

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Suzanne Jones being first duly sworn on
her oath, states: That she is secretary
of the Idaho Enterprise, a newspaper of general circula-
tion in Oneida County, Idaho published weekly at Malad,
in said county, that said newspaper has been published
in said county uninterruptedly and continuously for over
seventy-eight consecutive weeks, prior to the first publi-
cation of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of
publication of said notice a newspaper of general circula-
tion made up of at least four pages of at least five
columns each, printed from type matter or stereotyped
forms of at least seventeen and three fourths inches
depth, and said newspaper during all of the times of
publication aforesaid had more than 200 bonafide sub-
scribers thereto living within the county of Oneida in
which said newspaper was published at regular intervals
not less frequently than once a week.

That the annexed notice was published per clipping
attached in the regular and entire edition of said
newspaper and not in any supplement thereof for 2
successive weekly issues thereof the date of the first
publication being the 31st day of March, 1977
the date of the last publication being the 7th day of
April, 1977.

Subscribed and sworn to before me this 1 day of
April, 1977.

H. D. Naylor
Notary Public, residing at Malad, Idaho

My Commission expires the 10 day of Oct, 1977.

Costs:

33 lines at 23c per line first insertion \$ 7.59
..... lines tabulated at 34 1/2c per line \$
15c per line each subsequent insertion \$ 4.95
TOTAL \$ 12.54

(Rates for legal notices are fixed by Idaho law)

RECEIVED
APR 18 1977

Department of Water Resources
Office

NOTICE OF APPLICATION FOR WATER PERMIT

NOTICE IS HEREBY GIVEN
that Clarence Kent, Malad, Idaho
has on 3-21-77 submitted Appli-
cation No. 15-7036 for a permit to
appropriate 0.25 cubic feet per
second of water from unnamed
springs tributary to sinks by
means of headbox and pipeline
within the SW 1/4 SE 1/4, Sec. 14, T.
11S, R. 34E, B.M., Oneida
County; to be used from Jan. 1 to
Dec. 31 for stockwatering
purposes for 50 head of beef cattle
within the SW 1/4 SE 1/4, Sec. 14, T.
11S, R. 34E; and from Apr. 1 to
Nov. 1 for the irrigation of 160
acres within the S 1/2 NE 1/4,
N 1/2 SE 1/4, Sec. 24, T. 11S, R. 34E,
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
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before April 18, 1977.

Director

Published in the Idaho
Enterprise, Malad City, Idaho on
March 31 and April 7, 1977.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 15-7036 Priority March 21, 1977 Amount 0.02 cfs

THIS IS TO CERTIFY, that CLARENCE KENT

of Malad, Idaho, has complied with the terms and conditions of Permit No. 15-7036 issued pursuant to Application for Permit dated March 21, 1977, and has submitted proof to the Department of Water Resources on October 19, 1977, 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 0.02 cfs of water from unnamed springs, tributary to sinks, 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
Stockwater	from January 1 to December 31	at 0.02 cfs and	0.4 acre feet
Irrigation	from April 1 to November 1	at 0.02 cfs and	8.53 acre feet
	from to at cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 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 for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 8.93 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 11S, Rge. 34E, B.M. in the County of Oneida

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 $\frac{1}{4}$	
11S	34E	14																	(stockwater)
		24			39	40									40	38			157

Total number of acres irrigated 157

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 30 day of November, 19 79

Director

MICROFILMED

Identification No. 15 7036

Application No. _____

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

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Clarence Kent Phone: 766-4328
post office address 48 N 150E MAIAD 83252
2. Source of water supply Unnamed Springs which is a tributary of Sinks
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14 Township 11S
Range 34E B.M. Oneida County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount .02 for Stock purpose from Jan to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .25 for IRR purpose from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

- a. .25 cubic feet per second and/or
- b. _____ acre feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Headbox perforated pipe
Stock troughs and sprinkler 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 during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

- b. Estimated construction cost is \$ _____.

8. Description of proposed uses:

- a. If water is **not** for irrigation:

- (1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14 Township 11S
Range 34E B.M.

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

- (3) List number of each kind of livestock to be watered 50 head beef cattle

- (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: _____

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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	
11S	34E	24			40	40									40	40			160

