

EMPLOYEE Donna

RE: The Post Register called this day to say the following claims

and applications had not been advertised on the dates we requested (July

5 and 12, 1979): 23-4019

25-7172

25-7174

35-4075

35-4076

35-7860

They will be advertised September 6 and 13, 1979 with a final protest date
of September 24, 1979.

NOTE: The Post Register was called for affidavits half a dozen times before
they realized they had not published them.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 22, 1980

Elwood and/or Doris Kirby

RE: Permit No. 35-7860

Elwood and/or Doris Kirby
Rt. #4, Box 222
Idaho Falls, Idaho 83401

Dear Mr. and Mrs. Kirby:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

GERALD F. RAMSEY
Water Basin Leader

cc: IDWR - State Office

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DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 35-7860

Name(s) of Permit Holder: Elwood +/or David Kirby

Post Office Address: QT # 4 Box 222 ID Fall, ID. 83401

Tel. No. 522-6290

Source of Water: ground water

Extent of Use: ☒ Domestic 2 (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Oct 6 - 1980
Date

Elwood Kirby
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

NOV 2 1980

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

KIRBY, ELWOOD & DORIS F.
ROUTE 4, BOX 222
IDAHO FALLS, ID 83401

108522

SEPTEMBER 30, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7860 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED



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

November 7, 1979

Elwood & Doris Kirby
Rt. # 4 Box 222
Idaho Falls, Idaho 83401

Dear Mr. & Mrs. Kirby,

RE: Permit No. 35-7860

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

RECORDED



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

RECEIVED

JUL 11 1979

DIVISION OF ENVIRONMENT
636 Pershing
Pocatello, Idaho
83201

Department of Water Resources
Eastern District Office

10 July 1979

Ron Carlson, Rgnl. Supervisor
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application #35-7860
(Bonneville County)

Dear Ron:

We have received the subject application submitted by Elwood and/or Doris F. Kirby, Rt. #4, Box 222, Idaho Falls, for a permit to appropriate the public waters of the State of Idaho for domestic purposes to supply two families (two connections), and have no comments at this time.

By copy of this letter, we are advising the District Seven Health Department in Idaho Falls of the application.

Yours very truly,

Henry L. Moran, P.E.
Rgnl. Environmental Supervisor *md*

HLM/md

CC: District Seven Health Dept.
(w/ attachment)

RECEIVED

July 2, 1979

Henry Moran
Public Health Engineer
Dept. of Health & Welfare
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Moran:

Re: Application for Permit No. 35-7860

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is July 23, 1979 and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enc.

MICROFILMED

July 2, 1979

Jan P. Blickenstaff, Reg. Director
State Bureau of Community Affairs
P. O. Box 8032 - I.S.U.
Pocatello, Idaho 83209

Dear Ms. Blickenstaff:

Re: Application for Permit No. 35-7860

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is July 23, 1979 and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:Dh

Enc.

S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

JUNE 29, 1979

The Post Register
P. O. Box 1800
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JULY 23, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

REPROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

35-2860_

KIRBY, ELWOOD &/or DORIS F.

ROUTE 4, BOX 222, IDAHO FALLS, ID 83401

Source: GROUNDWATER

Date Filed: 06/20/1979

Amount: 0.08 CFS

Diversion Point: NESE Sec 19 T 02N R 37E, BONNEVILLE Co.

Use: DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: NESE Sec 19 T 02N R 37E

Diversion Means: WELL, PUMP & DELIVERY SYSTEM

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before JULY 23, 1979.

C. STEPHEN ALLRED

Director

9/6 9/13/79
Published 7/5 & 7/12/79.

MICROFILMED

MEMO TO FILE

DATE: June 25, 1979

RE: Advertising

This application (claim) was scheduled to be advertised on June 28 and July 5. However, because of a power outage on June 22, this advertising could not be entered into the regional computer, causing it to be delayed one week.

6/28/79

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

APPLICATION NUMBER: Kirby

CHECK:

- ☒ Source. g.w.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: 7/2/79 Date: _____

PROCESSING:

- ☒ Yes ☐ No Platted by: Ernest Map No. Basin 35 2N 37E
☐ Yes ☒ No Other rights on same place of use. not for domestic
☒ Yes ☐ No* In form for advertising.
Final date for protests: JULY 23, 1979 SEPT 24, 1979
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: SEPT 20, 1979
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
10/20/79 Date of priority recommended.
Special conditions of approval or cover letter. _____

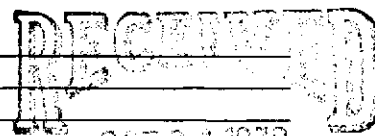
By: Ernest Calver Date: 9/26/79

STATE OFFICE REVIEW:

short letter w/o conditions

☐ See attached sheet for more information.

By: Jmi Date: 11/1/79



Department of Water Resources