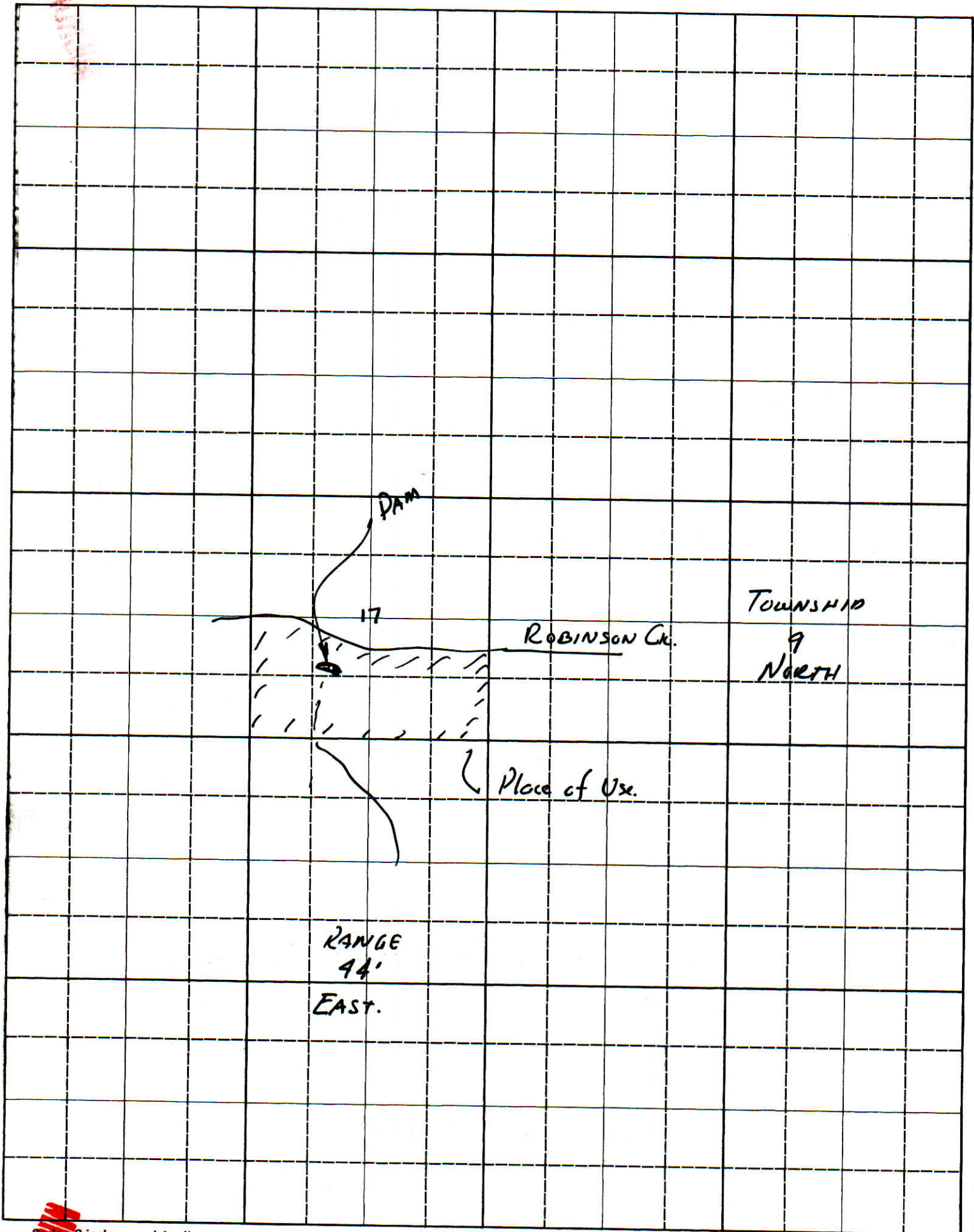


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Dallas Howell
(Applicant)

AFFIDAVIT OF
PUBLICATION

State of Idaho

ss.

County of Fremont

Carol Bessey

being first duly sworn, upon his
oath, deposes and says:

That she is the editor
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of Notice of

Application for
Water Right
#21-7294 (Howell)

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for 25 consecutive
issues thereof; first publication

having been made on the 25

day of February, 1982,

and the last publication on the

4 day of March

1982

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this

day of

19.....

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton

RECEIVED

MAR 9 1982

Department of Water Resources
Eastern District Office

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:

Application No.: 21-7294

Applicant: HOWELL, DALLAS THOMAS;
RT. 1 BOX 274, ASHTON, ID 83420

Source: UNNAMED STREAM tributary to
ROBISON CREEK

Date Filed: 02/09/1982

Amount 3.00 CFS 40.0 AC-FT

Diversion Point: NESW Sec 17 T 09N R
44E, FREMONT Co.

