

No 1514

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

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

Oct 29, 1981, and ending
with the issue of Nov. 5, 1981.

Fee \$ 21.88

Subscribed and sworn to before me this 30th day
of November, 1981.

Kenn O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

RECEIVED

DEC 7 1981

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7351

GUILLEN, TONY R. &/or TRINY
RT. #2, PRESTON, ID 83263

Source: SPRING tributary to SINKS

Date Filed: 10/20/1981

Amount: 0.13 CFS

Diversion Point: SENE Sec 28 T 14 S
R 40E SESE Sec 21 T 14S R 40E,
FRANKLIN Co.

Use: IRRIGATION (0.08 CFS) from
04/01 to 11/01, DOMESTIC (0.04 CFS)
from 01/01 to 12/31, STOCKWATER
(0.02 CFS) from 01/01 to 12/31

Place of Use: SESE Sec 21 T 14S R
40E NENE Sec 28 T 14S R 40E FOR 4
ACRES

Diversion Means: COLLECTION
BOX TO HOLDING TANK

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before NOVEMBER 16, 1981.

A. KENNETH DUNN
Director

Published 10/29 & 11/5/81.

Legal No. 1514 -35L- Publish
October 29, November 5, 1981.

Pix #3
(#1 Spring Location)

MICROFILMED



Pix #4
stock tanks

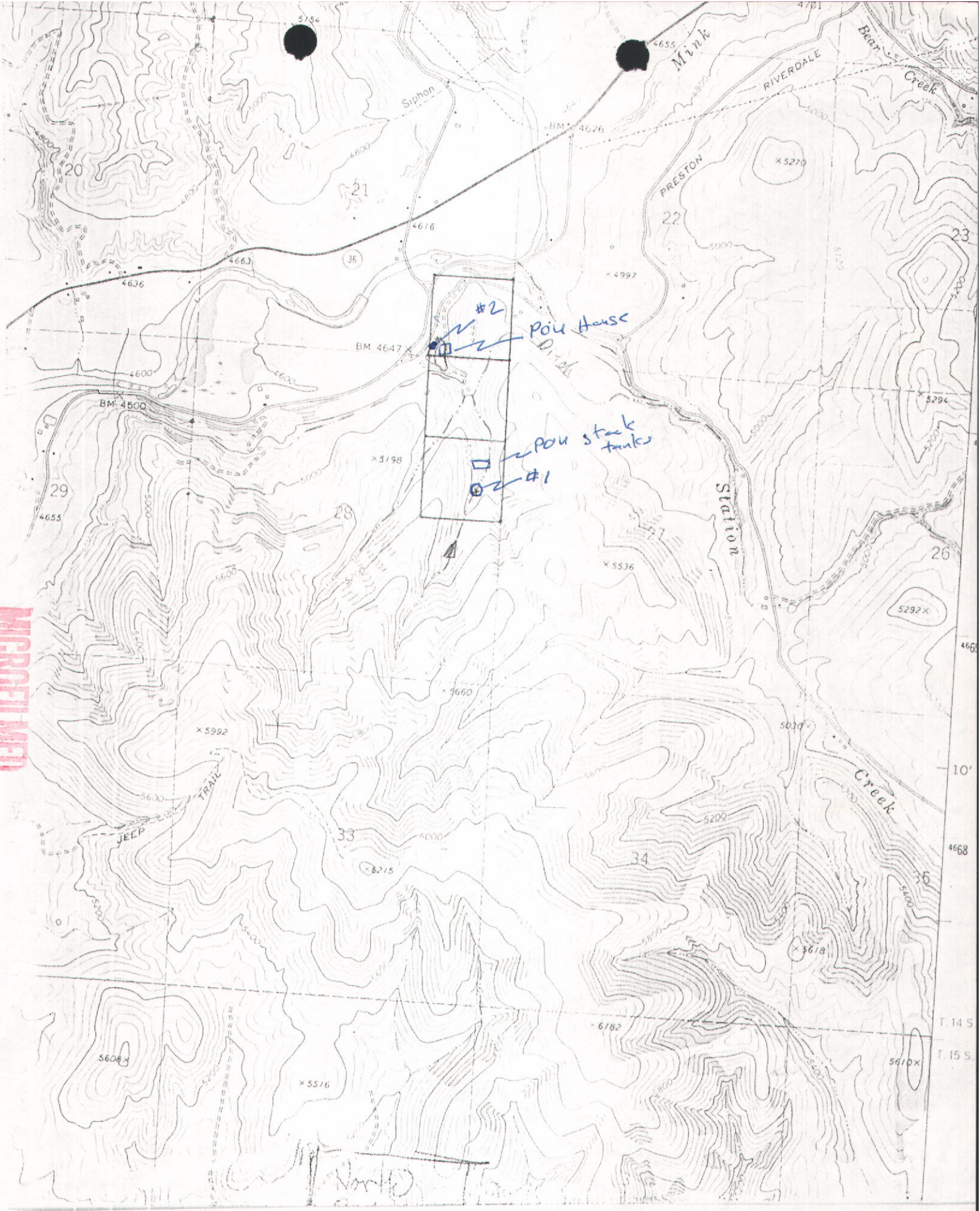


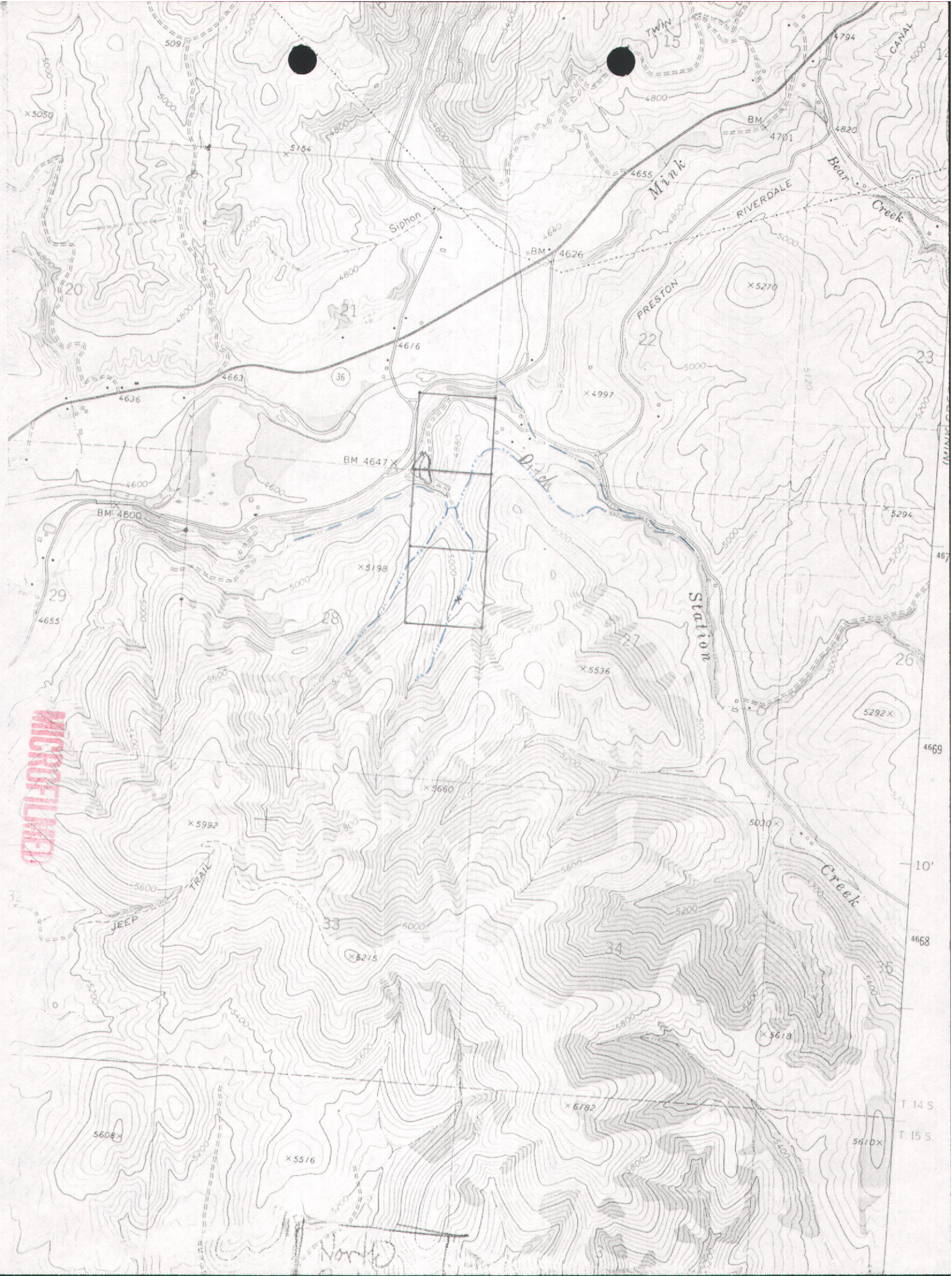
Pix #5
overflow from
Spring #2



13-7351

MICROFILMED





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant TONY R. and/or TRINY GUILLEN Phone 852-0801

Post office address Rt. #2 Preston, Idaho 83263

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 14S

Range 40E B.M. Franklin County, additional points of diversion if any: _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 14S. R. 40E

4. Water will be used for the following purposes:

