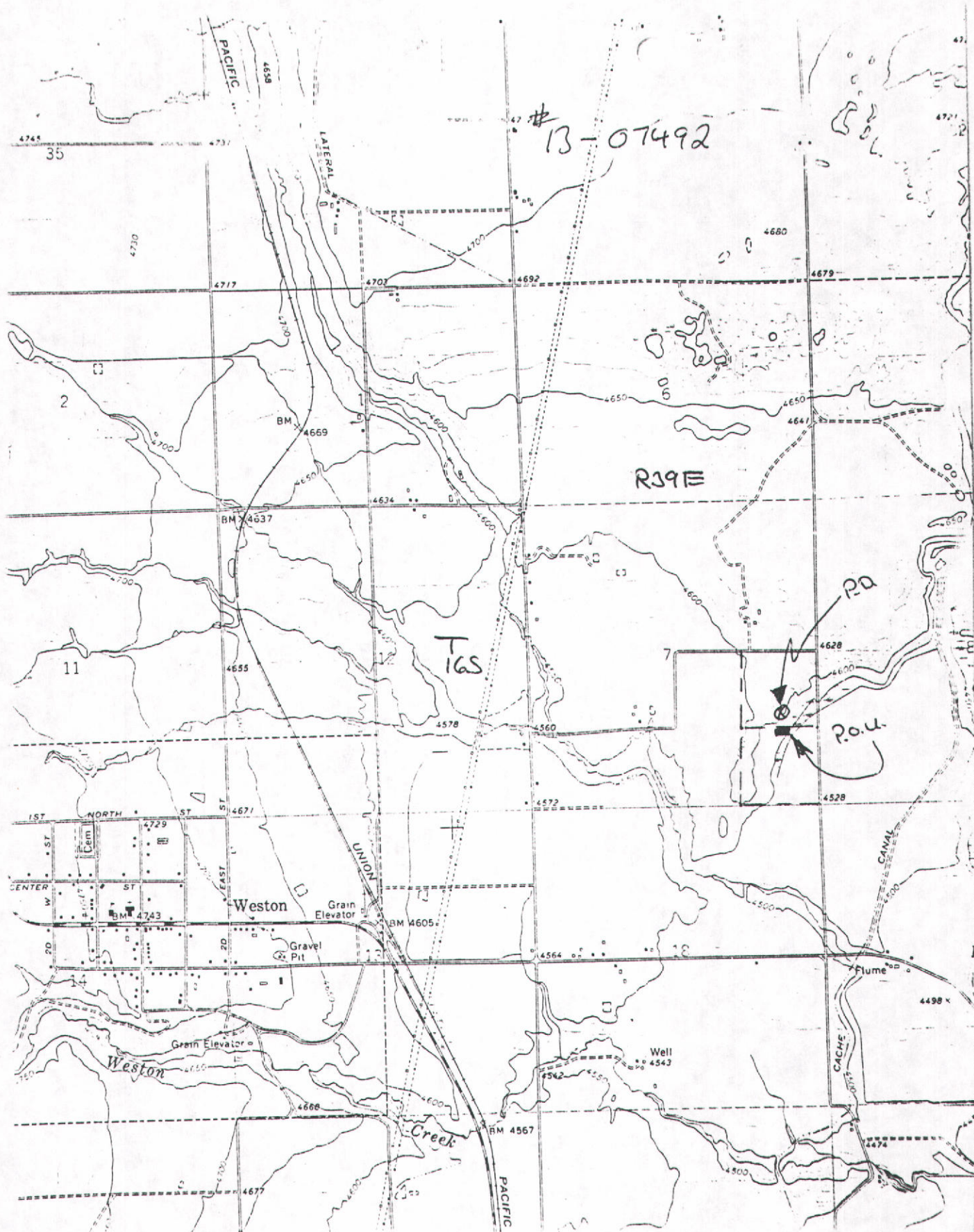




WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
~~ORIGINAL APPLICATION~~	~~13-07492~~	~~BECKSTEAD, DOUGLAS~~	~~0.02~~
FULL ASSIGNMENT	13-07492	SWAINSTON, R CARL	0.02

MARCH 5, 1998

MICROFILMED
MAR 25 1998

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 09 1998

ASSIGNMENT OF PERMIT
To change the ownership of a permit

Department of Water Resources

I, DOUGLAS DON BECKSTEAD, hereby assign to R. CARL SWAINSTON
(Permit Holder)
of 135 North 800 East, Preston, ID 83263 (208) 852-0698
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 13-07492
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

~~Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.~~

Made this 6th day of January, 1998.