Total number of acres to be irrigated 160

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

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

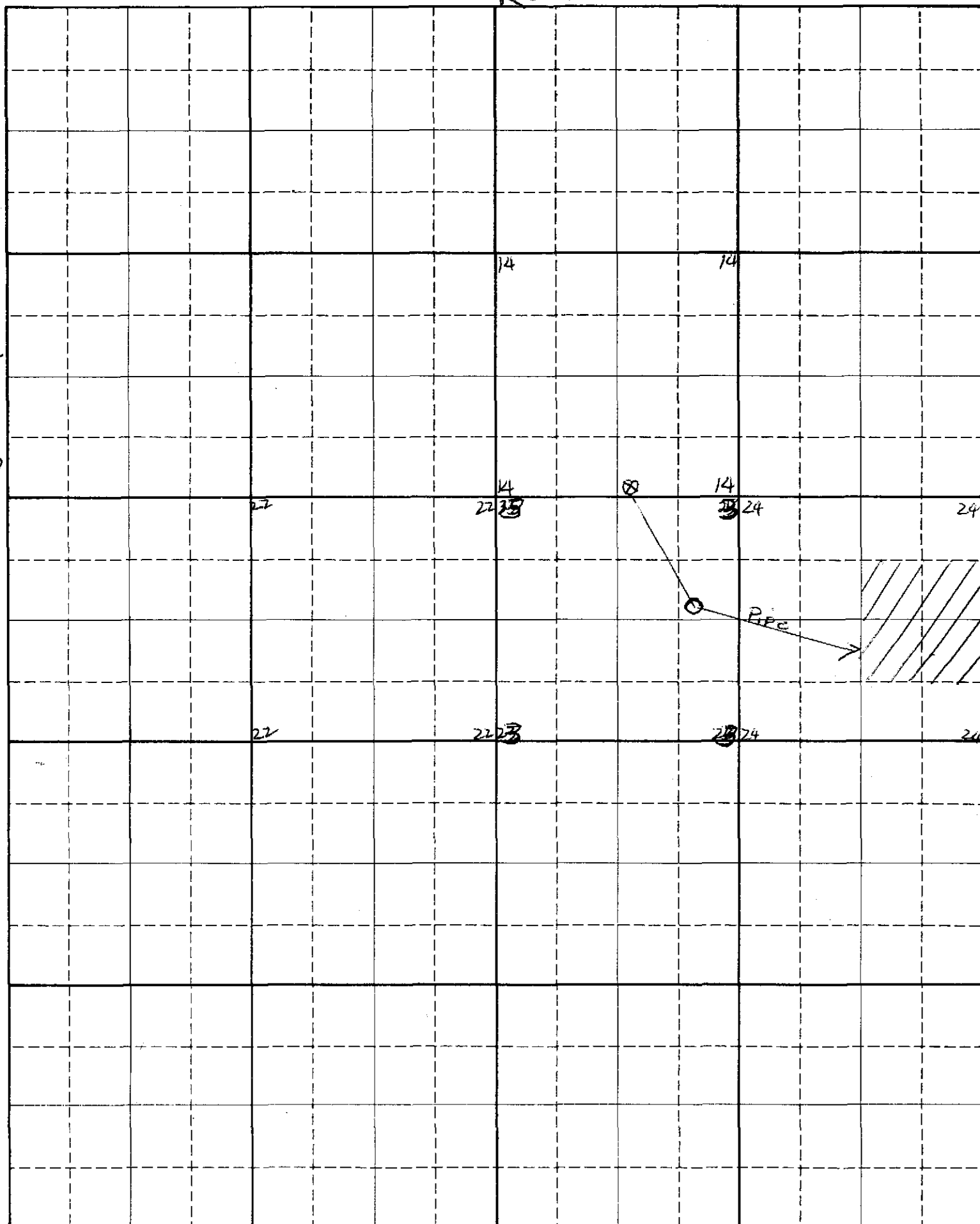
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

Spring water will be combined with additional springs in SE 1/4 NE 1/4 Sec 23 T11S R34E, to provide sufficient irrigation supplies

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

R34



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.

Clarence Kent
(Applicant)

MICROFILMED

3-21-1977

Received by WJ Date 3-21-77 Time 10:31A
Preliminary check by BR Fee \$25.00
Receipted by WJ Date 3-21-77 #464
Publication prepared by WJ Date 3-25-77
Published in Idaho Contractor
Publication dates Mar 31 & Apr 7-1977
Publication approved WJ Date 4-18-77
Priority reduced to _____ Reason _____
Protests filed by: WJ & Beatrice Clark
WJ & Beatrice Clark
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by WJ

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. 15-7036, 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 September 1, 19 82

c. Other: _____

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

Witness my hand this 22 day of September 19 77.

Deputy Director

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Suzanne Jones being first duly sworn on
h. ll oath, states: That she is secretary
of the Idaho Enterprise, a newspaper of general circula-
tion in Oneida County, Idaho published weekly at Malad,
in said county, that said newspaper has been published
in said county uninterruptedly and continuously for over
seventy-eight consecutive weeks, prior to the first publi-
cation of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of
publication of said notice a newspaper of general circu-
lation made up of at least four pages of at least five
columns each, printed from type matter or stereotyped
forms of at least seventeen and three fourths inches
depth, and said newspaper during all of the times of
publication aforesaid had more than 200 bonafide sub-
scribers thereto living within the county of Oneida in
which said newspaper was published at regular intervals
not less frequently than once a week.

That the annexed notice was published per clipping
attached in the regular and entire edition of said
newspaper and not in any supplement thereof for 2
successive weekly issues thereof the date of the first
publication being the 31st day of March, 1977
the date of the last publication being the 7th day of
April, 1977.

Subscribed and sworn to before me this 7 day of
April, 1977.

H. R. Maylor
Notary Public, residing at Malad, Idaho

My Commission expires the 11 day of Oct, 1977.

