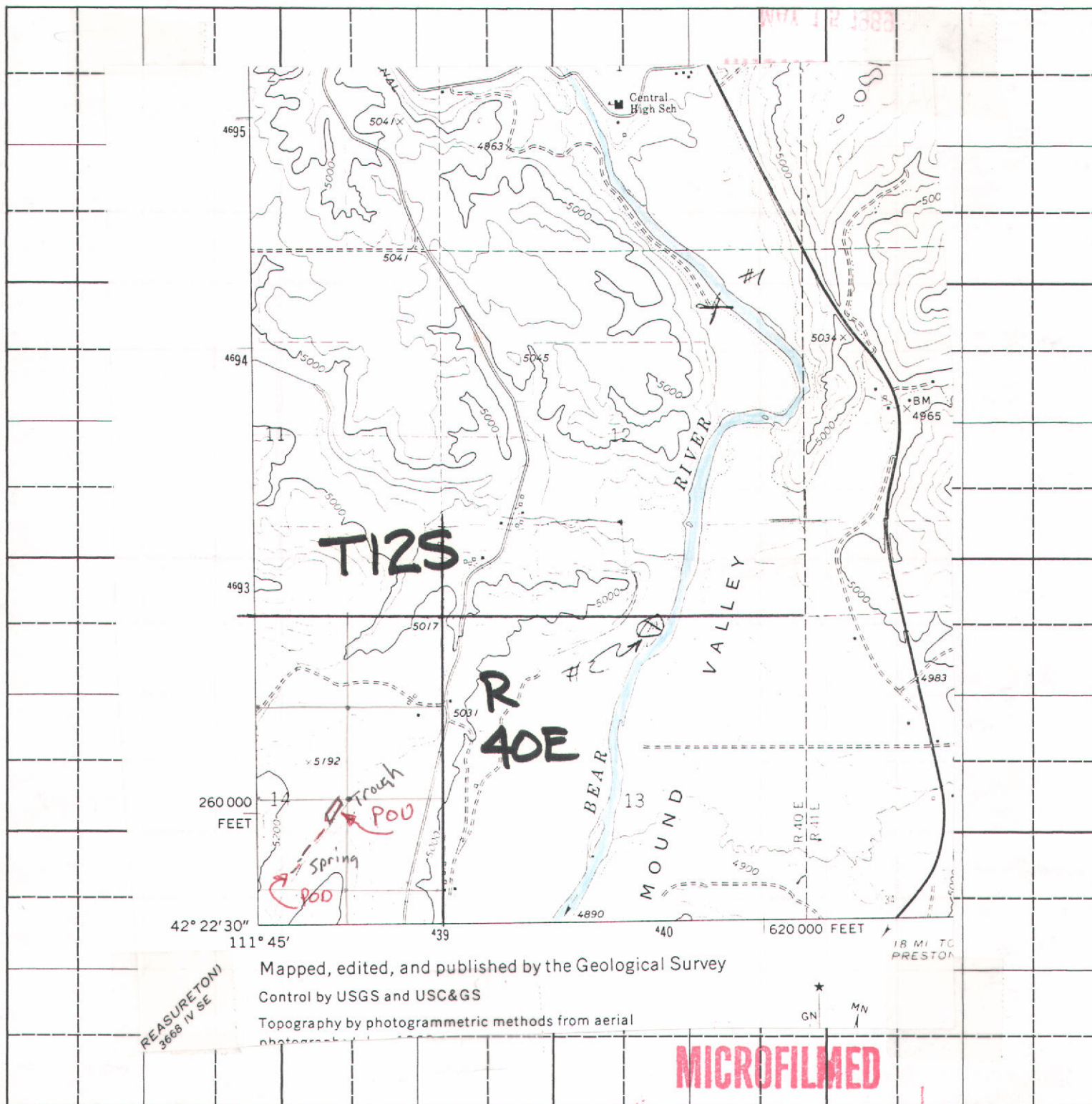


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

MAY 15 1989

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.

[Signature]
(Applicant)

#875
DEC 22 1987

No 3070

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Warren 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

Dec 3, 1987, and ending with the issue of Dec 10, 1987.

Fee \$ 16.50

Subscribed and sworn to before me this 11th day of Dec, 1987.

Kim D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1992

NOTICE OF APPLICATION FOR WATER RIGHTS

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

13-7449

FOX, WARREN B.

16205 NORTH CLEVELAND ROAD,

THATCHER, ID 83283

Source: UNNAMED SPRING trib. to SINKS

Diversion Pt: NWSE Sec 14 T 12S R 40E

Use: STOCKWATER (0.010 CFS)

Date Filed: 11-03-1987

In: NWSE Sec 14 T 12S R 40E

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, Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 21, 1987.

R. KEITH HIGGINSON, Dir.

Legal No. 3070 -21- Publish Dec. 3, 10, 1987.

RECEIVED
JAN 6 1988

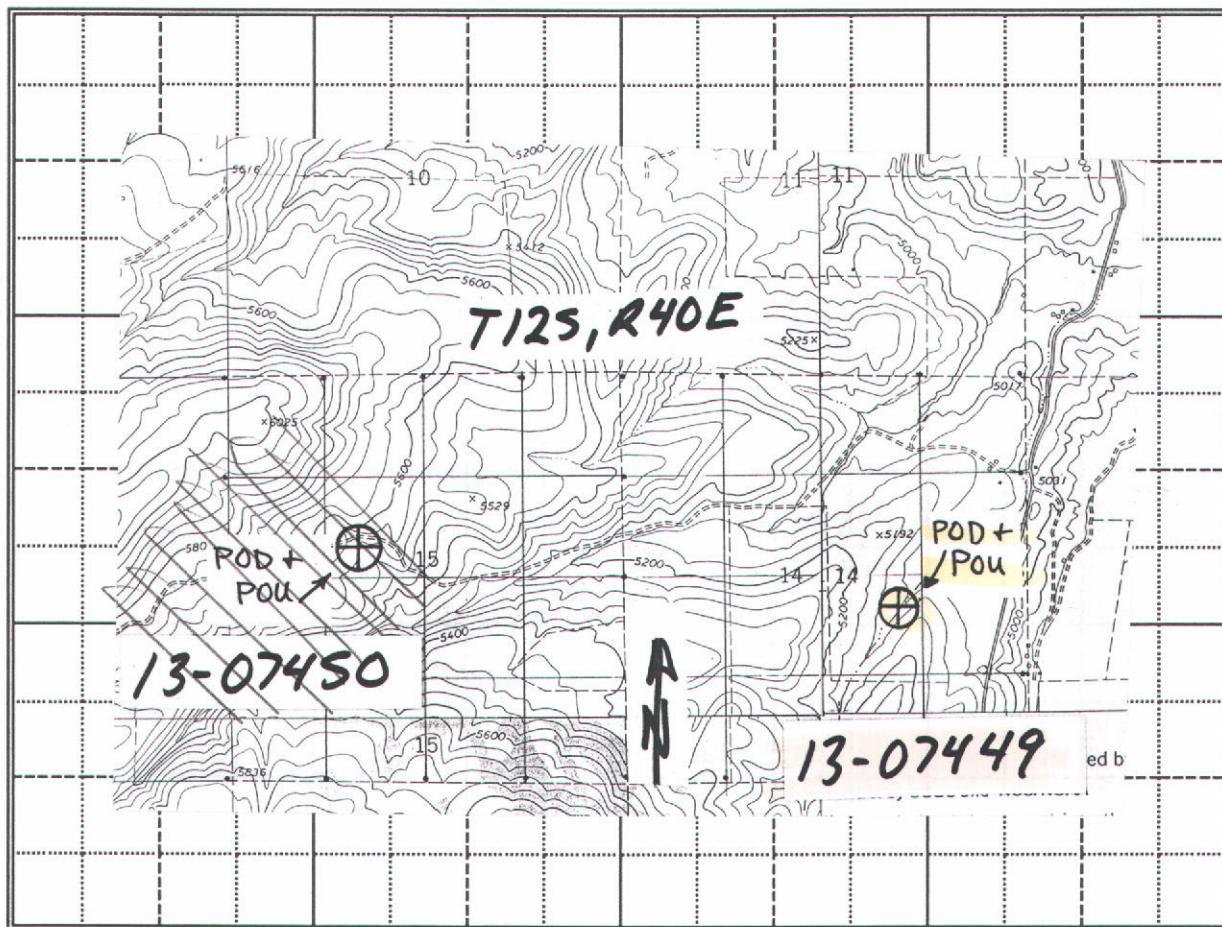
Department of Water Resources
Eastern District Office

MICROFILMED

MAY 15 1989

MAP

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: 43 SEC. TO FILL 1 GALLON

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MAR 10 1997

WARREN FOX
STOCKWATER

151



POINT OF
DIVERSION
SPRING

BASE OF
TREES



PLACE OF
USE

STOCK
TROUGH

MICROFILMED
MAR 10 1997

13-07449

Idaho
C. Moser

Lawrence Fox
23 Oct 87
Spring Development.

Preston (Class II)
2 2

Spring Development.

this is a wet area that can be dug out with back hoe and tilled approx 50' of 4" perf Pipe - w/ a gravel filter to collect water. as shown on Drawing # 574-A. Trench should be 5 to 6' Deep.