Douglas Don Beckstead
Permit Holder(s)

State of Idaho)
ss
County of Franklin)

On this 6th day of January, 1998, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

Suzanne Hadley
Notary Public
Residing at: Swan Lake, ID
Com. exp. 8/9/03
Suzanne Hadley
Signature

My commission expires: 8/9/03

MICROFILMED
MAR 25 1998

104 23 1987

of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. On May 29, 1997, the permit holder submitted a proof of beneficial use statement along with a license examination fee of \$50.00 and a late fee of \$25.00. Additionally, the permit holder submitted receipts for equipment purchased to develop the spring as well as an affidavit from the contractor who assisted the permit holder in developing the spring. The permit holder further explained that he neglected to pay the license examination fee which caused the permit to lapse.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 13-07492 is **REINSTATED**.

IT IS FURTHER ORDERED that the priority date is advanced to May 29, 1997.

Dated this 17th day of June, 1997.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

MAY 9 1997

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 15.00

Date 5/22/93

Receipt No. 10000

Receipt by [Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE JUL 26 1993

The Idaho Department of Water Resources considers this form a statement that the permit holder has 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. 13-07492 Telephone No. 208-852-1057

2. Name(s) of Permit Holder(s): Douglas Beckstead

3. Mailing Address: 159 West 4th South Preston, ID 83263

4. Source of Water: Spring

If GROUNDWATER, Well Driller's Name: None 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 200 range cattle (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.02 cfs OR _____ acre/feet

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

Measuring device: Required? ____ Yes ____ No Installed? ____ Yes ____ No

OR

Flow Measurement Port: Required? ____ Yes ____ No Installed? ____ Yes ____ No

8. Fee Enclosed: \$ None (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.

Doug Beckstead 208-852-1057
Name Telephone No.

159 West 4th South Preston
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.

7/22/93 Douglas Beckstead
Date Signature (and title, if on behalf of a company or organization)

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For a possible reinstatement

Daryl A Block
Person Recreating File

June 04, 1997
Date

OFFICE USE ONLY

Amt. of Fee \$ _____
Date _____
Receipt No. _____
Receipt by _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE JUL 26 1993

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. 13-07492 Telephone No. 208-852-1057

2. Name(s) of Permit Holder(s): Douglas Beckstead

3. Mailing Address: 159 West 4th South Proton, ID 83263

4. Source of Water: Spring

If GROUNDWATER, Well Driller's Name: None 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 200 range cattle (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.02 cfs OR _____ acre/feet

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

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

OR

Flow Measurement Port: Required? _____ Yes NO Installed? _____ Yes _____ No

8. Fee Enclosed: \$ None (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.

Doug Beckstead 208-852-1057
Name Telephone No.

159 West 4th South Proton
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.

7/22/93
Date

Douglas Beckstead
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07492

Proposed Priority: March 19, 1992 Maximum Diversion Rate: 0.02 CFS

This is to certify, that DOUGLAS BECKSTEAD
159 W 4TH S
PRESTON ID 83263

has applied for a permit to appropriate water from:

SPRING tributary of BEAR RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	10/01 to 05/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: SENESE, Sec. 7, Township 16S, Range 39E
FRANKLIN County

PLACE OF USE: STOCKWATER
TWN RGE SEC

16S 39E 7 SESE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 2, 1993.
2. Subject to all prior water rights.
3. Stockwater use is for 200 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

27 day of July, 1992.