Costs:

33 lines at 23c per line first insertion \$ 7.59
_____ lines tabulated at 34 1/2c per line \$ _____
15c per line each subsequent insertion \$ 4.95
TOTAL \$ 12.54

(Rates for legal notices are fixed by Idaho law)

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APR 18 1977

Resources
Office

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within the SW 1/4 SE 1/4, Sec. 14, T.
11S, R. 34E, B.M., Oneida
County; to be used from Jan. 1 to
Dec. 31 for stockwatering
purposes for 50 head of beef cattle
within the SW 1/4 SE 1/4, Sec. 14, T.
11S, R. 34E; and from Apr. 1 to
Nov. 1 for the irrigation of 160
acres within the S 1/2 NE 1/4,
N 1/2 SE 1/4, Sec. 24, T. 11S, R. 34E,
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
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before April 18, 1977.

Director

Published in the Idaho
Enterprise, Malad City, Idaho on
March 31 and April 7, 1977.



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

December 28, 1979

Clarence Kent
48N 150E
Malad, ID 83252

Dear Mr. Kent:

RE: Permit No. 15-7036

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

December 11, 1979

Re: Permit No. 15-7036

Clarence Kent
48N 150E
Malad, ID 83252

Dear Mr. Kent:

In your letter you stated that the stockwatering place of use is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23. However, our field examiner found it to be in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, which was the place of use originally filed on. I am enclosing a sketch of the system as the field examiner saw it. If you disagree after you see the map, please contact us and we can schedule a re-examination of your system. However, if the place of use is changed we must amend the permit to show the change.

In reference to the amount of water measured, we cannot increase that amount as it was the amount being beneficially used at the time of the field exam. It would constitute an expansion of the water right if we were to increase the amount based upon a future possibility. If your water availability does increase, then a new water right application should be filed to reflect the priority date of the new water use.

If you have any questions or disagree with the place of use for the stockwater, please contact us within 15 days, otherwise a water license will be issued as previously shown in our letter of November 20, 1979.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j

MICROFILMED

State of Idaho
Department of Water Resources

Madison Idaho

November 27, 1979

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NOV 30 1979

Department of Water Resources

Re: Permit no. 15-7036

In your letter dated November 20 all legal descriptions are correct except the location for stock watering. That should read:
NW 1/4, NE 1/4 SEC. 23.

This spring was developed and piped in 1975. During 1976 it held at or above .03 CFS. Due to extreme drought it has stayed at about the amount measured by your representative since that time. May I suggest that you increase the permit to save us both the paper work and expense of an additional filing when the water table returns to normal?

Sincerely,
Clarence Kent

UNRECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

November 20, 1979

Re: Permit No. 15-7036

Clarence Kent
48 N. 150E.
Malad, ID 83252

Dear Mr. Kent:

A representative of this Department made an examination of the works covered by your Permit No. 15-7036 on October 19, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.02 cfs Source: unn. springs

The maximum quantity diverted shall not exceed 8.03 acre feet per
year.

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 11S, Rge. 34E, B.M.

Beneficial use: Irrigation of 157 acres within the S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24,
and stockwater use within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, all in Twp. 11S, Rge. 34E, B.M.

Priority date established: March 21, 1977

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

MICROFILMED



County Road

Acres irrigated
by 3 wheel lines &
1 handline

39 ac 40 ac

644 pond
38 ac 40 ac

Point of
diversion

water to
from spring

15-7036

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Department of Water Resources
Eastern District Office
Phone 706-

3. Water will be used for the following purposes:

Other uses: _____

- Max Rate of Diversion 0.25 cubic feet per second and annual volume _____ AF/Annum.