Amount 0.04cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.08cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02cfs for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

a. 0.13cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Collection box, diverting pipe to
holding tank

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 14S

Range 40E B.M.

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

(3) List number of each kind of livestock to be watered 40 head range cattle

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

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

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

[illegible]

Total number of acres to be irrigated 4

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

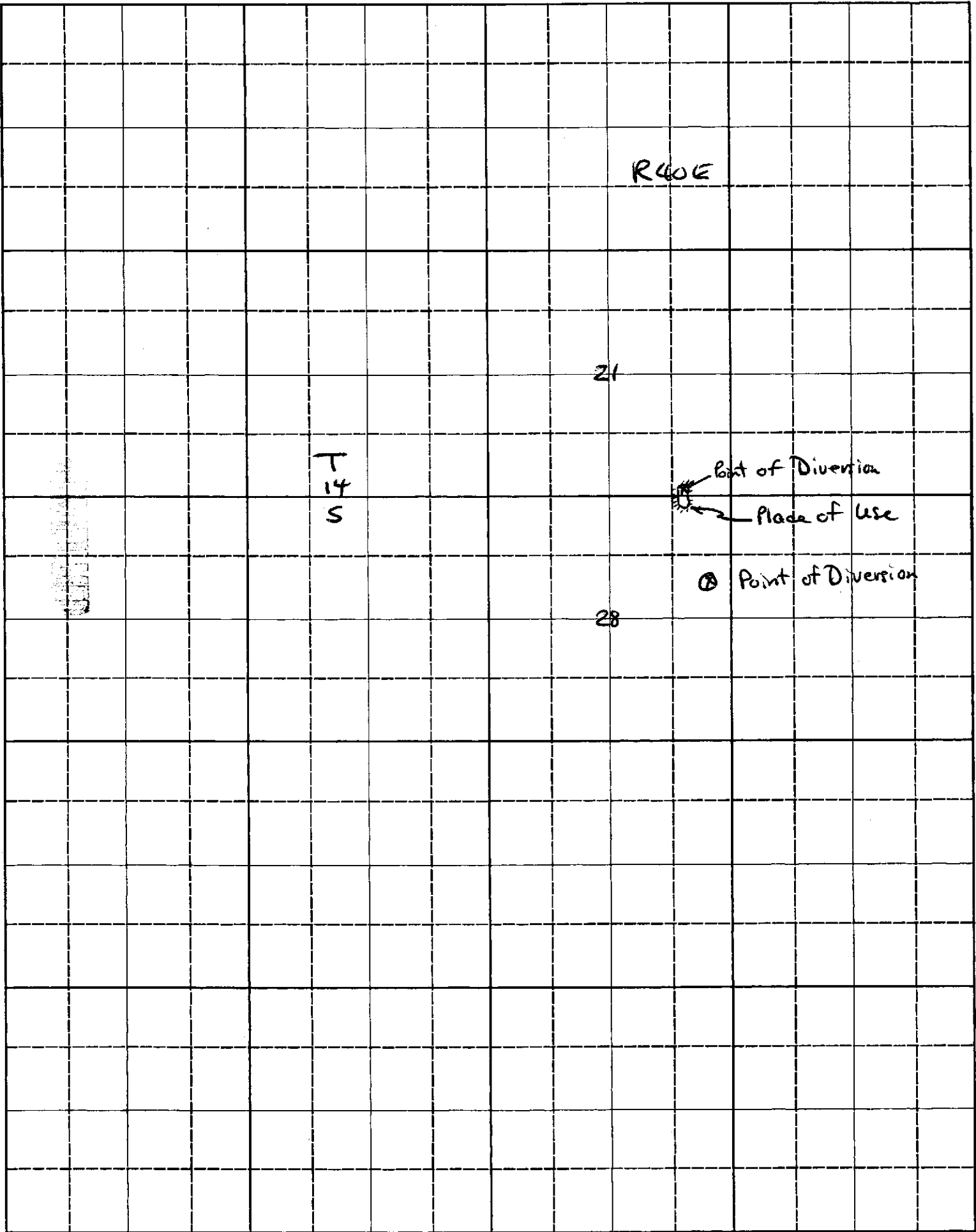
9. a. Who owns the property at the point of diversion Applicant