R. Keith Higginson
for R. Keith Higginson, Director

Ident. No. 13-07492

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DOUGLAS BECKSTEAD 208-852-1057
Address: 159 W. 4TH S.
PRESTON ID 83263
2. Source: SPRING Trib. to: BEAR RIVER
3. Location of Point of Diversion: SENESE Sec. 7, Township 16S, Range 39E
FRANKLIN County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-------|------|----|
| STOCKWATER | 10/01 | 05/31 | 0.050 | | |
| | | | 0.015 | | |
5. Total quantity to be appropriated is:
0.050 CFS (and/or) AF
* 0.015
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc.
PIPE AT SPRING TO WATER TROUGH WITH OVERFLOW TO DRAIN
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.
8. Description of proposed uses:
STOCKWATER FOR 200 HEAD OF CATTLE
9. Place of Use: STOCKWATER
- TWN RGE SEC
16S 39E 7 SESE
10. Describe any other water rights used for the same purposes.
NONE

* change as per tele-con with applicant - HWT 4-29-92

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

12. Remarks:

13. Map of proposed point of diversion and place of use attached? [X]

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.

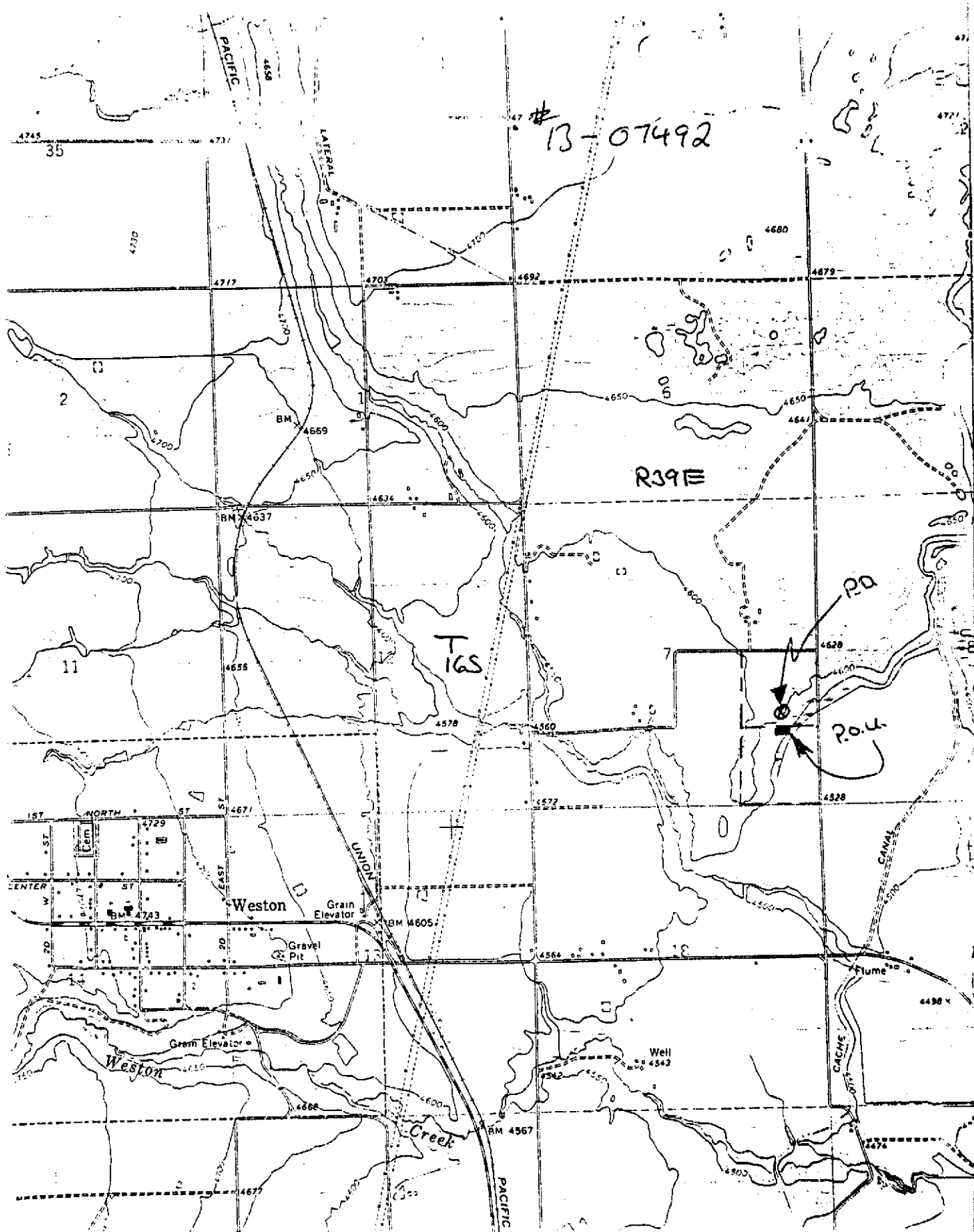
Douglas Beithman
Applicant

Received by HWJ Date 3-19-92 Time 2:42 Preliminary check by JDH

Fee \$ 30.82 Receipted by HWJ # E017057 Date 3-19-92

Publication prepared by RB Date 4-2-92 Published in Preston Citizen

Publication approved RB Date 5-15-92





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

R CARL SWAINSTON
135 NORTH 800 EAST
PRESTON ID 83623

RE: ASSIGNMENT OF PERMIT 13-07492

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence changing the ownership of the above referenced water right to R. Carl Swainston.

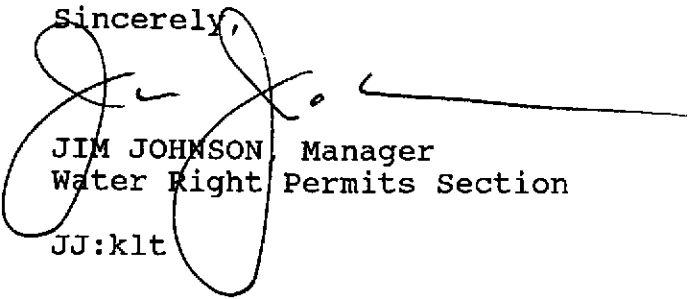
We have modified our computer records to reflect this change in ownership.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

If you have any questions, please feel free to contact us.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

MICROFILMED

MAR 25 1998

Permit No. 13-07492 Reviewed by [Signature] Date 6-16-97

TYPES OF USE

Stock

☒ Surface water source