Supply Pipe to Trough.

from plastic Pipe chart manning's n 0.010
Area II Idaho Oct 59

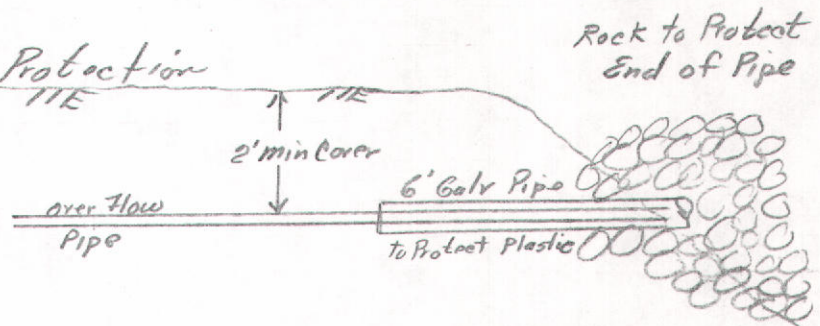
1" plastic 5% slope Flow 2.6 gpm

USE 1" plastic Pipe as shown on Drawing

if Flow is greater than needed a Float or Tape could be put at the Trough inlet to Control Flow

Trough to be put in as shown on Drawing ID 614-A
trench Detail and Spring development as on Drawing ID 574-A
Min of 2' Cover over all pipe
USE Galv. Pipe on inlet and outlet also on the end of over Flow.

Outlet Protection



RECORDED

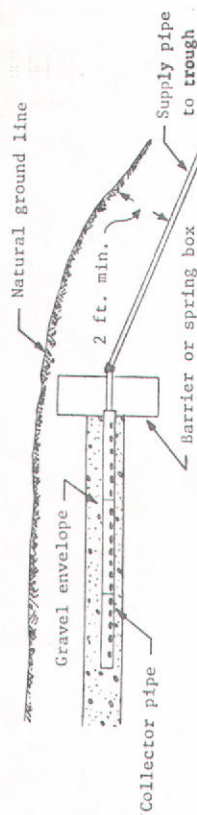
MAY 15 1989

yearly maintenance is required for system to work Proper-

ID-ENG-SD-574-A

MICROFILMED

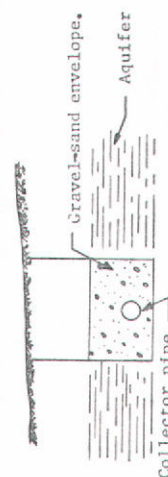
MAY 15 1989



ELEVATION

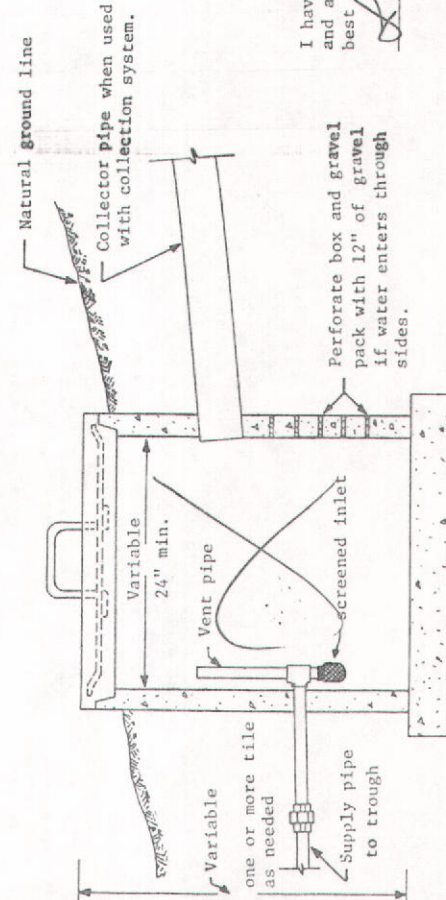
Collector pipe 4" min.
Can be installed in Y, T, L or straight
line to best pick up free flow of water.

Supply pipe to trough 1" min.



TRENCH DETAIL

Spring box to be used when water emerges
in one spot or with collection system
above. Box may be concrete or metal pipe.



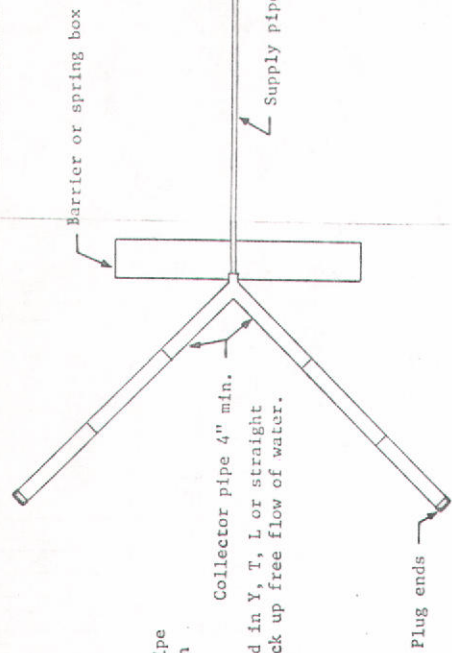
PLAN

I have reviewed the plans and specifications
and agree to construct this project to the
best of my ability in accordance with them.

L. Fox
Cooperator

Date: 10-23-87

SCHEMATIC LAYOUT



Box: NA
(Material)

Size
Collection system: 4" per pipe w/ gravel

Supply pipe: 1" plastic
(Diameter & type)

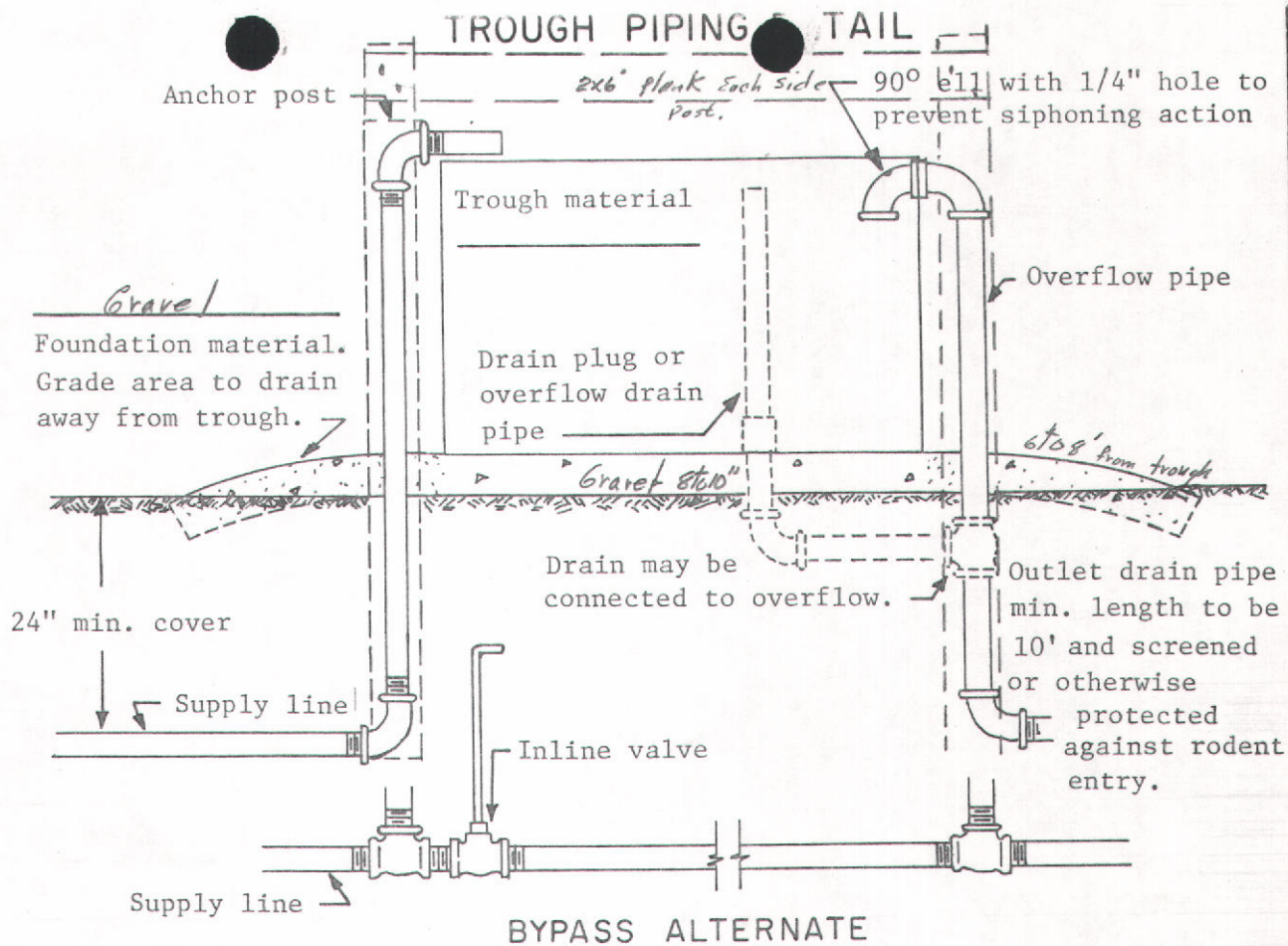
Protection of source Back fill and seed.

Job class 1

SPRING DEVELOPMENT
COOPERATOR L. Fox
Franklin SCO Franklin IDAHO
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Concrete bottom or filter gravel (min. 6" thick) if water enters through bottom.

CONSTRUCTION SPECIFICATIONS
ID-SS-E
ATTACHED



TROUGH

Length X width or diam. 12 x 3.8'
 Depth 18"
 Capacity 350 gal.

SPECIAL REQUIREMENTS

*Note:
Put Bird walk on
trough.*

PIPE

Supply riser 1" steel 4' min
 diameter-material-length
 Overflow 1" steel 4' min
 diameter-material-length
 Outlet 1" plastic 50' min
 diameter-material-length
 Outlet protection USE Length of
steel on End Cover w/ Rock.

I have reviewed the plans and specifications and agree to construct this project to the best of my ability in accordance with them.