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

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

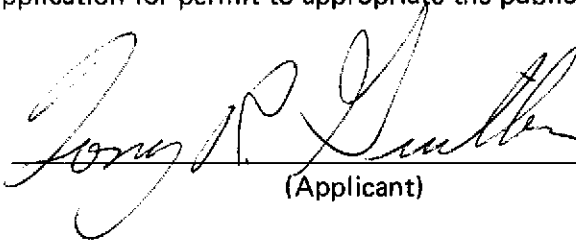
10. Remarks

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.


(Applicant)

Proposed Priority 10/20/81

Received by KCW Date 10-20-81 Time 2:55 p
Preliminary check by S.M. Fee \$ 30.00
Receipted by CW Date 10-20-81 # 19123
Publication prepared by Forne Date 10-21-81
Published in Preston Citizen
Publication dates 10-29 & 11-5-81
Publication approved CW Date 12-07-81
Protests filed by: NONE

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC. tw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7351, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Witness my hand this 13th day of October, 1983.

J. Glen Saxton
Chief, Operations Bureau

No 1514

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DEC 7 1981

Division of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Franklin } ss.

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Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

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04/01 to 11/01, DOMESTIC (0.04 CFS)
from 01/01 to 12/31, STOCKWATER
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ACRES

Diversion Means: COLLECTION
BOX TO HOLDING TANK

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A. KENNETH DUNN
Director

Published 10/29 & 11/5/81.

Legal No. 1514 -35L- Publish
October 29, November 5, 1981.



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

DEC 10 1986

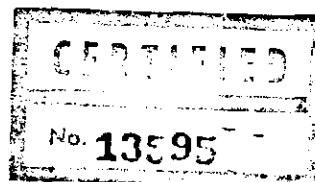
150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

Department of Water Resources

13-7351
GUILLEN, TONY R.
GUILLEN, TRINY
PT. #2
PRESTON, ID 83263

December 8, 1986

EXAMINATION FEE NOTICE



Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the Department, but you must within sixty (60) days of the date of this letter return to the Department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the Department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the Department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this Department when examiners have been certified.

If your permitted use, in fact, has already been examined by the Department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the Department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

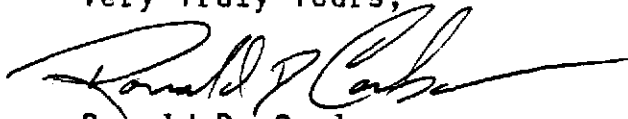
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following Department office:

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401
Phone: 525-7161

Very Truly Yours,



Ronald D. Carlson
Eastern Regional Manager

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 8, 1985

TONY GUILLEN
RT. 2
PRESTON ID 83263

RE: Permit No. 13-7351

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as agreement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7351.