Ground water source

_____ Drilling permit required?
 _____ Copy in the file? Drill
 _____ Amount paid for permit
 _____ Well log in the file?

Drilling Permit No. _____
 Permit _____ Correct?

MEASURING DEVICE

no Required?
 _____ Installed?
 _____ Waiver requested?

Date proof received 5-29-97 _____

Date proof due 8-2-93 - _____

No. of days late after 60 = _____

Priority Date 3-19-92 + _____

New Priority Date 5-29-97

Refund add. \$25.00 of original \$75.00 paid
Late Reinstatement & advance priority to May 29, 1997.
Proof acceptable.

New Address ✓ Proof Made 5-29-97



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
June 17, 1997

DOUGLAS BECKSTEAD
159 W 4TH S
PRESTON ID 83263

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07492

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof was submitted after the proof due date of August 2, 1993. Please note that the priority date has been advanced to May 29, 1997.

Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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 the field examination, contact the **EASTERN** Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

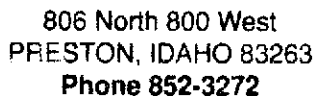
JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

1997 JUN 23 10:30

JUN 23 1997



Thank You

May 27, 1997

To Whom it May Concern, (Julie Yarborough)

I am writing this letter on behalf of my husband, Douglas Beckstead, who filed for a water permit in 1992 but did not pay the fee and the permit lapsed. We would like to have permit number 13-07492 reinstated.

I have previously spoken with a Cindy Zimmerman at the Idaho Falls Water Resources Office and she advised me to send you proof that the project was completed and the fee for the permit.

Enclosed are pictures, receipts, and affidavits from two people who assisted us on the project. There is proof that the project was completed before the August 1993 due date.

If you have any other questions or concerns our phone number is 208-852-2671.

Address -

6747 E. Hwy 36
Preston, ID 83263

Also enclosed is a check for \$75 for the permit fee and late fee.

