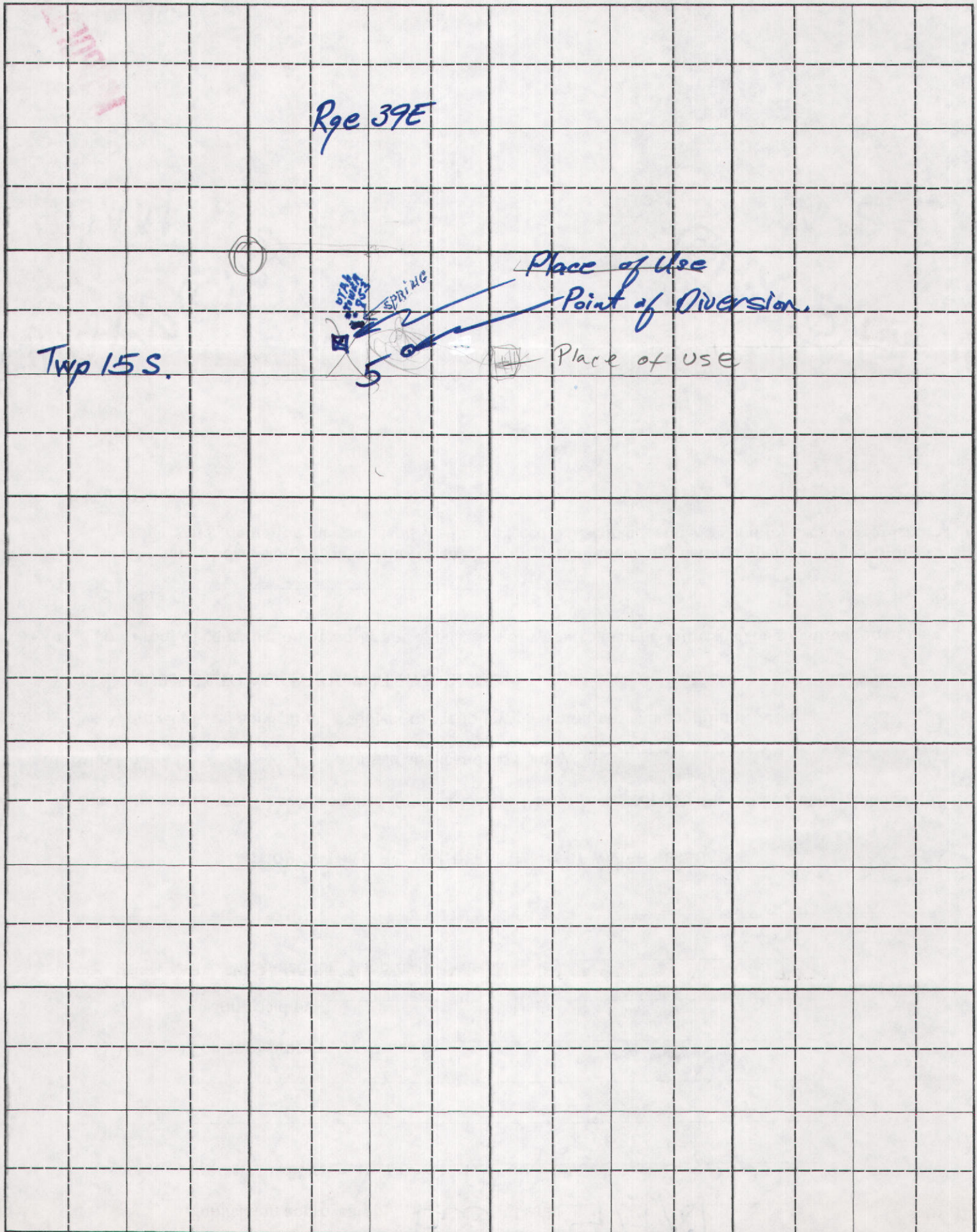


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Loren C. Talbot & Ivan Talbot
(Applicant)
Devon Marich

No 1420

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

Aug 13, 1981, and ending
with the issue of Aug 20, 1981.

Fee \$ 2063

Subscribed and sworn to before me this 28th day
of August, 1981.

Rein O Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

RECEIVED

SEP 3 1981

Department of Water Resources
Eastern District Office

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT NO. 13-7345

Notice is hereby given that Application for Permit No. 13-7345 in the name of Lavern Talbot, Ivan Talbot &/or D. Warrick was filed for the

diversion of 0.06 cfs of water from an unnamed spring tributary to Battle Creek, with the point of diversion located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp. 15S, Rge. 39E, Franklin County; to be used from January 1 to December 31 for domestic purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 15S, Rge. 39E.

The applicants now propose to amend Application for Permit No. 13-7345, requesting 0.20 cfs of water for domestic purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Twp. 15S, Rge. 39E.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before August 31, 1981.

A. KENNETH DUNN
Director

Published in the Preston Citizen
8/13 & 8/20/81.

Legal No. 1420-33L - Pub. Aug. 13,
20, 1981

No 1375

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

June 4, 19*81*, and ending
with the issue of *June 11*, 19*81*.

Fee \$ *1701*

Subscribed and sworn to before me this *30th* day
of *June*, 19*81*.

Kenneth O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires *June 7*, 19*82*

RECEIVED

JUL 6 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:

13-7345

TALBOT, LAVERN &/or IVAN
WARRICK D.

C/O IVAN TALBOT, RT 3,
PRESTON, ID 83263

Source: SPRING tributary to BAT-
TLE CREEK

Date Filed: 05/22/1981

Amount: 0.06 CFS

Diversion Point: SWNE Sec 05 T 15S
R 39E, FRANKLIN Co.

Use: DOMESTIC (0.06 CFS) from
01/01 to 12/31

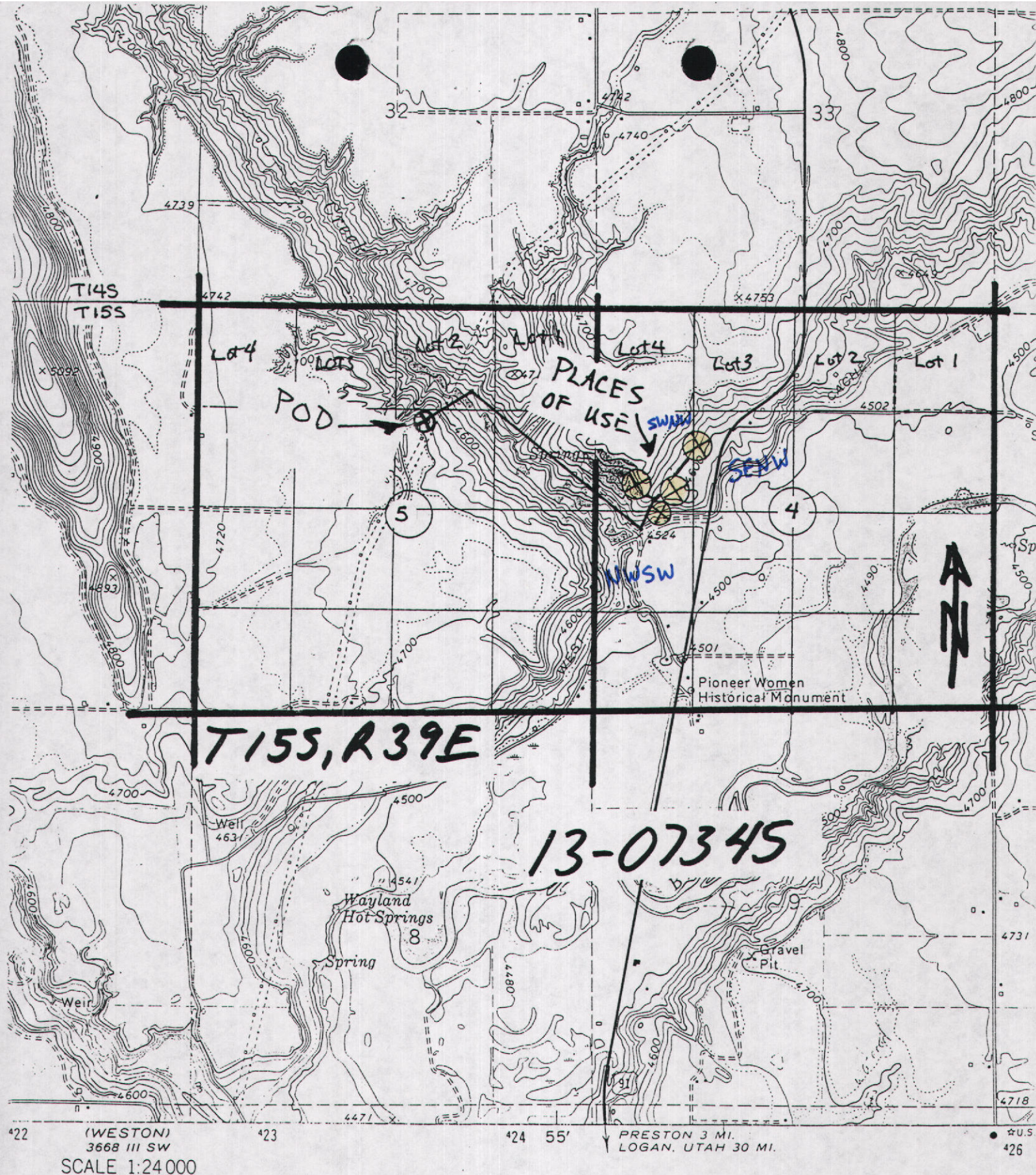
Place of Use: SENW Sec. 05 T 15S R
39E

Diversion Means: HEADBOX &
PIPELINE.

If issued, the permit(s) will be sub-
ject to all prior water rights. Protests
against the granting of any permit
must be filed with the Director of the
Idaho Department of Water Resour-
ces, 150 Shoup Ave., Idaho Falls,
Idaho 83401 on or before JUNE 22,
1981.

A. KENNETH DUNN
Director

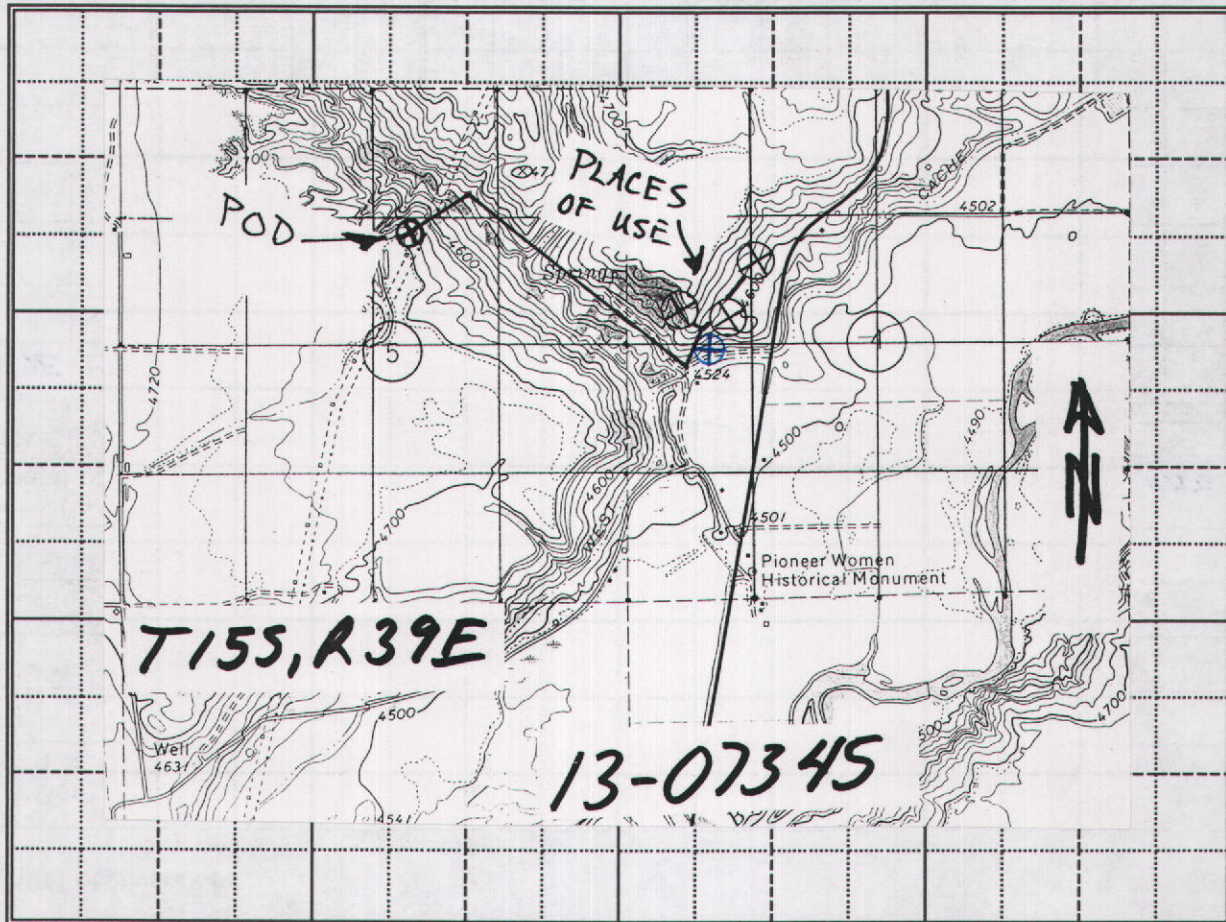
Legal No. 1375-34L - Pub. June 4,
June 11, 1981.