Name(s) of Permit Holder:

Guillen Tony and Trina

Post Office Address:

Box 2 Preston Id 83263

Tel. No.

8520801

Source of Water:

Spring

Extent of Use:

☐ Domestic

(number of households)

☒ Stockwater

20 Cattle and Horses

(number and type of stock)

☐ Irrigation

(acres)

☐ Other

Measuring Device:

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

Access Port:

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

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

10-19-84

Date

MICROFILMED

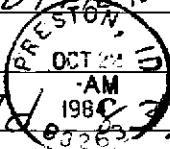
Signature of Permit Holder

[Handwritten Signature]

USA 13c

Crazy Horse

Tony McGuillen
RT #2
Preston, Idaho 83263



RECEIVED

OCT 24 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138153

GUILLEN, TONY R. & TRINY
RT. #2
PRESTON, ID 83263

PROOF DUE NOTICE

AUGUST 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7351 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

GUILLEN, TONY R. & TRINY
RT. #2
PRESTON, ID 83263

OCTOBER 25, 1983

RE: PERMIT NO. 13-7351

DEAR PERMIT HOLDER:

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

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE POSTCARD THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

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

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

13 7351

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER:

13-7351

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: November 16 1981
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12-7-81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
10-20-81 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: Edward Carlson

Date: 9/8/83

STATE OFFICE REVIEW:

216

- ☐ See attached sheet for more information.
By: kw

Date: 10/5/83

RECEIVED
SEP 08 1983

Department of Water Resources

RECEIVED

ACTION REQUIRED

FROM: Ernst

TO: File's

Need to inspect source of water supply to confirm description given on application. Inspection should include measurement of spring & flow and verification of legal description. Quad map reveals that upper spring (SENE 028) could be tributary to a ditch or canal.

Done

HWS

DATE: 8-26-83 ACCOMPANIED BY: Tony Guillen TOTAL MEASURED: 7gpm
(of exam)

METHOD OF MEASUREMENT: Bucket & stopwatch S/N _____

APPLICANT CONTACTED YES: ☒ DATE 8-24-83

NO : DATE _____ REASON: _____

REASON FOR EXAM: (2 gallons / 18 secs Flow From stock tank overflow)
to check flow and see if Springs trib. to ditch in area

ACCESS (location direction): Station Creek Rd to gravel turn off
+ then private Rd.

LOCATION: Point of Diversion Confirmed ☐ Yes ☐ No (See sketch)
Place of Use Confirmed ☐ Yes ☐ No (See sketch)

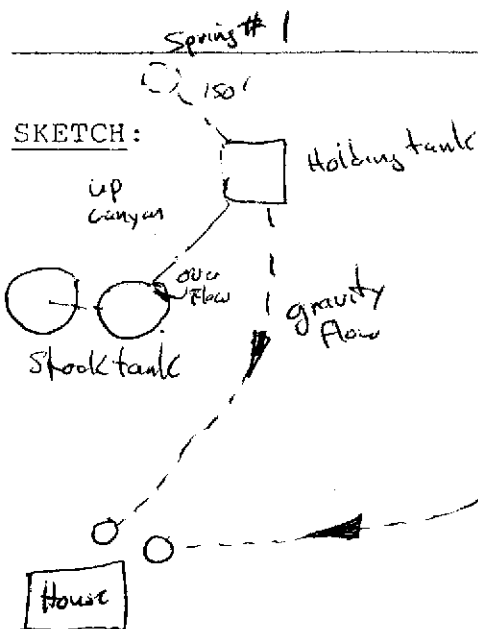
GENERAL OBSERVATIONS: DATA FOR ADMINISTRATIVE DECISIONS

A: Source (Describe in detail i.e., flow, apparent confluence, etc)

Springs # 1 (Flow approx 7gpm) Flow does not now reach ditch but sinks
near stock tanks. Mr. Guillen says Spring Flow does reach ditch during
springtime runoff only. Spring # 2 (flow 6gpm) is shared by Mr. Guillen
+ Theo Smith (Permit # 13-7371) Spring Flow unreliable + has dried up.