Thank you -

Jana Lee Beckstead
Douglas Don Beckstead

MICROFILMED

JUN 23 1997

to whom it may concern

The Spring in question on the property
of Doug Beckstead 16S 39E 7SESE WAS
ESTABLISHED IN MAR. OF 92. I Dug test holes
and helped develop it for Doug

Dan Conley
MAY 23 1997

RECORDED

JUN 25 1997

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For a possible reinstatement

Darla J. Block
Person Recreating File

June 04, 1997
Date

I certify that file No. 13-7492

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

C. Zimmerman
Reviewer

11/17/93
Date

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

11/17/93 10:40:20
Page 1

Water Right Number - 13-07492 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BECKSTEAD DOUGLAS 1 - 159 W 4TH S
2 -
3 -
City- PRESTON State- ID Zip- 83263
Phone - 208-852-1057

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/19/1992 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING BEAR RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
16S 39E 7 SE NE SE (41) FRANKLIN

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 10/01 05/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.020

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
16S 39E 7 SE SE 04 STOCKWATER (41) FRANKLIN

+ - - Diversion Means - PIPE AT SPRING TO WATER TROUGH WITH OVERFLOW TO DRAIN

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
Stockwater use is for 200 range cattle.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water right number - 13-07492

```

-----Comments-----+
Date: 07/23/1992 User Id: MILLER Subject: DIVERSION AMOUNT
The 0.015 cfs requested on the application was changed to 0.02 to meet the data entry standards.
Date: 07/23/1992 User Id: MILLER Subject: MORATORIUM EXEMPTION
This permit falls within the acceptable parameters of the Bear River Basin Moratorium.
Date: 08/05/1993 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

```

• - - Audit Fields - 03/19/92 JONES 03/24/92 BODELL 07/22/92 MILLER 07/23/92 MILLER 08/05/93 COMMENTS

+ Water Rights Dates and Flags Area +

Proof Due Date	- 08/02/1993	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 07/24/1992	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- E017057	Water District	- 13A
Licensed Date	- 00/00/0000	Appl Received	- 03/19/1992	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

August 5, 1993

DOUGLAS BECKSTEAD
159 W 4TH S
PRESTON ID 83263

LAPSE NOTICE

RE: PERMIT NO. 13-07492

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 8/5/93
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Klg



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

August 4, 1993

Douglas Beckstead
159 W 4th S
Preston, ID 83263

Re: Permit No. 13-07492

Dear Permit Holder:

Returned is the proof of beneficial use you submitted in connection with the above referenced permit. Unfortunately, it is unacceptable as filed.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater (well) source.
2. The rate of diversion must be .04 cfs or 4.0 AF or less.

As you can see, you do not meet requirement #1 since you use a spring (surface) for your source. Therefore, a license examination fee of \$50 applies to your permit. I have enclosed a copy of the Instructions for the Proof of Beneficial Use for your convenience.

Since your permit will lapse on August 2, 1993, it is imperative that you return the original proof and fee on or before that date.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

May 31, 1993

DOUGLAS BECKSTEAD
159 W 4TH S
PRESTON ID 83263

PROOF DUE NOTICE

RE: PERMIT NO. 13-07492

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 August 1, 1993. (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.

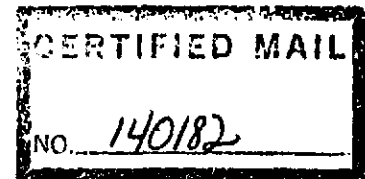
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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





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

July 28, 1992

DOUGLAS BECKSTEAD
159 W 4TH S
PRESTON ID 83263

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07492

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. MADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER

*ALSO MEMBER IL & WY BARS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101
—
FAX
208-232-6109

June 3, 1992

Department of Water Resources
Eastern District Office
JUN 4 1992
RECEIVED

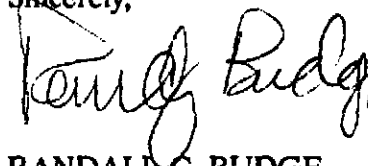
Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Re: Water Rights Application No. 13-07492
Douglas Beckstead

Dear Mr. Jones:

Based upon information we have received from PacifiCorp that the applicant has reduced his water right claim to an amount less than 0.015 cfs and the resulting withdrawal of PacifiCorp's protest, Last Chance Canal Company similarly withdraws its protest.