MICROFILMED

MAY 19 1997

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

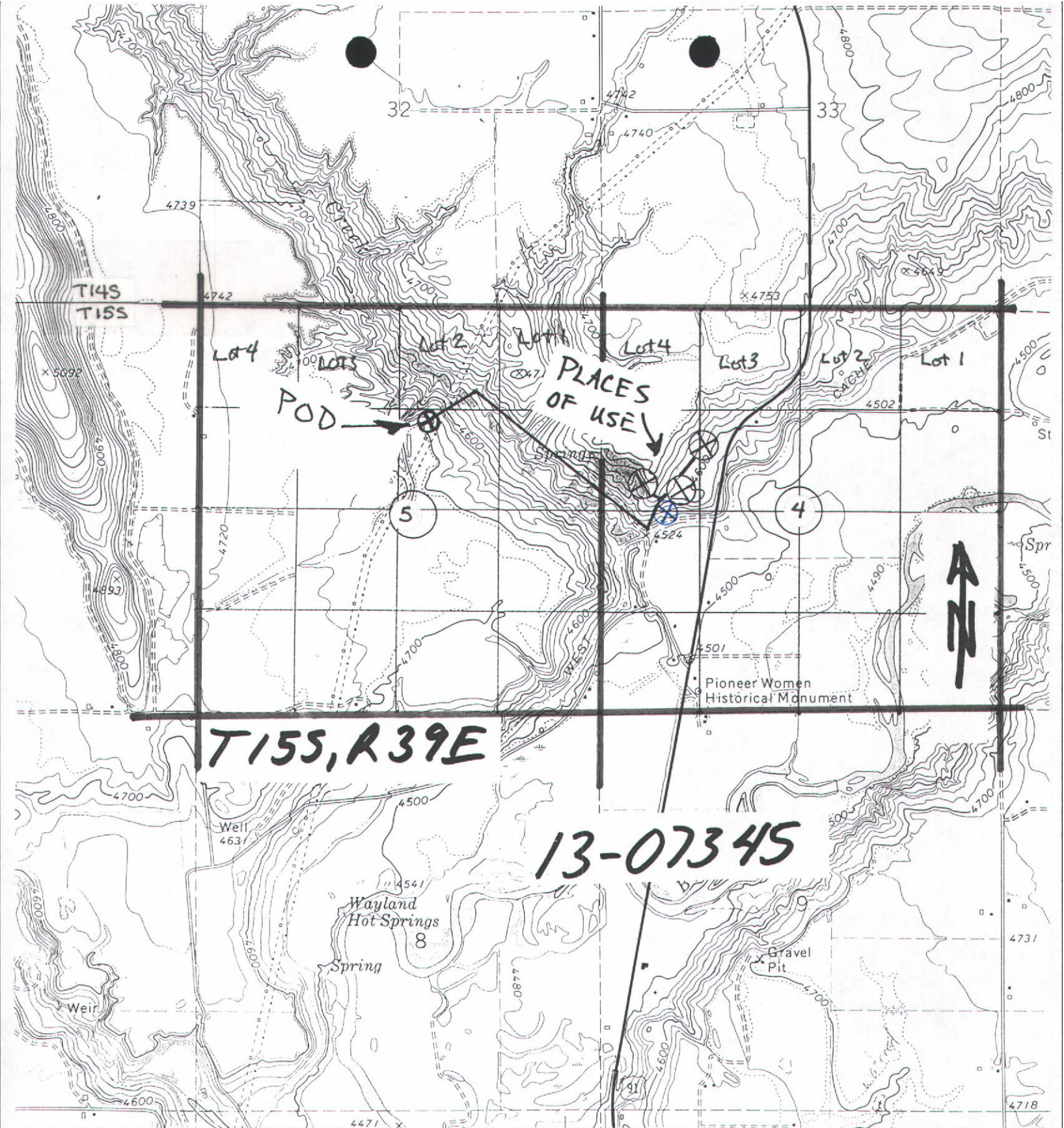
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESSURE GAGE		ASHCRAFT			100 PSI	

2. Measurements: _____

MICROFILMED

MAY 19 1997



T14S
T15S

Lot 4

Lot 3

Lot 2

Lot 1

Lot 4

Lot 3

Lot 2

Lot 1

POD

PLACES
OF USE

5

4

T15S, R39E

13-07345

Wayland
Hot Springs

Spring

Gravel
Pit

Pioneer Women
Historical Monument



422 (WESTON)
3668 III SW
SCALE 1:24 000

PRESTON 3 MI.
LOGAN, UTAH 30 MI.

MICROFILMED
MAY 19 1997

LAUREN TALBOT, JOAN TALBOT, D. WARRICK
DOMESTIC

10/3

POINT OF
DIVERSION
SPRING
COLLECTION
POINT



BURIED
PIPELINE



MICROFILMED
MAY 19 1997

13-07345

2/13

10'X20'X8'
WATER
STORAGE
TANK

10,000 GAL +

HAS 4"
OVER FLOW
THAT RETARDS
WATER TO
CANAL



MANIFOLD
SYSTEM
BULKED
PRESSURE
TANK FOR
SYSTEM



MICROFILMED
MAY 19 1997

13-07345

3013

PLACE OF
USE
TALBOT'S
RESIDENCE



MICROFILMED
MAY 19 1997

13-07345

Spring head



Spring Flow

Kodachrome
SLIDE



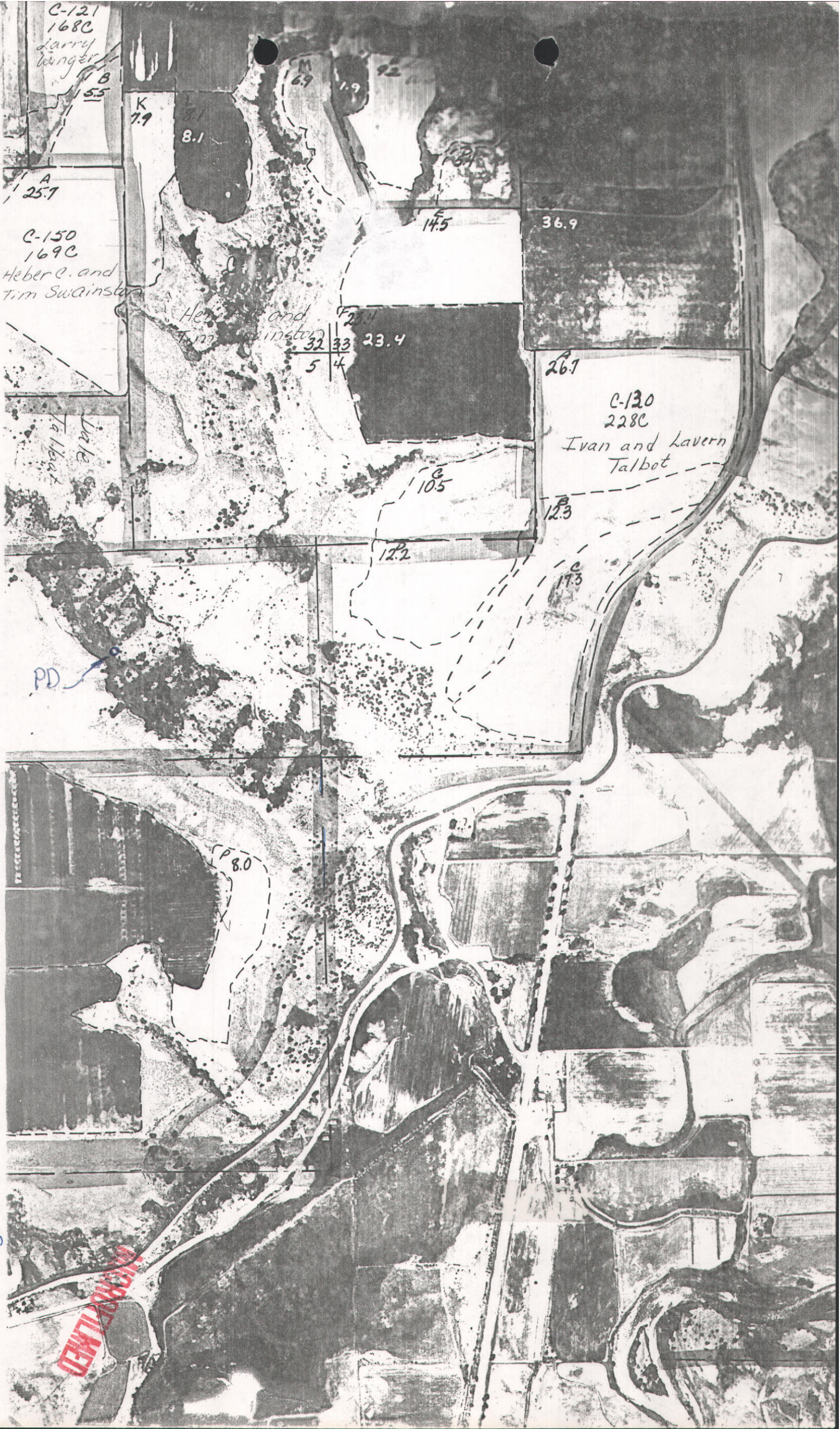
PROCESSED BY KODAK



Battle Creek
at point of measurement



13-7345



REPRODUCED

C-121
168C
Larry
Winger
B
5.5
A
25.7

C-150
169C
Heber C. and
Tim Swainston

Lake
Talbot

PD

P 8.0

K
7.9

8.1

6.9

1.9

9.2

14.5

36.9

Heber C. and
Tim Swainston

23.4
32 33
5 4

26.7

C-130
228C

Ivan and Lavern
Talbot

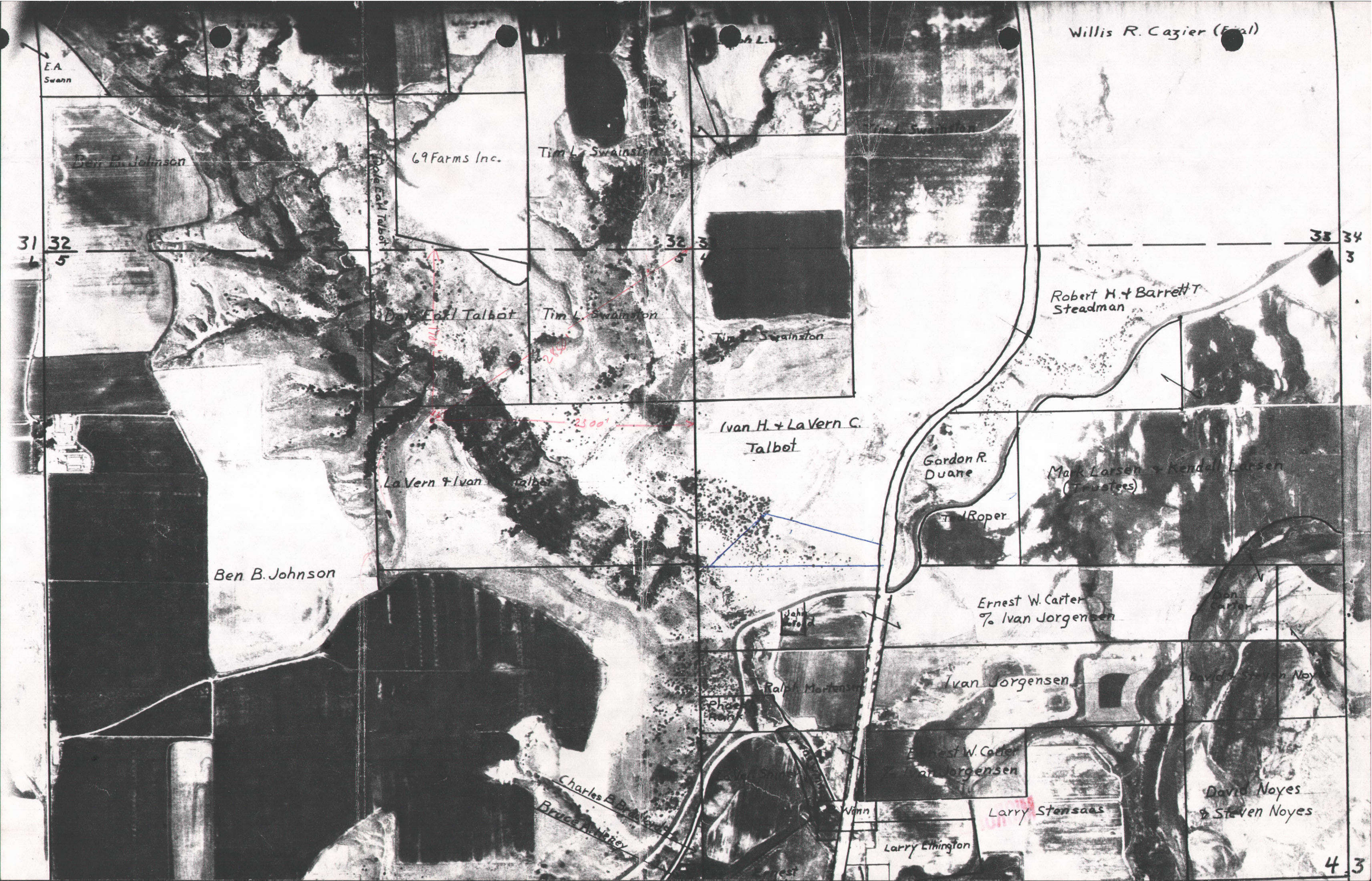
10.5

12.2

12.3

17.3

8.7



Willis R. Cazier (Egal)

E.A. Swann

Ben B. Johnson

69 Farms Inc.

Tim L. Swainston

Tim L. Swainston

31 32
6 5

32 33
5 4

33 34
3

Don E. Talbot

Tim L. Swainston

Tim L. Swainston

Robert H. & Barrett T. Steadman

Ivan H. & La Vern C. Talbot

La Vern & Ivan Talbot

Gordon R. Duane

Mark Larsen & Kendall Larsen (Trustees)

Tim Roper

Ben B. Johnson

Ernest W. Carter
% Ivan Jorgensen

John M. Ford

Ralph Mortensen

Ivan Jorgensen

David Noyes

Ernest W. Carter
% Ivan Jorgensen

Charles B. Brundage
Bruce A. Hager

Winn

Larry Stensaaas

David Noyes
& Steven Noyes

Larry Ethington

4 3

PS Form 3877, September 1979
ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAILNAME AND
ADDRESS
OF SENDER150 SHoup AVE.
IDAHO FALLS, IDAHO 83401☐ Registered
☐ Insured
☐ COD
☒ Certified☐ Commercial Insurance
A deductible clause of
\$When stamp here is needed as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE REMARKS
1	17251	John Snyder, Parks Rd, Pocatello	18	75				60			29-7604
2	17252	Huward W Anderson, Pocatello W. Rd.									"
3	17253	Utida Dering, Myron Jonesbeck, Weston									13-7300
4	17254	Thomas Jarszew, 1407 W No. Temple St.									"
5	17255	City of Preston, 70 W Nevada, Preston									13-7283
6	17256	Hyde Wilson P.O. Box 797, Soda Spgs.									"
7	17257	Angus Condie, Preston Whitney, Preston									"
8	17258	Adrian Dalton, USFS, 324-25th Ogden									"
9	17259	Talbot, Warwick, Rt #3, Preston									13-7345
10	17260	Erwin M. Jorgensen, Rt 3 Box 69, Preston									"
11	17261	Wallentine, Paris, Id									11-7222
12	17262	Carolyn Dutton, Lapid Id									"
13	17263	J. S. Boon, Lapid Id									"
14	17264	Delbert F. Jassen, Lapid Id									"
15	17265	McKee Jassen, Lapid Id									"
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.					
15		15		R. Deo							

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

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07345

Priority: December 6, 1981

Maximum Diversion Rate:

0.10 CFS

Maximum Diversion Volume:

4.8 AF

This is to certify, that IVAN TALBOT
D WARRICK
LAVERN TALBOT

2865 N HWY 91
PRESTON ID 83263

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 22, 1981; and has submitted Proof of Beneficial Use on April 22, 1988. An examination indicates that the works have a diversion capacity of 0.100 cfs of water from:

SPRING tributary to BATTLE CREEK

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>
DOMESTIC	01/01 to 12/31	0.10 CFS	4.8 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE, Sec. 5, Township 15S, Range 39E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

15S 39E 4

SWNW

SESW

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 13L.

MAY 18 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07345

CONDITIONS OF APPROVAL AND REMARKS

7. Domestic use is for 4 homes.

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 16TH
day of MAY, 1977.