Use: IRRIGATION STORAGE (40.0 AC-
FT) from 01/01 to 12/31; IRRIGATION
FROM STORAGE (40.0 AC-FT) from 04/01
to 11/01; DIVERSION TO STORAGE (3.00
CFS) from 02/01 to 06/15

Place of Use: NESW NWSW SWSW SESW
NESE NWSE SWSE SESE Sec 17 T 09N R
44E FOR 265 ACRES

Diversion Means: DAM, RESERVOIR &
SPRINKLER 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, 150 Shoup Ave., Idaho Falls,
Idaho 83402 on or before MARCH 15,
1982.

A. KENNETH DUNN
Director

Publ. Feb. 25 and March 4, 1982AH

MICROFILMED

RECEIVED
DEC 08 1993
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 60.00
Date 12-8-93
Receipt No. 0020178
Receipt by J. Kincaid

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 21-07294 Telephone No. 652-3348
2. Name(s) of Permit Holder(s): DALLAS THOMAS HOWELL
3. Mailing Address: XXXX 1407 STATE HWY 47 ASHTON, IDAHO 83420
4. Source of Water: SMALL STREAM tributary to sinks, and Robinson Creek

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 160 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted _____ cfs OR 20 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes X No Installed? _____ Yes _____ No

Flow Measurement Port: Required? _____ Yes X OR No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

same as above

Name _____ Telephone No. _____

Address _____

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

12-6-93
Date

Dallas Thomas Howell
Signature (and title, if on behalf of a company or organization)

JAN 10 1994

RECEIVED
DEC 18 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by OB
Date 12/18/91
Receipt # C022700

Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 21-07254

Name(s) of Permit Holder: DANIEL J. THAS CORP.

Post Office Address: 1707 STATE HWY 27

ASHLAND, IDAHO 83420

Telephone No. 652-3340

Date Proof Is Due: FEB. 1, 1992

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Survey work has been done, several contractors have looked at the site.

Soil samples by the S.C.S. have been taken

we have received bids on several different type of overflows and piping.

Currently under study for financial assistance by the S.C.S. for water quality improvement of Robison Creek and wet land development. Costing \$ 300.00

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

We are still debating as to the actual size and as to the funding of the

project either through Gov't cost share or privately for a larger size of structure.

The drought cycle that we are currently in also cuts the availability of water that

would flow into the proposed dam.

Permit holder(s) request an extension to FEB 1, 19 95.
(1 yr. minimum)

(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use is extended to
February 1, 1994.

Signed this 20th day of December, 19 91

A. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED
DEC 23 1991

RECEIVED

MAR 09 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by 19
Date 3-9-87
Receipt # 41544

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
Department of Water Resources of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 21-7294

Name(s) of Permit Holder: DALLAS THOMAS HOWELL

Post Office Address: RT. 1 - BOX 27A

ASETON, IDAHO 83420

Telephone No. 652-3348

Date Proof is Due: MAY 1, 1987

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Survey work, and preliminary soil strata analysis with a backhoe.

Costing \$ 400.00

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

Economic feasibility study, and the Swan Falls litigation.

Permit holder(s) request an extension to MAY 1, 1990
(1 yr. minimum)

(Signature)*

FEE: \$15.00

MICROFILMED

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

FEB 06 1991

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MICROFILMED

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1992.

Signed this 30th day of January, 19 91.

A. Alvin Saxton
Chief, Water Allocation Bureau

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 DALLAS THOMAS HOWELL Phone 652-3348

Post office address Rt. #1, Box 27A Ashton, Id. 83420

2. Source of water supply Stream which is a tributary of Robison Creek

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17 Township 9N

Range 44E B.M. Fremont County, additional points of diversion if any: _____

272.0 - 489.0 - 028.0 - 001.0 - 002.0

4. Water will be used for the following purposes:

Amount 3.0cfs for Storage purposes from 2/1 to 6/15 (both dates inclusive)
(cfs or acre-feet per annum) Storage for
Amount 40AF for Irrigation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) Irrigation from
Amount 40AF for Storage purposes from 4/1 to 11/1 (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. 3.0cfs cubic feet per second and/or b. 40AF acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Dam and reservoir and
sprinkler system

b. Height of storage dam 19.5 feet, active reservoir capacity 40 acre-feet; total reservoir capacity 40 acre-feet, materials used in storage dam: Earth

Period of year when water will be diverted to storage 1/1 to 12/31 inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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 _____

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

RECORDED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	44E	17									25	40	40	40	20	20	40	40	265
Total number of acres to be irrigated																			265

c. Describe any other water rights used for the same purposes as described above. NONE