Date: Boct 87

Cooperator

CONSTRUCTION SPECIFICATIONS

ID-SS-E 314 , 516 ATTACHED

TROUGH OR TANK

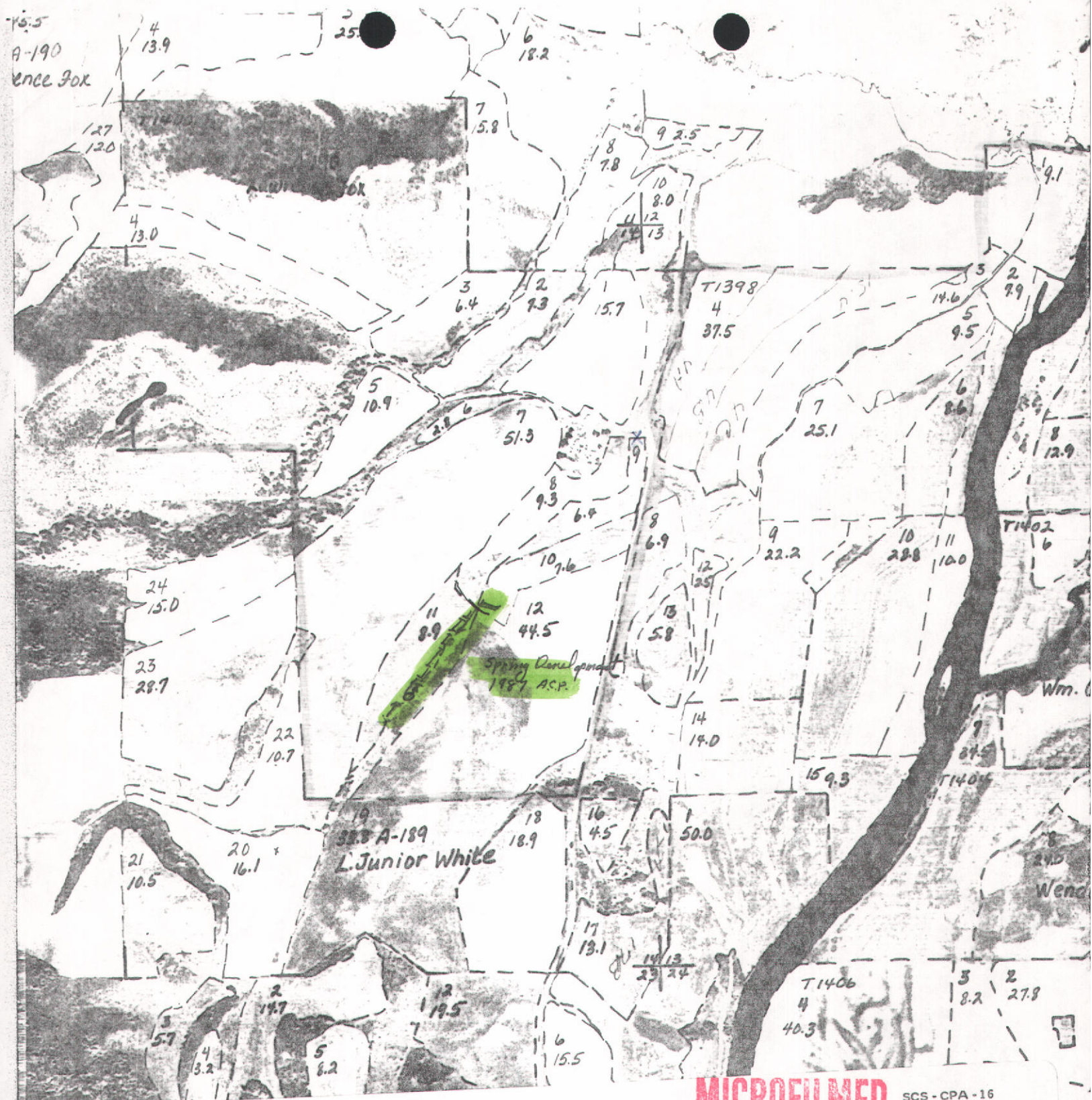
COOPERATOR L. For
Franklin SCD Franklin CO., IDAHO

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed <u>SP/23 Oct 87</u>	Date	Approved by
Drawn	Title	
Traced	Title	
Checked	Sheet	Drawing No.
	No	

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MAY 15 1989



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SCS - CPA - 16
2 - 81

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

CONSERVATION PLAN MAP

MAY 15 1989

Owner Lawrence Fox Operator _____ Date _____
 County _____ State _____
 Approximate acres _____ Approximate scale _____ Conservation District _____
 Cooperating with _____ Photo number _____
 Plan identification _____
 Assisted by _____

USDA Soil Conservation Service

A-177

18.9

The Citizen - 12-3

NOTICE OF APPLICATION
FOR WATER RIGHTS

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

13-7449

FOX, WARREN B.

16205 NORTH CLEVELAND ROAD,

THATCHER, ID 83283

Source: UNNAMED SPRING trib. to
SINKS

Diversion Pt: NWSE Sec 14 T 12S R 40E

Use: STOCKWATER (0.010 CFS)

Date Filed: 11-03-1987

In: NWSE Sec 14 T 12S R 40E

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, Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 21, 1987.

R. KEITH HIGGINSON, Dir.

Legal No. 3070 — L— Publish Dec. 3,
10, 1987.

November 5, 1987

Mr. Warren B. Fox
16205 North Cleveland Road
Thatcher, ID 83283

Dear Mr. Fox:

Per our conversation, I am returning your check No. 92-362 for \$50.00 which was submitted with your stockwater application. As we discussed, the filing fee for 0.01 cfs is \$30.00 rather than \$50.00.

Please return a check for the correct \$30.00 fee to my attention. To maintain your original priority date, we need to receive the correct fee within 30 days of this letter so your prompt attention is appreciated.

If you need further assistance, please contact our office.

Sincerely,

ERIC VERNER
Sr. Resource Agent

EV:cw

Enclosure: Check

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MAY 15 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07449

Priority: November 3, 1987

Maximum Diversion Rate: 1 GPM
Maximum Storage Volume: 0.1 AF

This is to certify, that WARREN B FOX
15895 N CLEVELAND RD
PRESTON ID 83263

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated November 3, 1987; and
has submitted Proof of Beneficial Use on February 9, 1990. An examination indicates
that the works have a diversion capacity of 1 gpm of water from:

SPRING tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	10/01 to 10/31	1 GPM	0.1 AF

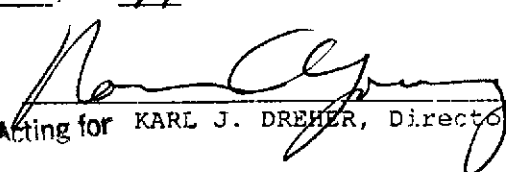
LOCATION OF POINT(S) OF DIVERSION: NENWSE, Sec. 14, Township 12S, Range 40E
FRANKLIN County

PLACE OF USE: STOCKWATER
TWN RGE SEC
12S 40E 14 NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
5. Water may not be transported out of the drainage.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 26TH
day of FEBRUARY, 1997.


Acting for KARL J. DREHER, Director

MICROFILM

RECEIVED
FEB 9 1990

No fee
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ _____
Date _____
Receipt No. _____
Received by _____
Ad. 4-30-90

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 13-07449 Telephone No. 427-6697

Name(s) of Permit Holder(s): Warren B. Fox

Post Office Address: 15895 N. Cleveland Rd. Preston, Id 83263

Source of Water: Spring

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater 50 cattle (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted 1 gpm cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: Sept 9/1/89

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Warren B. Fox 427-6697
Name Telephone No.

15895 N. Cleveland Rd. Preston
Address

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.

RECORDED

MAY 16 1990

Feb 5/1990
Date

Warren B. Fox
Signature (and title if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 13-7449 IN THE NAME OF
WARREN B. FOX

)
)
)
)
)
ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

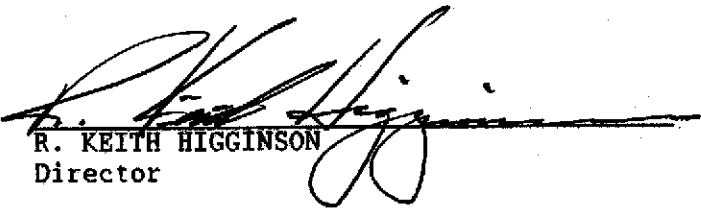
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources having issued and served a copy on the parties on January 26, 1989, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and Application for Permit No. 13-7449 with the condition that proof of construction of works and application of water to a beneficial use is due on or before April 1, 1990.

Dated this 7TH day of April, 1989.


R. KEITH HIGGINSON
Director

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MAY 15 1989

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this the 11th day of April, 1989, true and correct copies of the foregoing PROPOSED MEMORANDUM DECISION AND ORDER, was mailed postage prepaid to:

Warren B. Fox
16205 North Cleveland Rd.
Thatcher, ID 83283

Lorin Hoopes
Star Rt., Box 63
Preston, ID 83263



RITA I. FLECK
Secretary/Records Manager

MICROFILMED

MAY 15 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 13-7449

SOURCE: Spring

WARREN B. FOX,
Applicant;

COUNTY: Franklin

LORIN HOOPES,
Protestant.

PROPOSED MEMORANDUM DECISION AND ORDER

BY THE HEARING OFFICER

On November 3, 1987, Warren B. Fox of Thatcher, Idaho applied to the the Idaho Department of Water Resources for a permit to appropriate 0.01 cubic feet per second (cfs) from an unnamed spring located within the NW1/4SE1/4, Sec. 14, Twp. 12S, Rge. 40E, B.M., Franklin County; for the purpose of watering 50 head of beef cattle.

Notice of this application was advertised in the Preston Citizen on December 3 and 10, 1987. A protest against the approval of this application was received from Lorin Hoopes of Preston, Idaho on December 4, 1987.

Personnel from the Department inspected the site prior to the conference that was held on March 15, 1988. At the conference, the applicant described his project and the protestant expressed his concern over the development of the subject spring.