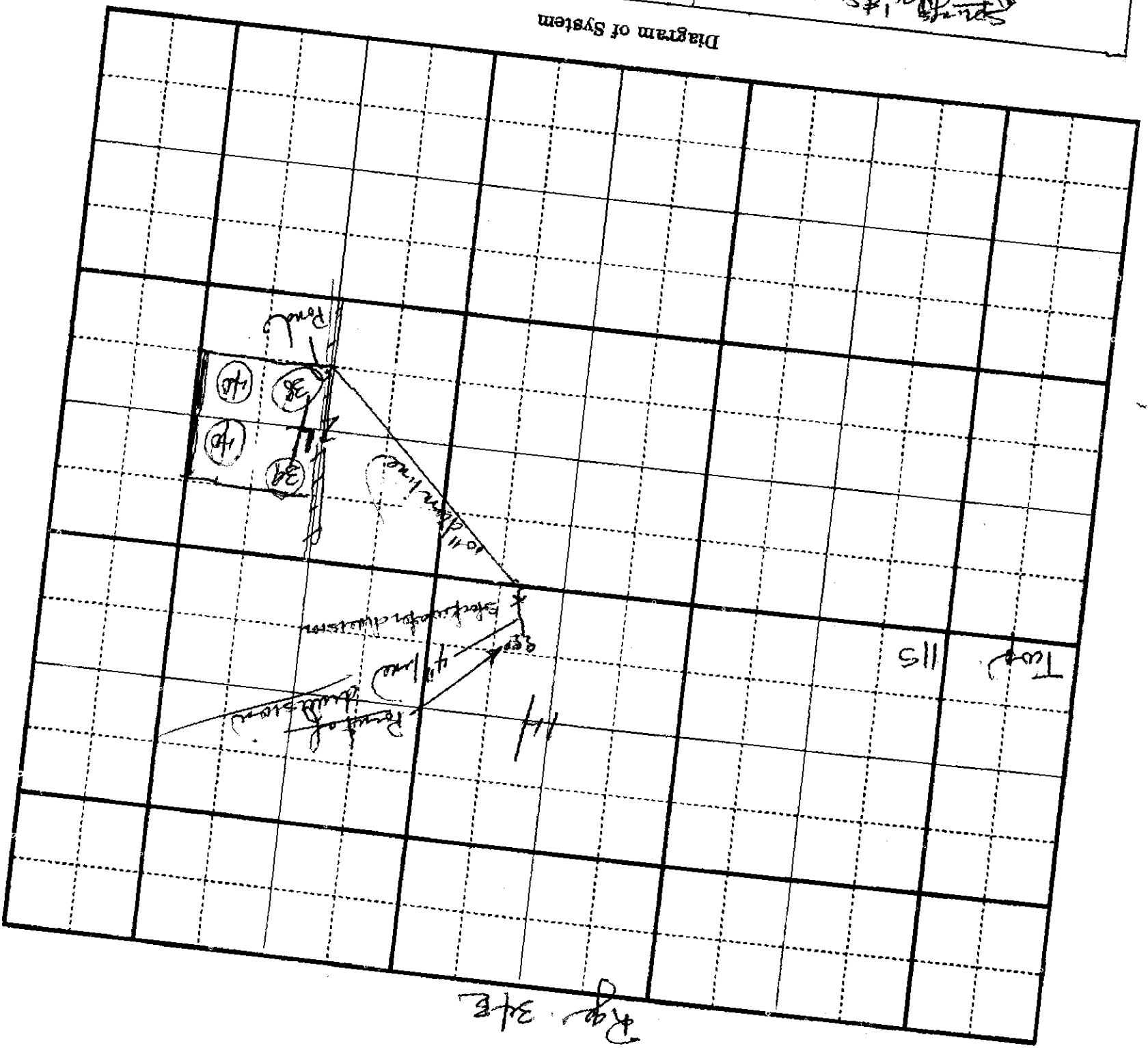
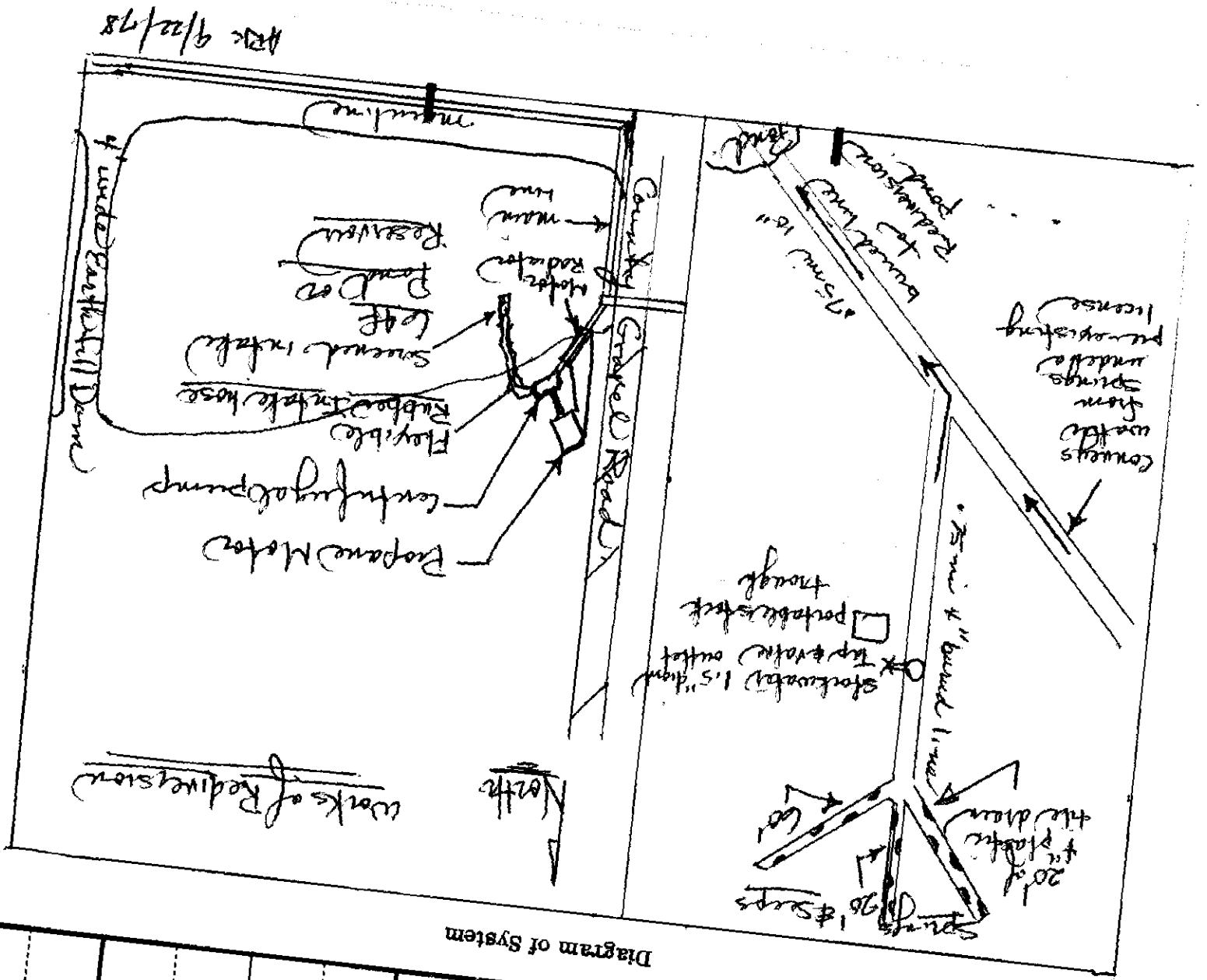
- Other Points of Diversions: _____