9. a. Who owns the property at the point of diversion APPLICANT

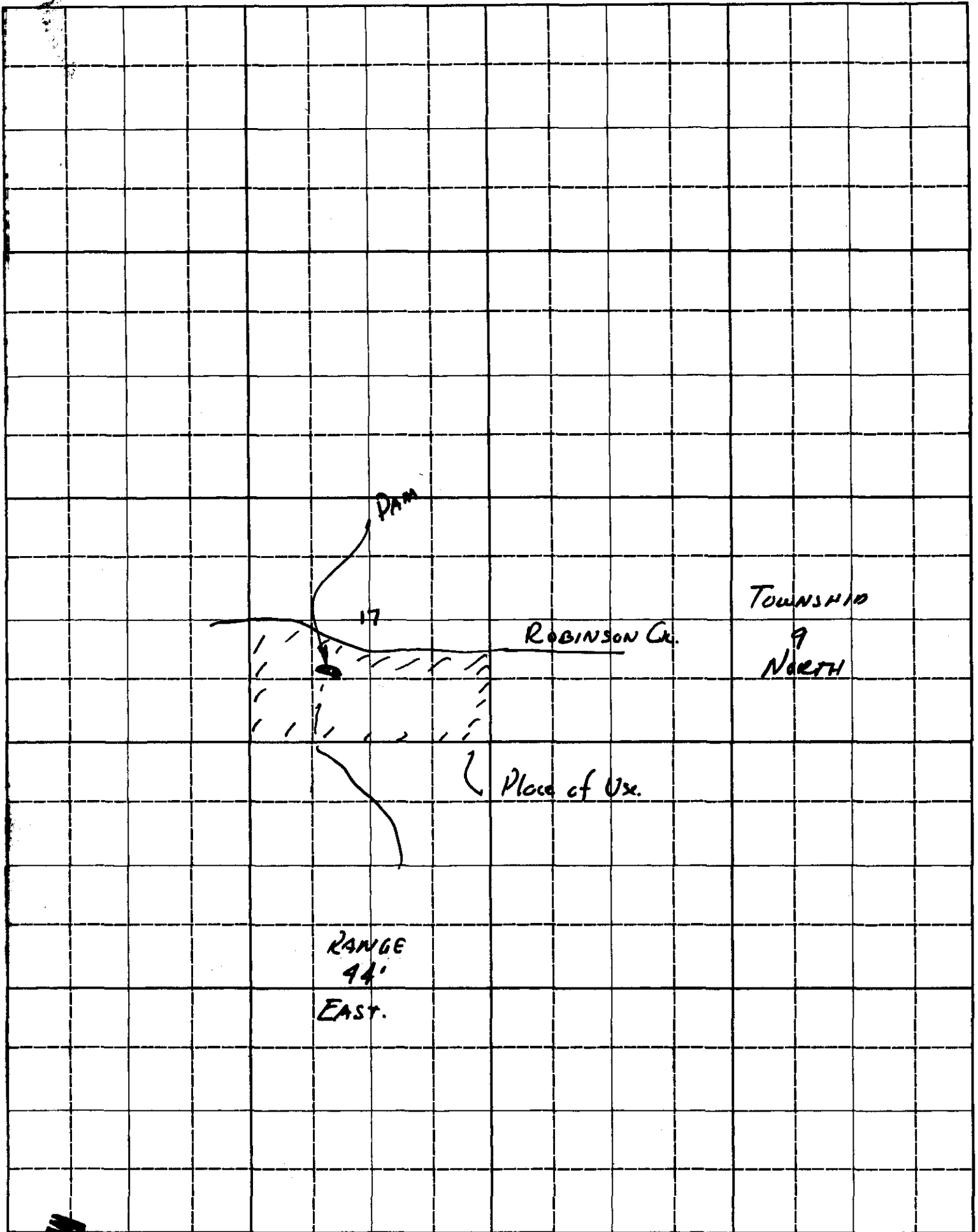
b. Who owns the land to be irrigated or place of use APPLICANT

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 The reservoir will be filled with snow melt runoff or
spring flows

MICROFILMED

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



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.

Dallas Howell
(Applicant)

Received by S.M Date 2/7/82 Time 4:30Preliminary check by HWT Fee \$ 85.00Receipted by SM Date 2-09-82 # 20085Publication prepared by to Date 2-17-82Published in Ashton HeraldPublication dates 2-25th and 3-4-82Publication approved CW Date 3-10-82Protests filed by: Fremont Madison Irrigation Districtwithdrawn 4-8-1982Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by ENC PC**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. 21-7294, 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 May 1, 19 87.

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: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

A lockable device, subject to the approval of the Department shall be permanently installed on the outlet pipe in a manner that will provide the watermaster suitable control of the diversion.