At the conclusion of the conference, the parties stipulated that they would agree to the department issuing a Proposed Memorandum Decision in the matter without the formal hearing process.

The Department, after reviewing the available information, proposes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The protestant's domestic well was dug to its existing depth of 20 feet in 1949 at a location that is 80 feet lower in elevation and 2,700 feet northeast of where the applicant proposes to develop a spring to provide stock water.

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MAY 15 1989

2. The applicant also has a 4-inch domestic well which was drilled in 1939 and is located approximately 75 feet south of the protestant's well and is finished at the same depth of 20 feet as is the protestant's.

3. Historically, the applicant's domestic well has been pumped to provide stock water for up to 40 animals. The protestant's water supply was not effected by this use.

4. The Soil Conservation Service (SCS) has designed the collection system for the applicant's proposed development and estimates that a flow of one (1) gallon per minute is required for the number of livestock to be served.

5. The number of livestock indicated on the application will drink about 1,000 gallons of water per day. Any additional water will percolate back into the ground water with some losses from evaporation and phreatophytes.

6. Cattle will only be watered from the development for a period of two weeks during mid-October.

CONCLUSIONS OF LAW

1. The applicant and protestant claim prioritites of 1939 and 1949 respectivbely for their domestic wells.

2. Both the applicant and protestant's wells are finished in the same aquifer and are in the same drainage as the proposed spring development.

3. The applicant's design requires a maximum flow of one gpm for a two-week period.

4. The consumption of 1,000 gallons per day by cattle drinking from the subject spring will have no identifiable affect on the domestic supplies of either Warren Fox or Lorin Hoopes.

5. The applicant is entitled to a permit from the Idaho Department of Water Resources.

ORDER

IT IS, THEREFORE, ORDERED and Application No. 13-7449 is hereby APPROVED subject to the following conditions:

1. That it is subject to all existing water rights on the common water source.

2. The rate of flow is limited to one gpm and the period of diversion and use is slimited to the month of October.

3. That water may not be transported out of the drainage.

4. That proof of beneficial use be submitted on or before the date indicated on the final order.

MICROFILMED

MAY 15 1989

Dated this 25 day of January, 1989.

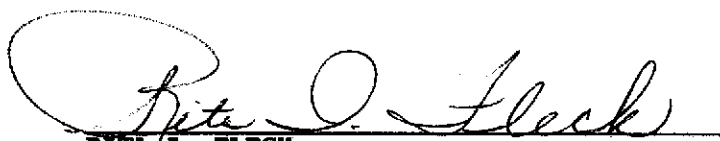

BOBBY D. FLEENOR
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this the 26th day of January, 1989, true and correct copies of the foregoing PROPOSED MEMORANDUM DECISION AND ORDER, was mailed postage prepaid to:

Warren B. Fox
16205 North Cleveland Rd.
Thatcher, ID 83283

Lorin Hoopes
Star Rt., Box 63
Preston, ID 83263


RITA G. FLECK
Secretary/Records Manager

MICROFILMED

MAY 15 1989

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 13-7449 IN THE NAME)
OF WARREN B. FOX)

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 421701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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MAY 15 1989

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

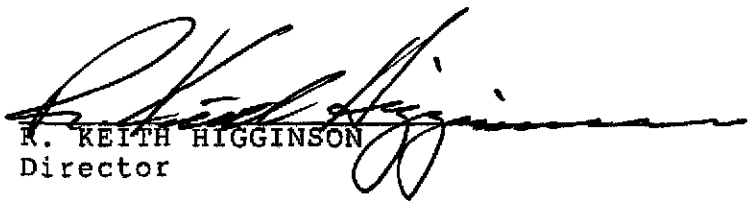
All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 26th day of January, 1989.


R. KEITH HIGGINSON
Director

MICROFILMED

MAY 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. **13 7449**

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Warren B. Fox Phone 427-6697

Post office address 16205 North Cleveland Road, Thatcher, Idaho 83283

2. Source of water supply unnamed spring which is a tributary of sinks

3. Location of point of diversion is NW SE*
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of _____ $\frac{1}{4}$ Govt. Lot _____

Sec. 14 Township 12S Range 40E B.M. Franklin County; additional

points of diversion if any: _____

*changes per telecon ESV 11/4/87

4. Water will be used for the following purposes:

Amount 1 gpm* for stockwater purposes from 10-1* to 10-31* (both dates inclusive)
(cfs or acre-feet per annum) -1/1-* to -12/31-*

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

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

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) 1 gpm*

5. Total quantity to be appropriated is (a) -01--* and/or (b) _____
cubic feet per second acre feet per annum

* These changes
are made as a result
of the proposed memo.
dec. & final order.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 300' plastic tile pipe, standpipe & 4-11-89
watering tank rf

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 ground water with a temperature of greater than 90°F being sought? _____

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

MICROFILMED

MAY 13 1989

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 50 beef cattle
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	40E	14											*X			S			

*changes per telecon ESV 11/4/87

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. 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. _____

12. Remarks: _____

RECORDED

MAY 15 1989

Topographic map of the T12S R40E area, showing Bear River Valley, Mound, and various landmarks like Central High Sch and BM 4965. The map includes a grid with coordinates 42° 22' 30" N, 111° 45' W, and 620,000 FEET. Handwritten annotations include 'T12S', 'R40E', and 'POD'. A scale bar indicates 18 MI TC PRESTON.

Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography by photogrammetric methods from aerial
photorecognition

MICROFILMED

MAY 15 1989

(Applicant) 

MICROFILMED

MAY 15 1989

Director

Dated this 27th day of April, 1989.

e. Other: PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

- 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

April 1, 1990

- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7449, and said application is hereby APPROVED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by Date 11-03-87 Time 12:17p Preliminary check by

Fee \$ 30.00 Received by # 42136 Date 11-19-87

Publication prepared by Date 11-25-87 Published in Date 12-3-87

Publication approved Date 1-06-88

#875

No 3070

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Warren 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

Dec 3, 1987, and ending

with the issue of Dec 10, 1987.

Fee \$ 16⁵⁰

Subscribed and sworn to before me this 11th day of Dec, 1987.

Kim D. Alb

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1992

NOTICE OF APPLICATION FOR WATER RIGHTS

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

13-7449

FOX, WARREN E.
16205 NORTH CLEVELAND ROAD,
THATCHER, ID 83283

Source: UNNAMED SPRING trib. to
SINKS

Diversion Pt: NWSE Sec 14 T 12S R 40E
Use: STOCKWATER (0.010 CFS)

Date Filed: 11-03-1987

In: NWSE Sec 14 T 12S R 40E

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, Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 21, 1987.

R. KEITH HIGGINSON, Dir.

Legal No. 3070 -22- Publish Dec. 3, 10, 1987.

RECEIVED
JAN 6 1988

Department of Water Resources
Eastern District Office



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

February 27, 1997

WARREN B FOX
15895 N CLEVELAND RD
PRESTON ID 83263

RE: WATER RIGHT NO. 13-07449

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED
MAR 10 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or

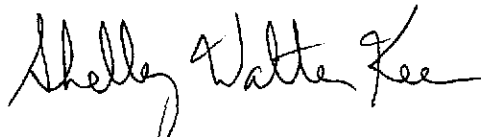
RECORDED
2007 10 22

- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

c: Eastern Region

Enclosures

ENCLOSURE
JAN 14 2017

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of February, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 13-07449

**WARREN B FOX
15895 N CLEVELAND RD
PRESTON ID 83263**



Sharla Curtis
Water Resource Agent

The license was hand-edited to
reflect the request below from Norm Young.

SC
2/24/97

Issue for 1 gpm
flow rate even
if the license has
to be done manually.

Control of water
water dist 13

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MAR 10 1997

WR0749NP
No. L13-07449

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WARREN B FOX 15895 N CLEVELAND RD PRESTON ID 832630000	11/03/1987	STOCKWATER	10/01 10/31	0.010 CFS	0.10 AFA
TOTAL DIVERSION:					0.010 CFS	0.10 AFA

Water Source: SPRING

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion Capacity: 0.010 CFS

Point(s) of Diversion: T12S R40E S14 NENWSE FRANKLIN County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac

12S 40E 14 :															

Pou County: FRANKLIN

Other Water Rights with Same Point(s) of Diversion and Source:

13-00670 13-07449 -
White (dom)

Remarks: The rate of flow is limited to 1 gpm.
Water may not be transported out of the drainage.

Dates: App. Received: 11/03/1987 Priority Date: 11/03/1987
Proof Due Date: 04/01/1990 Proof Made Date: 02/09/1990
Exam Made Date: 07/20/1995 Exam Sent to S.O.: 01/19/1996
Licensed Date:

Misc: Water District Number: Field Exam Fee: N (Not Required)

Audit: 02/10/97 SCURTIS

LICENSE REVIEW CHECKLIST

PERMIT NO. 13-07449

DATE 2/10/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void NO
Amendment required NO

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS NO P/D NO P/U

NO GOVT LOTS

RATE OF DIV

Permitted Rate .01* cfs

Fee limit NO FEE REQD AT TIME OF B/L PROCESSING

Measured limited to smallest rate possible

Theoretical limited to smallest rate possible

Recommended Total Div Rate .01* cfs

ANNUAL VOLUME/

NATURE OF USES 1 gpm / 31 days

Use

Stock

Volume Calculation

.1 af

af

af

af

SUBTOTAL af

Flow rate .01 cfs X 31 days X 1.98% = .6 af

Total volume recommended .1 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

*The rate of flow is limit to 1 gpm
period of div. limit to month of October. - redundant
Water may not be transported out of the
drainage

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

Overlap

Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A

Adjustment Memo N/A

1st Amend Letter N/A

2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

A. GENERAL INFORMATION

JAN 22 1996

Permit No. 13-07449

1. Owner: WARREN B. FOX Department of Water Resources Phone No. (208) 427-6697

Current Address: 15895 N. CLEVELAND RD, PRESTON, IDAHO 83283

2. Accompanied by: OWNER EXAM DATE: 7/20/95

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NW	SE	14	12S	40E	FRANKLIN	U.S.G.S, TOPO MAP

2. Place(s) of Use:

Indicate Method of Determination DIA SITE INST.