KARL J. DREHER, Director
Acting for

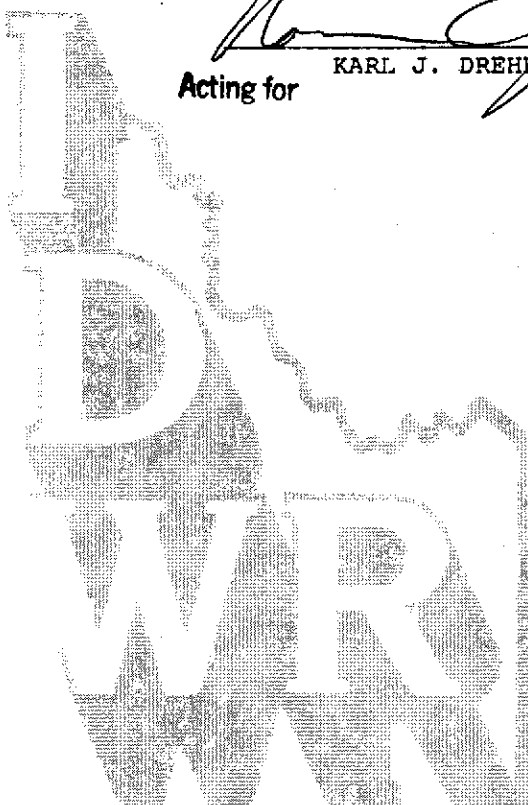


PHOTO FILMED

MAY 19 1977

State of Idaho
Department of Water Resources

RECEIVED

MAY 2 - 1997

Department of Water Resources
No ✓

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07345

Date of Priority: December 6, 1981

Maximum Diversion Rate:

0.10 CFS

Maximum Diversion Volume:

4.8 AF

Comes now

IVAN TALBOT
D WARRICK
LAVERN TALBOT

2865 N HWY 91
PRESTON ID 83263

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 13-07345, and requests that the permit be changed as follows:

Source: SPRING

tributary to BATTLE CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.10 CFS	4.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 5, Township 15S, Range 39E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

15S 39E 4

SWNW

SENE

NWSW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Preston, Idaho, this 26 day of April, 1997.

MICROFILMED

(Signature)

MAY 19 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07345

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50⁰⁰ Received by D.A. # CD 38993 Date 4.23.97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 13-07345 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 13L.
7. Domestic use is for 4 homes.

Witness my hand this _____ day of _____, 19____.

KARL J. DREHER, Director

MICROFILMED
MAY 19 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7345)

IN THE NAME OF LAVERN TALBOT, IVAN)

TALBOT &/OR D. WARRICK)

ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before December 1, 1987; and,

WHEREAS, the Department notified the permit holders by certified mail that proof was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial; and,

WHEREAS, the Department notified the permit holders that the permit lapsed for failure of the permit holders to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on April 22, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7345 be REINSTATED and the priority advanced to December 6, 1981.

Dated this 18th day of May, 1988.

MICROFILMED

JUN 16 1988

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED

For Office Use Only
Fee Received \$50.00
Date 4-25-88
Receipt # C000418
Receipt by [Signature]
Reviewed by [Signature]
Sent to region [Signature]

RECEIVED

APR 22 1988

STATE OF IDAHO

Department of Water Resources
DEPARTMENT OF WATER RESOURCES

FEB 29 1988

JAN 22 1988

no & encl. [Signature]
Department of Water Resources

PROOF OF BENEFICIAL USE

no & encl. [Signature]
Department of Water Resources

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

Permit No. 13734.5

Name(s) of Permit Holder: LAVERN TALBOT + IVAN TALBOT AND DEVON WABBIK

Post Office Address: 2809 N. HIGHWAY 91 PRESTON IDAHO 83721 N. Highway 91
PRESTON IDAHO 83721 Telephone No. _____

Source of Water: SPRING

Extent of Use:

Domestic 4 SINGLE FAMILY HOMES (number of households)
Irrigation NONE (acres)

Stockwater 20-70 100 DAIRY STOCK (number and type of stock)
Other/Remark _____

Total rate and/or volume for which proof is submitted 0.12 cfs (per permit & 3/22/88 letter)
89.5 INCHES cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: JULY 7-1982

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

Fee enclosed \$ 50.00
(See License Examination Fee Schedule)

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

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

DEVON WABBIK (Name) LAVERN TALBOT (Telephone Number) IVAN TALBOT

2809 NORTH HIGHWAY 91 (Address) OR 2372 NORTH HIGHWAY 91

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.

JAN-20-88 Devon Wabick Ivan H Talbot Lavern Talbot
Date Signature of Permit Holder (and title, if appropriate)

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

IN THE MATTER OF PROTEST AGAINST AMENDED	)	
	)	
APPLICATION FOR PERMIT NO. 13-7345 IN THE NAME	)	ORDER ADOPTING
	)	PROPOSED MEMORANDUM
OF LAVERN TALBOT, IVAN TALBOT AND/OR D. WARRICK	)	DECISION AND ORDER
	)	

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on December 1, 1982, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

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

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have 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 the time within which to submit the statement of beneficial use is extended to December 1, 1987.

Dated this 30 day of December, 1982.


A. KENNETH DUNN
Director

MICROFILMED
1987

STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION FOR)
)
PERMIT NO. 13-7345 IN THE NAME OF LAVERN)
)
TALBOT, IVAN TALBOT AND/OR D. WARRICK)
)

PROPOSED
MEMORANDUM DECISION
AND ORDER

On May 22, 1981, Lavern Talbot, Ivan Talbot, and D. Warrick filed with the Department of Water Resources Application No. 13-7345 for a permit to appropriate 0.06 cubic feet per second from an unnamed spring tributary of Battle Creek. This water would be diverted in the SW1/4NE1/4, Sec. 5, Twp. 15S, Rge. 39E, B.M., Franklin County; and was used to provide domestic water on a year-around basis for three homes in the SE1/4NW1/4, Sec. 5, Twp. 15S, Rge. 39E.

Notice of this application was published in the Preston Citizen, Preston, Idaho, on June 4 and 11, 1981 and was subsequently protested on June 18, 1981 by Ivan Jorgensen. The issue raised was that the proposed appropriation would interfere with existing water rights.

On July 16, 1981, the applicants amended Application No. 13-7345 increasing the quantity of water to be appropriated to 0.20 cubic feet per second for domestic water in seven homes located in the SW1/4NW1/4, Sec. 4, Twp. 15S, Rge. 39E, B.M.

Notice of the amended application was also published in the Preston Citizen, Preston, Idaho on August 13 and 20, 1981. On August 28, 1981, the Idaho Department of Water Resources received another letter from Ivan Jorgensen reaffirming his protest against the appropriation of any water from the unnamed spring.

A conference to consider this matter was conducted by the Idaho Department of Water Resources on September 15, 1981 in Preston, Idaho. The applicants, Lavern Talbot, Ivan M. Talbot, and Devon Warrick were present and represented themselves. Ivan Jorgensen, the protestant, was also present and represented himself.

During the conference, it was revealed that the spring in question is approximately 600 feet from Battle Creek and during most of a normal year, does not have sufficient flow to reach the creek. Mr. Ivan Jorgensen, protestant, stated he was the holder of a 1886 right out of Battle Creek for 0.50 cubic feet per second used to irrigate 25 acres. He indicated that in previous years, he

has had to supplement this right with water from the West Cache Canal. At the conclusion of the conference, it was agreed the Idaho Department of Water Resources should reach a decision based on the information presented and with information provided from a field examination to be conducted by the Idaho Department of Water Resources.

On April 22, 1982, an on-site inspection of the proposed source was conducted. This inspection revealed the spring was still undeveloped and there were no diversions between it and Battle Creek. Measurements taken with a pygmy meter indicated the spring was producing 0.14 cubic foot per second while Battle Creek was flowing in excess of 17.0 cubic feet per second.

The Hearing Officer having reviewed information presented at the conference and contained in the official records of the Department, along with the data collected during the field inspection, and based upon his understanding of the law proposes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The property at the proposed point of diversion is owned by Ivan H. Talbot and Lavern C. Talbot.
2. The protestant, Ivan Jorgensen, holds a portion of right No. 11-0878 decreed in the case of Utah Power and Light -vs- Last Chance Canal Company, dated July 14, 1920. This right originally decreed to William H. Carter with a priority of June 14, 1886, authorizes diversion of 0.50 cubic feet per second from Battle Creek in Sec. 4, Twp. 15S., Rge. 39E for the irrigation of 25 acres in the NW1/4NW1/4, Sec. 9, and the SW1/4, Sec. 4, Twp. 15S, Rge. 39E.
3. There are no other users of the unnamed spring until after it flows into Battle Creek.
4. The proposed source is not a major contributor to the flow of Battle Creek and is not a tributary during the summer months of the year.
5. A diversion rate of 0.12 cubic feet per second has been determined by the Department as an adequate rate of diversion necessary to provide domestic water for seven households.
6. Battle Creek and its tributaries are located in Water District 11-J which is presently inactive.

CONCLUSIONS OF LAW

1. There is sufficient water at the proposed source to satisfy the

intended use.

2. When natural flow from the unnamed spring is sufficient to reach Battle Creek, diversion of water from the spring would be subject to control by the watermaster of Water District 11-J.

3. Diversion of water from the unnamed spring is not expected to reduce the amount of water available to fill the protestant's water right from Battle Creek but if the water from the unnamed spring would, if undiverted, reach Battle Creek during the time any prior water right, including that of the protestant, is not satisfied the diversion under this permit must cease.

4. The applicants are entitled to a permit from the Idaho Department of Water Resources.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 13-7345 be and is APPROVED subject to the following conditions:

1. This permit is subject to all prior water rights.
2. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date specified on the Order Adopting the Proposed Memorandum Decision and Order.
3. A lockable device subject to the approval of the Department shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this permit is subject to the control by the watermaster of Water District 11-J, Battle Creek.
5. The rate of diversion under this permit shall not exceed 0.12 cubic feet per second.
6. The permit holders shall commence the excavation or construction of the diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Dated this 30 day of November, 1982.


BOBBY D. FLEENOR
Hearing Officer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

AMENDED

AMENDED

To appropriate the public waters of the State of Idaho

1. Name of applicant Lavern Talbot, Ivan Talbot, &/or D. Warrick Phone _____

Post office address c/o Ivan Talbot, Rt. #3, Preston, Idaho

2. Source of water supply Unnamed Spring which is a tributary of Battle Creek

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 15S

Range 39E B.M. Franklin County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Allow .12 see Memorandum of Decision

Amount 0.20 cfs for Domestic 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)

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)

5. Total quantity to be appropriated:

Allow .12 RC 10/13/82

a. 0.20 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Concrete headbox, 500' of 8" PVC pipe and 2140' of 6" PVC pipe

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 _____ 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: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 15S

Range 39E 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 _____

Name of municipality to be served _____, or number of families to be supplied with domestic water 7 F.W.

(5) If water is to be used for other purposes describe: Sep 15, 1981

MICROFILMED

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

[illegible]**Total number of acres to be irrigated**

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

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

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

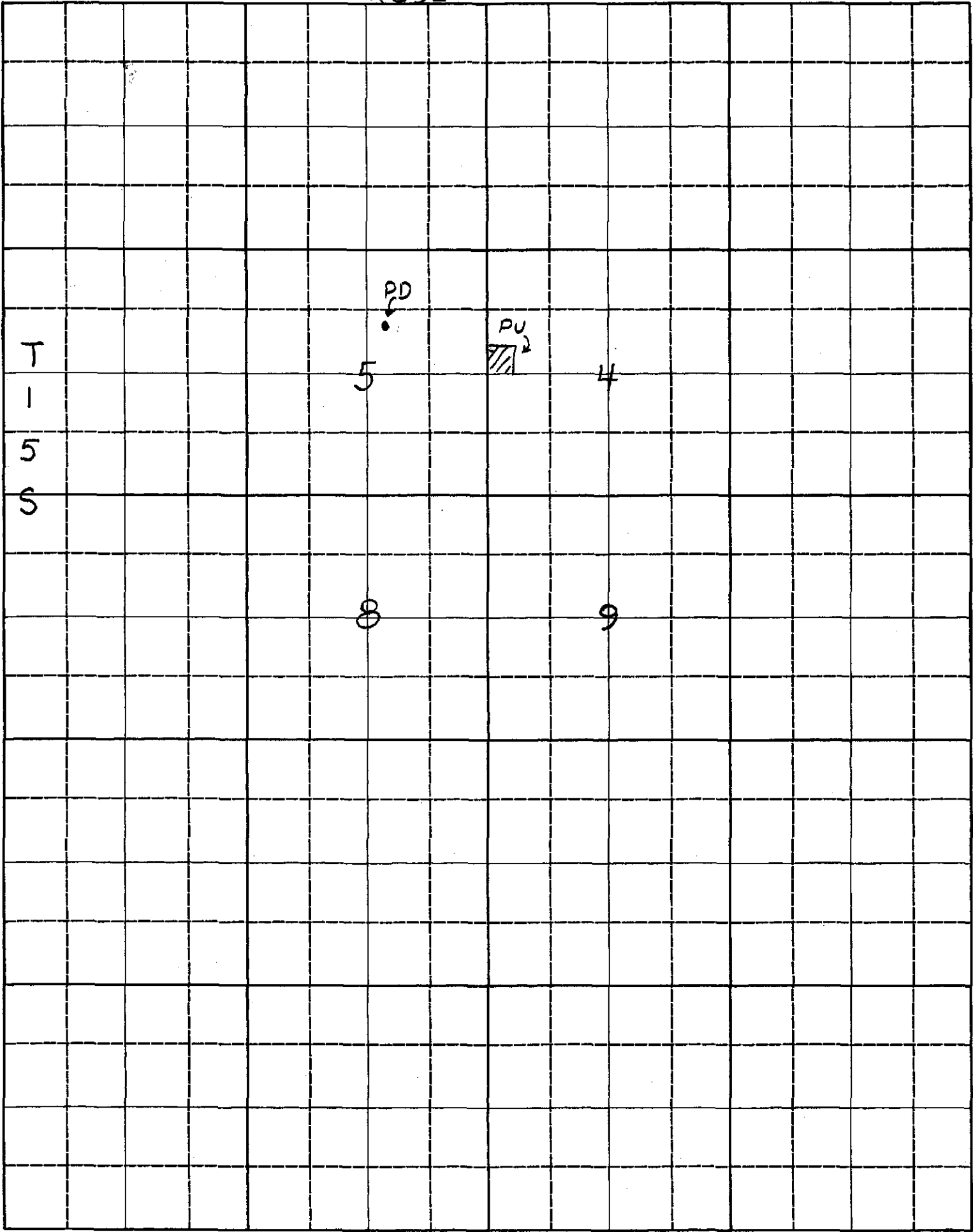
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

MICROFILM

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

R39E



Scale: 2 inches equal 1 mile.

RECEIVED

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

Erwin H. Talbot *Lester Talbot*
(Applicant)
Devon Warrick

Received by _____ Date _____ Time _____
Preliminary check by SDC Fee \$ 20.00
Receipted by BRB Date 8-16-81 # 17791 93-171/1241
Publication prepared by KW Date 8-06-81
Published in Preston Citizen
Publication dates 8/13 + 8/20/81
Publication approved CW Date 9/08/81
Protests filed by: Ivan Jorgensen Agreement 9-15-81

Copies of protests forwarded by CW
Hearing held by _____ Date _____
Recommended for approval denial by RC

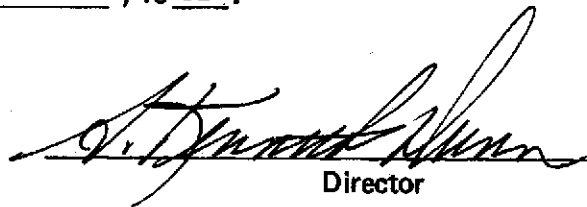
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7345, 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 December 1, 1987.
- 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: PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER AND
ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

Witness my hand this 30 day of December, 19 82.