For licensing purposes, the applicant shall submit to the Department an area capacity curve of the reservoir certified by a professional engineer and complying with the standards of the Department.

The Department retains jurisdiction of the permit until all conditions of approval are complied with.

Witness my hand this 19th day of May, 1982.

L. Glen Saxton
Chief, Operations Bureau

MICROFILMED

MAR 5 1942

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF

WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION OF :
DALLAS THOMAS HOWELL, No. 21-7294, :
for a permit to appropriate 3.0 cubic : PROTEST OF FREMONT-
feet per second of water from unnamed : MADISON IRRIGATION
stream, tributary to Robison Creek : DISTRICT.
by means of dam, reservoir and sprinkler :
system. :

Comes now the Fremont Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to notice given that Dallas Thomas Howell made Application No. 21-7294 for a permit to appropriate 3.0 cubic feet per second 40.0 acre feet of water from unnamed stream tributary of Robison Creek by means of dam, reservoir, and sprinkler system within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, T. 9 N. R. 44 E., B. M., Fremont County, Idaho; to be used for irrigation storage from January 1 to December 31, and irrigation from storage from April 1 to November 1 and diversion to storage (3.0 CSF) from February 1 to June 15 for irrigation of 265 acres within the NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec. 17 T. 9 N. R. 44 E., B. M., and makes the following protest against the approval of such application:

1. That the supply of water in the unnamed stream tributary to Robison Creek is not sufficient to warrant such appropriation for storage and irrigation purposes.

2. That the anticipation of the applicant to appropriate said waters is speculative because of the lack of water in said unnamed stream, tributary to Robison Creek and any such attempt will reduce the quantity of water under existing water rights.

MICROFILMED

4. That such diversion will conflict with local public interest.

James Max Mortensen
James Max Mortensen, Chairman
Board of Directors of the Fremont-
Madison Irrigation District

STATE OF IDAHO)
 : ss.
County of Madison)

JAMES MAX MORTENSEN, being first duly sworn, says that he is the Chairman of the Board of Directors of the Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

James Max Mortensen

Subscribed and sworn to before me this 3^d day of March, 1982.

Mary Smith
Notary Public
Residing at Rexburg, Idaho
My Commission Expires: Life

(SEAL)

MICROFILMED

AFFIDAVIT OF
PUBLICATION

State of Idaho

ss.

County of Fremont

Carol Bessey

being first duly sworn, upon his
oath, deposes and says:

That she is the *editor*.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of *Notice*.....

*Application for
Water Right*
#21-7294 (Howell)

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for *2*..... consecutive
issues thereof; first publication

having been made on the *25*....

day of *February*..., 19*82*,

and the last publication on the

4.....day of *March*....

19*82*

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this

day of

19.....

.....

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton

RECEIVED

MAR 9 1982

Department of Water Resources
Eastern District Office

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:

Application No.: 21-7294

Applicant: HOWELL, DALLAS THOMAS
BOX 274, ASHTON, ID 83420

Source: UNNAMED STREAM tributary to
ROBINSON CREEK

Date Filed: 02/09/1982

Amount: 3.00 CFS 40.0 AC-FT

Diversion Point: NESW Sec 17 T 06N
44E, FREMONT Co.

Use: IRRIGATION STORAGE (40.0
AC-FT) from 01/01 to 12/31; IRRIGATION
FROM STORAGE (40.0 AC-FT) from 01/01
to 11/01; DIVERSION TO STORAGE (40.0
CFS) from 02/01 to 08/15

Place of Use: NESW NWSW SWSW Sec 17 T 06N
44E FOR 285 ACRES

Diversion Means: DAM, RESERVOIR &
SPRINKLER 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, 160 Shoup Ave., Boise, Idaho 83725,
Idaho 83725 on or before March 15,
1982.

Director

Publ. Feb. 26 and March 4, 1982

MICROFILMED

December 14, 1993

DALLAS THOMAS HOWELL
1407 STATE HWY 47
ASHTON ID 83420

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 21-07294

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED
JAN 10 1994

December 14, 1993

DALLAS THOMAS HOWELL
RT. 1 BOX 27A
ASHTON ID 834200000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07294

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
JAN 10 1994

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 21-07294

Reviewed by DJ

Date 12-10-93

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Irrigation from Storage

Correct Uses? yes

SOURCE OF WATER

yes Surface water source
/ Ground water source

 Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

 Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY 1407 State Hwy 47
New Address Ashtun Id. 83420

Proof Made Dec 8, 1993

November 30, 1993

DALLAS THOMAS HOWELL
RT. 1 BOX 27A
ASHTON ID 834200000

PROOF DUE NOTICE

RE: PERMIT NO. 21-07294

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

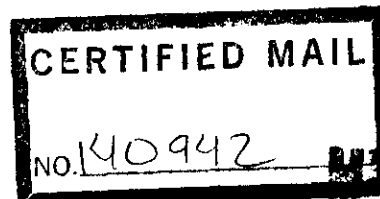
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