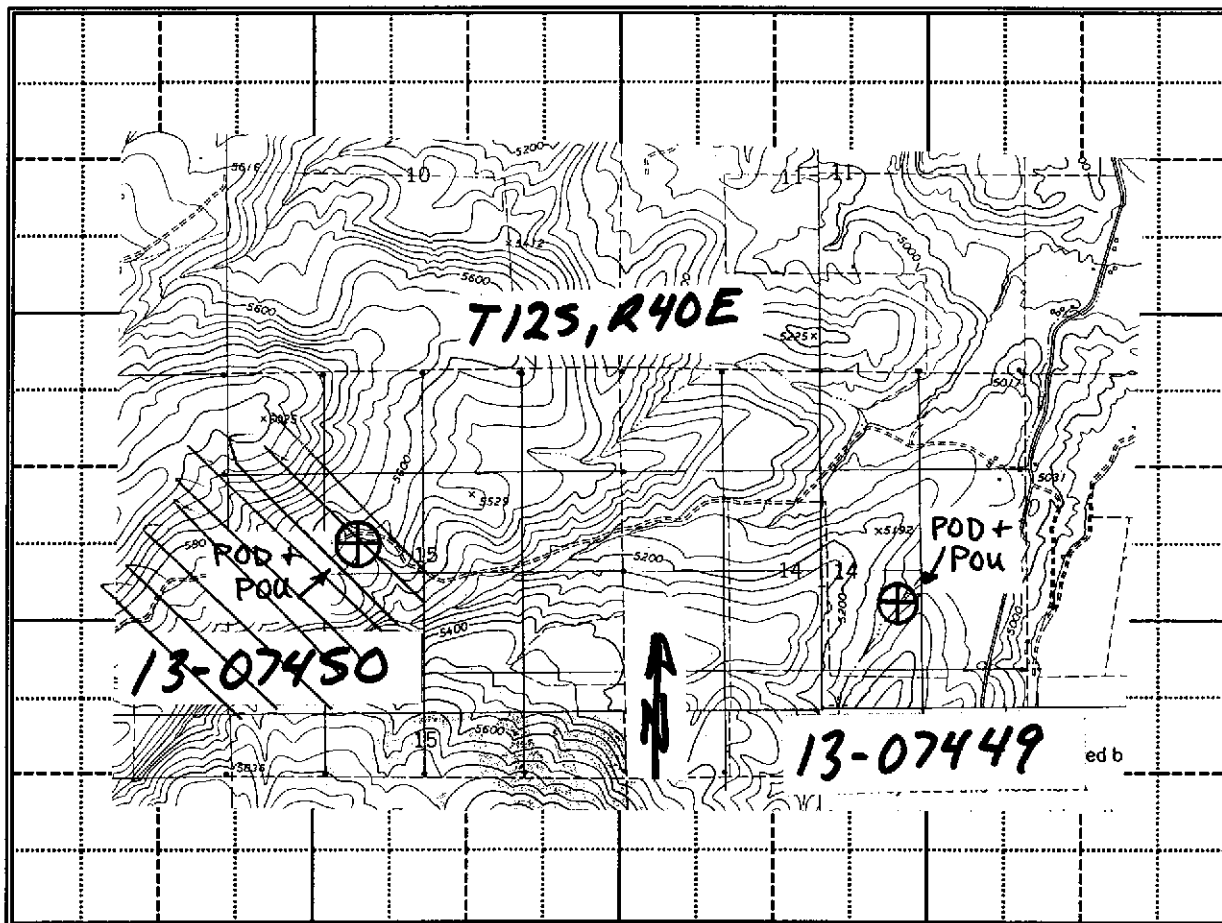
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	40E	14														5			

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FEB 10 1997

MAP

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: 43 SEC. TO FILL 1 GALLON

E. NARRATIVE/REMARKS/COMMENTS

WATER APPROPRIATION IS FOR STOCKWATER USE.
50 HEAD CATTLE

Have conditions of permit approval been met? ☒ yes ☐ no

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MAR 10 1987

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$\frac{1 \text{ GAL}}{43 \text{ SEC}} \times \frac{60 \text{ SEC}}{1 \text{ MIN}} = \frac{1.395 \text{ GAL/MIN}}{448.8} = 0.003 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$12 \text{ GALS/DAY} \times 50 \text{ STOCK} \times 365 \text{ DAYS/YR} = \frac{219,000 \text{ GALS/YR}}{325,850 \text{ GALS/AF}} = 0.67 \text{ AFA}$$

$$\frac{1.0 \times 60 \text{ MIN} \times 24 \text{ H/D} \times 31 \text{ DAYS}}{325,850 \text{ GALS/AF}} = 0.136 \text{ AFAD.}$$

* PERMIT LIMITS TO 16PM FOR MONTH OF OCTOBER.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
STOCK WATER	10/1	10/31	0.002 0.01	0.1
Totals:			0.01 CFS	0.1 AFA

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ☒ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name SIMPkins Date 1/11/96Reviewer [Signature] Date 1-12-96

SEAL

WARREN FOX
STOCKWATER

151

POINT OF
DIVERSION
SPRING

BASE OF
TREES

PLACE OF
USE

STOCK
TROUGH

MICROFILMED
SEP 10 1987

13-07449

May 2, 1990

WARREN B. FOX
16205 N. CLEVELAND RD.
THATCHER, ID 832830000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07449

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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAY 16 1990

138047
January 31, 1990

WARREN B. FOX
16205 N. CLEVELAND RD.
THATCHER, ID 832830000

PROOF DUE NOTICE

RE: PERMIT NO. 13-07449

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 April 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAY 16 1990



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

April 11, 1989

Lorin Hoopes
Star Rt., Box 63
Preston, ID 83263

Dear Mr. Hoopes:

Re: Application for Permit No. 13-7449 -- Warren B. Fox

This office acknowledges receipt of your letter dated February 9, 1989 in which you express concern about the distribution of water.

Note the enclosed copy of the final order and permit. The permit gives Mr. Fox the authority to divert one gallon of water a minute to be used for stock only during a two-week period in October. Water used for any other purpose maybe considered an illegal diversion subject to the laws of the state of Idaho.

If you have any further concern regarding this matter, please feel free to contact this office.

Sincerely,

Bobby D. Fleenor
BOBBY D. FLEENOR
Hearing Officer

Enclosure

c: Warren B. Fox

MICROFILMED

MAY 15 1989



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

April 11, 1989

Warren B. Fox
16205 North Cleveland Rd.
Thatcher, ID 83283

Dear Mr. Fox:

Re: Permit No. 13-7449

Enclosed is a copy of the approved Application for Permit No. 13-7449 along with a copy of the Proposed Memorandum Decision and Order and Order Adopting the Proposed Memorandum Decision and Order. Please note the conditions of approval as set forth in the Proposed Memorandum Decision and Order.

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 Proof of Beneficial Use form, which should be submitted when the project is complete.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

LGS:rf

Enclosures

c: Lorin Hoopes

RECORDED

MAY 15 1989

Wen

RECEIVED

FEB 09 1989

Department of Water Resources

Feb. 4 - 89

Dear Sirs,

I'm writing in the matter of Application for Permit No. 13-7449 in the name of Warren B. Fox.

We did agree not to have a formal hearing on this matter. But a few things I would like to bring to your attention, as a matter of concern to me.

Under findings of fact on the sheets No. 6, who's going to ride herd on him a year ago he had over a hundred head of rented cattle in the field for at least a month. And also **MICROFILMED** with some till cropping time.

Under Conclusions of Law No. 4. MAY 15 1989

He had to bring the ditch water around last fall and let it run above the wells to have enough water to supply his house use, also mine picked up from it also. There is no statement in there that says

he can't go in there and develop
more water if he sees fit any time.

Resp. Yours
Labin Hoopes

MICROFILMED

MAY 15 1989

Preston, Idaho
December 14, 1987

Lawrence B. Fox
16205 N. Cleveland Road
Preston, Idaho 83263

Dear Lawrence,

In regards to your spring development and watering
trough, a construction check was made October 22, 1987, at

which time spring flow was inadequate. It was discussed
30 Oct 87 Flow was near 1/2 gpm Should be 1+ gpm for # of cows
with you at that time that flow could be increased by

developing more of the wet area. We also spoke of the need
for better cover over part of the pipe line. The rest of
the system looks very good. Trough installation is fine.

You indicated waiting until spring to comply with said
items, and this is acceptable because of deterrent weather.

When above items are completed, please contact the ASCS
office so a final completion report can be given to them.

Sincerely,



Mark R. Weatherstone
District Conservationist

cc ASCS

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MAY 15 1989

Idaho
C. Moser

23 Oct 87

Lawrence Fox

Preston class II
1 2

Spring Development

Mr. Fox wants to develop a spring
in Sec 14 T12S R40 and put in a trough

Standard
USED
5 7/8 Spring
5/6 pipe
6 1/4 trough

50 cows w/ calves
slope 5%
Flow 3 or 4 gpm Est
900' to Trough
50' over flow
1 trough
up to 50 foot 4" tile

Requirements

Q needed for Beef Cows

12 gal/cow/day
6 gal/calf/day

12 gal/cow x 50 cows	600
6 gal/calf x 50	300
	<u>900 gal/day</u>

Est Flow 2 gpm for Trough

$2 \text{ gpm} \times 60 \times 24 = 2880 \text{ gal/day}$

Spring should flow 1 gpm+ to meet needs.