B: OTHER USES OF SOURCE: Springs # 2 overflow reaches road +
flows along road + sinks

C: WORK IN AREA RELATED TO APPLICATION:



#3 per actual springs
#4 per stock tank
#5 per overflow from springs #2

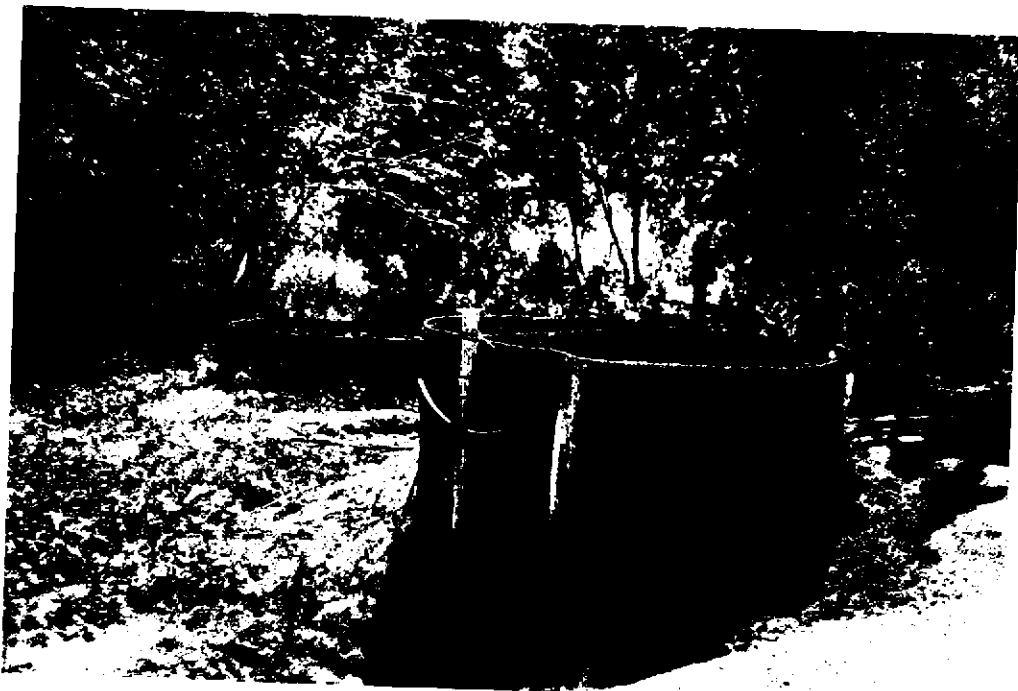
holding tank with pump
Spring # 2 just below home
overflow of Springs to Theo Smith PO

24. Jones
SIGNATURE

Pix #3
(#1 Spring Location)