JAN 10 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 20, 1991

Dallas Thomas Howell
1407 State Highway 47
Ashton, ID 83420

Re: Permit No. 21-07294

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1994.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

MICROFILMED

DEC 23 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 21-07244

Reviewed by KRG

Date 12/19/91

BASIC INFORMATION

12/18/91 Date stamp received
yes Extension received timely (not too early not too late)
yes Fee received and receipted
yes Name and signature same as permit
no Address change

BASIS FOR EXTENSION REQUEST

☒ Has adequate work been completed to demonstrate due diligence?
☐ Has the cost incurred been adequate to demonstrate an intent to complete the project?
☐ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____
 Date litigation began _____
 Total period of delay = _____
 Present proof due date + _____
 NEW PROOF DUE DATE = _____

☐ Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN new address - 1407 State Hwy 47
approve Based on due diligence
extend to 2/1/94

☐ Reinstate Date extension received _____ = _____
 Proof due date _____ = -
 No. of days late _____ = _____
 Priority date _____ = +
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

12/20/91 KRG Change proof due date _____ Address change
 Priority date change _____

138253

November 30, 1991

DALLAS THOMAS HOWELL
RT. 1 BOX 27A
ASHTON ID 834200000

PROOF DUE NOTICE

RE: PERMIT NO. 21-07294

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED

DEC 23 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 21 - 7294
Name(s) of Permit Holder(s): Dallas Howell
Post Office Address: Rt. 1 - Box 27A Ashton, Idaho 83420
Tel. No. 652-3348

- ☐ I hereby certify that construction of diversion works for the above referenced permit began on _____ (date) and that I must continue to develop the water system with diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:
survey work and soil tests are completed
hopefully construction will begin next summer.

*Note: A financing difficulty is
not an acceptable reason.

12-21-82
Date

Dallas Howell
Signature of Permit Holder



RECEIVED

DEC 23 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

DEC 27

Water Resources

January 30, 1991

DALLAS THOMAS HOWELL
ROUTE 1 BOX 27A
ASHTON ID 83420

Dear Mr. Howell:

Re: Permit No. 21-7294

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1992.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

NOT FILMED

FEB 06 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 21-7294

Reviewed by [Signature]

Date 1-28-91

BASIC INFORMATION

- 9 Date stamp received
- 4 Extension received timely (not too early not too late)
- 4 Fee received and receipted
- 4 Name and signature same as permit
- N Address change

BASIS FOR EXTENSION REQUEST

- Has adequate work been completed to demonstrate due diligence?
- Has the cost incurred been adequate to demonstrate an intent to complete the project?

4 Has the permit been involved in litigation?

a. Swan Falls Yes Dismissed from Swan Falls
Other Identify

b. Is supporting documentation needed to complete the file?
Requested

c. Calculate the period of delay

Date litigation completed

Date litigation began

Total period of delay =

Present proof due date +

NEW PROOF DUE DATE =

- Is delay by a government agency?
- Is supporting documentation needed to complete the file?
- Requested?

ACTION TAKEN - *Ext. pending due to Swan Falls litigation (permit review). Allow ~~1~~ year one*

N/A Reinstatement Date extension received =
 Proof due date =
 No. of days late =
 Priority date = +
 ADJUSTED PRIORITY DATE =

DATE ENTRY

- Change proof due date Address change
- Priority date change



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 21, 1990

Dallas T. Howell
Rt 1, Box 274
Ashton, ID 83420

RE: PERMIT 21-7294

Dear Mr. Howell:

On March 9, 1987, you submitted a request for an extension of time (extension request) in which to submit the proof of beneficial use for the above referenced permit. The permit authorized the storage of water from a stream tributary to Robinson Creek to be used for irrigation purposes.

On May 6, 1987, the department corresponded with you and advised that we would hold the extension request without action until the permit was reprocessed as required by Section 42-203D, Idaho Code. This reprocessing was a direct result of the Swan Falls water right controversy which is now essentially resolved.

As it turns out, your permit is not affected by the Swan Falls controversy. For this reason, the extension request can be further processed.

Please contact me soon in connection with the pending extension request and advise me of the amount of additional time needed, if any is needed. If your project is complete, it is appropriate for you to file the proof of beneficial use in order to complete the filing requirements associated with the permit.