Director

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION FOR)
PERMIT NO. 13-7345 IN THE NAME OF LAVERN)
TALBOT, IVAN TALBOT AND/OR D. WARRICK)
_____)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 3rd day of January, 1983, true and correct
copies of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER were
mailed postage prepaid to:

Lavern Talbot, Ivan Talbot &/or D. Warrick
c/o Ivan Talbot
Rt. 3
Preston, ID 83263

Ivan M. Jorgensen
Rt. 3 Box 69
Preston, ID 83263


RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources



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

IN THE MATTER OF AMENDED APPLICATION)
FOR PERMIT NO. 13-7345 IN THE NAME OF)
LAVERN TALBOT, IVAN TALBOT AND/OR)
D. WARRICK)

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, 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 this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on September 15, 1981, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing 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, and
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

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. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.
ORAL ARGUMENTS

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 exceptions.

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 arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and 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.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for 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

A. Following the submission of all exceptions and 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 1st day of December, 1982.


A. KENNETH DUNN
Director
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION FOR
PERMIT NO. 13-7345 IN THE NAME OF LAVERN
TALBOT, IVAN TALBOT AND/OR D. WARRICK

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 1st day of December, 1982, true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER were mailed postage prepaid to:

Lavern Talbot, Ivan Talbot &/or D. Warrick
c/o Ivan Talbot
Rt. 3
Preston, ID 83263

Ivan M. Jorgensen
Rt. 3, Box 69
Preston, ID 83263



RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

RECEIVED
DEC 1 1982
IDAHO DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Lavern Talbot, Ivan Talbot &/or D. Warrick Phone _____
Post office address c/o Ivan Talbot, Rt. #3, Preston, ID 83263

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

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 15S
Range 39E B.M. Franklin County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.06 for domestic purposes from Jan. 1 to Dec. 31 (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)

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

5. Total quantity to be appropriated:

a. 0.06 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete headbox, 500' of 8" PVC and 2140' of 6" PVC pipe.

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 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 15S
Range 39E B.M.

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

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 37.

(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 _____

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 Ivan Talbot

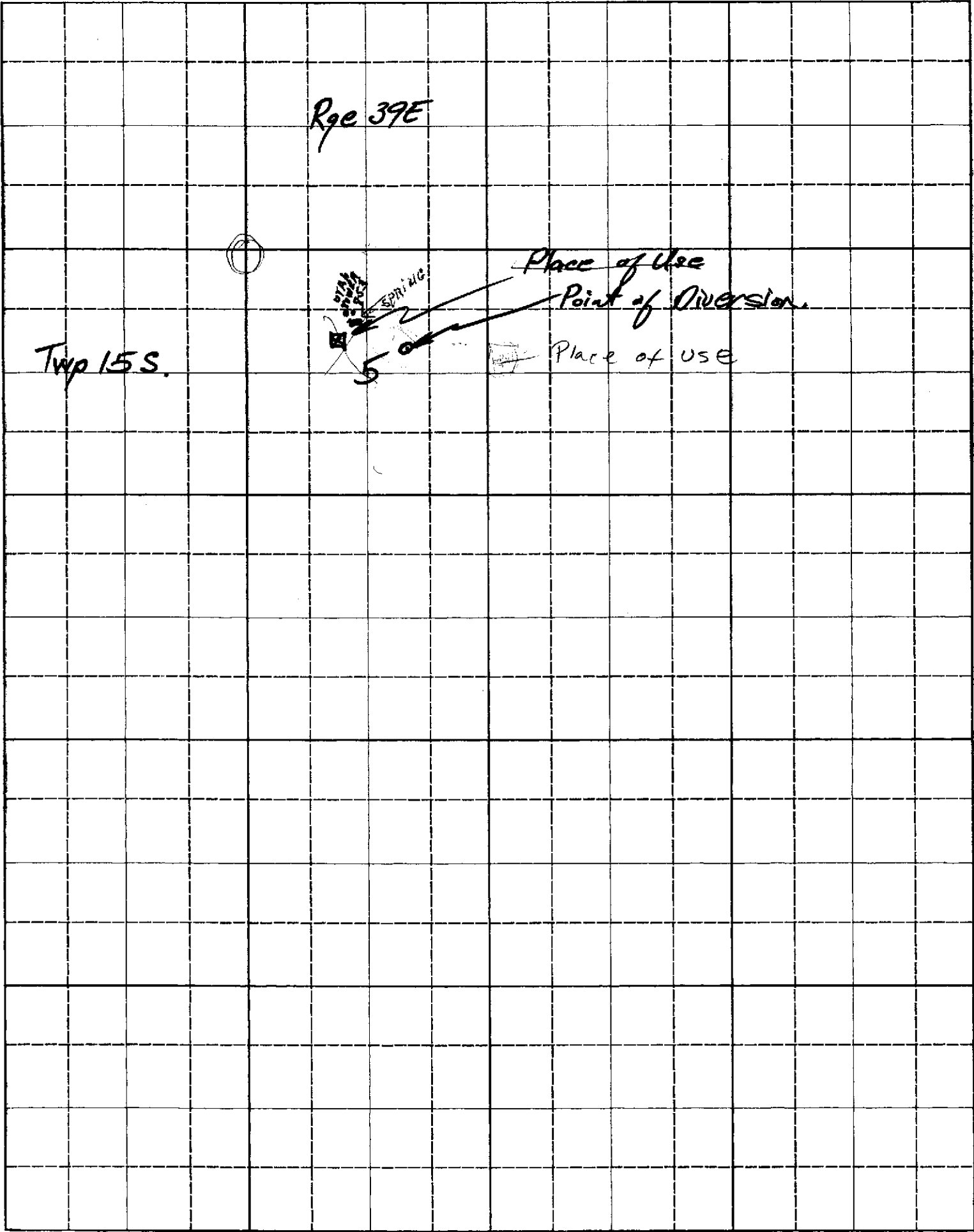
b. Who owns the land to be irrigated or place of use applicants

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

SECRET

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

Steven C. Talbot
(Applicant)
Devon Marich

Received by kw Date 5/22/81 Time 11:05
Preliminary check by SM Fee \$ 30.00
Received by kw Date 5/22/81 # 17682
Publication prepared by kw Date 5/28/81
Published in Preston Citizen
Publication dates 6/4 & 6/11/81
Publication approved kw Date 7/7/81
Protests filed by: Wan M. Jorgensen

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

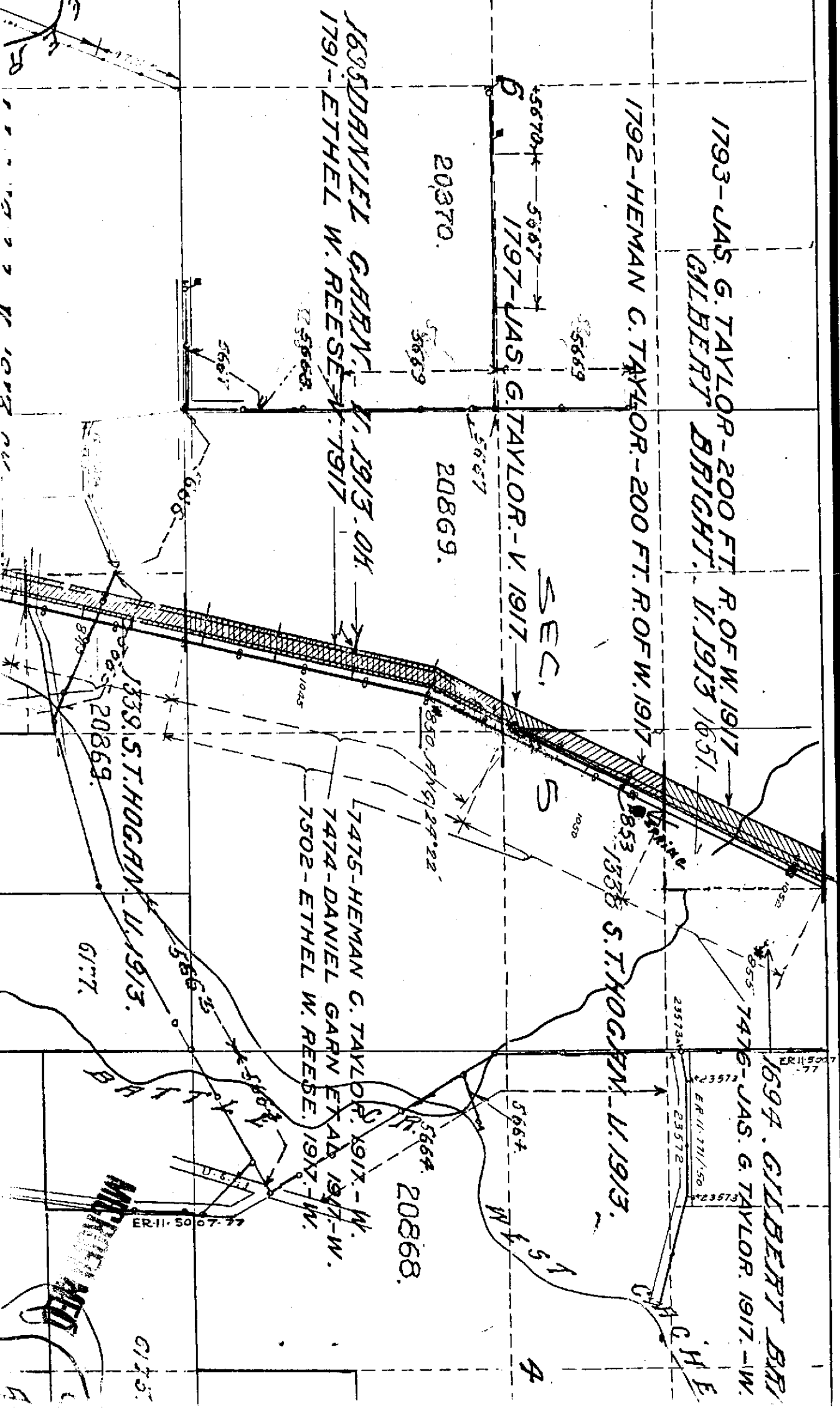
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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:

11-00000-00000

T. 15 N. D. 39 E. T. 2 N.



we have ~~the~~ described the
1/4 section and now we are
Pm Painting the locating of
said spring by two Steel
• Power tower No 853A
853 side by side. This said
spring lies 45.3 feet East to
North direction from N. tal
Power & Light high tension
line tower 853. a cement
container or reservoir at
the spring head. and piping
will consist of 500 feet of
8 inch PVC 160 L.B. and
the remaining distance of 2,146
feet will be 6 inch PVC 160
L.B. This water will be
used for drinking water &
domestic use. (for use of
Talbot & P. Warrick)

MICROFILMED

No 1420

AFFIDAVIT OF PUBLICATION

SEP 3 1981

STATE OF IDAHO,

ss.

County of Franklin

J. Walter Ross

being duly sworn,

deposes and says:

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

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

Such notice was published in the issue beginning with

Aug 13, 1981, and ending

with the issue of Aug 20, 1981.

Fee \$ 2063

Subscribed and sworn to before me this 28th day of August, 1981.

Ken O Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

Department of Water Resources
Preston District Office

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT NO. 13-7345

Notice is hereby given that Application for Permit No. 13-7345 in the name of Lavern Talbot, Ivan Talbot &/or D. Warrick was filed for the

diversion of 0.06 cfs of water from an unnamed spring tributary to Battle Creek, with the point of diversion located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp. 15S, Rge. 39E, Franklin County; to be used from January 1 to December 31 for domestic purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Twp. 15S, Rge. 39E.

The applicants now propose to amend Application for Permit No. 13-7345, requesting 0.20 cfs of water for domestic purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Twp. 15S, Rge. 39E.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before August 31, 1981.

A. KENNETH DONN
Director

Published in the Preston Citizen 8/13 & 8/20/81.

Legal No. 1420-33L - Pub. Aug. 13, 20, 1981

No 1375

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

June 4, 19*81*, and ending
with the issue of *June 11*, 19*81*.

Fee \$ *1701*

Subscribed and sworn to before me this *30th* day
of *June*, 19*81*.

Kenn O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires *June 7*, 19*82*

RECEIVED

JUL 6

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:

13-7345

TALBOT, LAVERN &/or IVAN
WARRICK D.

C/O IVAN TALBOT, RT 3,
PRESTON, ID 83263

Source: SPRING tributary to BAT-
TLE CREEK

Date Filed: 05/22/1981

Amount: 0.06 CFS

Diversion Point: SWNE Sec 05 T 15S
R 39E, FRANKLIN Co.

Use: DOMESTIC (0.06 CFS) from
01/01 to 12/31

Place of Use: SENW Sec. 05 T 15S R
39E

Diversion Means: HEADBOX &
PIPELINE.

If issued, the permit(s) will be sub-
ject 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 83401 on or before JUNE 22,
1981.

A. KENNETH DUNN
Director

Legal No. 1375-34L - Pub June 4,
June 11, 1981.



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

May 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

IVAN TALBOT
D WARRICK
LAVERN TALBOT
2865 N HWY 91
PRESTON ID 83263

RE: WATER RIGHT NO. 13-07345

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 or files an exception and/or brief 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.

RECEIVED
MAY 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
- 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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

RECEIVED
MAY 19 1967

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of May, 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. 13-07345

IVAN TALBOT
D WARRICK
LAVERN TALBOT
2865 N HWY 91
PRESTON ID 83263


Kari Lynn Townsend
Secretary

RECEIVED
MAY 19 1997



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

April 23, 1997

DEVON WARRICK
2865 N HWY 91
PRESTON ID 83263

RE: Water Right No. 13-07345

Dear Mr. Warrick:

Thank you for responding promptly to the correspondence I sent you earlier this month. I received your response, including the \$50.00 amendment fee, on April 11. I did not find, however, a signed amendment form, which needs to accompany the fee. I have enclosed another copy for you to sign and return to me. Please return the form within fourteen days.

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

Respectfully,

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

Shelley Walter Keen
Water Rights Supervisor

Enclosure

RECEIVED
MAY 19 1997

RECEIVED

APR 11 1997

Department of Water Resources

Dear Sir
Mr. Koon

I do not agree with
your examiner finding
this not always says
this way, and this is
a double benefit for
filing permit. This is my
property and is located near
my home. This country is
getting to be to much
disaster ship. I gave my
life for this country & this
kind of stuff is what we
got in return.