Description of diverting works: water is collected by underground perforated pipe and piped to places of use

Measuring device required: yes ☐ no ☒

- [illegible]

160



DATE OF EXAM 7/26/78

ACREAGE
Found 157
Recommended 157

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .02 c.f.s. V = 8.53 AF/Ann. from April 1 to Nov 1
Domestic Q = c.f.s. V = AF/Ann. from Jan 1 to Dec 31
Livestock Q = .02 c.f.s. V = .40 AF/Ann. from Jan 1 to Dec 31

Plot .02 cfs 8.93 Af/yr

Is water co-mingled? yes no X

Name source: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured .02 cfs Method of measurement Bucket & stop watch

Total Q recommended .02 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 8.93 Af/yr

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:
Measured 2.5 gal in 20 seconds, = 7.5 gpm - 448 8 gpm/cfs
= .02 cfs

$V = 157 \times 3.5 = 549.5 \text{ Af/yr} > 1.9835 \times .02 \times 215 = 8.53 \text{ Af/yr}$

SYSTEM DESCRIPTION:
Water from unnamed springs is collected by 2-20' long and
1-60' long 4" plastic buried tile drain. Water then flows
downhill by the force of gravity through a 4" plastic
water line for 3/4 mi and into a 10" main line for another
.75 miles where the water is discharged into a small
reservoir or pond approx 6 Af in capacity. Water is then

REMARKS: redirected from the pond for irrigation by a propane
converted gasoline engine by Ford No. I.D.#5 and by means
of a Berkley Centrifugal pump S/N - 757741
7 mi - B.T.S. (RBM CW) BM - # 52187. Acreage is irrigated
with a pressurized sprinkler system consisting of 3 3/4 wheel lines

Examiner's Signature Anthony R. Kozlowski Date 9/22/78 No Preexisting Rights

Checked by Rodney A. Parker Date 1/19/79

Approved by Date

1 1/4 mi handline. There is a stockwater
diversion (tap & valve & portable stock trough)
located on the 4" plastic waterline approx 1/4 mi
below the springs in SWSE Sec 14 T11S R34E B.M.

System shown & described by Clarence Kent

December 2, 1977

Re: Permit No. 15-7036

Clarence Kent
48 No. 150 East
Malad, Idaho 83252

Dear Mr. Kent:

We acknowledge receipt of the affidavit submitted as proof of beneficial use 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 Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights

RECORDED

Identification No. 15 7036

Permit No.

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

OCT 19 1977

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE Department of Water Resources

1. a) Name of Permit Holder CLARENCE KENT
b) Post Office Address 48 N. 150 E., MALAD, IDAHO
2. Permit Number 15 7036
3. Date of Priority that you are prepared to establish 3-21-77
4. a) Source from which water was appropriated UNNAMED SPRINGS
b) Location of the point of diversion: SW 1/4 SE 1/4, Section 14
Township 11S, Range 34E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount .02 for STOCK purposes from JAN. to DEC. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .25 for IRR. purposes from APR. 1 to NOV. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .1 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: I PUT 5 GAL. BUCKET UNDER END OF PIPE IT TOOK ALMOST 7 SEC. TO FILL (MEASUREMENT JUNE 1976)
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) WATER IS COLLECTED BY UNDER GROUND PERFORATED PIPE AND PIPED TO PLACES OF USE
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

11/25/77

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	34E	24																	
					///	///													
					///	///													

Total number of acres irrigated 160

10. Remarks: SPRING WATER WILL BE COMBINED WITH ADDITIONAL SPRINGS IN SE ¼ NE ¼ SEC. 23 T 11S R 34E. THIS DOES NOT GIVE OPTIMUM AMOUNT BUT IT IS USED ON ALL OF 160 ACRES

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

10-11-77
(Date)