Enclosed is a proof of beneficial use form together with instructions which you should file if your project is complete. If the project is not complete, please advise me and the department will act on the pending extension request. If you have questions, feel free to call me at 327-7953.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Encl: 2

c: IDWR - E. Region

MICROFILMED

FEB 06 1991

May 6, 1987

Dallas Thomas Howell
Rt. 1 Box 27A
Ashton, ID 83420

Dear Mr. Howell:

Re: Permit No. 21-7294

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. The department will hold the request without action until the permit is reprocessed in compliance with the provisions of Sec. 42-203D, Idaho Code. Upon completion of reprocessing, an appropriate development period will be granted if the permit is to be continued.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Region

MICROFILMED

JUL 01 1987

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 21-7294

Reviewed by [Signature]

Date 3-19-1987

BASIC INFORMATION

- 4 Date stamp received
4 Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
 Fee received and receipted
 Name and signature same as permit
 Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

- 1 Has adequate work been completed to demonstrate due diligence?
1 Has the cost incurred been adequate to demonstrate an intent to complete the project?
4 Has the permit been involved in litigation?
 a. Swan Falls Yes Dismissed from Swan Falls No
 Other Identify
 b. Is supporting documentation needed to complete the file? Requested
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

- Is delay by a government agency?
 Is supporting documentation needed to complete the file? Requested?

ACTION TAKEN - Hold action on ext request pending review of permit under Sec. 42-203D

Special conditions or remarks:

1/1 Reinstate Date extension received _____ = RECEIVED
 Proof due date _____ = JUL 01 1987
 No. of days late _____ = _____
 Priority date _____ = +
 ADJUSTED PRIORITY DATE _____ = _____

- 1 Prepare coding sheet
1 Change rolodex card



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

EXTENSION OF TIME

March 9, 1987

Dallas Thomas Howell
Rt. 1, Box 27A
Ashton, ID 83420

PERMIT NO. 21-7294

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

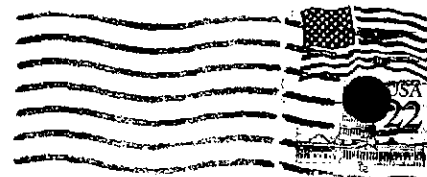
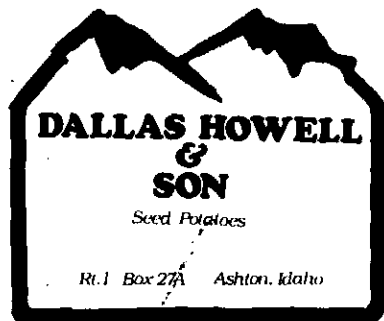
Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 41544.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED
JUL 01 1987



RECEIVED
JUL 01 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATE HOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
FEBRUARY 28, 1987

HOWELL, DALLAS THOMAS
RT. 1 BOX 274
ASHTON, ID 83420

138765

PROOF DUE NOTICE

RE: PERMIT NO. 21-7294

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 1, 1987. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

MAILING

JUL 01 1987

ENCLOSURES

[]



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MicroFILMED

JUL 01 1987

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HOWELL, DALLAS THOMAS
RT. 1 BOX 274
ASHTON, ID 83420

MAY 26, 1982

RE: PERMIT NO. 21-7294

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A LOCKABLE DEVICE THAT WILL PROVIDE THE WATERMASTER CONTROL OF YOUR DIVERSION.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

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State of Idaho
Department of Water Resources

21 7294

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

APPLICATION NUMBER: Dallas Thomas Howell
21-7294

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____
Date: _____
Comments: _____

- ☒ Fee.
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No*

Field check required.

Critical groundwater area.

Request dam safety information. Sent by: _____ Date: _____

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

✓ Dam info submitted by applicant.

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☒ Idaho Fish and Game Department. EW 2-22-82
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other WDS 01 EW 2-22-82

PROCESSING:

- ☒ Yes ☒ No
☐ Yes ☒ No

Coded
Plotted by: HWJ

Map No. V-98

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: MARCH 15, 1982 ✓

- ☒ Yes ☐ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: Mar 9-1982 ✓
☒ 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? #1

2-09-82

Date of priority recommended.

Special conditions of approval or cover letter.

See attached Conditions of Approval.

By: Ernest Carlson

Date: May 7, 1982

STATE OFFICE REVIEW:

SLW/L12,109,101

26 18 05/01 Snake R

- ☐ See attached sheet for more information.

By: [Signature]

Date: 5/17/82

MAY 10 1982

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
NESW	L7	Q9N	44E	--	--	000.2mils

IDAHO STREAM CODE INDEX

272.0.489.0.028.0.001.0.002.0.-----

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

15 25

67

420 167

Conditions of Approval.

Application #21-7294

- #1 1. A lockable device, subject to the approval of the Dept. shall be permanently installed on the outlet pipe in a manner that will provide the watermaster suitable control of the diversion.
- #2 2. For licensing purposes, the applicant shall submit to the Dept. an area capacity curve of the reservoir certified by a professional engineer and complying with the standards of the Dept.
- #3 3. The Dept. retains jurisdiction of the permit until all conditions of approval are complied with.