Devon Warrick

MICROFILMED

MAY 19 1997

RECEIVED

APR 11 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 06 1997

Department of Water Resources

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 13-73451. Owner: LAVERN TALBOT, IVAN TALBOT & D. WARRICK Phone No. 852-1630Current Address: 2865 N. HWY 91, PRESTON, ID2. Accompanied by: IVAN TALBOT EXAM DATE: 2/6/95Address: 2865 N. HWY 91, PRESTON, ID Phone No. 852-2611

Relationship to Permit Holder:

Ivan Warrick & Talbot Brothers3. Source: UNNAMED SPRING tributary to BATTLE CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE2. 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
		NW	SW	NE	5	15S	39E	FRANKLIN	U.S.G.S TOPO MAP

2. Place(s) of Use:

Indicate Method of Determination ON SITE INSPECTION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	39E	4							D	D	X	D							

MAY 19 1997



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

April 7, 1997

DEVON WARRICK
2865 N HWY 91
PRESTON ID 83263

RE: Water Right No. 13-07345

Dear Mr. Warrick:

Thank you for calling this afternoon to inquire about water right permit 13-07345, which was issued to you in 1982 for domestic use of water from a spring. As we discussed, the Department of Water Resources is preparing to license your water right. Issuing a license is the last step in the water appropriation process. A license serves as recognition that you have met all the requirements for establishing a water right.

When your permit was issued in 1982, the authorized place of use, which was based on information you provided, was the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 15 South, Range 39 East. The Department's field examiner, who met with Mr. Ivan Talbot in February of 1995 to inspect your water development, reported that one of the four homes on the system is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 and one is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4. I have enclosed a copy of the examiner's map showing his findings.

The Department cannot issue a license with a place of use description that exceeds what was authorized on your permit. Therefore, in my previous letter to you I requested that you amend your permit to match the examiner's findings. Please look over the examiner's map and the amendment form I sent you previously. If you agree with the examiner's findings, please sign the amendment form and return it with the required \$50.00 amendment fee within fourteen days.

If you do not agree with the examiner's findings, or if you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

RECEIVED

MAY 1 1997

RECEIVED
FEB 06 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 13-7345

1. Owner: LAVERN TALBOT, IVAN TALBOT & D. WARRICK Phone No. 852-1630
Current Address: 2865 N. HWY 91, PRESTON, ID
2. Accompanied by: IVAN TALBOT EXAM DATE: 2/6/95
Address: 2865 N. HWY 91, PRESTON, ID. Phone No. 852-2611
Relationship to Permit Holder: _____
3. Source: UNNAMED SPRING tributary to BATTLE CREEK

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

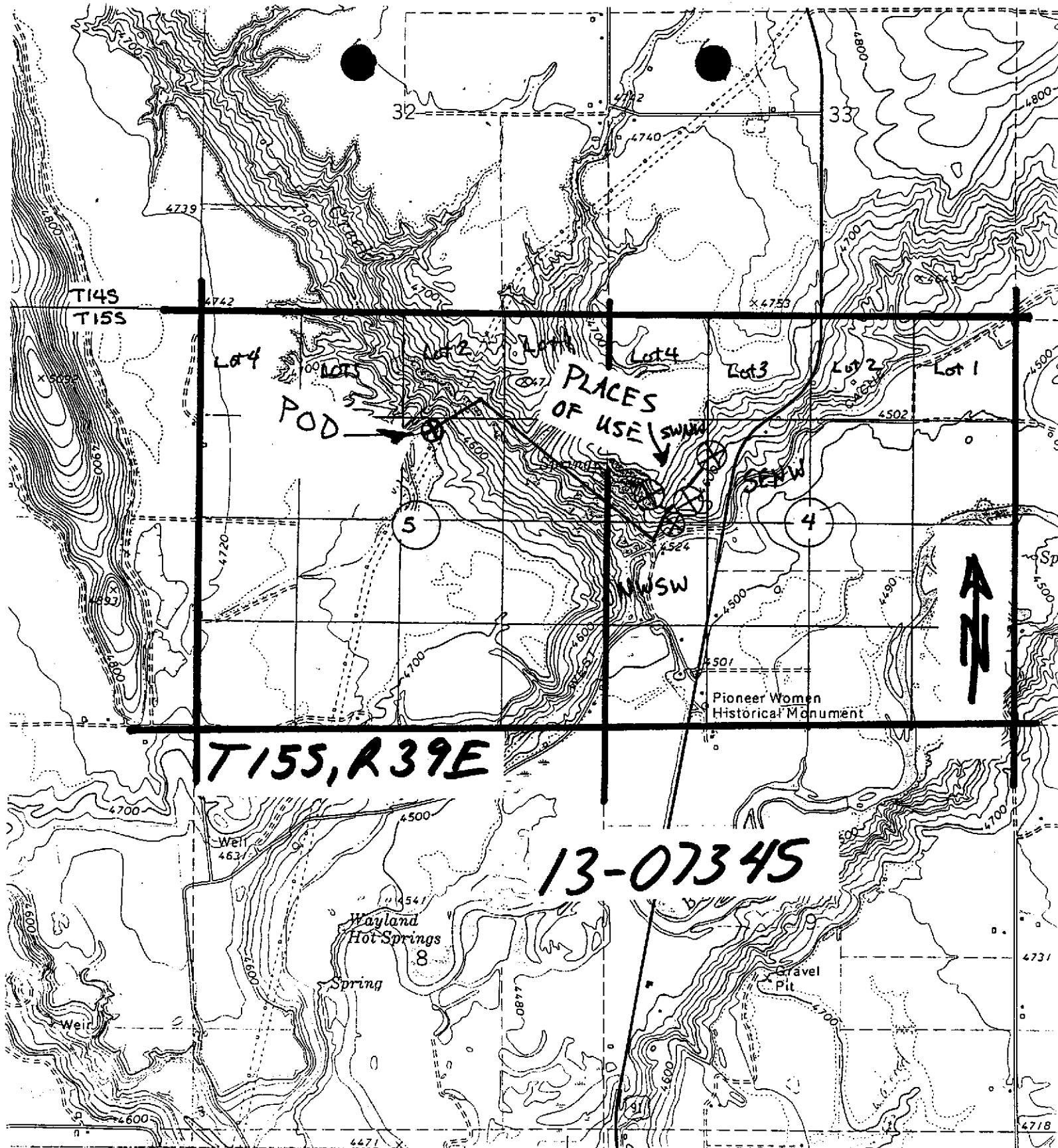
1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination *ON SITE INSP.*

[illegible]



422 (WESTON) 3668 III SW SCALE 1:24000 423 424 55' PRESTON 3 MI. LOGAN, UTAH 30 MI. 426

WILCOX
MAY 19 1977



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

March 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

IVAN TALBOT
D WARRICK
LAVERN TALBOT
2865 N HWY 91
PRESTON ID 83263

RE: WATER RIGHT NO. 13-07345

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within fourteen (14) days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MAY 19 1997



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 26, 1997

IVAN TALBOT
D WARRICK
LAVERN TALBOT
2865 N HWY 91
PRESTON ID 83263

RE: WATER RIGHT NO. 13-07345

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

NOV 13 1997

NOV 13 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 13-07345

DATE 2/24/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>✓</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>✓</u>	<u>—</u>	Amendment required <u>yes</u>

Does map agree with written description? — yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.12</u> cfs
Fee limit	<u>.20</u> cfs <u>\$50⁰⁰</u>
Measured	<u>—</u> cfs
Theoretical	<u>?</u> cfs

Recommended Total Div Rate .10 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ✓

<u>Dom</u>	Volume Calculation
<u>—</u>	<u>4 x 1.2 = 4.8</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
SUBTOTAL	<u>—</u> af

Flow rate .10 cfs X 365 days X 1.98 ~~af~~ = 72.3 af
 Total volume recommended 4.8 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

5/4 homes.

CONDITIONS R04 Watermaster Control WD# 115
R02 GW Measurement/Measuring Device

— Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A
 Adjustment Memo —

1st Amend Letter P41 P38
 2nd Amend Letter P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 06 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 13-7345

1. Owner: LAVERN TALBOT, IVAN TALBOT & D. WARRICK Phone No. 852-1630

Current Address: 2865 N. HWY 91, PRESTON, ID

2. Accompanied by: IVAN TALBOT EXAM DATE: 2/6/95

Address: 2865 N. HWY 91, PRESTON, ID Phone No. 852-2611

Relationship to Permit Holder: _____

3. Source: UNNAMED SPRING tributary to BATTLE CREEK

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
		NW	SW	NE	5	15S	39E	FRANKLIN	U.S. 6.5 TOPO MAP

2. Place(s) of Use:

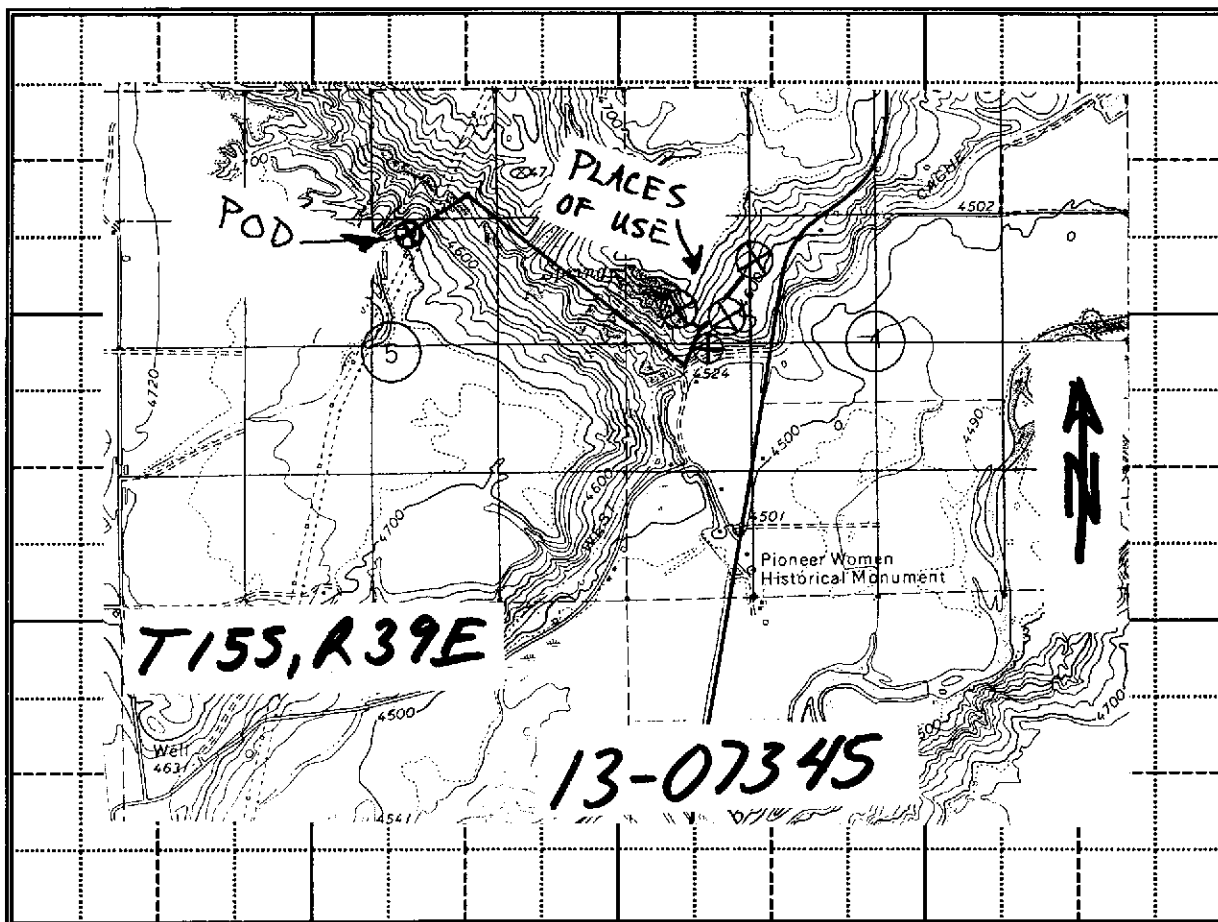
Indicate Method of Determination ON SITE INSPECTION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	39E	4							D	D	X	D							

MICROFILMED

MAY 19 1997

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
PRESSURE GAGE		ASHCROFT			100 PSI	

2. Measurements: _____

MAN FILMED

MAY 11 1977

E. NARRATIVE/REMARKS/COMMENTS

DOMESTIC SYSTEM STARTS AT A GRAVEL PACKED SPRING HEAD WHERE
4" PERFORATED INTAKE PIPE IS PLACED INTO THE GRAVELS.
WATER ENTERS INTO PERFORATED PVC PIPE AND TRAVELS
APPROXIMATELY 3/4 MILE DOWN HILL IN A BURIED PIPE
LINE, WEST SIDE OF CREEK. PIPE LINE THEN CROSSES
CREEK HEADING EAST AND WHERE THE PIPELINE ENTERS
INTO A 10'W X 20'L X 8'D HOLDING TANK. WATER FROM
THE HOLDING TANK IS THEN PUMPED OUT VIA A 1 1/2" PVC
LINE TO A PRESSURE TANK AND THEN INTO A MANIFOLD SYSTEM
WHERE THREE LINES SEPARATE OFF TO ^{FOUR} THREE HOMES.
SUBMERSIBLE PUMP = 1 HP
OUTPUT = 1 1/2" PVC
SYSTEM PRESSURE AT PRESSURE TANK = 46# (PUMP STARTS)
PIPE SYSTEM FROM SPRING = 4" PVC

HOLDING TANK HAS A 4" OVERFLOW WHICH RETURNS
WATER TO CREEK; OVERFLOW WAS DRY DURING BOTH
CONTACTS.