Clarence Kent
(Signature)

State of Idaho)
) ss.
County of Oneida)

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

Elbert J. Weeks
Notary Public residing at Malad, Idaho

My commission expires N/A

file

Please
file

Malad, Idaho
October 5, 1977

RECEIVED

OCT 7 1977

Department of Water Resources

Mr. Bobby D. Fleenor
Chief, Water Rights
Department of Water Resources

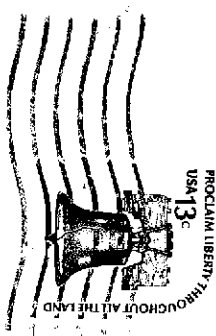
Dear Mr. Fleenor:

In reference to my application
no. 15 7036; please send forms
that are to be completed for proof
of development and beneficial use

Sincerely
Clarence Kent

Sent 10/7/77

48N. 150 E
MALAD, IDA.
83252



DEPARTMENT OF WATER RESOURCES

STATE HOUSE

BOISE, IDAHO 83720

27 September, 1977

Mr. Clarence Kent
48 North 150 East
Malad, Idaho 83252

Dear Mr. Kent:

Enclosed is a copy of your approved Application for Permit No. 15-7036. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

MICROFILMED

M E M O R A N D U M

TO: File
FROM: Ron Carlson *RDC*
RE: Application for Permit No. 15-7036 CLARENCE KENT
DATE: August 24, 1977

On May 24, 1977, a hearing was scheduled to hear protests against the granting of Application for Permit No. 15-7036. The applicant, Clarence Kent, was the only party that showed up for the hearing.

I later talked to Robert C. Huntley, Attorney for protestants Dale and Beatrice Clark, who indicated the springs described in this application were different from those over which previous disputes had taken place, and that the protestants wished to withdraw their protest. As I recall, my conversation with Mr. Huntley, he agreed at that time to submit a letter for the file withdrawing this protest.

I believe, at this time, the protest should be set aside because of the conversation I have had with the protestant's attorney and in view of the fact they failed to appear at the conference.

RECEIVED
AUG 29 1977

LAW OFFICES OF
RACINE, HUNTLEY & OLSON
CHARTERED

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
D. JAMES MANNING

CENTER PLAZA - CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201

TELEPHONE
AREA CODE 208
232-6101

W. MARCUS W. NYE
GARY L. COOPER

May 25, 1977

RECEIVED

MAY 27 1977

Department of Water Resources
Eastern District Office

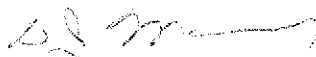
Mr. Ronald D. Carlson
Supervisor, Eastern Region
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Applications for Permit No. 15-7036 - Clarence Kent

Dear Mr. Carlson:

Regarding your letter of May 18, 1977, on the above matter, after reviewing my file I realized that I did have in mind when I wrote you earlier that this was a continuation of similar applications from the same area. I appreciate your straightening me out on this and also, your offer to consider our remarks at the earlier conference on the present application.

Very truly yours,



D. JAMES MANNING

DJM:jc

15-7036 - Clarence Kent

Courtroom, Oneida County Courthouse, Malad, Idaho

May 24, 1977 - 2:30 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

<i>H Clarence Kent</i>	<i>48 N. 150 E Malad, Ida.</i>	
------------------------	------------------------------------	--

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 15-7036)
in the name of CLARENCE KENT)

NOTICE OF CONFERENCE

AND/OR HEARING

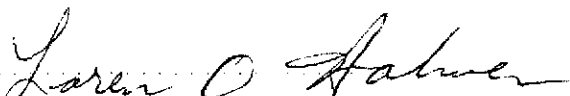
On March 21, 1977, Clarence Kent filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 9, 1977, the Department received a protest against approval of said application from the St. John Irrigating Company. On April 18, 1977, the Department received an additional protest from Del and Beatrice Clark.

The Department has set the matter for conference and/or hearing for Tuesday, May 24, 1977, at 2:30 p.m., in the Courtroom of the Oneida County Courthouse, Malad City, Idaho. Any hearing will be held in accordance with the Rules and Regulations 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.

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. 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.

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

Dated this 5th day of May, 1977.


LOREN O. HOLMES
Assistant Regional Supervisor

May 18, 1977

RE: Application for Permit No. 15-7036 CLARENCE KENT

Mr. D. James Manning
Attorney at Law
P.O. Box 1391
Pocatello, ID 83201

Dear Mr. Manning:

We are in receipt of your letter of May 11, 1977, indicating that the St. John Irrigating Company will not be present at the conference or hearing to be held May 24, 1977, in Malad, Idaho.

I get the impression from your letter that you are of the opinion that this hearing will be a continuation of one previously held by the Department, which is not correct. The hearings previously held were on Applications 15-7025, 15-7026, 15-7029, and 15-7030. While this application is for a spring in the same area and I assume the issues will be very similar, the objections against this specific appropriation have never been heard by the Department. However, if St. John Irrigating Company does not appear at the conference or hearing, the Department will consider the testimony at the previous hearing if it applies before taking final action on this application.