- See staff sheet for additional conditions.

May 4, 1982
Ernest Calver.

MICHIGAN

IN THE MATTER OF)
APPLICATION FOR)
PERMIT 21-7294)
IN THE NAME OF)
DALLAS HOWELL)

WITHDRAWAL OF
PROTEST

It is the understanding of Fremont-Madison based upon information presented at the conference that this dam will be on a drainage that only has flowing water early in the spring. We further understand that one of the main purposes of the dam is to prevent soil erosion.

With the understanding that this permit will be under the control of the Watermaster of water Dist. #1 and subject to all prior water rights we agree to withdraw our protest to its approval.

Signed at St. Anthony Idaho this 8th
of April, 1982

J. Max Mortensen

MICROFILMED

CONFERENCE

April 8, 1982

Application for Permit

21-7294

Dallas Thomas Howell

3 Cfs to storage
40 AF for irrigation

Dam & reservoir $19\frac{1}{2}'$ & 40 AF

Source Unnamed stream

Trib. to Robinson creek

Unnamed stream is just drainage
of 835 Acres of Dry farm.

10^T acre lost annually through
erosion.

Fremont Madison agreed to withdraw
Protest.

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~~21-7294 Keith H. Parkinson~~
21-7294 Dallas T. Howell

Courtroom, Fremont County Courthouse, St. Anthony, Idaho

Thursday, April 8, 1982 - ~~9:00 a.m.~~ 1:00 p.m.

ROSTER OF ATTENDANCE

Hearing Officer Bob Fleener & Ron Carlson

Name	Address	Representing
Dale L. Swensen	St. Anthony	Fremont - Madison Irrig.
Ed Clark	Rt 2 Ashton	Fremont Madison "
Max Mortensen	Rexburg Rt 2 Box 87	" "
Mary Smith -	Rexburg	" "
Brent V. Moss	- Rexburg	" "
Dallas Howell	Ashton	Dallas Howell
Dallas Howell	Ashton	Dallas Howell

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
)
NO. 21-7294 IN THE NAME OF)
)
DALLAS THOMAS HOWELL)
)
_____)

STIPULATION

BY THIS STIPULATION, the undersigned parties to
the above-captioned case waive compliance with the requirements
of Idaho Code, Section 67-5211, including the right to a
proposed decision, to file exceptions to a proposed decision
and to present briefs and oral arguments to the Director of
the Department of Water Resources and agree that the Director
may render a final decision in this case without first
submitting a proposed decision.

Dated this _____ day _____, 19____.

(Notary Subscription)

MICROFILM



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

April 2, 1982

Betty Hill
Fremont County Clerk
Fremont County Courthouse
St. Anthony, Idaho 83445

Dear Ms. Hill:

This is to confirm the use of the courtroom on
Thursday, April 8, 1982 beginning at 9:00 a.m.
for conference and/or hearing to be held by this
department.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

21-7294

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☐ Show to whom and date delivered.....¢

☒ Show to whom, date and address of delivery.....¢

☐ RESTRICTED DELIVERY
Show to whom and date delivered.....¢

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.\$____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Dallas J Howell
Rt #1 Box 274
Winston, Id. 83420

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>12909</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Dallas J Howell

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

RF4 RSLT 10434

6. UNABLE TO DELIVER BECAUSE

1982

Winston

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



RECEIVED
MAR 31 1982
DEPARTMENT OF WATER RESOURCES
SALT LAKE CITY, UT 84101
MAILS
Utah District Office
(Name of Sender)
Department of Water Resources
Salt Lake City, UT 84101

(Street or P.O. Box)

(City, State, and ZIP Code)

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
 POSTMARK AND DATE OF RECEIPT

1 N ^o	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	REST. DEL. FEE REMARKS
1	13001	1100 1/2 1000 200 12	10	12				60			0-0000
2	13002	1100 1/2 1000 200 12	37	75				70			0-0000
3	13003	1100 1/2 1000 200 12	37	75				70			0-0000
4	13004	1100 1/2 1000 200 12	38	75				70			0-0000
5	13005	1100 1/2 1000 200 12	38	75				70			0-0000
6	13006	1100 1/2 1000 200 12	38	75				70			0-0000
7	13007	1100 1/2 1000 200 12	38	75				70			0-0000
8	13008	1100 1/2 1000 200 12	38	75				70			0-0000
9	13009	1100 1/2 1000 200 12	38	75				70			0-0000
10	13010	1100 1/2 1000 200 12	38	75				70			0-0000
11											
12											
13											
14											
15											