Trough Size

Farmer would like Powder River Trough
4' x 18" x 12'

$4 \times 1.5 \times 12 \times 7.48 = 538 \text{ gal}$

This size Trough will be ok for the
of cows and calves.

MICROFILMED

MAY 15 1989

Idaho
C. Moser

Lawrence Fox
23 Oct 87
Spring Development.

Aston (Class II)
2 2

Spring Development.

this is a wet area that can be dug out with back hoe and tiled approx 50' of 4" perf Pipe - w/ a gravel filter to collect water, as shown on Drawing # 574-A. Trench should be 5 to 6' Deep.

Supply Pipe to Trough.

from plastic Pipe chart manning's n 0.010
Area II Idaho Oct 59

1" plastic 5% slope Flow 26 gpm

USE 1" plastic Pipe as shown on Drawing

if Flow is greater than needed a Float or Tape could be put at the trough inlet to control Flow

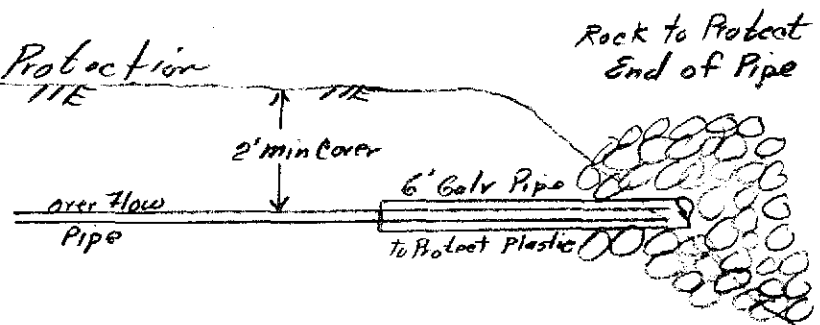
Trough to be put in as shown on Drawing ID 614-A

trench Detail and Spring development as on Drawing ID 574-A

min 8" 2' cover over all pipe

USE Galv. Pipe on inlet and outlet also on the end of over Flow.

Outlet Protection



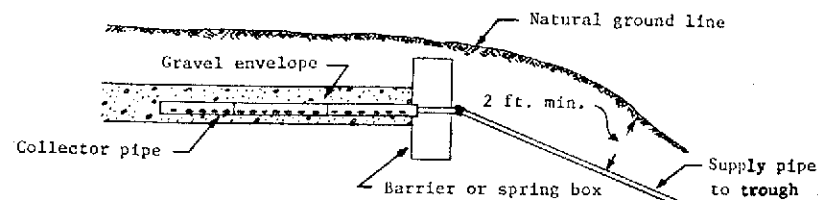
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MAY 15 1989

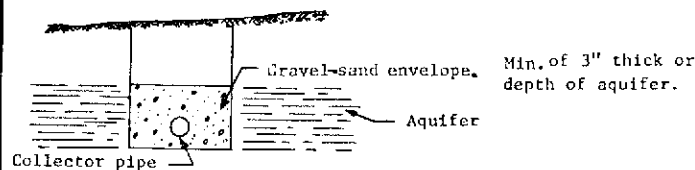
yearly maintenance is required for system to work Proper -

ID-ENG-SD-574-A

MAY 13 1968

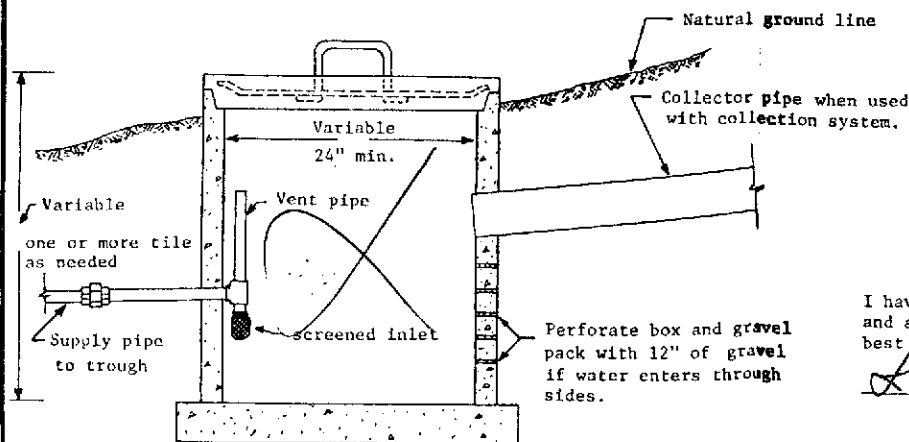


ELEVATION



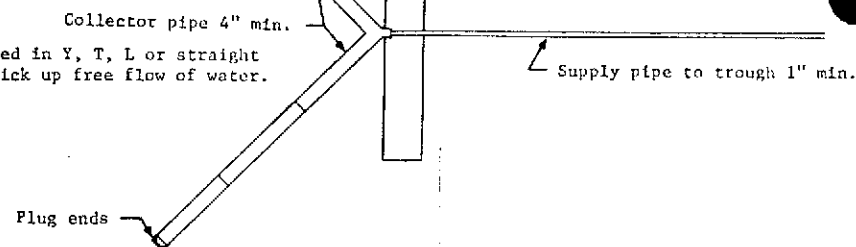
TRENCH DETAIL

Spring box to be used when water emerges in one spot or with collection system above. Box may be concrete or metal pipe.



PLAN

Concrete bottom or filter gravel (min. 6" thick) if water enters through bottom.



SCHEMATIC LAYOUT

Box: NA
(Material)

Size

Collection system: 4" perf pipe w/ gravel

Supply pipe: 1" plastic

(Diameter & type)

Protection of source Back fill and seed.

Job class 1

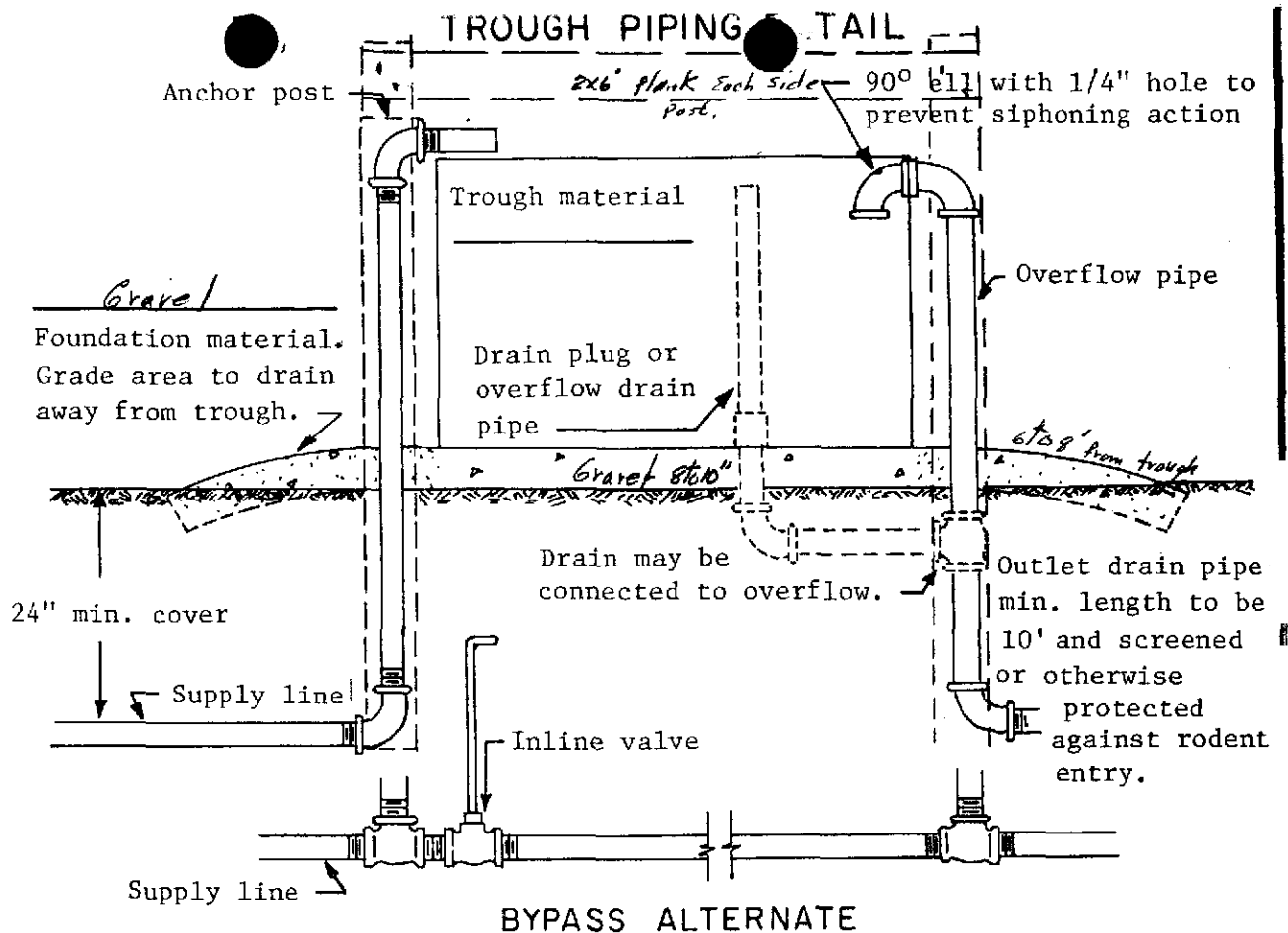
I have reviewed the plans and specifications and agree to construct this project to the best of my ability in accordance with them.

L. Fox Date: 10-23-87
Cooperator

CONSTRUCTION SPECIFICATIONS
ID-SS-E _____ ATTACHED

SPRING DEVELOPMENT
COOPERATOR L. Fox
Franklin, SCD Franklin, IDAHO
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

GM 10/28/87



TROUGH

Length X width or diam. 12 x 3.8'
 Depth 18"
 Capacity 350 gal.