Sincerely,



RANDALL C. BUDGE

RCB:rr

cc: Douglas Beckstead
Don Gilbert, President, Last Chance Canal
Deanne Maughan, Secretary, Last Chance Canal
Jody L. Williams, PacifiCorp

28-May-1992

DOUGLAS BECKSTEAD
159 W 4RTH S
PRESTON ID 83263

RE: App. for Permit To Appropriate Water No. 13-07492

Dear Mr. Beckstead:

This letter is to advise you that the protest filed by PacifiCorp against approval of the above referenced applications has been withdrawn. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,


HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb

28-May-1992

JODY L WILLIAMS
UTAH POWER
201 S MAIN STE 2200
SALT LAKE CITY UT 84140-0022

RE: App. for Permit No. 13-7492
Douglas Beckstead

Dear Mr. Williams:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


HAROLD W. JONES ^{rb}
Water Right Supervisor

HWJ/rb

UTAH POWER

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2200 • SALT LAKE CITY, UTAH 84140-0022 • (801) 220-2851 • FAX (801) 220-4292

JODY L. WILLIAMS
Attorney
Legal Department

May 13, 1992

RECEIVED

MAY 18 1992

Department of Water Resources
Eastern District Office

Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Re: Water Rights Application No. 13-07492
Filed by Douglas Beckstead

Dear Mr. Jones:

Please withdraw the Protest of PacifiCorp to the above-referenced Water Rights Application. At this time, it is the Company's policy not to protest applications to appropriate for 0.015 cfs or less. When an Application for which a Protest has been filed reduces its amount to 0.015 cfs or less, it is PacifiCorp's policy to withdraw the Protest.

Very truly yours,



Jody L. Williams

JLW:cld
GENWATER\145

cc: Douglas Beckstead

April 30, 1992

Jody Williams, Attorney
One Utah Center, Suite 2200
201 S. Main Street
Salt Lake City, UT 84140

Jody:

I received a call from Douglas Beckstead in reference to changing the cfs on application 13-07492. As a result of that call the cfs for stockwater from a spring tributary to the Bear River has been changed to 0.015 cfs.

Mr. Beckstead feels this would bring him into line with an amount that Utah Power would not protest. If so, I will anticipate a withdrawal of protest from your office. I have enclosed a copy of the modified application for your records.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/jrk

Enclosures

cc: Randall Budge

LOUIS F. RACINE, JR.
WILLIAM O. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN

*ALSO MEMBER IL & WY BARS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

April 28, 1992

TELEPHONE
AREA CODE 208
232-6101

FAX

208-232-6109

RECEIVED

APR 29 1992

Department of Water Resources
Eastern District Office

Ronald D. Carlson
Eastern Regional Manager
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Re: Douglas Beckstead, Application No. 13-07492
Leon E. Johnson, Application No. 11-07396

Dear Mr. Carlson:

Enclosed please find Petitions for Intervention and Protest of Last Chance Canal Company which we are filing with respect to the captioned Applications. Please provide us with a copy of the subject Application, together with any supporting documentation.

With respect to any future hearings which the Department may schedule on this matter, we would appreciate the opportunity for input to avoid or at least minimize conflicts in schedules with respect to experts and other witnesses that we will necessarily present at the hearing.

Thank you for your consideration.

Sincerely,

RANDALL C. BUDGE

RCB:rr

Enclosure

cc: Last Chance Canal Company
Board of Directors
Leon E. Johnson
Douglas Beckstead
Jody L. Williams

Randall C. Budge
RACINE, OLSON, NYE, COOPER &
BUDGE, CHARTERED
P.O. Box 1391; 201 E. Center
Pocatello, Idaho 83204-1391

RECEIVED

APR 25 1992

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE APPLICATION)
TO APPROPRIATE WATER FILED BY)
DOUGLAS BECKSTEAD, APPLICATION)
NO. 13-07492)

**PETITION FOR INTERVENTION
AND PROTEST OF LAST CHANCE
CANAL COMPANY, LTD.**

COMES NOW Protestant, Last Chance Canal Company, an Idaho corporation with its principal place of business in Grace, Idaho, and in support of its Petition for Intervention and to protest the above-captioned application, states as follows:

1. Petitioner holds priority water rights decreed in the matter of Utah Power & Light Company v. Last Chance Canal Co., Ltd., et al., in Equity No. 203, July 14, 1920, more commonly known as the "Dietrich Decree".