POSTMASTER: PER (Name of receiving employee)
 TOTAL NUMBER OF PIECES LISTED BY SENDER
 TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE
 The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN ★ U.S. GOVERNMENT PRINTING OFFICE: 1979-301-994

RECEIVED

CONFERENCE AND HEARING INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decisions and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not

MICROFILMED

affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of the Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED

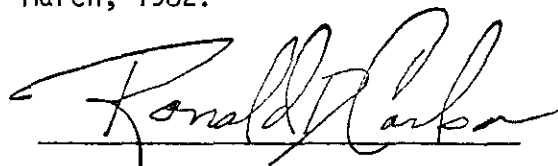
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL	}	
OF APPLICATION FOR PERMIT NO. 21-7294 IN	}	NOTICE OF HEARING
THE NAME OF DALLAS THOMAS HOWELL	}	AND/OR CONFERENCE

On February 9, 1982, Dallas Thomas Howell, Ashton, Idaho filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 5, 1982, the Department received a protest against approval of said application from Fremont Madison Irrigation District.

The Department has set the matter of protest for hearing for Thursday, April 8, 1982, at 1:00 p.m. in the Courtroom, Fremont County Courthouse, St. Anthony, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 25th day of March, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

MICROFILMED

March 24, 1982

RE: Application for Permit No. 21-7294 DALLAS T. HOWELL

James Max Mortensen
Fremont Madison Irrigation District
P.O. Box 5
St. Anthony, ID 83445

Dear Mr. Mortensen:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

RECEIVED
MAR 28 1982
IDWR

March 24, 1982

Dallas Thomas Howell
Rt. #1, Box 274
Ashton, ID 83420

Dear Mr. Howell:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 21-7294. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

MICROFILMED

SMITH, HANCOCK & MOSS

Attorneys at Law

MARY SMITH

J. D. HANCOCK

BRENT J. MOSS

W. LLOYD ADAMS (1885-1969)

30 SOUTH 2nd WEST

REXBURG, IDAHO 83440

PHONE: 208 - 356-5493

March 4, 1982

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

MAR 5 1982

Department of Water Resources
Eastern District Office

Gentlemen:

I am enclosing herewith Protest of Fremont-Madison Irrigation District in the matter of the application of Dallas Thomas Howell, No. 21-7294.

Yours very truly,

Mary Smith

Mary Smith
Attorney, Fremont-Madison Irrigation District

ld
enc

MICROFILMED



IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401

RECEIVED
MAR 11 1982

Department of Water Resources
Eastern District Office

March 10, 1982

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
Eastern Region
150 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Ernie:

Re: 21-7294 and 22-7390

Personnel from our Department have reviewed the above referenced applications and have no objections to their issuance.

Upstream and downstream passage in Bouquet Creek should not be obstructed by this pumping station.

Thank you for the opportunity to review and comment on these applications.

Sincerely,

Tom Reinecker
Regional Supervisor
Region 6

MICROFILMED

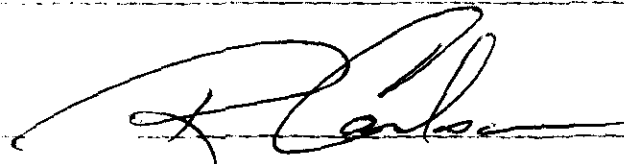
WATERMASTER COMMENTS

I have reviewed Application for Permit No. 21-7294 and
have the following comments/objections to the approval of this
application for permit:

*There should be water
available most years to
appropriate 40AF for storage*

3/10/82

Date



RONALD D. CARLSON, WATERMASTER
Water District No. 01

MICROFILMED

February 22, 1982

RE: Application for Permit No. 21-7294
No. 22-7390

Idaho Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Tom:

We are enclosing a copy(s) 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 March 15, 1982, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 18, 1982

The Ashton Herald
P. O. Box 258
Ashton, Idaho 83420

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 MARCH 15, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

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:

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, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before MARCH 15, 1982.

A. KENNETH DUNN

Director

ublished 2/25 & 3/4/82.

MICROFILMED

21-7294

HOWELL, DALLAS THOMAS

RT. 1 BOX 274, ASHTON, ID 83420

Source: UNNAMED STREAM tributary to ROBISON CREEK

Date Filed: 02/09/1982

Amount: 3.00 CFS 40.0 AC-FT

Diversion Point: NESW Sec 17 T 09N R 44E, FREMONT Co.

Use: IRRIGATION STORAGE (40.0 AC-FT) from 01/01 to 12/31
IRRIGATION FROM STORAGE (40.0 AC-FT) from 04/01 to 11/01
DIVERSION TO STORAGE (3.00 CFS) from 02/01 to 06/15

Place of Use: NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 17 T 09N R 44E
FOR 265 ACRES

Diversion Means: DAM, RESERVOIR & SPRINKLER SYSTEM

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