SPECIAL REQUIREMENTS

Note:
 Put Bird walk on
 trough.

PIPE

Supply riser 1" steel 4' min
 diameter-material-length
 Overflow 1" steel 4' min
 diameter-material-length
 Outlet 1" plastic 50' min
 diameter-material-length
 Outlet protection USE length of
steel on end cover w/ Rock.

I have reviewed the plans and specifications and agree to construct this project to the best of my ability in accordance with them.

Date: 7/30/87

Cooperator

CONSTRUCTION SPECIFICATIONS

ID-SS-E 514, 516 ATTACHED

TROUGH OR TANK

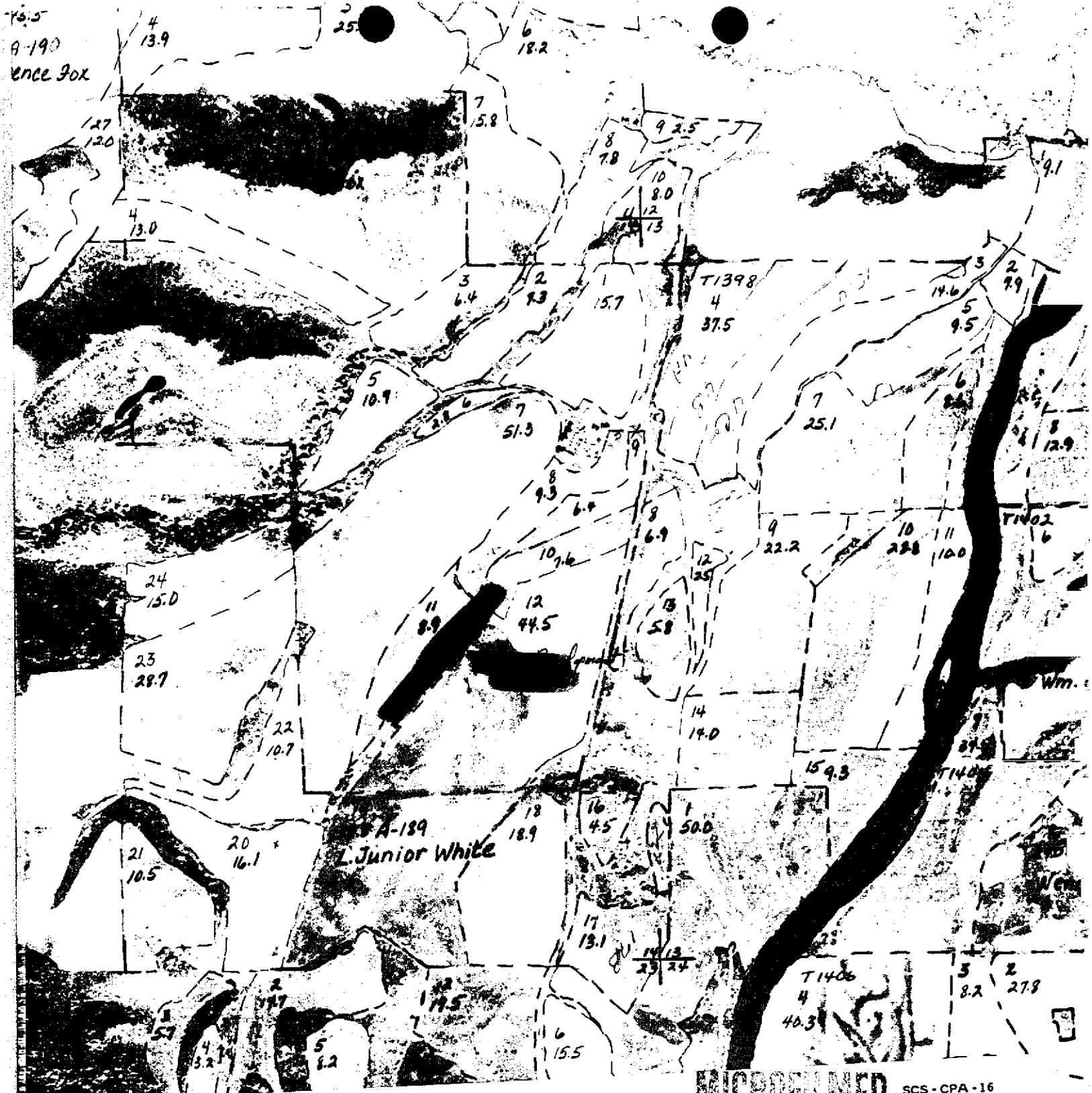
COOPERATOR L. Fox
Franklin SCD Franklin CO., IDAHO

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed <u>SP/230/87</u>	Date <u>7/30/87</u>	Approved by _____
Drawn _____	Title _____	
Traced _____	Title _____	
	Sheet _____	Drawing No. _____
	No. _____	

MICROFILMED

MAY 15 1989



U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

CONSERVATION PLAN MAP

MAY 15 1989

MICROFILMED

SCS - CPA - 16
2 - 81

Owner Lawrence Fox Operator _____ Date _____
County _____ State _____
Approximate acres _____ Approximate scale _____ Conservation District _____
Cooperating with _____ Photo number _____
Plan identification _____ USDA Soil Conservation Service
Assisted by _____

A-177

18.9

175.9

176.0

12.7



Warren B. Fox -

13-7449
March 15, 1989

Protestant -

Lorin Hoopes

+

Cattle would have access to the Creek -

Creek is not safe during the Spring -

+

Stock in the field may contaminate the wells in the area -

+

Pump $\frac{3}{4}$ hp - 20 ft pumping level -

Pumps most

Can pump one sprinkler all day and the level of the water will drop about four inches -

Size of casing of hand dug - eight inch -

+

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MAY 15 1989

In the matter of Application
for Permit 13-7449 in
the Name of Warren
B. Fox.

Stipulation and
Agreement.

We hereby agree to the Department issuing
a proposed memorandum decision and order in this
matter based on information presented at the
conference held the 15 March 1988 in Preston FD.

Signed the 15th day March 1988.

Warren B. Fox

Loren Hoopes

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MAY 15 1989

- Historical practice of pumping water from Fox well uphill ~~for cattle grazing~~ ^{stockpiling} in vicinity of proposed development. ~~This water was pumped by 15 to 40 hds.~~ Mr. Hoopes indicate this practice did not have noticeable effect on production of his well.

- Fox well dug 1939. 4" dia meter approximately 20 ft. deep. between 50 and 100 fte uphill from Hoopes well.

- Hoopes well dug 1949. hand dug to a depth of 20 to 21'. Well is used for ~~to pump~~ provides culinary water and irrigates ~~the~~ yard around home. taken from - thin ~~source~~ of water for both well is a gravel lens. Test holes drilled in the ^{late} 1930's revealed this lens extended up the drainage toward the proposed point of diversion.

- Distance from proposed collection site to ~~the~~ Hoopes & Fox domestic well is $\frac{1}{2}$ mile.

- ~~Foxes propose to go~~ ~~The development~~ ~~is will be used in full~~ Stock will graze in the area of the development during the fall after crops have been harvested.

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MAY 15 1989

13-7449.

15 March 88

Applicant - Warren Fox - present.
Protestant - Lorin Hoopes - "

Direct Applicant. System partially installed. ^{some} collector pipe & conveyance pipe & trough measured $\frac{1}{2}$ gpm. (720 gal/day) need more collector pipe to increase flow to 1 gpm to meet criteria for participation by S.G.S. 100 hd. cattle used trough for 10 days. (12000 gal/day).

Protestant. - dug well 1939-1949 ^{Fox - Hoopes.} 20 to 21' deep. 6x8' concrete side test holes showed water source for well ^{14 ft deep} comes from spring area. 8" casing down to water. &
- historically cattle grazing in area went to creek
- ~~concentration~~ Concentration of cattle around around spring area may contaminate domestic water. Quality Okay 7 to 8 yrs ago.
- Mr. Fox owns land to creek.
- Cattle will graze in area Mid Oct ~~until~~ 10 days. to 2 wks.
- Used to pump water from Warren Fox well up hill to water stock 15 to 40 hd.
- Gravel ~~strata~~ ^{leak} is only source of water. Extends up drainage.
Mr. Hoopes - $\frac{3}{4}$ hp. pump, 20' ^{lift} ~~lift~~
- use water for domestic & sprinkler irrigation. -
can run two sprinklers **MICROFILMED** better.

MAY 15 1989

Source of water for

✓ Mr. Foxes well is same source and expected to be impacted in a similar manner.

- development excavated to depth of a back hoe could dig. - encountered clay. no gravel lens.
- required to have a pipe convey overflow away from stock trough.
- overflow is in some drainage.
- ✓ 1/2 mi between collection pipe and wells.
- ✓ Hopes 2 Fox wells 100 ft. apart.
- ✓ Intend for area to be used in fall. - will not graze during irrigation season or spring.
- ✓ Fox well 4" dia. 12 approximately 20' deep.

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MAY 15 1989

System was partially installed in 19827 ~~produced~~
produces $\frac{1}{2}$ gal/min. Stock grazed in area for
a ~~week~~⁷ to 10 days. ~~Applicant no~~ Applicant
want to expand system to produce 1 gal/min., 1440 gal/day.

~~Conclusion.~~ Conclusion.

→ Considering distance.

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MAY 15 1989

13-7449 - FOX

Ag Room, Franklin County Courthouse, Preston, Idaho
Tuesday, March 15, 1988 - 1:00 p.m.