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

RECORDED
MAY 19 1977

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

allow

4 HOMES $Q = 4 \text{ Homes} = 0.10 \text{ CFS}$

NO MEASUREMENT OF SPRING FLOW POSSIBLE - SYSTEM BARRIED

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

 $4 \text{ HOMES} \times 1.2 = 4.8 \text{ AFA}$ **H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>DOMESTIC (4 units)</u>	<u>1/1</u>	<u>12/31</u>	<u>0.10</u>	<u>4.2 4.8</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.10 CFS</u>	<u>4.8 AFA</u>

2. Recommended Amendments (4) HOMES ARE ON THE SYSTEM NOW.

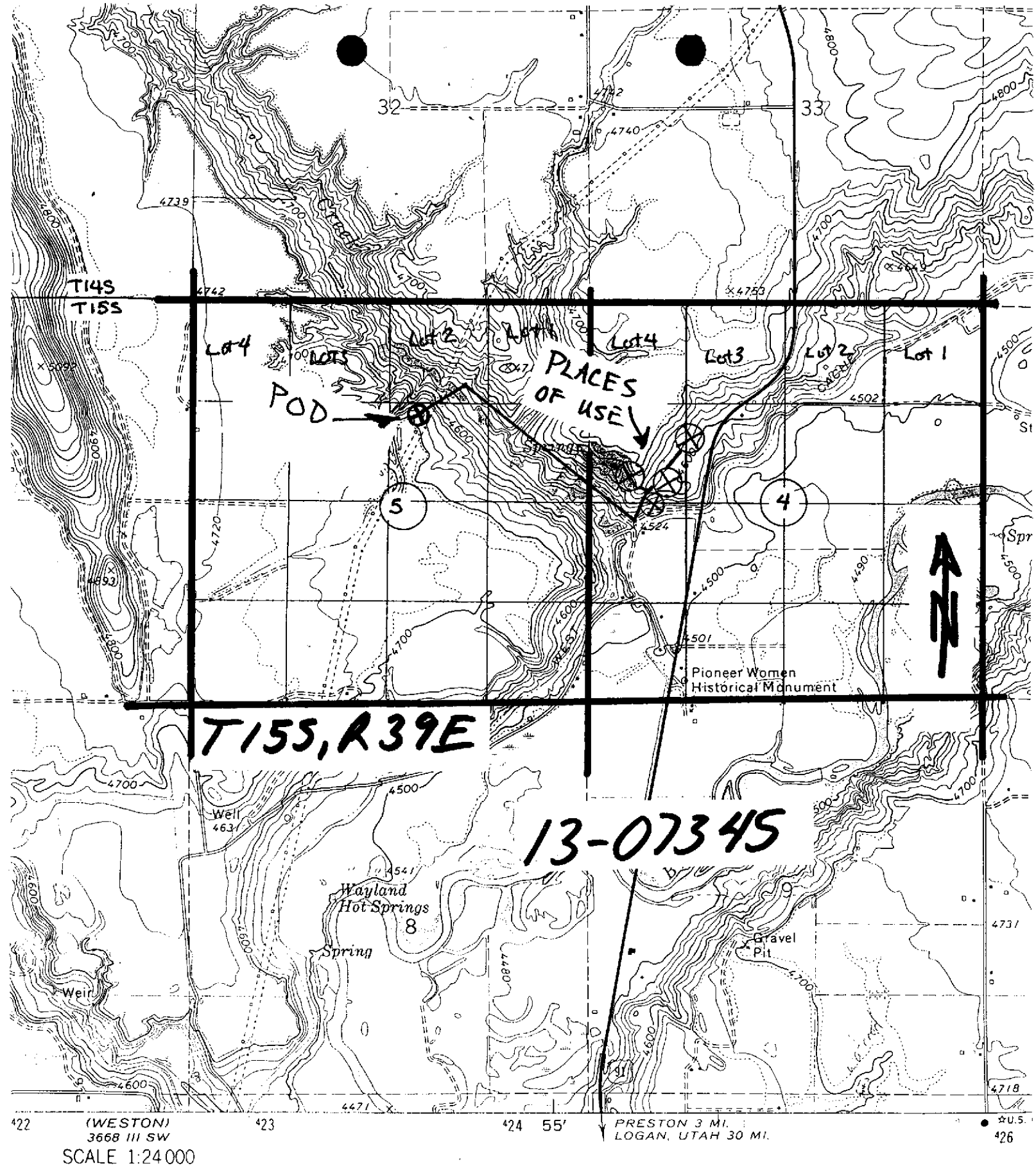
____ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None
____ Change P.U. as reflected above ☒ Add P.U. as reflected above ____ Other

I. AUTHENTICATIONField Examiner's Name SIMPKINS Date 11/9/96Reviewer [Signature] Date 12-12-96

SEAL

MICROFILMED

MAY 18 1997



RECEIVED
MAY 18 1967

LAUREN TALBOT, JOAN TALBOT, D. WARRICK
DOMESTIC

1013

POINT OF
DIVERSION
SPRING
COLLECTION
POINT



BURIED
PIPELINE



UNRECORDED
MAY 19 1977

13-07345

213

10'X20'X8'
WATER
STORAGE
TANK

10,000 GAL +

HAS 4"
OVER FLOW
THAT RETARDS
WATER TO
CANAL

MANIFOLD
SYSTEM
BURIED

PRESSURE
TANK FOR
SYSTEM

11-11-67
MAY 19 1967

13-07345

3013

PLACE OF
USE

TALBOT'S
RESIDENCE



microfilm

13-07345

13-07345



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 13, 1988

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

RE: Permit No. 13-7345

Lavern Talbott, Ivan Talbott,
Devon Wahhick
2809 North Highway 91
Preston, ID 83263

Dear Permit Holder:

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

Enclosed please find a copy of an order involving your 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,

ERIC VERNER
Sr. Resource Agent

EV: CW

MICROFILMED

MAY 18 1987

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 13-7345

Date: 5-12-1988

General Considerations:

4 Name same as permit
4 Signature the same as permit holder
4 Address change _____ If yes, prepare a data entry
4 Proof received timely _____
_____ Reinstated

Source of Water:

4 Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

4 Rate of diversion appropriate for uses
4 Is rate or volume and fee appropriate?
4 Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

4 Is a measuring device or access port required?
_____ Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

*Proof acceptable - reinstate
may need lockable meas. device*

Priority Calculation:

Date proof received	_____	_____	Dec. 2 - 31 = 30
Date proof due	_____	+	Jan 1 - 31 = 31
No. of days late	_____	=	Feb. 1 - 28 = 28
Priority date	<u>July 16, 1981</u>	+	Mar. 1 - 30 = 31
NEW PRIORITY DATE	<u>Dec. 6, 1981</u>	=	Apr. 1 - 22 = 22
			<u>143</u>

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

March 27, 1988

Lavern and Ivan Talbot
and Devon Warrick
2809 N. Highway 91
Preston, ID 83263

Gentlemen:

Re: Permit No. 13-7345

Returned is the proof of beneficial use form submitted to this office on January 22, 1988 and again on February 29, 1988.

In my letter to you of February 8, 1988, I asked you to complete the proof form by writting in the amount of water being used and, if necessary, return the proof with a fee. Your proof form now indicates that you are using 25 inches or about 0.5 cfs. The permit was issued for the use of only 0.12 cfs. Since a license cannot be issued for an amount greater than the permit was applied for, the total amount of diversion authorized under this permit is 0.12 cfs for which a fee is required with the proof submittal. Please return the proof and \$50 fee soon if you wish to have this permit reinstated.

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED

JUN 16 1988

February 8, 1988

Lavern and Ivan Talbot
and Devon Wabbick
2809 N. Highway 91
Preston, ID 83263

Dear Permit Holders:

Re: Permit No. 13-7345

Returned is the proof of beneficial use form submitted to this office on January 22, 1988.

Please indicate by the red "x", the amount of water presently being used. Then based upon that rate of diversion, determine if a fee is necessary. (See the enclosed instruction/fee sheet).

Note that the permit lapsed, return the proof promptly to avoid any further delay in the priority date.

If you have any questions concerning this matter, please feel free to contact me at 334-7953.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Encl.

RECORDED

JUN 16 1988

January 5, 1988

LaVern C. and Ivan H. Talbot
2809 N. Highway 91
Preston, ID 83263

Gentlemen:

Re: Permit No. 13-7345

Returned is the Request for Extension of Time for along with check No. 516 in the amount of \$15 (92-85/1241) submitted to this office on December 28, 1987.

Note that if the project is complete, you should submit the proof of beneficial use form. This will notify the department that you are ready to have the project inspected and a license issued. An extension of time is necessary only when additional time is needed to complete a project. Enclosed is the form along with the fee schedule. Please take care of this matter promptly as the permit lapsed and will need to be reinstated.

If you have any questions concerning this matter, please feel free to contact me at 334-7953.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

cc: Accounting

MAILED

JUN 16 1988

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

December 1, 1987

TALBOT, LAVERN & IVAN
C/O IVAN TALBOT
RT. 3
PRESTON, ID 83263

LAPSE NOTICE

RE: Permit No. 13-7345

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated September 30, 1987.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this Department within sixty days of the date of mailing of this lapse notice.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

JUN 16 1988

CERTIFICATION OF MAILING

I hereby certify that on 12-17-1987
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Brian Fleck

138948
CERTIFIED MAIL
September 30, 1987

TALBOT, LAVERN & IVAN
C/O IVAN TALBOT
RT. 3
PRESTON, ID 83263

PROOF DUE NOTICE

RE: Permit No. 13-7345

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 December 1, 1987. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

JUN 16 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

January 3, 1983

Lavern Talbot, Ivan Talbot &/or
D. Warrick
Rt. 3
Preston, ID 83263

Dear Mr. and Ms. Talbot and Mr. Warrick:

Re: Application for permit No. 13-7345

Enclosed is a copy of the approved Application for Permit No. 13-7345 along with a copy of the Proposed Memorandum Decision and Order and a copy of the Order Adopting the Proposal for Decision. We direct your attention to the conditions of approval as set forth in the Proposed Memorandum Decision and Order.

Be sure to note the special condition requiring you to install and maintain a lockable device at the point of diversion in a manner that will provide the watermaster suitable control of the diversion.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Ivan Jorgensen

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

13 7345

INITIAL REVIEW BY: Steve McElmick

APPLICATION NUMBER:

13-7345

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
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: June 22 Aug. 31

- ☒ Yes ☐ No

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

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9-3-81
☒ 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? _____
7-16-81 Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____

Date: _____

STATE OFFICE REVIEW:

See Memo Decision

- ☐ See attached sheet for more information.

By: Rap

Date: 10/13/82

RECEIVED
OCT 06 1982

IDENT. NO. 13 7345

WATER RIGHT
DATA ENTRY LOG

Date _____

Item

kw

5/28

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date: Approved/Denied

(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Signed

Transfer Approved

Keypunched by State Office

DATE: 4-22-82

(of exam)

ACCOMPANIED BY: Ivan Talbot

TOTAL MEASURED:

Spring - 0.14 cfs

Battle Creek - 17.07 cfs

METHOD OF MEASUREMENT:

Pygmy meter

S/N From WR-9 Tool Box

APPLICANT CONTACTED

YES: DATE 4-22-82

NO: DATE

REASON:

REASON FOR EXAM:

To establish ownership + location of PD. To determine if
Spring tributary to Battle creek (YES). To determine flow of creek or spring
a/ ownership established in Talbot name
b/ Spring is tributary at this date to Battle Creek
c/ Flow - see attached sheet

ACCESS (location direction):

Turn west along WestCache Canal road to Y in
Road approx 1/2 mile up & look left across creek. Spring just below power lines on opposite hill

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

GENERAL OBSERVATIONS:

DATA FOR ADMINISTRATIVE DECISIONS

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

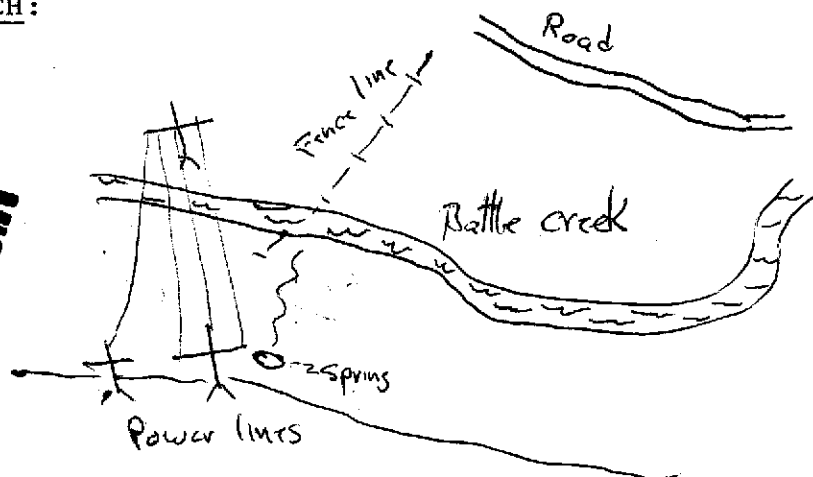
PD confirmed as being in ownership of Talbots via assessors office. PD is
Spring free flowing out of hillside down channel. Distance from spring head to
creek approx. 450'. Vertical Drop from spring to creek approx 200'

B: OTHER USES OF SOURCE: At this time cattle can access spring or Battle
creek

C: WORK IN AREA RELATED TO APPLICATION: No work started as yet. PVC

pipe has been purchased and applicants plan to use 20,000 gallon holding tank.

SKETCH:



JL Jones

SIGNATURE

REMARKS & OPINIONS: Based on observations I don't feel the spring in question is a major contributor to Battle Creek especially as summer progresses. With storage tank system we can stipulate that overflow system be piped directly back to creek. Domestic demand on 20,000 gallon storage tank should be minimal.

Mr. Jorgensen's Deeded right of 29(?) inches should not be in jeopardy with the domestic system as outlined.

Development of spring might even ~~enhance~~ enhance flow to creek.

MICROFILMED

Spruce head



1438

60

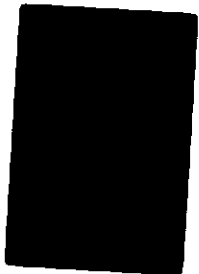
Spruce Flies



PROCESSED BY KODAK

Kodachrome
SLIDE

Bethel Creek
at point of measurement



60

C-121
168C
Larry
Winger

K
7.9

8.1

A
25.7

C-150
169C
Heber C. and
Tim Swainston

Heber C. and
Tim Swainston

32	33	23.4
5	4	

14.5

36.9

26.7

C-130
228C
Ivan and Lavern
Talbot

10.5

12.2

12.3

17.3

PD

8.0

13-7343

IDENTIFIED

DEPARTMENT OF RECLAMATION

the District Court of the United States for the
District of Idaho, Eastern Division.

PAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

ed July 14, 1920.

D. McREYNOLDS,
Clerk.

PEARL ZANGER,
Deputy.

McF

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

BATTLE CREEK.