2. The water of the Bear River and all of its tributaries were fully adjudicated in said Dietrich Decree. The Bear River below Stewart Dam was fully appropriated.

3. Petitioner believes that withdrawals of ground water such as that proposed by the Applicant will diminish the ground water inflow contribution to the surface flow of Bear River, to which Petitioner, many of the protestants and others have prior existing water rights.

**PETITION FOR INTERVENTION AND PROTEST OF
LAST CHANCE CANAL COMPANY, LTD. - 1**

4. It is Petitioner's practice to protest applications to appropriate water which may adversely affect its rights in the Bear River. The above-referenced Application was not brought to Petitioner's attention by its clipping service, and Petitioner, for that reason, did not file a timely protest to the Application.

5. Petitioner relies upon its decreed water rights in the Bear River described above, together with supplemental water in Bear Lake acquired from PacifiCorp Electric Operations, dba Utah Power & Light Company, pursuant to a contract to provide irrigation water to approximately 150 of its shareholders utilized to irrigate approximately 28,000 acres of fertile farm land in Caribou County, Idaho.

6. Due to drought conditions and the resulting high irrigation demands over the past several years, the level of Bear Lake has dropped significantly, endangering Petitioner's ability to continue to receive supplemental irrigation water pursuant to its contract. Petitioner's natural flow rights in the Bear River as described above are subsequent in time and therefore cut back to satisfy certain earlier priority right holders downstream in Utah. During the times that Petitioner's natural flow rights are curtailed, it must rely upon supplemental water from Bear Lake.

7. The Applicant's proposed appropriation would adversely affect the flows of the Bear River and consequently injure and impair the water rights of the Petitioner in the Bear River and its tributaries, as well as its contract right to receive supplemental water from Bear Lake.

8. Additionally, the granting of the proposed Application would conflict with the

local public interest by reducing ground water inflow into the Bear River, by causing increased demand upon water stored in Bear Lake, and by reducing the storage water available in Bear Lake which adversely affects available water for irrigation, power production, recreation, wildlife and other recognized beneficial uses.

WHEREFORE, Petitioner respectfully requests leave to intervene in the above application and to thereafter be treated as a Protestant in subsequent proceedings in this case. Since Petitioner may be hiring the services of expert consultants, who may testify at the hearing on the Application, Petitioner respectfully requests input into setting the hearing date, should a hearing be convened, in order to accommodate its expert's schedule.

DATED this 20th day of April, 1992.

RACINE, OLSON, NYE, COOPER &
BUDGE, CHARTERED

By 
RANDALL C. BUDGE

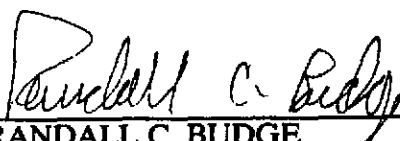
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28th day of April, 1992, I mailed a true and complete copy of the foregoing document, postage prepaid, to the following:

Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Jody L. Williams
Legal Department
Utah Power & Light Company
201 South Main, Suite 2200
Salt Lake City, Utah 84140

Douglas Beckstead
159 West 4th South
Preston, Idaho 83263



RANDALL C. BUDGE

RECEIVED

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

APR 22 1992

Department of Water Resources
Eastern District Office

In the Matter of	)	
the Application to	)	
Appropriate Water filed by	)	Protest
Douglas Beckstead	)	of
	)	PacifiCorp
Application No. 13-07492	)	
	)	

PacifiCorp, an Oregon Corporation, doing business in Idaho as PacifiCorp Electric Operations and Utah Power & Light Company ("PacifiCorp"), protests the above-referenced application of Douglas Beckstead to appropriate 0.05 c.f.s. of water, and states as follows:

1. Please send all correspondence and notices regarding the above-referenced application to:

Jody L. Williams, Attorney
Utah Power & Light Company
One Utah Center, Suite 2200
201 South Main Street
Salt Lake City, Utah 84140-0022
Telephone: (801) 220-2851

2. PacifiCorp holds Water Rights decreed in the matter of Utah Power & Light Company v. The Lost Chance Canal Company, Limited, et al., in Equity No. 203, July 14, 1920, and Utah Power & Light Company v. Richmond Irrigation Company, et al., February 21, 1922, as well as other rights in the Bear River.