ROSTER OF ATTENDANCE

Hearing Officer: Bob Fleenor, Ernest Carlson

Name	Representing	Address
Lawrence Fox		16205 N. Cleveland Rd.
Warren B Fox		Preston, Id. 83263
Lorin Hoopes		Box 64 Preston Id
Effie Hoopes		Box 62 Preston Id

MICROFILMED

MAY 15 1989

March 8, 1988

Ag Room
Franklin County Courthouse
Preston, ID 83263

Dear Secretary:

This is to confirm the use of the Ag Room in the Franklin County Courthouse, Preston, Idaho, for water right hearings and/or conferences to be held by this Department on Tuesday, March 15, 1988, beginning at 1:00 p.m. and on Wednesday, March 16 beginning at 9:30 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

MAY 15 1989

NAME AND
ADDRESS
OF SENDERDEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail

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☐ Insured
☐ COD
☒ Certified ☐ Express Mail

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1	0151	Shirley Hef 16205 N Cleveland Rd Preston	39	12					70			11-0600/0602 13-7449
2	0152	Rainier Street Rt Box 62 Preston	22									13-7449
3	0153	J. L. Williams P.O. Box 191 Preston										11-0600/0602
4	0154	Junior White 15516 N Cleveland Rd Preston										" "
5	0155	Openhoyer Steel School Bldg. 2412200 N Hyde St Preston										11-7367
6	0156	Edward Shepherd 440 So 7th Mantel	22									"
7	0157	Glyde Helmer P.O. Box 797 Soda Spg	39									11-7367 13-0727/0728
8	0158	City of Preston City Hall, Preston	22									13-0027/0028
9	0159	Pub. Lewis Drug, Preston, Id.										" "
10	0160	Angus Cooney Preston - Whiskey St 3 Preston										" "
11	0161	Williams Architects P.O. Box 191 Preston										" "
12	0162	Mitt Campbell Box 601 Lava										29-7837
13	0163	Archie Service P.O. Box 4883 Poca										"
14	0164	Stephen Harnes P.O. Box 845 Poca										"
15	0165	William Tucker P.O. Box 1725 Poca	22									29-7837

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3. Article Addressed to

Karin Hoopes
Star Route, Box 62
Preston, Id 83243
MAY 13 1989

4. Article Number

0152

Type of Service:

- ☒ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X *CR*

7. Date of Delivery

3-2-88

8. Addressee's Address (*ONLY if requested and fee paid*)

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- Endorse article "Return Receipt Requested" adjacent to number.



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PENALTY FOR PRIVATE
USE, \$300

MAY 15 1989

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

RECEIVED

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83401

MAR 3 1988

Department of Water Resources
Eastern District Office

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you with the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Warren B Ford
16205 N. Cleveland Rd.
Hatcher, Id. 83283

4. Article Number

0151

Type of Service:

- ☐ Registered
☒ Certified
☐ Express Mail

- ☐ Insured
☐ COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

MAY 15 1988

6. Signature - Agent

X

7. Date of Delivery

MAY 2-88

8. Addressee's Address (ONLY if requested and fee paid)

15-7449 Y 11/0600/0602

UNITED STATES POSTAL SERVICE
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SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 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.

11111
MICROFILMED



MAY 15 1989

PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

RECEIVED

EASTERN DISTRICT OFFICE

150 SHoup AVE.

IDAHO FALLS, IDAHO 83401

MAR 3 1988

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 13-7449 IN THE NAME OF	)	NOTICE OF HEARING
WARREN B. FOX	)	&/OR CONFERENCE
	)	

On November 3, 1987, Warren B. Fox, filed with the Department of Water Resources application No. 13-7449, to appropriate the public waters of the State of Idaho. On December 4, 1987, the Department of Water Resources received a protest against approval of said application from Lorin R. Hoopes.

The Department has set the matter for hearing and/or conference for 1:00 p.m., Tuesday, March 15, 1988, in the Ag Room, Franklin County Courthouse, Preston, Idaho. The conference 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 29th day of February, 1988.


RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

MAY 15 1989

December 10, 1987

Warren B. Fox
16205 North Cleveland Road
Thatcher, ID 83283

Dear Mr. Fox:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your application No. 13-7449. 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.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. 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 (§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.

The applicant must be prepared to present evidence and/or testimony addressing each of the five items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CN

Enclosures

cc: IDWR - State Office

RECEIVED

MAY 15 1989

December 10, 1987

RE: Application for Permit No. 13-7449 WARREN B. FOX

Mr. Lorin Hoopes
Star Route, Box 62
Preston, ID 83263

Dear Mr. Hoopes:

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.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. 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 (§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.

The protestant must be prepared to present proof of allegations involving one or more of the five items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Very truly yours,

MICROFILMED

ERNEST CARLSEN
Water Rights Supervisor

MAY 15 1989

EC:CW

Enclosure
cc: IDWR St + Office

The Citizen - 12-3

**NOTICE OF APPLICATION
FOR WATER RIGHTS**

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

13-7449

FOX, WARREN B.

16205 NORTH CLEVELAND ROAD,
THATCHER, ID 83283

Source: UNNAMED SPRING trib. to
SINKS

Diversion Pt: NWSE Sec 14 T 12S R 40E

Use: STOCKWATER (0.010 CFS)

Date Filed: 12-03-1987

In: NWSE Sec 14 T 12S R 40E

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, Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 21, 1987.

R. KEITH HIGGINSON, Dir.

Legal No. 3070 — L— Publish Dec. 3,
10, 1987.

RECEIVED

DEC 4 1987

Department of Water Resources
Eastern District Office

Dec. 2-87.

Dear Sir,

In regard to this notice of application for water rights.

I won't to file a protest against this permit. This spring has been used for culinary water for two homes, since 1939.

He was advised last summer not to dig or intrench in it, By myself Ed he agreed not to.

Then this fall without notifying me, or filing for a permit. He started digging & putting in four in drain pipes. When I saw what was going on, I went up & stopped him & tried to tell him the outcome would be.

MICROFILMED
MAY 15 1989

My Dad Ed me raise cattle in the same field for at least 70 yrs. & they went to the Creek for water which is around $\frac{1}{2}$ to $\frac{3}{4}$ of a mile away.

I talked to the water resource

man about it when he was down
last fall. Ron Carlson.

I'm definatly sure it will
effect our water or even dry
it up. Its the only assably water
around that can be got for the
two homes.

I would appreciate any help
you could give me on this
matter.

Resp. Yours
Lorin Hoopes
St. Rt. Preston, Ida.
Box 62. - 83263

MICROFILMED

MAY 15 1988

LORIN HOOPES
15926 N CLEVELAND RD
STAR RT BOX 62
PRESTON, ID. 83263



22^{USA}

California Sea Lion



Director,
Dept of water Resources
Eastern Region
150 Shoup Suite 15
Idaho Falls, Id.
83402



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

December 21, 1987

The Preston Citizen
P.O. Box 472
Preston, Idaho 83263

RE: Application No. 13-7449, Warren B. Fox

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on December 3, and 10, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Deena Green
Office Secretary

MICROFILMED

MAY 15 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

December 2, 1987

Pete Peterson, Watermaster
Water District #11
2483 Riverdale Rd.
Preston, Idaho 83263

RE: Application for Permit No. 13-7449, Fox

Dear Sir:

This office is currently in the process of publishing notices that the above application was filed with the Department of Water Resources. Since the application maybe of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting the permit should be directed to this Department and received no later than December 21, 1987. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the application.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

MICROFILMED

MAY 15 1989

December 2, 1987

Warren B. Fox
16205 N. Cleveland Rd.
Thatcher, Idaho 83283

RE: Application for Permit No. 13-7449

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 13-7449. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in The Preston Citizen. The advertisement will be published for two 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,

Ernest Carlsen
Water Rights Supervisor

EC/dg

MICROFILMED

MAY 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 25, 1987

The Preston Citizen
P. O. Box 472
Preston, Idaho 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. 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 DECEMBER 21, 1987.

Yours truly,

Deena Green
Office Secretary

Encl.

MICROFILMED

MAY 15 1989

13-7449

CONVERSATION MEMORANDUM

Date 12/1/87 File # 13-7449

NAME OF PARTY Preston Citizen

EMPLOYEE Ericksen

RE Verification of legal notice
pub.

Representative from paper
read back legal notice for
referenced application -

Notice was correct as read
back to me.

MICROFILMED

MAY 13 1989

13-7449

FOX, WARREN B.

16205 NORTH CLEVELAND ROAD, THATCHER, ID 83283

Source: UNNAMED SPRING trib. to SINKS

Diversion Pt: NWSE Sec 14 T 12S R 40E

Use: STOCKWATER (0.010 CFS)

Date Filed: 11/03/1987

In: NWSE Sec 14 T 12S R 40E

MICROFILMED

MAY 15 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

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, Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 21, 1987.

R. KEITH HIGGINSON, Dir.

Published 12/3 & 12/10/87.

MICROFILMED

MAY 15 1989

Dear Mr. Turner,

Thank you for returning
that check. Enclosed is one
for \$30.00.

Sincerely
Warren Fox

MICROFILMED

MAY 15 1989

RECEIVED

NOV 13 1987

Department of Water Resources
Eastern District Office

Warren B. Fox

15885 N. Cleveland Rd.

Princeton, Ida - 83263



Idaho Dept. of Water Resources

Eastern District Office

150 Sharp - Suite 15

Idaho Falls

Id. 83402

Attn:
Eric Verner

November 5, 1987

Mr. Warren B. Fox
16205 North Cleveland Road
Thatcher, ID 83283

Dear Mr. Fox:

Per our conversation, I am returning your check No. 92-362 for \$50.00 which was submitted with your stockwater application. As we discussed, the filing fee for 0.01 cfs is \$30.00 rather than \$50.00.

Please return a check for the correct \$30.00 fee to my attention. To maintain your original priority date, ~~we need to receive the correct fee within 30 days of this letter~~ so your prompt attention is appreciated.

If you need further assistance, please contact our office.

Sincerely,

ERIC VERNER
Sr. Resource Agent

EV:cw

Enclosure: Check

RECEIVED
MAY 15 1988