11-0862	488. Robert C. Geddes: 1883—May 1	10 c.f.s.	To be diverted and stored in two reservoirs and used for the irrigation of 500 acres in Section 36, Township 13 South, Range 38 East, the Southwest quarter of Section 1, Township 14 South, Range 38 East, the Northwest quarter of Section 2, the South half of the Northwest quarter and the Southeast quarter of the Southeast quarter of Section 7, the Southwest quarter of Section 8, the Northwest quarter of Section 17, the Northeast quarter of Section 18, the East half of Section 2, the Northwest quarter and the Southeast quarter of Section 12, Lots 3 and 4 and the East half of the Southwest quarter of Section 7, Township 14 South, Range 39 East.
11-0863	489. S. C. Chadwick: 1885—May 1	2 c.f.s.	To be diverted from Battle Creek.
11-0864	1883—July 11	1.6 c.f.s.	To be diverted from Haw Bush and Tank Springs and other springs located in the West half of the Northeast quarter of Section 16, and in the East half of the Southwest quarter and the Southeast quarter of the Northeast quarter of Section 8, Township 15 South, Range 39 East, tributaries of said Battle Creek, for the irrigation of 320 acres in the Northwest quarter and the Northeast quarter of Section 17, and the East half of the Northwest quarter and the North half of the Southwest quarter of Sections 15 and 19, Township and Range aforesaid. A portion of this water is impounded in a reservoir on the above described land.
11-0865	490. H. C. Atkinson: 1904—May 1	0.06 c.f.s.	To be diverted from said Battle Creek near the Southwest quarter of the Southwest quarter of Section 12, Township 13 South, Range 39 East, for the irrigation of 3 acres in the Southeast quarter of the Northeast quarter of said Section 12.
11-0866	491. J. W. Atkinson: 1897—May 1	0.06 c.f.s.	To be diverted from said Battle Creek in Section 12, Township 13 South, Range 39 East, for the irrigation of 3 acres in the Southwest quarter of the Southwest quarter of said Section 12.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		ter of Section 7, Township 13 South, Range 40 East.
492. <i>Strong Arm Reservoir Company,</i> a corporation:		To be diverted from the said Battle Creek in the Southeast quarter of Section 2, Township 14 South, Range 39 East, B.B. M., for the irrigation of 3300 acres of land in Sections 1 and 12, Township 14 South, Range 38 East, B.B.M., and Sections 6, 7, 8, 9, 10, 16, 17, 20, 21, 28, 29, Township 14 South, Range 39 East, B.B.M.
11-0867 (a) 1874—May 1	2 c.f.s.	
11-0868 1883—May 1	6 c.f.s.	
11-0869 1883—May 1	688 ac. ft.	
11-0870 (b) 1917—July 21	70 c.f.s.	Said waters to be diverted through the last above mentioned ditch, for the supplement- al irrigation of the lands last above de- scribed, provided, however, that the pri- ority and amount of these appropriations are conditioned upon a compliance with the terms of the permit upon which said appropriations are based, to-wit: Permit No. 13149 and Permit No. R-76, issued by the State Engineer of the State of Idaho, and the same are subject to the provisions of the laws of the State of Idaho govern- ing the issuance of water licenses by the Commissioner of Reclamation.
11-0871 1917—July 21	1084 ac. ft.	
493. <i>David Sant:</i>		
11-0872 1870—May 1	2 c.f.s.	To be diverted from Sant Creek, a tribu- tary of Battle Creek, in the Southwest quarter of the Southeast quarter of Sec- tion 6, Township 14 South, Range 40 East, B.B.M., for the irrigation of 67 acres in the North half of the Southeast quarter of Section 1, Township 14 South, Range 39 East, and the North half of the Southwest quarter of Section 6, Township 14 South, Range 40 East, B.B.M., and the East half of the Southwest quarter of Section 1, Township 14 South, Range 39 East, B.B.M.
494. <i>George Sant:</i>		
11-0873 1870—May 1	2 c.f.s.	To be diverted from said Sant Creek through the ditch last above mentioned for the irrigation of 68 acres in the South half of the Southwest quarter, Section 6, Town- ship 14 South, Range 40 East, and the South half of the Southeast quarter of Section 1, Township 14 South, Range 39 East, B.B.M.
<i>Charles Shumway:</i>		
11-0874 (a) 1870—May 1	.4 c.f.s.	To be diverted from Branch Creek, a tribu- tary of said Battle Creek.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
11-0875 (b) 1875—May 1	.8 c.f.s.	To be diverted from said Battle Creek. The waters decreed in paragraphs (a) and (b) immediately preceding are to be diverted from said Branch Creek and Battle Creek where the same cross the lands hereinafter described, for the irrigation of 60 acres in the North half of the Northeast quarter of Section 25, the Southwest quarter of the Southeast quarter of Section 24, Township 13 South, Range 39 East, B. B. M.
496. John R. Reeder: 11-0876 1911—May 1	0.06 c.f.s.	To be diverted from a spring tributary to said Battle Creek, rising in Section 7, Township 13 South, Range 40 East, for the irrigation of 3 acres in Lot 3, said Section 7.
497. Mrs. Alonzo H. Seamons: 11-0877 1902—May 1	0.7 c.f.s.	To be diverted from said Battle Creek on the land hereinbelow described for the irrigation of 35 acres in the Northeast quarter of Section 8, Township 15 South, Range 39 East.
498. Wm. H. Carter: 11-0878 1886—June 14	0.5 c.f.s.	To be diverted from Battle Creek in Section 4, Township 15 South, Range 39 East, for the irrigation of 25 acres in the Northwest quarter of the Northwest quarter of Section 9, and the Southwest quarter of Section 4, said Township and Range.
499. O. M. Seamons: 11-0879 1907—May 1 11-0880 1913—March 3	.6 c.f.s. 2.0 c.f.s.	To be diverted from said Battle Creek at a point 900 feet East and 625 feet North of the Northeast corner of Section 8, Township 15 South, Range 39 East, B.B. M., for the irrigation of 182 acres in the Southeast quarter of the Northeast quarter, the Southwest quarter of the Northwest quarter, the Southeast quarter of the Northwest quarter, the Northwest quarter of the Southeast quarter of Section 8, the Northwest quarter of the Southwest quarter of Section 9, Township 15 South, Range 39 East, B.B.M.

CLIFTON CREEK.

500. Clifton Irrigating Company: 1869—May 1	14 c.f.s.	To be diverted from said Clifton Creek in the Northeast quarter of Section 27, Township 14 South, Range 38 East, B.M., for
--	-----------	--

TITLE
OF
CASE

Utah Power & Light Company

WATER DIST.

VS

JUDICAL DIST. U. S. Court

JUDGE Frank S. Dietrich

The Last Chance Canal Company

DATE OF DECREE July 14, 1920

RECORDED

IN BOOK NO. _____ AT PAGE NO. _____ FILE NO. _____

[illegible]

MICROFILMED

TITLE
OF
CASE

Utah Power & Light Company

vs.

The Last Chance Canal Company

WATER DIST. 13-L

JUDICIAL DIST. U. S. Court

DATE OF DEGREE July 14, 1920

COUNTY Franklin

JUDGE Frank S. Dietrich

RECORDED

BOOK NO.

AT PAGE NO.

FILE NO.

PAGE 1

P.N.	D.N.	DEGREED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
							SUBDIV.	SEC.	TWP.	R.G.		
11-0872		Sant, David	Sant Creek		2.0	5- 1-1870	SWSE	6	14S	40E	E1/2SW1/4, N1/2SE1/4, Sec. 1; Twp. 14S, Rge. 39E, B.M.	
11-0873		Sant, George	Sant Creek		2.0	"	"	"	"	"	N1/2SW1/4, Sec. 6; Twp. 14S, Rge. 40E, B.M.	
11-0874		Shumway, Charles	Branch Creek		0.4	"	On lands where used				S1/2SW1/4, Sec. 6; Twp. 14S, Rge. 40E, B.M.	
11-0867		Strongarm Reservoir Co.			2.0	5- 1-1874	SE	2	14S	39E	S1/2SE1/4, Sec. 1; Twp. 14S, Rge. 39E, B.M.	
11-0875		Shumway, Charles			0.8	5- 1-1875	On lands where used				N1/2NE1/4, Sec. 25; SW1/4SE1/4, Sec. 24; Twp. 13S, Rge. 39E, B.M.	
11-0862		Geddes, Robert C.			10.0	5- 1-1883	Storage in two reservoirs				Lands in Secs. 1 and 12; Twp. 14S, Rge. 38E, B.M.	
11-0868		Strongarm Reservoir Co.			6.0	"	SE	2	14S	39E	and lands in Secs. 6, 7, 8, 9, 10, 16, 17, 20, 21, 28 & 29; Twp. 14S, Rge. 39E, B.M.	
11-0869		"	"	"	683.0	"	"	"	"	"	N1/2NE1/4, Sec. 25; SW1/4SE1/4, Sec. 24; Twp. 13S, Rge. 39E, B.M.	
11-0864		Chadwich, S. C.	Haw Bush and Tank Springs		1.6	7-11-1883	E1/2SW	8			500 ac. in Sec. 36; Twp. 13S, Rge. 38E, B.M. SW1/4, Sec. 1; Twp. 14S, Rge. 38E, B.M. E1/2NW1/4, Sec. 2; S1/2NW1/4, SE1/4SE1/4, Sec. 7; SW1/4, Sec. 8; NW1/4, Sec. 17; NE1/4, Sec. 18; E1/2, NW1/4, SE1/4, Sec. 12; Lots 3 & 4, E1/2SW1/4, Sec. 7; Twp. 14S, Rge. 39E, B.M.	
11-0863		"	"	Battle Creek	2.0	5- 1-1885	"	"	"	"	Lands in Secs. 1 and 12; Twp. 14S, Rge. 38E, B.M. and lands in Secs. 6, 7, 8, 9, 10, 16, 17, 20, 21, 28 and 29; Twp. 14S, Rge. 39E, B.M.	
11-0878		Carter, Wm. H.			0.5	6-14-1886	"	"	"	"	Same as above	
11-0866		Atkinson, J. W.			0.06	5- 1-1897	"	"	"	"	NW1/4NE1/4, Sec. 17; E1/2NW1/4, N1/2SW1/4, Secs. 15 and 19; Twp. 15S, Rge. 39E, B.M.	
11-0877		Seamons, Mrs. Alonzo			0.7	5- 1-1902	NE	8	15S	39E	Same as above	
11-0865		Atkinson, H. C.			0.06	5- 1-1904	SWSW	12	13S	39E	NW1/4NW1/4, Sec. 9; SW1/4, Sec. 4; Twp. 15S, Rge. 39E.	
11-0879		Seamons, O. M.			0.6	5- 1-1907	SWSW	4	15S	39E	SW1/4SW1/4, Sec. 7; Twp. 13S, Rge. 40E, B.M.	
11-0876		Reeder, John R.	Spring		0.06	5- 1-1911	"	"	"	"	NE1/4, Sec. 8; Twp. 15S, Rge. 39E, B.M.	
11-0880		Seamons, O. M.			2.0	3- 3-1913	SWSW	4	15S	39E	3 ac. in SE1/4NE1/4, Sec. 12; Twp. 13S, Rge. 39E, SE1/4NE1/4, SW1/4NW1/4, SE1/4NW1/4, NW1/4SE1/4, Sec. 8; NW1/4SW1/4, Sec. 9; Twp. 15S, Rge. 39E, B.M.	

MICROFILMED

15-7345

Mem. No. _____

CES
Comp. by HWJ

Checked by _____

Un. Spring + Battle Creek

Width ----- Area ----- Vel. ----- G. H. ----- Disch. -----

Method _____ No. secs. _____ G. H. change _____ in _____ hrs. Susp. _____

Method coef. _____ Hor. angle coef. _____ Susp. coef. _____ Meter No. _____

Type of meter -----

Date rated _____ for rod. other.

Meter _____ ft. above bottom of weight.

Spin before meas. _____ after _____

Meas. plots ---- % diff. from rating -----

Wading, cable, ice, boat, upstr., downstr., side

bridge _____ feet, mile, above, below

gage, and _____

Check-bar, found _____

changed to _____ at _____

Correct _____

Levels obtained _____

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section

Flow _____ **Weather** _____

Other _____ Air _____ °F @ _____

Gage _____ Water _____ °F @ _____

Record removed _____ Intake flushed 5

Observer _____

Control _____

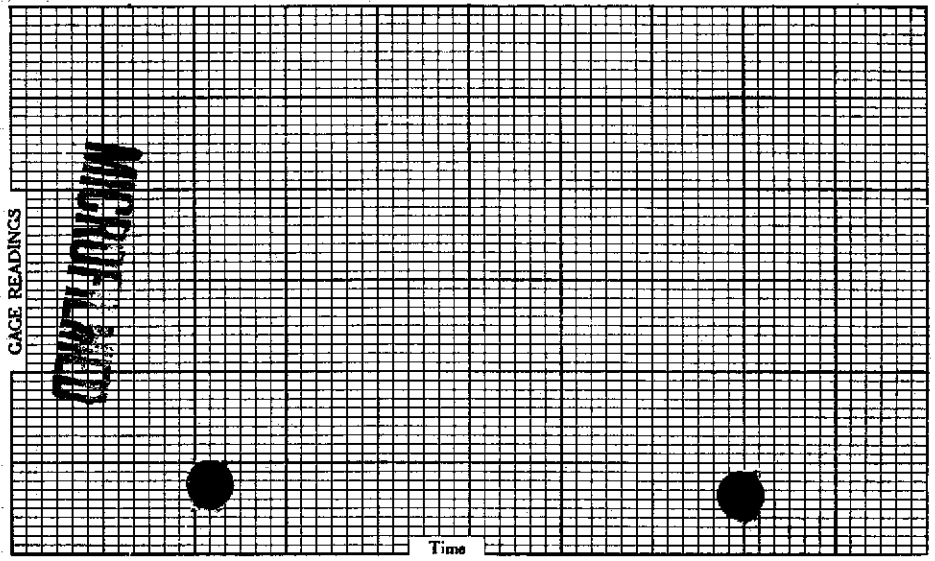
Remarks _____

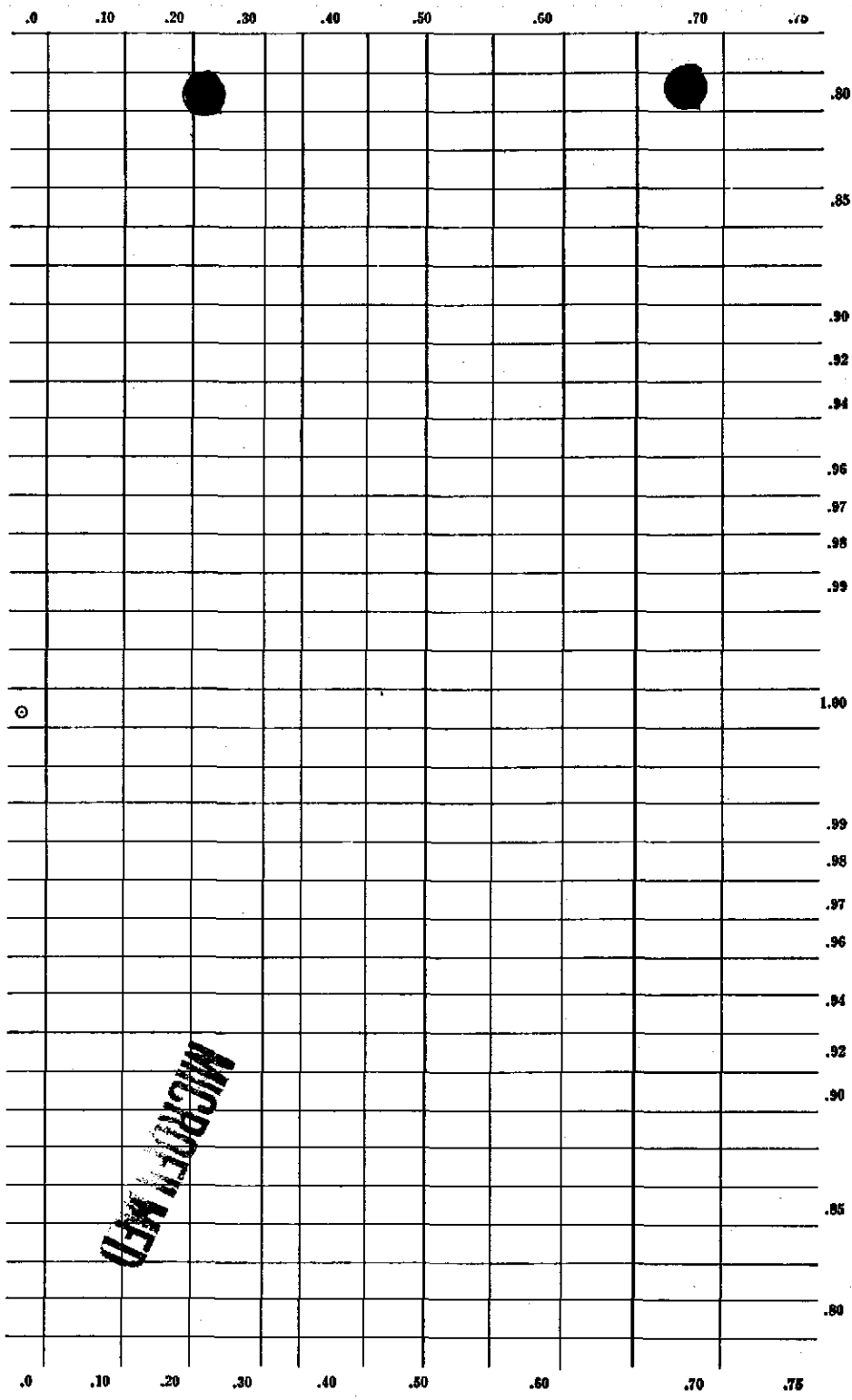
G. H. of zero flow ft.