3. Douglas Beckstead has filed an Application with the Office of the Idaho Department of Water Resources numbered

13-07492 seeking to appropriate 0.05 cubic feet per second of groundwater, which PacifiCorp believes is tributary to the Bear River.

4. Granting the Application of Douglas Beckstead without assurance of adequate compensation to PacifiCorp may interfere with PacifiCorp's prior existing water rights in the Bear River. Granting the application of Douglas Beckstead and allowing additional diversion of the water would adversely affect PacifiCorp's water rights by decreasing the amount of water it could use for generation at its hydroelectric plants on the Bear River, interfere with PacifiCorp's ability to supply irrigation water stored in Bear Lake to Last Chance Canal Company, Bear River Canal Company, and many other contract users in Idaho and Utah, and have other adverse effects upon PacifiCorp.

5. In addition to diminishing the quantity of Bear River water available to satisfy existing water rights and contract demands, PacifiCorp believes that granting the above-referenced application would conflict with the local public interest in the three following areas by reducing groundwater inflow into the Bear River and increasing withdrawals from Bear Lake: First, increased reliance on supplemental irrigation water delivered from PacifiCorp's Bear Lake supply due to less available Bear River natural flow will result in additional costs to existing users with water rights to replace Bear River water with Bear Lake storage water. If the current drought continues, PacifiCorp will not be able to supply the full amount requested by its existing Idaho and Utah contract holders. Second, as the

level of Bear Lake drops, recreation around the lake is adversely affected. The new Idaho State Parks & Recreation boat launch has been unusable for several years; the new State park receives little use due to its distance from the water; facilities built with State funds are unusable, and visitor days and the attendant revenue they produce for the State plummet. Third, habitat for the five indigenous fish in Bear Lake is decreased, thus stressing their ability to survive and reproduce. Other wildlife species which depend on the lake will have similar problems due to habitat loss.

WHEREFORE, PacifiCorp respectfully requests the Idaho Department of Water Resources to deny the application of Douglas Beckstead.

DATED this 16th day of April, 1992.

PacifiCorp, dba Utah Power & Light
Company

By: Jody L. Williams

Jody L. Williams, Attorney
One Utah Center, Suite 2200
201 South Main Street
Salt Lake City, Utah 84140
Telephone: (801) 220-2851

MAILING CERTIFICATE: On this 16th of April, 1992, I mailed a copy of the foregoing protest, postage prepaid, to Douglas Beckstead, at 159 West 4th South, Preston, Idaho 83263.

Cindy L. Leonard

30-Mar-1992

DOUGLAS BECKSTEAD
159 W 4TH S
PRESTON ID 83263

RE: Application No. 13-7492

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Preston Citizen on 4-2 & 9-92. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 25, 1992

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

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. 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 APRIL 20, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-07492

BECKSTEAD, DOUGLAS
159 W 4TH S
PRESTON, ID 83263

Source: SPRING

Tributary: BEAR RIVER

Diversion Pt: SENESE Sec 7 T 16S R 39E in FRANKLIN County.

Use: STOCKWATER (.050 CFS)

Total Diversion: (.050 CFS)

Date Filed: 3/19/1992

In: FRANKLIN County
T16S R39E S07

SESE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 20, 1992.

R. KEITH HIGGINSON, Director

Published: 4/ 2/1992 & 4/ 9/1992

87✓
No 4547

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the **CO-PUBLISHER** of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 1, 1992, and ending
with the issue of April 8, 1992

Fee \$ 33.08

Subscribed and sworn to before me this 8 day

of April, 1992.

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1992.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

BECKSTEAD, DOUGLAS

159 W. 5th S.

PRESTON, ID 83263

Source: SPRING

Tributary: BEAR RIVER

Diversion Pt. SESE Sec 7T 16SR

39E in FRANKLIN County.

Use: STOCKWATER (050 CFS)

Total Diversion: (050 CFS)

Date Filed: 3/19/1992

In: FRANKLIN County T16S R39E

S07 SESE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 20, 1992.

R. Keith Higginson, Director

Legal No. 4547 - Publish April 1, 1992

RECEIVED

MAY 04 1992

Department of Water Resources
Eastern District Office