If you have additional questions in this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

LAW OFFICES OF
RACINE, HUNTLEY & OLSON
CHARTERED
CENTER PLAZA - CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201

May 11, 1977

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
D. JAMES MANNING

W. MARCUS W. NYE
GARY L. COOPER

RECEIVED
MAY 12 1977

TELEPHONE
AREA CODE 208
232-6101
Department of Water Resources
Eastern District Office

Mr. Loren O. Holmes
Assistant Regional Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Protest of Application for Permit No. 15-7036
Clarence Kent

Dear Mr. Holmes:

Regarding the above application for permit, as I have previously advised the Department, this office represents St. John Irrigating Company, and I appeared on their behalf at the original conference on this application.

St. John Irrigating does not now desire to produce additional evidence or participate further in connection with its protest, and so neither myself or representatives of the company plan to attend the hearing the Department has just scheduled for May 24, 1977 in Malad.

Very truly yours,


D. JAMES MANNING

DJM:jc

CC: Mr. Dave Deschamps
Mr. Nolan Blaisdale



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

May 17, 1977

Clerk of the District Court
Oneida County Courthouse
Malad, ID 83252

Dear Sir:

This is to confirm the use of the Courtroom for Tuesday, May 24, 1977,
at 2:30 p.m.

Very truly yours,

RONALD D. CARLSON
Supervisor

RDC:ME

RECEIVED

APR 13 1977

Department of Water Resources
Eastern District Office

Robert C. Huntley, Jr.
RACINE, HUNTLEY & OLSON
P. O. Box 1391 - Center Plaza
Pocatello, Idaho
Telephone (208) 232-6101

BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

Re: Notice of Application for)
Water Permit by Clarence Kent.) Application No. 15-7036

COME NOW Del Clark and Beatrice Clark, husband and wife,
and object and protest to the above-referenced application
on the following grounds:

(1) That there is presently under consideration a
determination of the water rights in the subject springs
under Application No. 15-7029, and the outcome of that
proceeding may result in there not being any available
additional water to appropriate.

(2) The application seeks to appropriate waters which
are the property of the protestants herein by way of both
prior application and use, and also by way of application
under Idaho Code 42-201, under Application No. 15-7029.

DATED this 15th day of April, 1977.

RACINE, HUNTLEY & OLSON

By



Robert C. Huntley, Jr.
Attorneys for Del Clark and
Beatrice Clark

THE ST. JOHN IRRIGATING COMPANY
Rt. No. 1
Malad City, Idaho 83252

April 7, 1977

RECEIVED

APR 9 1977

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Please enter the Protest of the St. John Irrigating Company of Route #1, Malad City, Idaho, to the application of Clarence Kent, Malad City, Idaho, No. 15-7036 "to appropriate 0.25 cubic feet per second of water from unnamed springs tributary to sinks" in Oneida County, Idaho.

The St. John Irrigating Company claims a prior right to the water applied for by Mr. Kent.

Very truly yours,

ST. JOHN IRRIGATING COMPANY

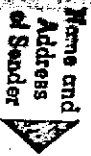
BY: Nolan T. Blaisdell
President

Attest:

David Deschamps
Secretary

kjh

RECEIVED



Name and Address of Sender

Indicate type of mail:
☐ REGISTERED ☐ C.O.D.
☐ CERTIFIED

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	RECEIPT	ACTUAL VALUE	HANDLING CHARGE	REMARKS
378	James D. Coates, Box 191, Peoria	13	60					13-7162
379	James W. Wilson, Box 191, Peoria	13	60					25-7103
380	Ed. Wilson, 485 "E" Street, 1F	13	60					"
381	John Brinkley, Box 1391, Peoria 83353	13	60					15-7036
382	Robert Brinkley, Box 1391, Peoria 83353	13	60					"
383	Almae, 12 North 150 East, Peoria 83352	13	60					"
384	120. Leonard, Unit 8, Peoria 83352	13	60					29-7368
385	Dr. F. Albrecht, Unit 8, Peoria 83352	13	60					"
386	John Brinkley, Unit 8, Peoria 83353	13	60					"
387	Dr. Albrecht, Unit 8, Peoria 83352	13	60					"
388	Mr. & Mrs. L. Leonard, Unit 8, Peoria 83352	13	60					"
389	Mr. & Mrs. Leonard, Unit 8, Peoria 83352	13	60					"
390	Mr. & Mrs. Leonard, Unit 8, Peoria 83352	13	60					"
391	Dr. Leonard, Unit 8, Peoria 83352	13	60					"
392	Leonard, Unit 8, Peoria 83352	13	60					"
393	Richard, Unit 8, Peoria 83352	13	60					"
394	The Young, Unit 8, Peoria 83352	13	60					"
395	Mr. & Mrs. Leonard, Unit 8, Peoria 83352	13	60					"
396	Mr. & Mrs. Leonard, Unit 8, Peoria 83352	13	60					"
397	Mr. & Mrs. Leonard, Unit 8, Peoria 83352	13	60					"

Form 377, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

Declaration of value is required on international registered mail

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

U. S. GOVERNMENT PRINTING OFFICE: 1974-0-355-755



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

May 18, 1977

RE: Applications for Permit No. 15-7036 CLARENCE KENT

Mr. D. James Manning
Attorney at Law
P.O. Box 1391
Pocatello, ID 83201

Dear Mr. Manning:

We are in receipt of your letter of May 11, 1977, indicating that the St. John Irrigating Company will not be present at the conference or hearing to be held May 24, 1977, in Malad, Idaho.