Battle Creek River at—

[illegible]

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or -----	Area	Discharge	
							At point	Mean in vertical				
												.90
												.92
												.94
												.96
												.97
												.98
												.99
⊙												1.00
												.99
												.98
												.97
												.96
												.94
												.92
												.90





Willis R. Cazier (Fm)

31 32 5

69 Farms Inc.

Ben B. Johnson

Van H. & La Vern C.

Talbot

Vern & La Vern

Gordon R. Duane

Roper

Ernest W. Carter
7. Ivan Jorgensen

Ivan Jorgensen

V.C.

Larry St.

Larry Thompson

Charles

Noyes

Wen Noyes

43

November 13, 1981
Ivan Jorgensen
Rt. 3, ~~Idaho~~ Id.
83263

852-2988

Dear Sirs;

Is this getting Old! I am writing about Case 13-7353, concerning one Steven Edwards filing for water on Battle creek. What he wants to do is dam the creek up, the way it sounds, and isn't there a law against damming up a water way? Also, I remind you that I have a decreed water right on Battle Creek. Please refer to Case 13-7345 and the amended application to that case. All my arguments still stand.

What happened to the decision on the Ivan Talbot case? Case 13-7345. The decision of the water board was to measure the water. We had hoped that this would be done before the fall ~~rain~~ rain and snow, so that there would be a good idea of whether or not the springs could handle my decreed water right and 7 homes. We have never been notified one way or the other. Now a second party, which involves another home plus irrigation, wants Battle Creek water. I think the way to handle this is when we run out of water, we will take the water board to court for damages.

Please inform me of your decision on both Ivan Talbot and Steven Edwards, so if need be I can get me a lawyer. I truly feel there is not enough water for all ~~the~~ of these needs.

Yours truly,

Ivan Jorgensen

RECEIVED

NOV 18 1981

Department of Water Resources
Eastern District Office

MICROFILMED

From: Ernie

Pursuant to "Stipulation & Agreement" a prepermit field inspection needs to be conducted. Finds of physical exam should cover ownership of point of diversion, flow of spring, & determination of whether or not it is tributary to Battle Creek.

RECEIVED

PREPERMIT.

In The Matter of)
Application for Permit)
13-7345 in the Name)
of Lavern Talbot, Ivan)
Talbot & P. Warick)

STIPULATION
and
AGREEMENT

We hereby agree to allow the Dept.
of Water Resources to make a decision
in this matter based upon the
information presented at the
Conference held in Preston, Idaho
on Sept. 15, 1981, and the information
to be gathered from a field examination
conducted by the Dept.

We understand that any decision
can be appealed to the Dept. within
20 days or to the District Court
within 30 days.

Signed at Preston, Idaho this 15th
day of September 1981.

Ivan Warick
9-15-81

Lavern Talbot
9-15-81

Ivan Talbot

9-15-81

P. Warick

RECEIVED

13-7345

Applicants - Lavern Talbot, Ivan Talbot & D. Warrick

Protestant - Ivan Jorgensen -

Spring located 600' plus away from Battle Creek ≡

Springs could be developed -

Sept. 15, 1981

Application for Permit - 13 7345

Present

Applicant - Lavern Talbot, Ivan Talbot
D. Warrick

Protestant - Ivan M. Jorgensen -

Jorgensen says property on which
springs are located may be owned
by Ben Johnson.

Protestant - D. Warrick already
owns 1/5 of spring objection is
to filing which would take water
from old decreed right.

Has had to supplement Battle Creek w/
West Cache water.

Applicant

Spring is 621 feet from Battle Creek
most of the year does not reach
Battle Creek.

Protestant - has no objection to
applicant's using decreed water for
domestic

irrigation season - April 20 to Oct 1

Protestant's water right - 11-0878 6/14/86

~~0.5 cfs~~ 0.5 cfs for irrigation of 25 acres

Sold 8 acres to Talbot & 8.27 miners
inches.

Watermaster has never regulated
Battle Creek.

WATERMASTER

13-7345 - Lavern Talbot, Ivan Talbot, D. Warrick

Meeting Room, Franklin County Courthouse, Preston, Idaho

Tuesday, September 15, 1981 - 9:00 a.m.

ROSTER OF ATTENDANCE

Hearing Officer Bob Fleener

Name	Address	Representing
------	---------	--------------

Lavern Talbot	R # 3	Lavern Talbot
Ivan Talbot	R # 3	Ivan Talbot
D. Warrick	605. S O STATE	D. Warrick
Ivan M. Jorgensen	Rt B Preston	Ivan Jorgensen
J. L. Hedlin	Preston R 3	Strongarm org Det

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 13-7345 IN THE NAME)
OF LAVERN TALBOT, IVAN TALBOT,)
&/OR D. WARRICK)

NOTICE OF HEARING
AND/OR CONFERENCE

On May 22, 1981, Lavern Talbot, Ivan Talbot, and D. Warrick filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 18, 1981, the Department received a protest against approval of said application from Ivan M. Jorgensen.

The Department has set the matter of protest for hearing for Tuesday, September 15, 1981, at 9:00 a.m. in the basement Meeting Room, Franklin County Courthouse, Preston, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, 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. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

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

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

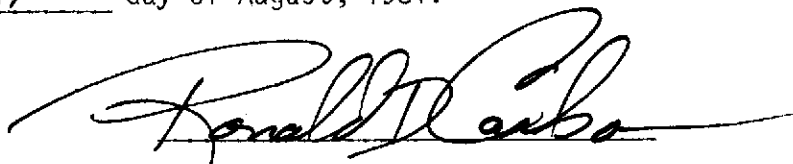
Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A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

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

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

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

Dated this 31st day of August, 1981.


Regional Supervisor

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

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

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. \$
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Wm Talbot
Rt #3
Preston Id

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

17259

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

DATE OF DELIVERY

9-3-81

POSTMARK

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER** BECAUSE

CLERK'S
INITIALS

MICROFILMED

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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



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



RETURN
TO

RECEIVED

SEP 4 1981

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401
(Name of Office)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

SENDER:

Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

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

- ☒ Show to whom and date delivered.
- ☐ Show to whom, date and address of delivery.
- ☐ RESTRICTED DELIVERY
- ☐ Show to whom and date delivered.
- ☐ RESTRICTED DELIVERY.
- ☐ Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. J. J. Jorgensen
Rt #3 Box 29
Quetown Id

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

17260

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Mr. J. J. Jorgensen

DATE OF DELIVERY

9-3-51

POSTMARK

ADDRESS (Complete only if requested)

RECEIVED

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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



QUALITY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE- \$300



RETURN



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RECEIVED

SEP 4 1981

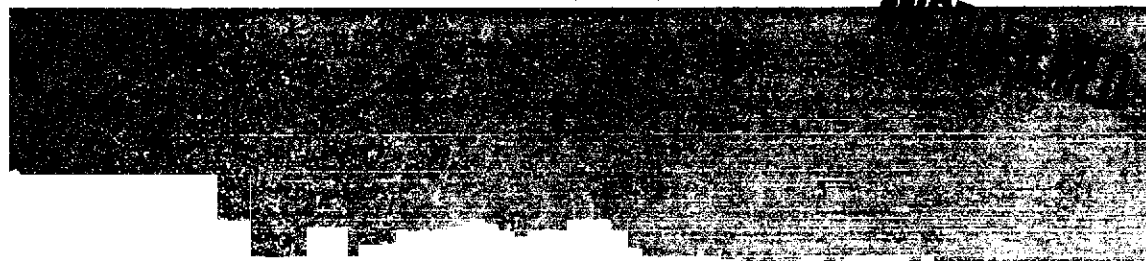
**Department of Water Resources
Eastern District Office**

MICROFILMED

PS Form 3877, September 1979
 ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	17251	John Snyder, Parks Rd. Pocatello	18	75					60				29-7604
2	17252	Quwain W Anderson, Pocatello Ok Rd.											"
3	17253	Utida Jurg, Myron Jonnesbeck, Weston											13-7300
4	17254	Thomas Jarszew, 1407 W Dr. Temple St.											"
5	17255	City of Preston, 70 W Nevada, Preston											13-7283
6	17256	Kyle Nelson P.O. Box 797, Soda Spgs.											"
7	17257	Angus Undin, Preston Whitney, Preston											"
8	17258	Adrian Walton, USFS, 324-25th Ogden											"
9	17259	Salvato, Warwick, Rt #3, Preston											13-7345
10	17260	Irwin M. Jorgensen, Rt 3 Box 69, Preston											"
11	17261	Valentine, Paris, Id											11-7222
12	17262	Garph Dotten, Civid Id											"
13	17263	J. J. Brown, Civid Id											"
14	17264	William F. Jansen, Civid Id											"
15	17265	Mr. Kay Jansen, Civid Id											"
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.							
15		15		R. J. [Signature]									

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



September 2, 1981

Franklin County Courthouse
Preston,
Idaho 83263

Gentlemen:

This is to confirm the use of the basement Meeting Room for conference and/or hearing to be held by this office on Tuesday, September 15, 1981 beginning at 9:00 a.m. throughout the day, and on Wednesday, September 16 beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

September 2, 1981

RE: Amended Application for Permit No. 13-7345

Ivan Jorgensen
Rt. #3
Preston, ID 83263

Dear Mr. Jorgensen:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

September 2, 1981

Ivan Talbot
Rt. #3
Preston, Idaho 83263

Dear Mr. Talbot:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Amended Application No. 13-7345. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

August 31, 1981

RE: Amended Application for Permit No. 13-7345 TALBOT

Preston Citizen
P.O. 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 August 13 and 20, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

10/1/81

RECEIVED

AUG 28 1981

Department of Water Resources
Eastern District Office

Aug 27, 1981
Ivan Jorgensen
Rt. 3
Preston, Idaho
83263

Dear Sirs:

I would like to change my decreed water from irrigation to
culinary or domestic use. This would use 6 of the 29 miner
inches that I am decreed in Battle Creek.

There are six familys that have poor water here in the
river bottoms. Some that have no drinking water at all. At the
present time my own well is going dry.

So after giving it some thought and consideration, I feel
that if this water is to be used for domestic use the older
already established familys here in the river bottoms should
be the ones to bebenefit from this water. Thank- you.

Please advise as to the proper way for me to get this set up.

Sincerely,

Ivan Jorgensen

MICROFILMED

RECEIVED

AUG 28 1981

Department of Water Resources
Eastern District Office

Aug. 25, 1981
Ivan Jorgensen
Rt. 3
Preston, Idaho

Dear Sirs:

Once again I am writing to protest against the filing for water, Permit No. 13-7345, by Ivan & Lavern Talbot and D. Warriek. This is still a decreed water right for Battle Creek, 29 miner inches, that I purchased with my property some years ago. I have sold Devon Warriek some land and along with it 6 miner inches of water from this decree. Now he and his friends are trying to file on more so they can sub-divide 90 acres of property, of which they have already sold 2 places with the promise of water.

I feel that it is not right for the State to take water that is decreed and give it to them for this purpose. I have agreed to let Devon use his water for culinary purposes, but this would leave him with little or no water for the irrigation of his lower place.

My previous letter goes with this protest, and all the statements that were in it stand also. Please advise.

Sincerely,

Ivan Jorgensen

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 6, 1981

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 billings to this office before AUGUST 31, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

NO. 13-7345

Notice is hereby given that Application for Permit No. 13-7345 in the name of Lavern Talbot, Ivan Talbot &/or D. Warrick was filed for the diversion of 0.06 cfs of water from an unnamed spring tributary to Battle Creek, with the point of diversion located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp. 15S, Rge. 39E, Franklin County; to be used from January 1 to December 31 for domestic purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 15S, Rge. 39E.

The applicants now propose to amend Application for Permit No. 13-7345, requesting 0.20 cfs of water for domestic purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Twp. 15S, Rge. 39E.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before August 31, 1981.

A. KENNETH DUNN

Director

Published in the Preston Citizen 8/13 & 8/20/81.

MICROFILMED

150 Shoup Ave. -----

525-7161

June 23, 1981

RE: Application for Permit No. 13-7345

Ivan Talbot
Route #3
Preston, ID 83263

Dear Mr. Talbot:

As per your request I am enclosing an amended application for permit as referenced above. I have duplicated the original application with the exception of the place of use. To complete the application please fill in the place of use in item 8a, complete the map (item 11), sign the application under the map and return it to this office with a \$20.00 amendment fee.

If I can be of further assistance, please feel free to contact me.

Sincerely,

KAY WALKER
Secretary

KW:k
Enclosure

June 25, 1981

Lavern Talbot, Ivan Talbot &
D. Warrick
c/o Ivan Talbot
Rt. #3,
Preston, Idaho 83263

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 13-7345. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

June 25, 1981

RE: Application for Permit No. 13-7345 TALBOT & WARRICK

Ivan M. Jorgensen
Rt. #3, Box 69
Preston, Idaho 83263

Dear Mr. Jorgensen:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

RECEIVED

JUN 18 1981

Department of Water Resources
Eastern District Office

IUAN M JORGENSEN
Rt. 3 Box 69
PRESTON, Idaho

83263

Dear Sirs:

It has been published in the Preston Citizen that Iwan & Lo Vern Talbot along with Devon Warrick have made an application for a water right on a spring. (13-7345) Legal N. 137534L.

This spring has been filed on as it runs into Battle Creek in which I have water right for 29 minor inches. I purchased this water right 20 years ago along with the farm from Ernest Carter who lived here and had

first water right for a
good number of years.
Please advise as to my
next step and standing
Thank-you.

Yours truly
Grant M. Jorgensen

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 29, 1981

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 billings to this office before JUNE 22, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before JUNE 22, 1981.

A. KENNETH DUNN

Director

Published 6/04 & 6/11/81.

MICROFILMED

13-Z345-

TALBOT, LAVERN &/or IVAN
WARRICK, D.

C/O IVAN TALBOT, RT. 3, PRESTON, ID 83263

Source: SPRING tributary to BATTLE CREEK

Date Filed: 05/22/1981

Amount: 0.06 CFS

Diversion Point: SWNE Sec 05 T 15S R 39E, FRANKLIN Co.

Use: DOMESTIC (0.06 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 05 T 15S R 39E

Diversion Means: HEADBOX & PIPELINE.

MICROFILMED