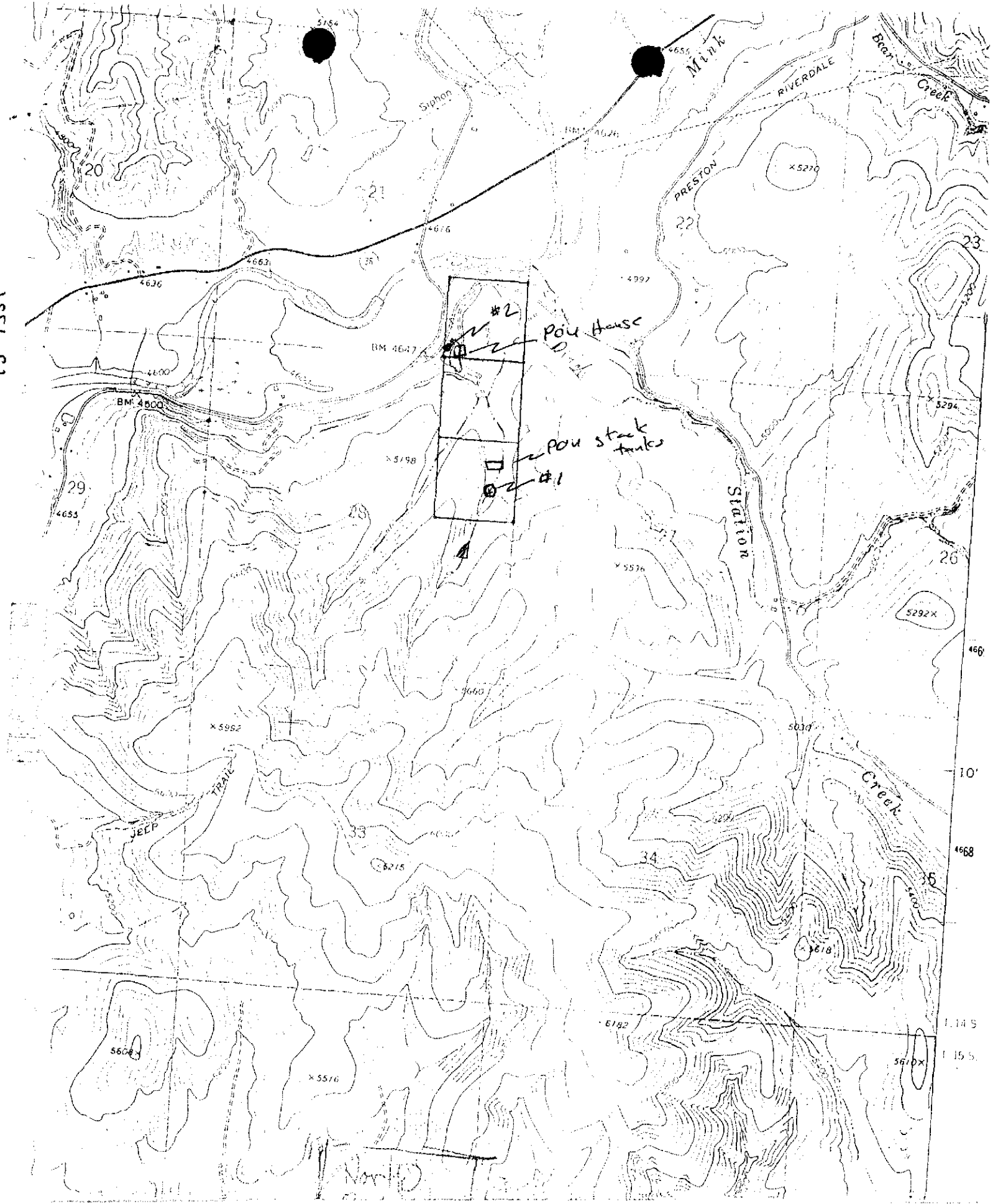
Pix #4
stock tanks



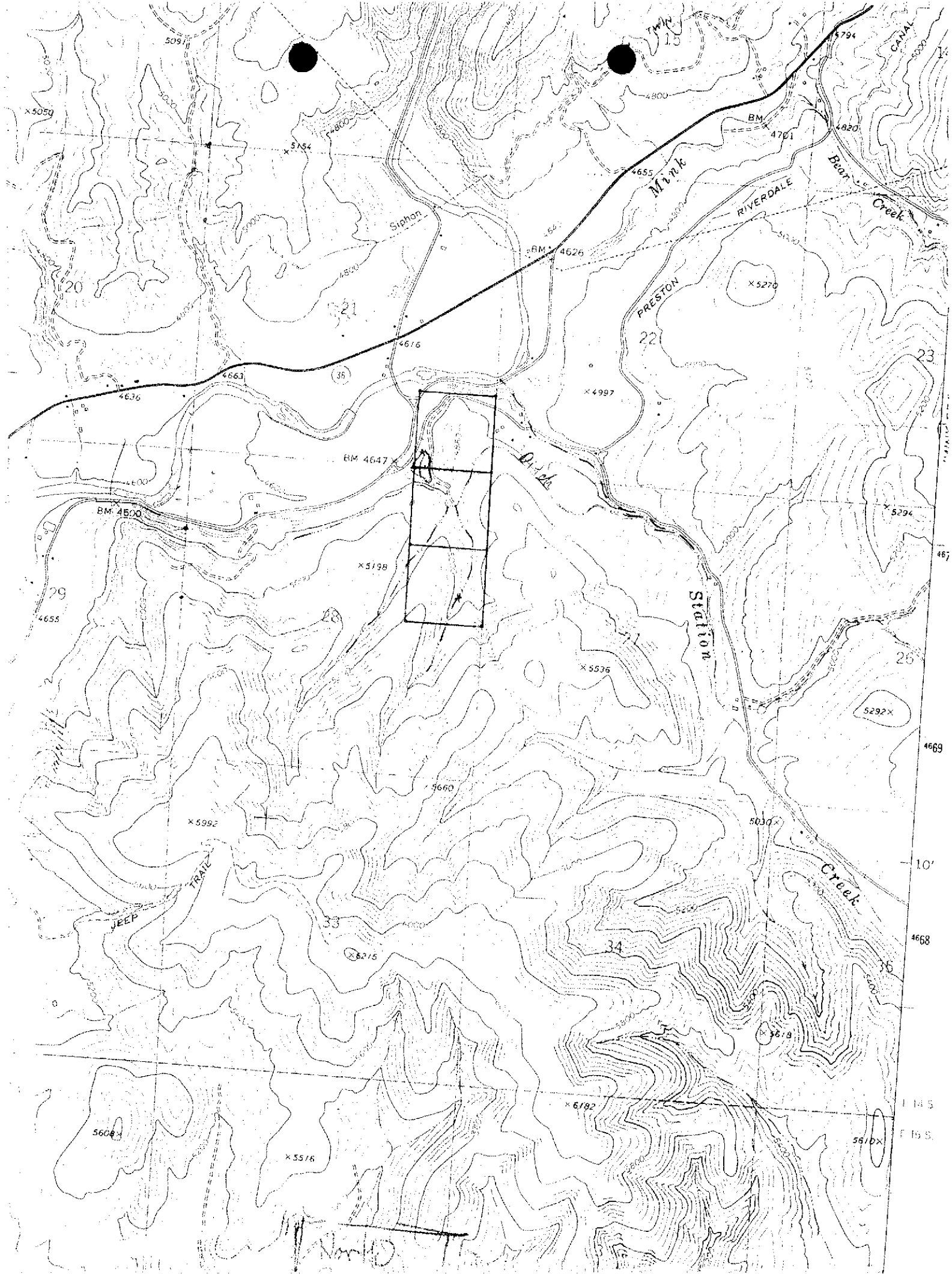
Pix #5
overflow from
Spring #2



13-7351



North



February 18, 1982

RE: Application for Permit No. 13-7351

Tony R. &/or Triny Guillen
Rt. #2
Preston, Idaho 83263

Dear Mr. & Mrs. Guillen:

Standard regional processing of your application for permit has been completed and no protests were received within the specified time period. However, since your application requests the appropriation of a surface water source, as a matter of policy, a pre-permit field inspection will be performed prior to recommending final action.

The application will be retained in this office until a member of our staff has had an opportunity to conduct the inspection which we expect to be during the 1982 irrigation season. Since you may want to be present, we will attempt to contact you at the time of the inspection.

Feel free to contact me if you have any questions regarding this matter.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

November 17, 1981

RE: Application for Permit No. 13-7351 GUILLEN
No. 13-7352 "

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on October 29 and November 5, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 22, 1981

RECEIVED
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 sales 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 NOVEMBER 16, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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R. KENNETH DUNN

Director

Published 10/29 & 11/5/81.

13-2351-

GUILLEN, TONY R. &/or TRINY

RT. #2, PRESTON, ID 83263

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Diversion Point: SENE Sec 28 T 14S R 40E SESE Sec 21 T 14S R 40E,
FRANKLIN Co.

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DOMESTIC	(0.04 CFS)	from 01/01 to 12/31
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31

Place of Use: SESE Sec 21 T 14S R 40E NENE Sec 28 T 14S R 40E
FOR 4 ACRES

Diversion Means: COLLECTION BOX TO HOLDING TANK

RECEIVED

*Preston City
Called Daily OK
CW*