I get the impression from your letter that you are of the opinion that this hearing will be a continuation of one previously held by the Department, which is not correct. The hearings previously held were on Applications 15-7025, 15-7026, 15-7029, and 15-7030. While this application is for a spring in the same area and I assume the issues will be very similar, the objections against this specific appropriation have never been heard by the Department. However, if St. John Irrigating Company does not appear at the conference or hearing, the Department will consider the testimony of the previous hearing, if it applies, before taking final action on this application.

If you have additional questions in this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

April 25, 1977

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

C. Stephen Allred
Director

RE: Application for Permit No. 15-7036 KENT

Mr. Nolan T. Blaisdell, President
St. John Irrigating Company
Rt. #1
Malad City, Idaho 83252

Gentlemen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing 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 purposes 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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

April 25, 1977

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

C. Stephen Allred
Director

RE: Application for Permit No. 15-7036 KENT

Mr. Robert C. Huntley, Jr.
Attorney at Law
P.O. Box 1391
Pocatello, Idaho 83201

Dear Mr. Huntley:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing 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 purposes 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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

April 25, 1977

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

C. Stephen Allred
Director

Mr. Clarence Kent
48 North 150 East
Malad City, Idaho 83252

Dear Mr. Kent:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 15-7036. You should be aware that the following are the principal items we can consider at a conference and/or hearing 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 purposes 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?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW
Enclosures : 2 protests
cc: IDWR - State Office

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
D. JAMES MANNING, JR.

W. MARCUS W. NYE
GARY L. COOPER

LAW OFFICES OF
Racine, Huntley & Olson, Chartered

CENTER PLAZA - CORNER FIRST STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201
TELEPHONE (208) 232-6101

RECEIVED

APR 18 1977

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Permit No. 15-7036

Gentlemen:

Enclosed is for filing in the above Application is objection of
Del Clark and Beatrice Clark.

Very truly yours,



ROBERT C. HUNTLEY, JR.

RCH:bm
Encl.
cc: Del Clark

March 31, 1977

RE: Application for Permit No. 15-7036

Clarence Kent
48 N 150 E
Malad City, Idaho 83252

Dear Mr. Kent:

Attached herewith is departmental receipt No. 6464 in the amount of \$25.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

March 25, 1977

RE: Application for Permit No. 15-7036 KENT

Idaho Enterprise
P.O. Box 205
Malden City, Idaho 83252

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 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 4-18-77 by ML

RDC:CW

Enc: Legal Notice (1)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Clarence Kent,
Malad, Idaho

has on 3-21-77 submitted Application No. 15-7036
for a permit to appropriate 0.25 cubic feet per second ~~XXXXXX~~ acre feet per annum
of water from unnamed springs tributary to sinks
by means of headbox and pipeline
within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 11S, R. 34E, B.M., Oneida County;

to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 50 head of
~~XXXX~~ beef cattle within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 11S, R. 34E; and from Apr. 1 to
Nov. 1 for the irrigation of 160 acres
within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24, T. 11S, R. 34E, 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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
April 18, 1977

XXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho
on March 31 and April 7, 1977

15-7036

me-8.
me-6.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. cont

☒ 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

- (1) LH 3-21-77 In form to receipt yes
- (2) ARK 3/21/77 Send Copies to:
yes Idaho State Health Department
yes Idaho Fish and Game Department
yes Bureau of Land Management
- (3) ARK 3/21/77 yes Request Special Use Permit from U.S.F.S.
yes Request Easement from B.L.M.
yes Request Information from Applicant
yes Request Dam Safety Information
- (4) ARK 3/21/77 In form for advertising yes
- (5) ARK 3/21/77 Platted on Map No. ec 39 topo
- (6) ARK 3/21/77 Located within Water District No. Basin 15
- (7) ARK 3/21/77 Critical groundwater area: yes no X
- (8) ARK 3/21/77 Groundwater levels: not applicable
Declining, Stable, Increasing
(comment) _____
- (9) ARK 3/21/77 Cal Other rights on the same place of use none
- (10) ARK 3/21/77 Comments: none
- (11) me 4-18-77 Affidavit of Publication received (date) 4-18-77
- (12) cu 4-09-77 Final date for protests April 18-1977
Protests received: yes no
- (13) RDC 2/22/77 All requested information received from agencies or applicant: yes no
- (14) 11 11 Action recommended:
☒ Approve Deny
3/21/77 Proposed Priority
Reason for Reduction
Measuring device required
See attached sheet for other conditions of approval
☒ No special conditions for approval
- (15) District E By RDC Date 8/22/77

OK
Beut